ACCOUNTING FOR THE OPEN METHOD OF COORDINATION: CAN 'OLD' THEORIES ON EUROPEAN INTEGRATION EXPLAIN 'NEW' FORMS OF INTEGRATION?

Evidence from the Education and Trainining policy

A thesis submitted for the degree of Doctor of Philosophy

by

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ABSTRACT

Since the European Council in Lisbon, the use of the Open Method of Coordination (OMC) and OMC-type processes have become widespread acr oss policy areas of the European Union, and also spilled over to non -governmental actors. This PhD thesis will compare and contrast two examples of OMC -like governance in the field of Education and Training which so far have been under -researched, namely the Open Method of Coordination in E&T and the Framework of Actions on the lifelong development of competencies and qualifications by the European social partners. In order to explain the creation, functioning and impact of these forms of governance, differ ent European integration theories are tested on how they explain the results. It is expected that different theoretical approaches can explain certain aspects better than others. To fully understand all of these aspects of OMC -type governance, the combined use of rationalist and constructivist approaches is promoted. The results will show that OMC -type governance is a third way between intergovernmental and supranational policy-making and significantly contributed to the deepening of E&T policy at EU level, while at the same time guaranteeing national sovereignty, leading to a new form of integration. This thesis argues that OMC -like tools are able to serve diverse interests with respect to speed and nature of European integration. By being soft and flexible policy-tools, OMC-like tools are ideal for sensitive policy areas with very diverse national situations and represent rather a complementary form of policy -making than an alternative to the Community Method. Consequently, European integration theories nee d to adapt to the possibility of EU policy-making methods that are neither purely intergovernmental nor fully supranational and lead to new types of integration. OMC -like tools also illustrate the need to return to the ambition of grand theories i.e. expla ining the whole picture, without relying only on one theory but rather using various approaches in a complementary fashion.

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AUTHOR'S DECLARATION

I hereby declare that I am the sole author of this thesis. The work is original except where indicated by special reference in the text and no part of the dissertation has been submitted for any other degree.

LIST OF ACRONYMS

ACVT	The Advisory Committee on Vocational Training (ACVT)
CM	Community Method
CP	Comparative Politics
DG EAC	Directorate General for Education, Audiovisual and Culture
EC	European Community
EES	European Employment Strategy
EFC	The Economic and Financial Committee
EIT	European Integration Theories
EMCO	The Employment Committee
EP	European Parliament
EQF	European Qualifications Framework
ESD	European Social Dialogue
ESP	European Social Partners
ETCG	Education and Training 2010 Coordination Group
EU	European Union
E&T	Education and Training
FA	Framework Agreements
FoA	Framework of Actions
HE	Higher Education
IMF	International Monetary Fund
IR	International Relations
LI	Liberal-intergovernmentalism
LM	Labour Market
MLG	Multi-Level Governance
MS	Member States
NAP	National Action Plan
NF	Neofunctionalism
NGO	Non-Governmental Organisations

NMG	New Modes of Governance
OMC	Open Method of Coordination
OMC in E&T	Open Method of Coordination in Education and Training
OECD	Organisation for Economic Cooperation and Development
PISA	Programme for International Student Assessment
PN	Policy Networks
SDC	Social Dialogue Committee
SEA	Single European Act
SGIB	Standing Group on Indicators and Benchmarks
SP	Social Partners
SPC	Social Protection Committee
TEC	Treaty of the European Communities
TU	Trade Unions
VET	Vocational Education and Training

INTRODUCTION

The EU finds itself at a stage in its integration process where it faces various challenges regarding further integration. These i nclude the diversity of its Member States (MS) and the different existing visions for the future of the European integration process, which have not decreased since the last two accessions (in 2004 and 2007), plus the growing scepticism and even disagreeme nt of part of the European population with the current functioning of the EU. These difficulties demand a broad revision of the EU's working methods. After the first initial attempt to describe and analyse the new forms of governance in the EU through the Commission's (2001a) White Paper on European Governance, a general discussion is taking place, regarding whether the traditional Community Method (CM) can fulfil expectations and deliver results in a very diverse European Union or if new forms of governance are necessary.

The Lisbon European Council in 2000 coined the term 'open method of coordination' (OMC), which is an umbrella term for the various changes and developments of the EU's governance instruments since the 1990s. The OMC was chosen as a form of EU governance in order to enhance EU activity in specific policy areas where it has had traditionally little influence, while at the same time guaranteeing national sovereignty and control over the process. Since the Lisbon summit, the OMC has been intr oduced in a number of policy areas (pensions, social inclusion, etc…) with differing features and actors and a great deal of academic work has been written on this new form of governance. Most of its focus lay on the oldest OMC, the one in employment. At t his stage additional work has been done on the OMC in the area of social inclusion and pensions, but so far only very little attention has been given to the OMC -type of governance in the area of education and training (E&T). This is unfortunate, because ex actly this policy area has seen significant developments over the last ten years resulting in a fundamentally changed EU involvement in the education and training policy. Today the EU plays a substantial, while still secondary, role in the policy-making in this field. There is a relatively well functioning

form of the OMC in place that has established common objectives and benchmarks for the EU in E&T and allows the Member States to share their best practices with each other in a structured way. The argument is that the system of governance in E&T is not something imposed on the Member States by the Lisbon summit and the subsequent European Councils, but developed incrementally in a clear cooperation between the Member States and the European Commission. The OMC does not coerce MS to do something, but gives them the choice and is flexible in nature. This 'soft' approach is also one of the main reasons why it has evolved so much in a relatively short time.

The application and increased use of 'soft governance tools', such as the OMC, can be identified at European level not only within the sphere of the European institutions but also within the decision-making structures of some of the non-governmental actors, such as the European social partners (ESP). Within their European Social Dialogue (ESD), which began in the 1980s under Jacques Delors and has gained in importance through subsequent treaty revisions as one of the main features of the EU Social Policy regime, the social partners (SP) have also developed new governance instruments. One of them is 'the framework of actions' (FoA), which can be described as the social partners' own version of the OMC, as it is less binding and more flexible than some of the more traditional instruments of the ESD.

Since the foundation of the European project, European integration theories have contributed in explaining its creation and development. From the late 1990s onwards, new theoretical approaches were added to the field of European integration theory (EIT), asking new questions and shedding light on new dimensions of European integration and its consequences.

The main focus of this thesis will be to 1) examine how European integration theories explain the creation, functioning and impact of OMC-like tools in European policy-making in education and training and its role in the European integration process, and 2) understand their application by other actors, namely the European social partners in the European Social Dialogue. As part of this, the thesis will explore if OMC-like tools do represent a

valuable alternative or complementary mode of governance for further European integration, and whether their use leads to an Europeanisation of the given policy area or whether it keeps this policy firmly under the control of the Member States.

By carrying out original research, this thesis will contribute in various ways to the understanding of the use of OMC-like tools in EU policy-making. The most important contribution that this research will make to the study of the EU is by adding theoretical and empirical evidence to the use of OMC-like tools in general and in education and training in particular. This project has various potential benefits for academics and policy-makers. Firstly it will break new ground by providing further insight into an area of the European Union which to date is under-researched, namely the social dialogue, using it as a case study for the application of OMC-like tools. The analysis of the social partners' own version of the OMC in the social dialogue- the 'framework of actions'- shows the significant spillover potential of the OMC from the EU institutions to other players in the EU polity. The results of the comparison will show whether or not OMC is a valuable form of governance which not only applies to EU institutions but also in other EU arenas with non-governmental actors. Secondly, it will utilise traditional European integration theory to the case of OMC-like tools in order to examine their compatibility, thereby extending the field of application of European integration theories to an aspect of the EU which has so far been under-theorised. Thirdly, it will bring further insight into the development of European cooperation in E&T at EU level, another aspect that has been under-researched in the past, and examine how and why this cooperation has significantly increased over recent years. Fourthly, it will contribute to the existing body of work dealing with the OMC, in particular to the currently limited literature on the OMC in education and training.

The first hypothesis of this thesis is that the OMC is a useful tool to enhance the European integration process (in the area of Education and training policy), especially when discussing sensitive issues. This is also reflected by the argument that OMC-style governance is being used not only more frequently by EU institutions but also by more and more non-governmental actors within the European political arena, such as the European social partners' own version of the OMC in the ESD. The second hypothesis proposes that

as OMC-like governance is mainly based on soft procedures, constructivist approaches are more likely to explain this phenomenon than rational choice approaches.

In order to explore these hypothesises, the methodological approach of t his study will be based on a case study approach. The first case study will be the OMC in E&T and the second will be the framework of actions for the lifelong development of competencies and qualifications. The choice of the case studies reflects the doubl e aim of this thesis, 1) to show how OMC-like tools contribute to European integration and 2) how non -institutional actors of the EU system copy and apply these tools as part of their own internal processes, for similar reasons as the EU institutions. Qual itative data will be provided through a combination of participatory observation and a range of semi -structured interviews with national and European policy-makers. This will be complemented by an extensive analysis of primary sources, and literature revie ws on the OMC as well as on European integration theories. This combination of analytical tools has been chosen to benefit from the strengths of the different methodologies, while avoiding their weaknesses, thereby creating a balanced and more accurate res ult. In disciplinary terms, the research focuses on EU education and training policy, theories of European integration, and industrial relations at EU level.

The structure of this thesis will be the following: **Chapter one** has the objective of introducing the OMC and the related literature to the reader. Starting by examining what new modes of governance are and to which extent the OMC fits into this grouping: the chapter will then outline its main characteristics and compare these with the traditional Community Method, analysing whether these modes of governance are exclusive or complementary to each other. Subsequently it will give an overview of the historical development of the OMC, outlining the causes for its creation, also presenting its functioning and its promises. Furthermore, it will investigate the existence of different OMC processes. This chapter will then review the existing body of literature on the OMC, grouped together by topics. The main authors will be presented, outlining the main indicators they use in their work on the OMC, plus highlighting the strengths and weaknesses of their research. By looking at the research questions of these academics, an

attempt will be made to group the evaluation results according to the theoretical starting point of the evaluator, tending more towards rationalism or constructivism. Finally it will identify further possible research on the different themes within the OMC literature.

Chapter two will provide a theoretical understanding for dealing with social science in general, and European integration theory in particular. By exploring the notion of paradigms and paradigm changes, as well as outlining the differences between natural and social sciences, this chapter will look at how and why theoretical fashions change. This chapter will also give an overview of the development of European integration theory. It will identify different phases of European integration theory, outlining the change of academic focus from integration to governance and from looking at the cause of integration to its impact. Applying the earlier findings in regard to theory, the purpose of theory in EU studies will be explored and the paradigms in EU studies will be identified. Then this chapter will review traditional and more recent theoretical work on European integration, namely neofunctionalism, (liberal)-intergovernmentalism, multi-level governance (MLG), policy networks (PN), new institutionalism, approaches based on social constructivism and Europeanisation. Their main assumptions with their strengths and weaknesses will be presented. These theories will later be used to give meaning to the findings of the case studies.

Chapter three will outline the methodological foundation of this thesis. It will recall the rationale of this study, and specify the main hypothesises together with the supporting questions as well as the scope, the limits and the benefits of this work. It will also discuss the ontological and epistemological foundation of this research, before going into detail on the research design, which is based on a case studies approach. The chapter will show that the choice of case studies is innovative with respect to other studies because the comparison is not between two OMC instruments used by the European Commission and the Member States in different policy areas but rather between one OMC instrument used by the European Commission and the Member States and one 'OMC-like tool' used by other 'European actors' -i.e. the European social partners- in the same policy area. The chapter will also outline the different methods used for data collection, such as, mainly

participatory observation and semi-structured qualitative interviews, in addition to an in-depth review of the existing literature as well as an extensive analysis of primary sources. It will also be discussed how to identify and deal with the various challenges faced by this methodological approach. Furthermore, it will develop the indicators, which will be used for the interview questions, the analysis and the evaluation of the data.

Chapter four will present the first case study, the 'OMC in Education and Training policy'. The aim of this chapter is to present and analyse the creation and functioning of the OMC in E&T, looking in particular at its significance for European integration, as well as its impact at national and European level. This analysis will be based on the findings of the interviews, which will be outlined thematically. This chapter will examine how such an increased EU role was possible, in a policy area so heavily guarded by the Member States to retain as a national competence. It will start by placing the creation of the OMC in E&T within a historical perspective and look at how this form of governance was progressively applied in the area of education and training. Then the main elements of the OMC governance system in E&T will be outlined and the development and change of its structures over time will be explored. The priorities of this chapter will be to identify the motivation of the relevant actors for applying the OMC to this policy field, analyse the significance of its link to the Lisbon strategy, as well as look at the alternatives that existed and still do. Furthermore, this chapter will look at the results to date, and question the added value and the impact of using the OMC in E&T on national policy-making as well as its contribution to European integration. It will also look at the elements that foster or hinder impact at national level, show its achievements and outline some of the challenges that the OMC in E&T will be facing in the future.

Chapter five will then examine the second case study, the framework of actions for the lifelong development of competencies and qualifications, reporting on how OMC-style governance is being used by non-governmental actors within the European political arena, the European social partners. The aim of this chapter is to report on the results of the interviews with the social partners concerning the creation, functioning and impact of the framework of actions. Before doing this, it will briefly present the development of the

European Social Dialogue and analyse to which extent and why OMC -like processes are in use. This second case study was chosen to complement the picture given by the first case study in explaining the use of OMC -like instruments and their relation to European integration.

Chapter six will apply European integration theories to the OMC -like tools. The aim of this chapter is to highlight how the assumptions of the different Europea n integration theories fit with the findings of the case studies in relation to the creation, functioning and impact of OMC -like tools, as well as to assess which theory or combination of theories can best explain OMC -like tools in EU politics. In order to do this, the chapter will draw the results of the previous two chapters together, comparing the framework of actions and OMC as instruments and outline the similarities and differences of the results. Then it will examine the usefulness of OMC -like tools as policy-making instruments as well as investigate into the (new) type of integration to which OMC -like tools are leading. Then it will examine how the different theories of European integration, introduced earlier on, could explain the different aspects of the OMC-type governance (i.e. genesis, functioning, socialisation, impact and integration). Finally, it will establish a matrix for the complementary use of different theoretical approaches, from both a rationalist and a constructivist perspective.

The **conclusion** will summarise and evaluate the main findings of this thesis. The aim of this chapter is to outline the main achievements and shortcomings of this research, to examine the accuracy of the hypotheses and to identify promising follow -up work. It will indicate that the case studies showed that OMC -like tools have enhanced cooperation at EU level, which led to a new type of integration. It will also argue that European integration theories can bring an added value to the understanding of OMC -like tools, but should be used in a complementary fashion in order to capture all aspects of the picture. Based on the thesis' findings, promising further research in this area will be proposed.

CHAPTER ONE: THE OPEN METHOD OF COORDINATION - HISTORICAL DEVELOPMENT, MAIN FEATURES AND LITERATURE REVIEW

Introduction

This chapter has as an objective to analyse the open method of coordination. In order to do so, the chapter is divided into two sections: section one will look at what the OMC is and how it functions, how and to what extent it is new, and why it was created. It will do so by looking at new modes of governance in general and the OMC in particular. This analysis will explore the OMC's main characteristics, comparing and contrasting them with the traditional Community Method and seeing if these modes of governance are exclusive or complementary to each other. Then this section will give an overview of the historical development of the OMC, which will be the background for examining the cause for the creation of the OMC. Following this, the different OMC processes will be analysed before presenting the discussions on the OMC in the European Convention. Section two will then give an overview of the existing literature on the OMC grouped together thematica lly. The overview will outline the main writers of a given topic and how they evaluated the OMC by using certain indicators, present the strengths of their work and comment on their shortcomings. The section also will look at whether the evaluation result s depend on the theoretical starting point of the evaluator, and if it is possible to group different writers together according to theoretical and ideological believes, by looking at the questions which they ask in order to asses the OMC. Finally the conc lusion will draw an analytic summary of the findings of the previous sections. It will recall the achievements and shortcomings of the existing literature and identify further possible research on the different themes within the OMC literature.

1. Defining the open method of coordination[1]

New modes of governance and the OMC

During the 1990s, the EU has included various so called 'new modes of governance' in its arsenal of policy-making instruments.[2] Before looking at what these new modes of governance are, it is imperative to give two caveats on new modes of governance (NMG) right at the beginning. First of all, so called 'new' forms of governance might be seen as new only because our conceptual lenses have changed (Smismans 2006).[3] That is why Caporaso and Wittenbrinck (2006: 475) argue that the new modes cannot be considered 'new', while Heritier (2002: 190) is more precise and argues that while this mode of governance is nothing new, as it has been applied at national level before, its use in the European context does constitute a novelty. Second, the existence of new forms of governance does not mean that the old ones have disappeared, or even that the new ones are the predominant forms of governance (Smismans 2006).[4]

The concept 'new modes of governance' includes a variety of policy-making instruments, some of which include framework directives, soft law, co-regulation, voluntary agreements and economic instruments (Idema and Kelemen 2006).[5] Therefore one has to be aware that they are not a homogenous group.[6] Some academics even go so far as to argue that the only common thread among these processes is that while they all have normative content they are not formally binding (Trubek, Cottrell & Nance 2005: 1). For some academics the characteristics of new modes of governance are that "in general, they are based on procedures that are voluntary, open, consensual, deliberative, and informative." (Caporaso and Wittenbrinck 2006: 472), and that they are "characterised by heterachy rather than by

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[1] The author acknowledges that various forms of the OMC exist in the different policy areas. When speaking about 'the' OMC, the ideal type outlined at the Lisbon Council is referred to.
[2] The author is aware that using new modes of governance more frequently is an international trend, analysing this falls out of the realm of this dissertation.
[3] This question will be addressed in more detail in the next chapter.
[4] The relation between old and new forms of governance will be dealt with later in this chapter.
[5] This is not an exclusive list.
[6] For a detailed comparison of different soft methods of policy-making see Ahonen (2001).

hierarchy, creating horizontal models of governance among a multitude of actors" (Smismans 2006: 4).

Heritier (2002: 187) summarises the main characteristics of the new forms of governance as:

- The principle of voluntarism (non -binding targets and the use of soft law);
- Subsidiarity (measures are decide by the Member States);
- Inclusion (participation of concerned actors).

Some writers try to group the different tools and instruments which are considered as new modes of governance togethe r and distinguish the groups from each other. Caporaso and Wittenbrinck (2006: 473) separate the new modes of governance between new *policy processes*, such as the OMC, *policy process adjustments* , such as gender mainstreaming, and *policy instruments* such as benchmarking. Nonetheless they argue for dealing with them all together for two main reasons: first of all, they include a move toward 'soft law' [7] at the policy instrument level, and secondly they are all part of a more abstract move from 'government' to 'governance'.[8] Heritier (2002: 187) also differentiates between two types of new modes of governance: one which develops substantive targets, and one which only defines procedural norms. Other writers try to establish stricter boundaries between the different types of new modes of governance and differentiate between two main categories of new governance (Scott and Trubek 2002: 2). The first is called 'new, old governance' which still presents strong elements of continuity with the Community Method [9] but also departs on various important issues from it. The second category is the pure 'new governance' as it represents a complete alternative to the Community Method. This includes the OMC and the European Social Dialogue. Laffan and Shaw (2006) recall that various authors (such as Radaelli 2005 or Rhodes 2005) point out that "the distinction between new and old, hard and soft modes of governance is one of degree rather than of

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[7] The phrase soft law is used to describe instruments with doubtful, or only partial, legal effects (Hartley 2003).
[8] The author is aware of the extensive debate on the term 'governance'. This debate exceeds the limit of this work and therefore wh enever talking about governance, the following definition is used: Governance is "the exercise of authority with or without the formal institutions of government" (Rosamond 2000: 109).
[9] The term Community Method will be discussed in more detail furth er on.

category." So while differentiating might be useful as a general overview, one has to be aware that the borders are not as rigid as presented.

Many authors see the OMC as an example of these new modes of governance and some even describe the OMC as the *primus inter pares* of the new governance tools of the EU (Idema and Kelemen 2006). Regent (2003: 213) considers the OMC as a new mode of governance and also argues that the OMC was initially an intergovernmental commitment by Member States, and has subsequently developed to 'a supranational'[10] form of governance. Radaelli (2003: 8) argues that the OMC in its ideal-type form is a new mode of governance, and illustrates this with six points:

1   New and more limited role of law;
2   New approach to problem solving;
3   Participation as a key feature of the process;
4   Diversity and subsidiarity are inbuilt features;
5   New ways to produce usable knowledge;
6   Considerable potential for policy learning.

Having established what new modes of governance are, and that the OMC is one form of them, it is time to look at the specific characteristics of the OMC in more detail.

Definition and characteristics

It is difficult to find a general definition for the OMC, as there are many characteristics and academics often focus more on one than on others when describing the OMC. This variation can be seen in the following list of descriptions for the OMC. These range from 'a special form of multilateral surveillance' (Schäfer 2006: 15), 'the most systematic attempt to establish a voluntary process of policy coordination', (Caporaso and Wittenbrinck 2006: 473), 'a mutual feedback process of planning, examination, comparison and adjustment of the policies of Member States' (Vandenbroucke 2002: 31), a 'supranational organised,

promoted and coordinated bottom -up procedure"'[11] (Behning 2004; 2006), 'a practically orientated policy instrument, because it focus es on process flexibility rather than on macro - institutional flexibility' (Borrás and Jacobsson 2004: 186) or as "a 'post-regulatory' approach to governance, in which there is a preference for procedures or general standards with wide margins for variation, rathe r than detailed and non-flexible (legally binding) rules" (de la Porte, Pochet and Room 2001: 14). The EU's own view on the OMC can be seen in the following statement: "The OMC is designed to be a method of benchmarking best practices in a decentralised a pproach in line with the principle of subsidiarity" (Lisbon Presidency Conclusions No 38).

These descriptions of the OMC need to be complemented by presenting some of the perceived nature of the OMC. Some argue that the OMC is "about changing ideas in th e absence of law" (Laffan and Shaw 2006: 6), while others see "the aim and the challenge of the OMC is to facilitate policy convergence while also recognising national diversity" (Maher 2004: 2). Others again stress the fact that the "OMC creates informal debates of subjects on which European countries are unlikely to reach a formal agreement easily" (Berghman and Okma 2003: 2). Trubek, Cottrell and Nance (2005: 15) summarise the characteristics of the OMC in six general principles, namely: participation and power sharing, multi-level integrati on, diversity and decentralisation, deliberation, flexibility and revisability and knowledge creation. This reflects closely the statement of Goetschy:

> "In broad terms this method aims at organising and implementing coordination and cooperation between Me mber States on the basis of close articulation between an intergovernmental logic and an EU community logic, combining EU competences and subsidiarity, relying on modern public management tools based on benchmarking, evaluation of Member State performance, peer review and comparison." (Goetschy 2001: 406)

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[10] Regent stresses that she sees supranationalism in this case not as a transfer of competences from the national to the European level, but empowering the European institutions with specific tasks central to the process.
[11] Own translation, any mis interpretations are fully my fault.

As a consequence, many academics identify the OMC as neither primarily national nor primarily EU level, but as genuinely being of a multi -level nature (de Búrca 2003: 3). The European Commission itself argues that

> "the open method of coordina tion is used on a case by case basis. It is a way of encouraging cooperation, the exchange of best practice and agreeing on common targets and guidelines for Member States, sometimes backed up by national action plans as in the case of employment and socia l exclusion. It relies on regular monitoring of progress to meet these targets, allowing Member States to compare their efforts and learn from the experience of others." (European Commission 2001: 21)

Another characteristic of the OMC concerns the cogniti ve and normative dimension. Vandenbroucke (2002: 10), writing on social policy, for instance, outlines that "the open method of coordination is both a cognitive and a normative tool. It is a 'cognitive' tool, because it allows us to learn from each other a nd it is a 'normative' tool because, necessarily, common objectives embody substantive views. This open coordination gradually creates a European social policy paradigm." The idea that the OMC combines a cognitive and a normative dimension is also supporte d by Bruno, Jacquot and Mandin (2006: 532) who stress that "through the OMC, the EU is a common forum for debate, and contributes to the development of a common conception of problems and solutions, which in turn, introduces a new mode of harmonisation whi ch is not institutional and constraining, but cognitive and normative." The idea that the OMC is a forum for debate is absolutely valid. Moreover, it does promote the development of common conceptions of problems and solutions. However, the notion of 'new mode of harmonisation' is slightly more difficult to assess, as at this stage one cannot be sure whether Member States are only paying lip service or if they have really learned through the exercise. [12]

What one can clearly see here is that there are plent y of descriptions of the OMC, all highlighting different characteristics. One reason for this is the different conceptual starting points. Another is that the OMC takes different forms in different policy areas [13], and that the observers do not always speak about the same form of OMC. Being aware that the

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[12] The aspect of learning and impact at national level will be looked at in more detail later on.

OMC belongs to the family of 'new mode of governance' is useful when comparing it now to the Community Method. This will help to understand the significance of the OMC's features and the differences to the Community Method.

OMC vs. the Community Method

In order to compare the OMC with the features of the 'classic' method of governance, i.e. the Community Method, this section will first specify the main features of the Community Method, then examine the particular situation of the actors and whether the different actors have gained or lost power relative to the classic method of governance, before comparing the OMC and the Community Method more in general. Finally it will show whether those two modes of governance completely oppose each other or whether they can function in a complementary way.

The role of the different institutions within the OMC and the CM processes :

The role for the institutions under the Community Method [14] is summarised by the European Commission (2001a: 8) as: "The European Commission alone makes legislative and policy proposals; legislative and budgetary acts are adopted by the Council of Ministers and the European Parliament; and the European Court of Justice guarantees respect for the rule of law." The specific roles of the different institutions, outlined in the conclusions of the Lisbon summit, will be presented in more detail in the section on the historical overview. However, at this stage it is important to point out that it is quite difficult to generalise the role of the actors in the OMC, because this differs from one OMC process to another. That is why some academics argue that the actor with the leading role is not predefined in the

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[13] The differences between the various OMC processes will be outlined later in this section.

[14] It has to be pointed out that people have different understandings of the Community Method. Some, such as Wallace and Wallace (2006) see only the original division of power between the European institutions (with the Commission proposing, the EP advising and the Council deciding) while others see the Community Method as the post Maastricht division between the institutions (Commission proposing EP and Council deciding in the majority of cases together). In this thesis the following definition will be used: "The classic Community Method of EU policy-making is based on binding legislation initiated by the Commission, enacted by the Council and the Parliament, and enforced by the Court of Justice" (Zeitlin 2005: 7). The important point here is, not the relationship between Council and parliament, which has changed over time, but the fact that this form of policy-making is based on hard legislation and involves the EP and the ECJ in addition to the commission and the Council.

OMC. Generally, the EU Commission/ the respo nsible Directorate General (DG), the specific Council formation, expert committees, or stakeholder involved in the specific policy area at national or European level, are potential candidates for the job (Maucher 2003: 9).[15]

Nevertheless, judging from the ideal type of the OMC, as well as on its average application, one can say that the new procedures have strengthened primarily intergovernmental (Council) and executive (Commission) institutions, as all relevant decision -making processes of the OMC are deci ded through an interaction of the Council of Ministers and the European Commission (Wendler 2004: 5). Borrás and Jacobsson (2004: 198) add that the newly created committees (Social Protection Committee (SPC), the Employment Committee (EMCO) and the Economi c and Financial Committee (EFC)) play a crucial role within the OMC, while COREPER and Comitology are largely left out of the process. Furthermore, the technical working groups of the different Council formations select the indicators and benchmarks, which are based on the proposal of the Commission (de la Porte 2002).

Concerning the Commission, most writers argue that so far it has played a key role in the OMC in many ways, although quite distinct from the one it plays in the classic Community Method, (Wincott 2003), as it focuses more on informal influe nce than on formal leadership (Dehousse 2002: 11). Furthermore, the Commission also has the coordination role in the practical implementation of the different OMCs (de la Porte 2002: 44). Concerning the role of the European Council, observers also point out that giving the European Council a monitoring and guiding role is undeniably in line with recent trends, marked by increasing the power of the European Council within the EU political system (Dehousse 2002: 17). Concerning the role of the EP, most academics agree that within the OMC, the role of the EP is reduced to issuing recommendations (Wendler 2004) and that it has a marginal influence at best. (Schäfer 2006) The same is true for national parliaments (Borrás and Jacobsson 2004: 199). Furthermore, the traditional strong role of the ECJ is sidelined because of the legally non - binding nature of soft law. However, the courts

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[15] Own translations, any misinterpretations are fully my fault.

sometimes draw on soft law in their conclusions. Nevertheless, B orrás and Jacobsson (2004: 200) argue, quite rightly, that the OMC has changed the conventional balance of power between the EU institutions, resulting in the political leadership of the Council/European Council and with the cooperation of the Co mmission, while largely excluding the EP and the ECJ.

Comparing OMC and CM

Earlier on it was outlined how new modes of governance differ from the old forms, and the previous point showed the important differences in the role of the institutions under the two forms of governance. Following on from there, one needs to examine the other differences between the OMC and the CM. Schäfer (2006: 14) proposes six differences between the European Employment Strategy (EES) (as wel l as other forms of multilateral surveillance) and the Community Method. These are:

- Definition of legally non -binding common goals;
- Exclusively national implementation;
- Monitoring and reporting by secretariat including bilateral contacts;
- Multilateral disc ussions (peer pressure);
- Country-specific recommendations (non -enforceable);
- Publication of the results (public pressure).

Lopez-Santana summarises these differences by arguing that

> "the OMC diverges from traditional EU legal instruments in that it is a non-binding regulatory instrument that leaves ultimate responsibility for a policy area within the nation -state. In addition under the OMC, the EU cannot punish non-implementers because it lacks tangible coercion mechanisms (such as infringement processes) and institutions (the Court)." (Lopez - Santana 2006: 482)

While seeing important analogies in the way both operate, Dehousse (2002: 20) stresses the fact that the objective of the two are different: the OMC allows for the establishment of flexible forms of common action in policy areas where centralised decision -making is not

possible, or even desirable.[16] Awareness of these differences between these two forms of governance is important when looking at the relationship between them and trying to understand which is preferable over the other, or if the two are complementary.

Based on these differences, some academics such as Ahonen (2001: 10) argue that there are tensions between the OMC and the Community Method. Others argue that the OMC is not the radical alternative to the Community Method, which some people hoped, and others feared for (Dehousse 2002: 20). Concerning this point, one can generally agree with Caporaso and Wittenbrinck (2006: 473) who argue that the sharp contrast between new modes of governance and authoritative law-making [i.e. the Community Method] is striking. However, one should not make the mistake to create unnecessary dichotomies. While some see the OMC as being at one end of a continuum, with the 'classic Community Method' being at the opposite (Scott and Trubek 2002; Ashiagbor 2004), others are more cautious and argue that all of the different OMC processes display aspects of 'old' governance, 'new' governance, hard and soft law (Laffan and Shaw 2006: 4), or that the OMC has several different origins and sources of inspiration, including 'soft cooperation' and 'hard coordination' processes (de la Porte 2002). Therefore it is important to restate at this stage the point of Laffan and Shaw (2006) who argue that "the distinction between new and old, hard and soft modes of governance is one of degree rather than of category." So while the differentiating might be useful as a general overview, one has to be aware that the borders are not as rigid as presented.

Being more differentiated is not only important when placing the OMC in relation to the CM, but also when judging the future use of both. Building on the analysis so far, one can outline three possible scenarios for the impact of the OMC on the Community Method: firstly, the OMC can be as a substitution for the Community Method, secondly the OMC can act as a complement to the Community Method and thirdly it can be only a temporary instrument followed by the use of the Community Method in these policy areas (Laffan and Shaw 2006: 8). For some writers the first alternative is a likely scenario, presenting it in a

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[16] The decision whether or not something is desirable, is of a very normative nature and needs to be handled with caution.

very dramatic way by stating that "the OMC may lead to the slow death of the traditional Community Method" (Sisson, Arrowsmith and Marginson 2003: 25). Others see it in a more positive light arguing that "soft law is no longer seen as a second-best option in cases wherein legislation cannot be produced. Rather, the soft approach embodied in the OMC is seen as superior to traditional approaches because it fosters learning and prov ides flexibility to the policy process" (Radaelli 2003: 22). Other academics rightfully stress that "arguing that one is superior to the other fails to appreciate a distinctive place for each form of governance" (Caporaso and Wittenbrinck 2006: 477). [17] Many observers agree that different policy areas have different needs for governing tools and procedures (Trubek, Cottrell and Nance 2005). This idea is continued by Laffan and Shaw (2006: 4) who point out that OMC processes may all operate within weakly const itutionalised areas of Community competences, which they see as its *raison d'être*. This view is supported by Heritier (2002) who identifies that new modes of governance are not becoming the predominant form of policy-making, and their use can mainly be fou nd in specific areas (environmental policy, where it adds to the existing acquis, and social policy, with strong importance in employment and social policy). A more practical reason why the traditional CM is inappropriate in some policy fields, such as som e areas of social policy, is the huge diversity between national welfare systems. The OMC can be applied as a form of governance while respecting these differences. Therefore it is not a second-best option to hard legislation, but sometimes it is a better way forward in certain policy areas.

This approach reflects the view of the Commission which outlines that the OMC is supposed to complement and reinforce the Community Method rather than a replacement for community actions. Therefore the Commission stres ses the point that "the use of the OMC must not dilute the achievements of common objectives in the Treaty or the political responsibilities of the Institutions. It should not be used when legislative action under the Community Method is possible" (Europea n Commission 2001: 22).[18] This view of the OMC and the CM being complementary, while stressing their differences, is supported by Hodson and Maher (2001: 740-41) who see this as not inconsistent with the revitalisation

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[17] For a good overview on the levels at which the different types of policy -making methods are used see Ahonen (2001).

of the Community Method advocated by t he Commission and argue that politically, the open method of coordination is an alternative to traditional governance methods without precluding a return to them. Bruno, Jacquot and Mandin (2006: 529) also agree that the OMC and the CM are not entirely dif ferent from each other, but the OMC is rather a mimesis.

As outlined, the whole discussion on OMC vs. Community Method sometimes becomes very polarised. This observation is supported by Trubek and Trubek (2004) who also reject this either/or approach, wh ere one should either use only soft law or only hard law, as it limits the exploration of hybrid (hard and soft) governance modes and possible synergies between binding and non-binding mechanisms. They argue that these forms work well together, and already exist beside each other in different EU policy areas (such as environment). This also seems to be the aim of the Commission, namely to "renew the Community Method by following a less top -down approach and complementing its policy tools more effectively w ith non-legislative instruments" (European Commission 2001: 4). Following this statement, one has to ask: to what extent the OMC has become the policy style of choice. The reasons for applying the OMC vary significantly from one policy area to another. In those policy areas where the CM cannot be used for reasons of treaty regulations, the OMC is the tool to secure involvement of the European level and discussions at the European level of this topic. Over time this might lead to the possibility of introducing the CM there also. At the same time there are policy areas where the use of the Community Method is perfectly normal, using the OMC in a complementary fashion on issues where hard legislation is considered either not appropriate or too burdensome, since it has the benefit of being more flexible and tailor -made for the specific national situation in the Member States, therefore respecting the subsidiarity principle. Furthermore, the involvement of more actors gives the EU a certain form of more legitimacy . Therefore one can see that there are good reasons why these two modes of governance should be applied in a complementary fashion rather than substituting each other.

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[18] Whether this is really true will be followed -up in the case studies.

Historical development

This part will give a brief overview on the development of the OMC, including its creation and the preceding processes.

The Lisbon summit

The term 'open method of coordination' was coined at the European Council in Lisbon in 2000, where the Portuguese Presidency also outlined the characteristics of the ideal type OMC, which is supposed to contribute to the implementation of the strategic goal [Lisbon strategy] by:

- "Fixing guidelines for the Union combined with specific timetables for achieving the goals which they set in the short, medium and long terms;
- Establishing, where appropriate, quantitative and qualitative indicators and benchmarks against the best in the world and tailored to the needs of different Member States and sectors as a means of comparing best practice;
- Translating these European guidelines into na tional and regional policies by setting specific targets and adopting measures, taking into account national and regional differences;
- Periodic monitoring, evaluation and peer review organised as mutual learning processes." (Lisbon Presidency conclusions, point 37)

So the four key elements of the OMC are: setting EU level guidelines; establishment of benchmarks and specific indicators; translation of the European guidelines into national (and regional) policies according to the need of the different states (and regions); and monitoring, evaluation as well as peer review on a periodic basis. The exact procedure is as follows: the Council agrees on EU level guidelines, which are proposed by the Commission, and then elaborates and adopts benchmarks and specifi c indicators. These are then translated by the Member States into national initiatives, which are supposed to involve national social partners. This process will then be evaluated by the Commission on the basis of national reports from the Member States an d discussed by the Council.

The Lisbon Council also outlined that the actors, which should be involved in the OMC process, are the Union, the Members States, the regional and local levels, social partners

and civil society (Lisbon Presidency Conclusions N o 38). It should be outlined at this point that no specific comment was made at the Lisbon summit concerning the roles of the EP and the ECJ in the OMC while the roles of the European Council and the European Commission were outlined in more detail. The Eu ropean Council is supposed to:

- Take a pre-eminent guiding and coordination role;

- Ensure overall coherence;

- Monitor the progress;

- Hold a specific meeting every spring devoted to economic and social questions. [19]

The Commission should :

- Present proposals on Eu ropean guidelines;

- Organise the exchange of good practice;

- Present proposals on indicators;

- Support monitoring and peer review.

It is questionable to which extent these features were truly novel, or based on already existing policy instruments and process es. In order to find the answer, one needs to look at the processes leading up to Lisbon.

The way to Lisbon

As shown, the term OMC was decided on in Lisbon. However, most academics agree that one also has to look at the years preceding Lisbon in order to completely understand the OMC. Radaelli (2003: 18) hits the nail on the head saying, "Lisbon is a snapshot that has to be put in the context of a more dynamic film." Furthermore, one should remember, as Wincott (2003: 533) rightly mentions that "the ident ification of a 'turning point' is always tricky, as change is rarely unheralded and wholly encapsulated in one moment."

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[19] This was changed under the Austrian presidency in 2006. Starting with the Finnish Presidency during the second half of 2006, it was agreed that there should be two meetings every year, devoted to econo mic and social issues, one under each rotating presidency.

In general, observers agree that the procedure, which was called the OMC at the Lisbon summit, was based on a number of independent but closely related processes that started in the early 1990s, entailing soft modes of governance, namely

- The Luxembourg process;
- The Cardiff process;
- The Cologne process.[20]

None of these processes developed overnight and Larsson (2002) is right when he ar gues that one has to go back to Jacques Delors, who came up with the idea, which was then actually initiated at the Essen summit in 1994 and was subsequently constitutionalised by the Treaty revision in Amsterdam, which introduced a new Title on Employment into the European Community (EC) Treaty giving the earlier Dublin agreed Stability and Growth Pact a legal basis, and eventually put into practise after the 1997 Luxembourg summit. [21] Nevertheless, one should briefly look at these three individual processes .

Luxembourg process (on employment) [22]

The Luxembourg summit, after which the *Luxembourg process* is named, launched the European Employment Strategy. As part of this EES process, annual common European employment guidelines are elaborated and adopted. Thes e are then translated into national action plans (NAPs) by the national governments, which are supposed to involve national social partners. This process will then be evaluated without any binding force but these evaluations are supposed to be of a very po werful symbolic nature. [23] This process clearly included already the elements of an exchange of practices, peer pressure, and benchmarking, which would later be at Lisbon the foundation of the OMC. Consequently, it is not surprising that as João Rodrigues (2001: 4)[24] admits that "the main source of inspiration of the open method of coordination was that of the Luxembourg process

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[20] For an overview on these soft modes of governance preceding Lisbon see Laffan and Shaw (2006) .
[21] For an excellent overview of all these events see Regent (2003).
[22] For a more detailed overview on the Luxembourg process see Trubek (2003), Mosher and Trubek (2003) or Goetschy (2001).
[23] As to which extent this is true will be examined in the fieldwork.
[24] Maria João Rodrigues was special advisor of the prime minister and coordinator of the Lisbon Eu ropean Council and is considered by many as the 'mother of the OMC'.

regarding the European Employment Strategy" and therefore many writers see the EES as the possible ideal type (Barbier 2004) or at least the closest to the ide al type (Radaelli 2003).

Cardiff process (on economic reform)

A European Council meeting took place under the UK Presidency in Cardiff in June 1998, where the heads of state and government decided to put into place a macroeconomic dialogue on economic reforms. The Member States were urged to achieve coherence between reforms of different markets on the one hand and between reforms in labour markets and public finances on the other. The Cardiff process is described by some academics as " a benchmarking pro cess on policy reform regarding capital, product and labour markets, and the 'macroeconomic dialogue' consisting of biannual discussions of the policy-mix at EU level between social partners, the European central bank, the Commission and the Council" (Smis mans 2004: 3).

Cologne process (on macroeconomic dialogue)

The European Council meeting in June 1999 in Cologne consolidated the European Employment Strategy and created the basis for a Community employment policy. The main objective of the 'Cologne process' is to encourage dialogue between all parties involved in macroeconomic policy and to strengthen their confidence, in order to en courage growth and job creation. Therefore the cologne summit linked the Luxembourg process together with the Cardiff process, and "aims at a cooperative macroeconomic policy mix between Member States, including smooth interaction between the various macro economic policy instruments" (Ahonen 2001: 6).

So what is new about the OMC?

As the OMC clearly reflects elements of these preceding processes, some academics argue that Lisbon did not really create anything new. This can be seen in the comment of Larsso n (2002: 5) who identifies that there are "no new processes, just improving and refining what we already do …adjusting the methods to the particular conditions of each policy area.

Radaelli (2003: 5) supports this and argues that even the Lisbon Council it self did not see the OMC as something new because it states "no new processes are needed" (Presidency conclusions, point 35) and therefore it was looked at as a continuation of the Luxembourg, Cardiff and Cologne processes. Ahonen (2001: 6) adds that proce dures that resemble the now open method of coordination have been pursued for years but the first explicit mentioning was the EES, with Goetschy (2001: 405) agreeing that "the OMC takes over the method of the EES." Consequently, some authors strongly criti cise the fact that many writers welcomed the OMC as something revolutionary new although soft law has been around for a while (Schäfer 2006).

So if Lisbon was just repeating earlier procedures, only with different words, what was the real added value of the Lisbon summit? While most academics recognise that the OMC resembles many features of earlier methods, many also believe that the OMC brought something new, and even see the Lisbon summit as a key milestone (de la Porte 2002). For Larsson (2002: 7), Lisbon baptised this new method, and broadened the scope of action and integrated the economic and social pillar. Szyszczak (2006: 488) sees the innovation of the OMC in "the acceptance of a generic name for the processes and the attempt to create a core of common features with the systematic attempt to formally, and proactively, use the OMC in defined policy arenas." [25]

Another novelty coming from the Lisbon summit was that "rather than creating new instruments, 'Lisbon' suggested that various existing instrume nts, processes and strategies should be thought of as part of a new method', the 'open method of coordination'" (Wincott 2003: 534). This is echoed by Radaelli (2003: 17), who sees two main innovations at Lisbon. First of all, the OMC should be seen as a l egitimising discourse [26], namely a focal point for bringing together existing policy practices in a new discourse, which yielded political coherence. Secondly, it created task expansion i.e. applying the now OMC to areas where there was no such practices bef ore. To sum up, although the OMC is not entirely new, one can agree that it has various new elements. Although the Lisbon Council itself

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[25] We will see later that it is important to stress the aspect of a core of common features, as other features vary significantly between the different OMC processes.

stressed that no new processes are needed, the fact that new elements in the OMC can be identified, clearly shows that the introduction of the OMC was accompanied by the same rhetoric of downplaying the significance of the event/change, as many other (major) changes within the European political system, (e.g. the introduction of the Single European Act (SEA)), in order to limit political resistance.

Being aware of 'when' and 'how' the OMC was created is important in order to understand the historical background for 'why' it was created, which will be examined next.

Causes for its creation

This part will now look at diffe rent elements for explaining why the OMC was chosen as an instrument for policy-making.[27] While certain reasons will be considered as more important than others, it should be pointed out that any event or action is caused by the combination of multiple factors. Depending on their theoretical starting point, academics often choose one explanation above another. Not acknowledging the multitude of causes by ignoring them, strongly limits the completeness of the overall picture. First a number of possible reasons for the creation of the OMC will be presented before then examining if there is any support for them from academics and other observers. [28]

In order to explain the creation of the OMC one can highlight the following reasons [29]:

- Institutional redistributi on of power;

- Integration (stronger or weaker);

- Balance between the social and economic dimension;

- Addressing the rising discontent of the citizens with the EU;

- Improving efficiency of policy outcomes;

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[26] Legitimacy within the circle of EU leaders.

[27] This overview does not claim to be exhaustive, but outlines the main causes.

[28] This part should also be read in close relation with the overview of evaluations, as the preferred explanation for the creation of the OMC chosen by a writer also reflects the final evaluation i.e. if an author considers for example that (one of) the main strength(s) of the OMC is the increase of legitimacy, it is very likely that she will concentrate her evaluation on this aspect, while ignoring othe rs, and very likely come to the conclusion that the OMC was chosen in order to increase the legitimacy.

- Shifting blame for drastic (and often unpopular) nation al reforms;

- General move towards new forms of governance;

- A combination of some of the above mentioned factors.

Institutional redistribution of power

This cause summarises the different interests for a redistribution of power between the European institutions. As has been shown earlier, certain institutions gained power within the OMC while others lost it, relative to other modes of governance. This seems to confirm the argumentation that the OMC was created, at least partially, because of the wish to change the institutional balance. Some, such as Maucher (2003: 6) argue that the OMC was chosen mainly to enhance the role of the European Council and also to find a third way between intergovernmentalism and Community Method [30], while others such as Regent (2003) see the Commission's wish to prevent Member States from acting independently in the employment sphere as the underlying interest. Others outline the ambitions of both institutions, such as Heritier (2002) who points out that for the Commission the OMC offers the possibility to expand European policies in the face of national resistance, while the Member States see the OMC as giving them more autonomy in shaping policy. The limitation of the role of the EP can be seen in the interest of both of these inst itutions. An interesting argument is given by Szysczak (2006: 488), who believes that the OMC is being used in order to coordinate sensitive policy areas which have been eroded by the rulings of the European Court of Justice (ECJ) e.g. in the area of healt h care policy. While many authors see the argument of expanding the influence of the EU into sensitive policy areas as one of the main reasons for the creation of the OMC (therefore a proactive choice), this view gives a certain spin on that argument seein g it more as a damage control mechanism needed to address and prevent ECJ rulings (therefore making it a more reactive choice). Additionally one should not only look at the power distribution between the institutions, but also at the overall capacity of th e institutions to function. Therefore one should consider the argument of Caporaso and Wittenbrinck (2006: 475) who believe that moving ahead

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[29] Some of the arguments used for the different possible causes, are contradictory to each other.
[30] Own translations, any misinterpretations are ful ly my fault.

was difficult within the traditional Community Method, as the veto would be encountered, and remaining still risked worse than paralysis.[31]

Integration

While some felt that integration was not going fast enough, others were of the opinion that it already went further than they wanted. For some, the deepening of integration goes hand in hand with the strengthening of the power of the Commission, which some support and others reject. Both the arguments of strengthening or limiting integration are plausible when explaining the decision to use the OMC. Two of the policy-makers most heavily involved and partially responsible for the creation of the OMC, Mr Larson [32] and Mrs João Rodrigues, agree with this view. Mr Larsson (2002: 5) recalls that there was the clear ambition from the EU Commission and the Portuguese Presidency of the EU to accelerate integration by having more Europe in social, educational and industrial policies while at the same time facing restrictions regarding institutional innovations. This is complemented by João Rodrigues' (2001: 4) statement that the definition of the OMC was done at Lisbon in order to develop the European dimension in new policy fields, namely information society, research, enterprise policy, education and fighting social exclusion. Some authors see the OMC as part of an inherent logic within the EU, where political actors switch from traditional to alternative modes of policy-making in areas where EU regulation is necessary but no compromise is currently able to be reached on *what* level and *how* this should be achieved (Szysczak 2006).

Balance between the social and economic dimension

Linked to the point on integration, but being more specific to one policy area is the argument of balancing the social and economic dimension of the EU. There was a strong sentiment that the European integration process was still mainly focused on economic integration, with all the bigger projects coming from the economic field (e.g. EMU and the completion of the internal market). This is why some academics stress that the creation of the OMC needs to be considered against the background of the socio-economic contents of

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[31] This argument will be examined further as part of the fieldwork.

EU politics. (Borrás and Jacobsson 2004: 186) An additional argument for this is that during this time there was a majority of social democratic led governments in Europe. These social democratic parties needed to find a balance between economic and social Europe, which gave significant symbolic value to Lisbon and the OMC (Dehousse 2002; Behning 2006; Bruno, Jacquot and Mandin 2006). This point is supported by Vandenbroucke (2002: 10) who sees the "open coordination as a weapon to fight the erosion of the welfare state in Europe and a means to contribute to the realisation of the European Social Model."

Addressing the rising discontent of the citizens with the EU

During the 1990s the existence of a democratic deficit together with a conceived delivery gap on policy results led to decreasing support of the European citizens for the European project. If one follows the argument that the OMC was partially a response to these developments, one can see ways in which the OMC could offer alternatives to this problem. The first is by raising the legitimacy of the EU through increased participation of actors such as social partners and non -governmental organisations (NGO). This view is supported by Behning (2006: 11), who argues that the White Paper on Governance in 2001 identified the OMC as the ultimate system of governance to eliminate the EU's democratic deficit. The second is by placing topics on the European Agenda, which are of real concern to the European citizens. Larsson (2002: 8) believes that there was a political mom entum at this time for the idea that the EU should have a role in employment issues, as employment was a top priority of ordinary citizens in Europe. This point also needs to be seen in relationship to the arguments of increasing integration as the driving force behind the creation of the OMC. As Radaelli (2003: 7) argues, the OMC provides a 'legitimising discourse', enabling policy-makers to deal with new tasks in policy areas that are either politically sensitive or in any case not amenable to the Communi ty Method.[33] Furthermore, the role and strength of the OMC as a legitimising discourse, has been increased with the support of many academics heralding the OMC as a new form of governance (Radaelli 2003: 51). The

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[32] Allan Larsson was formerly Director General of DG Employment in the European Commission and was heavily involved in the creation of the OMC.

argument of a legitimising discourse covers both possible causes, namely deepening integration and gaining the support from the public, which had become more sceptical towards integration.

Improving the efficiency of policy outcomes

As the OMC is a fundamental part of the Lisbon strategy, which had as its ambitious goal to become the "most competitive and dynamic knowledge -driven economy by 2010", the argument that the aim of improving the efficiency of policy outcomes was the main motivation for the creation of the OMC cannot be easily set aside. T here are various academics, such as Dehousse (2002: 18), who see the establishment of the OMC highly motivated by considerations of efficiency or as an attempt to come to grips with long standing problems in the search for competitiveness (Radaelli 2003: 1 9). Here one can link the wish to improve the efficiency of policy outcomes with the need to address negative side affects of integration. Dehousse (2002: 6) therefore believes in a dual reasoning: the existence of challenges common to all European countri es-unemployment, ageing of the population- and the negative impact of unbridled competition between Member States. While this is certainly true, it only explains why the EU might be seen as a useful arena, but not why the OMC would be chosen as the instrum ent of choice. What partially explains the use of the OMC is the twin desire of the Member States to deal with this issue at the European level, as they recognise that it has a European dimension which they cannot handle alone, but at the same time want to remain in the drivers seat.

Shifting blame for drastic (and often unpopular) national reforms

As national governments were facing the triple challenge of globalisation, technological change and the modernisation of the social (protection) systems, the O MC could be seen as a welcome scapegoat to allow MS to put the responsibility for unpopular national reforms on other actors. Some academics believe that the OMC facilitates the shifting of blame and enables the domestic actors to hold the EU responsible f or unpopular decisions (Falkner 2003; Schäfer 2006). Pochet and Natali (2004: 4) outline that even the Commission has

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[33] Again this shows a normative be lief, outlining that certain policy areas are not suitable for the Community Method. What would be more accurate is that the political climate is not ready (yet) to apply the Community

admitted in one of its studies that "besides economic arguments, coordination can also play a useful role from a political-economy view-point by helping to implement unpopular but necessary policy actions at national level." While this argument is undoubtedly true, Member States would not need to create the OMC to do this. Therefore this argument does not represent a significant cause for creating the OMC, but rather for using it once it was created.

General move towards new forms of governance

Caporaso and Wittenbrinck (2006: 476) believe that the introduction of new modes of governance, such as the OMC, can be related to moves away from a state-centred model to other models of authority. As outlined before, this applies not only to the EU and therefore one should not forget that the move to new forms of governance, which the OMC can be seen as an example of, is part of a broader international phenomenon which has various reasons for its appearance (de Búrca 2003).

A combination of different factors

An argument that combines a number of the above elements, (such as integration, the social dimension and form of governance) is that the situation where the integration process approaches the core areas of the welfare state, but that Member States are not prepared to compromise their sovereignty over social policy areas, has accentuated the need for alternatives to the Community Method (Borrás and Jacobsson 2004: 186). This view is supported by Scharpf (2002), who sees the logic of EU harmonisation by law clashing with the reality of very diverse welfare state models in Europe. Therefore as there was simply no political support for the further transfer of legal competencies to the EU in these areas, (Borrás and Jacobsson 2004: 190), a different policy-making instrument needed to be applied. Radaelli (2003: 21-23) sees a combination of three reasons for the use of new modes of governance/OMC:

- The 'coordination' of the OMC refers to coordination both in the policy area (between Member States) and between social and economic policies (This reflects the 'efficiency' argument and the balance between economic and social issues);

Method in this area.

- New policy paradigms. (This reflects the governance argument);
- Legal constraints: very weak treaty base in some policy areas. (This reflects the integration argument.)

Behning (2006) also looks at a combination of factors, which mainly include:

- The coordination objective 'national welfare state reform' (this can be a mixture of arguments on efficiency and passing on the blame);
- The demand to develop new forms of partnerships in which actors and citizens can participate and be included in the political processes on all political levels of the European Union (legitimacy argument);
- The objective of creating a new single European social model that will be represented in the institutions of each Member State by the year 2010 (social Europe argument).

Bruno, Jacquot and Mandin (2006: 525) see the OMC as a compromise at two levels, on the one side between economically and socially minded actors restoring the 'political balance', and on the other side between Commission and Council. This combines the causes of institutional change with balance between social and economic Europe.

This overview has shown that, even when trying to identify individual causes for the creation of the OMC, one has to realise that these are intrinsically connected to other possible explanations.[34] However, the argument for improving the social dimension is very dominant because of the historical development focusing mainly on economic integration, the political climate during that time with a majority of European governments being led by social democrats and the need to improve the opinion of the European citizens regarding the EU. This of course also was supported by the European Commission which saw the OMC as an excellent opportunity to argue for more legitimacy through the participation of more actors in the policy-making process and simultaneously increase their involvement in policy areas from which they were previously excluded and thereby using the OMC to

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[34] Nevertheless, for individuals involved in the process, their ideological beliefs might have significantly influenced them e.g. their belief in social rights and justice lead then to see the OMC as a tool to create or defend a European Social Model.

enhance integration. Choosing the OMC in relation to integration also makes a lot of sense, seeing it from the perspective of the Commissi on as well as the Member States. For some countries, it was about finding a way of dealing with common problems without further integration. Others looked more at how uniform legislation could work with this diversity of Member States. Others again searche d for a way to continue the integration process, which was often slowed down or blocked by more reluctant Member States. Another idea to keep in mind is that whatever the original aims the OMC developed a life of its own , adapting to the ever-changing political climate with different actors trying to use the OMC to achieve their objectives. This overview clearly confirms that the OMC was a solution to very diverse sets of problems and to accommodate different, often opposing interests, one of the most influential being the challenge on the competing interests concerning the speed and type of integration (Gornitzka 2005).

Knowing the different influences for choosing the creation of the OMC is useful for understanding how the OMC has been dealt with subse quently. There is a causal connection between the arguments given for the creation of the OMC, the outlined strengths of the OMC and the areas where academics evaluate the OMC. As the OMC is addressing various problems (effectiveness, legitimacy, better go vernance and integration) it is not surprising that the list of potential strengths and promises of the OMC is extensive. Those who believe that the OMC was chosen to address a particular problem focus on this promised strength and evaluate then the OMC on its delivery concerning this aspect. A very good example of the link between the reasons for creating the OMC and its promises can be identified in the discussions in the Convention and the Constitutional Treaty on the role of the OMC, which will be briefly outlined later. First, it is necessary to understand the differences between the various OMC processes.

Different OMC processes

Although the Lisbon Council gave a template for the OMC, one can observe that no one OMC process is identical to another, a s different processes apply the method differently, sometimes introducing new elements while ignoring others. As its application varies widely

across different policy areas, one can agree with de Búrca (2003: 14) that "there is no one 'open method' but rather a range of differen t kinds, all broadly sharing a number of characteristics, but with variations and distinctive features according to the particular policy area." Furthermore, these broad characteristics can be identified in the proposal of the Social Working Group of the C onvention which states that the OMC is

> "a new form of coordination of national policies consisting of the Member States, at their own initiative or at the initiative of the Commission, defining collectively, with respect for national and regional diversi ties, objectives and indicators in a specific area, and allowing those Member States, on the basis of national reports to improve their knowledge, to develop exchanges of information, views, expertise and practices, and to promote, further to agreed objectives innovative approaches which could possibly lead to guidelines or recommendations." (European Convention 2003)

Despite these shared characteristics, Laffan and Shaw (2006: 6) argue correctly that "a priori definition of new modes of governance provi de a rough template for classifying OMC, but their usefulness breaks down when applied across all instances of OMC." Therefore it is necessary briefly to look at the elements on which the OMCs can differ and propose various ways of grouping them together. Some academics criticise the OMC on the ground that no policy area complies with the blue print given at the Lisbon summit. The response by its presumed creator, João Rodrigues (2001: 6) should be sufficient: "An empirical and flexible approach is being us ed, in order to develop and to adapt this method to the specific features of each policy field" i.e. it was never meant to be the same in all policy areas, but rather to be adapted to the specific situation and needs of the particular policy area. The most common quote on explaining and justifying the existence of different OMCs is from Vandenbroucke (2002: 9) who outlined that the OMC "is not some kind of fixed recipe that can be applied to any issue. (…) Policy coordination and open coordination together constitute a cookbook that contains various recipes, lighter and heavier ones." The existence of lighter and harder versions of the OMC is also supported by other academics such as Radaelli (2003: 9). So while having established that there are different forms of OMC processes, one needs now to look at on which issues they differ

and if there are certain types of OMCs. Some of the main features on which the OMC processes can differ are: [35]

- Whether or not there is a strong treaty provision in this area;
- The role of the different institutions;
- To which extent other actors can participate in the process;
- The existence of benchmarks, indicators and targets.

Knowing that there are various OMCs, some academics tried to categorise these different versions. Radaelli (2003: 31) for example proposes to divide the different types of OMC into three categories, which orders the policy areas according to the significance of the OMC as a working method. These are:

1. Policies where there is a deliberate attempt to use the OMC as the main 'working method'
   - Broad Economic Policy Guidelines;
   - European Employment Strategy;
   - Social Inclusion;
   - Pensions;
2. Policy areas where the intention to use OMC was manifested but so far only limited instruments of the 'method' have been applied
   - Innovation and RDT policies;
   - Education;
   - Information society;
   - Environmental policy;
   - Health Care.
3. 'Open coordination in disguise'
   - Direct taxation.

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[35] For an excellent and more extensive mapping exerci se of the different OMCs and the differences and similarities between them see Laffan and Shaw (2006), Borrás and Jacobsson (2004) or Radaelli (2003). For a more specific comparison between the OMC in employment and the one in social inclusion see De la P orte (2002).

Borrás and Jacobsson (2004: 191-92) also divide the various OMCs into three groups according to policy areas, but explain in more detail why these forms of the OMC are applied in the specific policy area. The first group is made up of policies where previous attempts to develop stronger forms of coordination failed, e.g. pensions, social inclusion, and Research and Technological development; the second group consists of policy areas which are relatively new fields of public involvement, where traditionally regulatory instruments are not appropriate, e.g. employment policy, information society; and the third group includes policy areas, which are showing very strong functional interdependence with the EU level, e.g. national economic policies and their relation to the European monetary policy.

These differences in the rationale for establishing an OMC in the various policy areas, partially explain the variations of the OMC, but other elements need to be considered as well.

One explanation for the spread of the OMC to so many other policy areas is the idea of political experimentalism at a reduced political cost (Laffan and Shaw 2006: 18). MS are willing to experiment and see without having to invest too much at the beginning and without fearing institutionalisation. As a consequence they apply the OMC to their specific policy area and make specific adaptations. However, another argument in explaining the differences is that as each OMC is associated with a specific DG and Council formation, and there are different policy cultures within a DG. As Laffan and Shaw (2006: 12) argue one can speak of the logic of 'one DG, one OMC'. If this is true, different OMCs of the same DG and Council formation should be similar. However, a comparison of the EES and the OMC in social inclusion, which are both within DG employment, shows they are not. [36] So this explanation needs to be complemented by other decisive elements for shaping the type of OMC process. The most appropriate is 'time'. As outlined, the term OMC was first used at the Lisbon Council, nevertheless the OMC has several different origins and sources of inspiration predating Lisbon, which explains why OMC processes originating before

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[36] One of the main differences is the strong treaty base of the EES compared to the OMC on social inclusion; furthermore the significance of the social partners also varies between the two processes.

Lisbon have slightly different features from OMC processes originating post Lisbon. This notion could be linked to the concept of 'path dependency' (Pierson 1996; Schmidt, Tsebelis and Risse 1999). As they were created at different times, the rules of the day were also different: MS could not change the OMC that already existed but they could limit or adapt the new ones. [37] Laffan and Shaw (2006: 16) categorise the different OMC procedures according to the relative level of institutionalisation, separating them between very strong, strong, nascent and weak. They then cross-check this with the years since interception of the OMC. The result is that older processes are also more strongly institutionalised. Therefore one can argue that the OMC becomes more imbedded over time, and the currently weaker OMCs are the most recent ones. Various authors support this explanation (e.g. Borrás and Greve (2004)).

This brief overview has shown that there is no single OMC but rather various forms of it, which differ across issues such as stakeholder participation and the existence of benchmarks and indicators. Also there are various elements in explaining why the OMC processes in the different policy areas vary; these include the internal political culture, whether or not there is a treaty basis, and the time factor. One of the reasons for why there are different OMC processes is of course that the OMC is not mentioned in the European Treaties. To which extent this would make the OMC processes more harmonised is debatable. The question of whether or not to give legal status to the OMC, by integrating the concept into the European Constitution, was discussed in the European Convention, which will be looked into now.

The European Convention

In order to give a comprehensive overview of the historical development of the OMC, the discussions in the European Convention, which prepared the text for the Constitutional Treaty, will be briefly outlined. The European Convention, which was aimed at adapting

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[37] This, for example, explains to a certain extent the limited participation of UEAPME, one of the European Social partners, in some of the advisory committees as part of the OMC. Those committees, which were set up before UEAPME joined the European Social Dialogue, are still closed to their participation, while the new ones, created afterwards, all include it.

the institutions and the policy-making of the EU in order to facilitate the functioning of an EU 25 (and plus), was an ideal opportunity to adapt, expand and constitutionalise the OMC. However, although various working groups of th e convention proposed to insert an article on the OMC in one form or another, [38] this was not done in the end. Radaelli (2003: 8) argues that various members of the Convention saw the OMC as a way to balance economic logic with the value of the 'European soc ial model'. The reason why it was not included in the final text is not easy to pinpoint, as the convention was made up of representatives from the Member States, the European Parliament, the Commission and others, which all had their own interests regardi ng the inclusion (or not) of the OMC into the text. The official explanation from the Presidium of the Convention, was that they feared that this might weaken instead of strengthen the OMC, and that it might lead to confusion on the delimitation of the com petences between the EU and the Member States (de Búrca (2003: 30). [39]

Other explanations are for example the fact that potential variations in the OMCs application exists outside the main characteristics laid down in Lisbon (Maher 2004: 2), which highlights the flexibility inherent in the OMC processes (Szyszczak 2006). While others, such as Zeitlin (2005) argue there was a deadlock inside the convention (in the Social Europe Working group as well as the presidium) over the OMC, creating a *de facto* alliance of opposites, namely defenders of MS prerogative against further intrusion of the EU and those who feared a dilution of the Community Method by soft law processes, which led to the result of not including an article on the OMC. [40] This fear that the OMC would supplement existing competences is also supported by Szyszczak (2006: 488) as one of the reasons not to include the OMC in the convention text. Another opinion is that OMC was not mentioned in the Constitutional Treaty because of its lack of transparenc y and democratic control (de la Porte and Nanz 2004: 268). Two other concerns why the convention was dubious about including OMC in the text are 1) the concern that constitutionalisation of the OMC might lead to its rigidification which would limit its

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[38] See for example European Convention (2002).
[39] Quoting Dehaence's statement in the convention session April 3 -4, 2003.
[40] We will come back to this kind of coalition between opposite visions w hen looking at the evaluations of the OMC.

flexibility and 2) the concern that the OMC might be (wrongly) used, in order to replace hard law by soft law, where hard law exists, which would also more generally undermine the wider European integration project (de Búrca and Zeitlin 2003: 2).

This list of reasons could probably be extended. However, one can generally say that the OMC was not included because some were still sceptical of the OMC being a Trojan horse, either for unwanted further integration, or for the opposite, namely a softening up of t he Community Method. Still others, more positive towards the OMC, believed that it could only work in a flexible way outside of a formal legal framework and would lose its added value if constitutionalised. Nevertheless, Ashiagbor (2004: 331) argues that a lthough the term OMC is not mentioned in the text, the OMC has been *de facto* included in the areas of public health, industry, social policy and employment. This is supported by Gornitzka (2005: 5), who argues that the text of the draft constitution includ ed on several instances 'OMC-like' descriptions, which means that the OMC method in reality is there, but without calling it by its name.

Would a constitutionalised OMC be better or worse than a *de facto* OMC? It is difficult to answer. This judgement de pends very much on one's own opinion of law and the relation between formal and informal powers. In any case there is no constitution, and even the Lisbon treaty (if it will be adopted) has no specific mentioning of the OMC. Furthermore, even by not being integrated in the text, the OMC processes continued to develop and expand, such as through the streamlining and reinforcing of the OMC processes in health, social inclusion and social protection. [41]

Summary of the open method of coordination

This section has presented the EU's new modes of governance and the OMC as one of its main examples. The characteristics of the OMC have been outlined, which include seeing the OMC as a third way between supranationalism and intergovernmentalism. Then the

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[41] See European Commission (2005) and European Commission (2008a).

differences between the OMC and the CM where revisited and the possible future scenarios were examined. The analysis showed that while different, certain elements of old governance can also be found in new governance modes, such as the OMC. Therefore one should not generalise on the superiority of the one mode over the other, but see their usefulness by being applied to different areas and circumstances in a complementary fashion. Following this, a historical overview of the development of the OMC was given, which identified that the Lisbon summit needs to be seen as part of a broader process creating the OMC and its main features. Leading on from there the origin of the OMC was examined, trying to find the main reason why the OMC was created. The result was that it is a combination of various reasons, and depending on the academic's theoretical beliefs one reason is often preferred above the others. However, what became evident was that the OMC was created as a compromise between divergent interests, particularly concerning the speed and type of further integration. Then the existence of not one but various forms of the OMC was identified and explanations for this were presented, including the time difference between when they were established, as well as the policy area. Finally this section looked at how the OMC was dealt with in the Convention and outlined the argument for whether or not the OMC should have been included in the constitution.

2. Literature review of the OMC

The aim of this section is to present and summarise the main themes in the established literature on the OMC, outlining the main perspectives and divisions within it. It will also give an overview of how the OMC is evaluated by the various academics within the different fields and which indicators they use for their evaluation. On this basis the respective strengths and weaknesses of these bodies of literature will be assessed.

When examining the evaluations of the OMC it is important to be aware that these often assess the OMC according to different scales, depending on which aspects the evaluators see as the most important. Furthermore, the evaluation of the OMC depends heavily on the theoretical starting point of the evaluator, for two reasons: first of all different questions are asked, which leads to different findings. Secondly, even if the questions are the same the

evaluation might differ significantly depending on what value is given to specific outcomes. While it is impossible to avoid this, being aware of the theoretical differences helps to understand contradicting evaluations based on the same findings.

Idema and Kelemen (2006: 5) argue that most academic writings on the OMC are based either on a rational choice perspective or a mixture of constructivist theory and learning. Bernhard (2006: 42) even identifies three different groups: the first looking at the effectiveness of the OMC, using a rationalist approach; the second looking at the learning potential using an institutionalist approach; and the third looking at elements such as common language, common knowledge and common discourse, using constructivist arguments and theories. Consequently, one can identify that some of the questions asked in order to evaluate the OMC are clearly more important for one research tradition than for another, while others have the same importance for different theoretical families. While this theoretical divide applies across all the different themes, within each theme one can often also identify a certain predominance of one theoretical belief over a nother. The following overview of questions used when evaluating the OMC [42], attempts to indicate whether a research question tends to be asked more by rationalists, by constructivists or by both equally[43]:

Questions related more to rationalist theory:
- Is the OMC announced at Lisbon really something new?
- Has the OMC led to something? Did it have any impact on national policy -making?
- Is the OMC a tool in strengthening the European Council and to reduce the control of the Commission?
- How strong is the role of the Commission in the OMC really?
- Did the OMC spread from one policy area to another?

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[42] This does not attempt to be an exhaustive list but rather give a broad indication.
[43] For reasons of simplification, this will only distinguish between constructivism and rationalism. The author will show in chapter two that he is aware of a more fragmented theoretical belief system. Furthermore, this of course can only be seen as indicative as these theoretical families are by no means homogeneo us in themselves.

Questions related more to constructivist theory:

- Did policy-makers engage in socialisation?

- Is real learning happening?

- Did it reduce the democratic deficit?

- Did it lead to more openness?

- Does the OMC really lead to common perceptions of problems?

- What is the real power of persuasion? Does persuasion exist?

Questions used by both:

- Is the OMC an instrument to enhance integration?

- Do MS talk to each other in sensitive are as they did not do so before?

- Is the OMC replacing the Community Method as the main form of governance, does the OMC reinforce or complement other modes of governance and does it work only in policy areas where the Community Method does not exist?

- Are there short term or long -term effects?

- Were the aims of the creators achieved?

Finally, while examining the literature on the OMC, one has also to be aware of the issue of time. First, there is a time difference of writing between the authors, and it is not likely that the analysis of academics even older than a few years correctly mirror the current situation, as the different OMCs are still in development and still spreading to new policy areas and empirical data is only starting to roll in. Furthermore, s ome writers who were relatively optimistic towards the OMC at the beginning changed their minds, as empirical evidence seemed to negate their hopes. Borrás and Greve (2004) emphasise that the OMC created a lot of optimism among scholars, but as time goes b y more and more of this optimism turned out to be conditional. At the same time some of the initial criticisms raised by others may not be valid either. The second point regarding time is outlined by writers such as Schäfer (2006), who reminds the reader o f the difficulty of evaluating the effects of the OMC as it is hard to establish what would have happened without it and possible positive effects may only become visible in the long run. A third point concerning time is the development of the focus of the academics. In the early years the discussions were mainly on a very

theoretical and abstract level concerning the issue of the OMC as a new form of governance. After the OMC was established for a few years, these discussions where in a second phase furthe r enlarged to examine its impact more.

Themes in the literature review

In recent years the body of literature on EU governance and the OMC has significantly grown[44], while at the same time the academic literature on European integration has greatly expanded with a multiplicity of perspectives being employed to theorise developments. Unfortunately these two trends have so far been to a great extent separate from each other.

Academic work on the OMC has concentrated on the following main areas:

- OMC as a new mode of governance;
- Legitimacy and democracy;
- Impact on national policy -making;
- Integration.

While it is valuable to distinguish between different themes, it is important to emphasise that any piece of academic work rarely fits 100% into one of the ou tlined areas, but rather often deals with various aspects. However while saying this, normally there is always one aspect predominant on which the writer concentrates. Nevertheless some writers attempt to address the various aspects of the OMC in their eva luation (Radaelli 2003).

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[44] The Journal of European Public Policy devoted an entire special edition to the issue of OMC (Volume 11 No.2 2004).

Table 1.1: OMC literature

Theme	Achievement	Weakness	Further research
OMC as a new mode of governance	It places the development of the OMC in a wider (time) frame (than only Lisbon) and compares it to the traditional mode of governance, which helps to explain the origins of the OMC as well as to understand its novel features	Very often there is an either/or approach on the usefulness of soft and hard law respectively, which rather limits the level of examination.	Develop further analysis on the complementary between the OMC and the CM
Legitimacy and democracy	It helps to examine whether the OMC contributes to increased legitimacy as promised. It also provides an overview of the actors involved in all the OMC processes in order to evaluate the participation aspect.	The main shortcomings of this group of writers is that it concentrates too much on the legitimacy issue without taking the other aspects into account and that the involvement of non-state actors is only analysed in a quantitative dimension	The analysis of the involvement of actors such as social partners and NGO should shift from a purely quantitative dimension (i.e. have they contributed to reports or participated in meetings?) to a more qualitative dimension (i.e. does the involvement impact on the results?) The topic should be used in a more complementary form to the other main themes in the OMC debate
Impact on national policy-making	It outlines that there is not only one OMC, but rather various processes which are based on a general blueprint, and then adapted to the political reality of the policy field. It offers also a more in-depth analysis and comparison of the different elements between the different OMC processes in the different policy areas.	Work on this aspect is still limited. So far little independent empirical evidence has been available on which to base the evaluation of the impact at national level, as most of the data used is based on the responses of the MS to their NAPs.	Looking at changes in policy-making at national level while at the same time identifying if other internal (e.g. change of governments) and/or external (e.g. WTO discussions) processes could be the cause of the policy shift Clearly identifying the dimensions of impact at national level and examining if some form of impact is more likely than another Using the concepts of 'best fit' and 'misfit', and uploading and downloading of policy, in examining if certain MS show a greater or lesser impact
Integration	It examines how the OMC can contribute to the whole European integration process.	Lack of using appropriate theories in further explaining the reason for this form of integration	Applying European integration theories to the development of the OMC and examine if, and how the different theories can explain this

Source: Author

Governance

By far the most extensively addressed theme within the body of literature concentrates on the issue of the OMC as a new mode of governance (Behning 2006; Berghman and Okma 2003; Bernard 2003; Borrás and Greve 2004; Borrás and Jacobsson 2004; de Búrca 2003; Chalmers and Lodge 2003; Dehousse 2002; Eberlein and Kerwer 2002; Hodson and Maher 2001; Idema and Kelemen 2006; Jacobsson and Vifell 2003; Laffan and Shaw 2006; Mosher and Trubek 2003; de la Porte 2002; de la Porte and Nanz 2004; Radaelli 2003; Regent 2003; Zeitlin 2005; Zeitlin 2005; Schäfer 2006).

The principal point of analysis is whether or not the OMC really is a new mode of governance and what the difference to traditional governance is. One of the main debates is the relationship between the OMC and the Community Method, which is reflected in the substantial work done on comparing these forms of governance. In this context the analysis focuses on whether or not the OMC is only a transitional mode of governance or a real alternative able to substitute the CM or both being complementary. In order to support or reject the claim of the OMC being a better governance mode, this body of literature looks at the promises that are associated with the OMC. As argued in section one, there is an important causal link between the arguments for the creation of the OMC and the focus on a specific perceived strength of the OMC. Therefore various academics might focus on different promises or simply use dissimilar terms and vocabulary for them. While not claiming to be exhaustive, this overview reflects the main issues discussed in the debate on the OMC as a new mode of governance. Furthermore, some of these promises are then the basis of analysis for different groups of writers evaluating specific aspects of the OMC. Out of various academic and political statements, one can draw the following promises, which argue that the OMC is more suitable in comparison to other policy -making instruments and is supposed to:

- *Provide a new form of governance as an alternative to hard law*

The OMC might deter the move to hard law. [45] Therefore some writers believe the OMC processes serve as testing ground for new methods and new policy ideas and create the basis for future collaboration (Berghman and Okma 2003), as well as being a risk free method of path finding in new policy areas (Laffan and Shaw 2006: 19). Many academics see the OMC as a third way for the EU between intergovernmentalism and supranationalism (Ashiagbor 2004; Dehousse 2002; Zeitlin 2005) [46] and more particularly as a third way for social policy between regulatory competition and harmonisation (Zeitlin 2005), with the absence of sanctions distinguishing it from hard law.

- *Enhance the democratic dimension through multi -level governance*

There are various ways in which the OMC is su pposed to enhance the democratic dimension. First of all the OMC is supposed to enhance democratic participation and accountability through being 'open', [47] and allowing participation of employers, trade unions (TU) and NGO at various levels in the process. The other way of enhancing the democratic dimension is seen in the assumption that decisions would be more adapted to the local level and could thus appear more democratic and legitimate than rules imposed from Brussels (Trubek 2003) This would represent a decentralised and bottom -up approach rather than the traditional centralised and top -down approach.

- *Promote deliberation: the ways knowledge and learning are created and diffused across countries*

One of the main aims of the OMC is to promote mutual lea rning through the exchange of good practices. Some academics believe that the OMC not only facilitates learning but also helps to incorporate new knowledge (Trubek 2003). This might also include public servants serving as intermediates between the worlds o f academia and politics (Berghman and Okma 2003).

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[45] Depending on ones personal beliefs and theoretical standing, this might be positive as well as a negative feature of th e OMC.
[46] This view of the OMC has also been expressed by the British and Swedish governments, traditional eurosceptic countries, see Jacobsson and Vifell (2003: 5).

- *Increase flexibility*

The OMC allows for flexibility i.e. policy initiatives can be adapted to the diverse institutional arrangements, legal regimes and national circumstances in the Member States (Schäfer 2006), which gives diverse solutions for common problems (Trubek 2003). By focusing on process flexibility rather than institutional flexibility, the OMC finds the right balance between the need for respecting diversity and the need for unity of EU action (Borrás and Jacobsson 2004). This flexibility could also help to overcome political resistance, as flexible agreements may surmount Member States' opposition to EU mandates considered too disruptive of or alien to national arrangements (Schäfer 2006).

- *Create depoliticalisation as a condition for further integration*

Many observers believe that one of the main characteristics of the OMC is to make progress in politically sensitive areas by avoiding politicisation, e.g. Radaelli (2003). This depoliticalisation can actually have various effects. The first would be being able to discuss a sensitive issue at European level, as it offers the national governments the distinct advantages of being able to reach agreement without having to fear binding consequences (Schäfer 2006). If this happens, depoliticalisation can have a second effect, namely enabling real reforms, which would not happen otherwise, as they would normally be paralysed by multiple vetoes (Dehousse 2002). This can then lead to a third effect of the OMC, namely being a catalyst for further integration, particularly in sectors with multiple veto possibilities, by giving a new role to the EU in policy areas where, until now, there was none (Maher 2004).

- *Respect subsidiarity*

This issue is closely linked to the previous one, as the OMC is supposed to be ideal for applying the principle of subsidiarity (de la Porte 2002) since it represents a compromise between the desire for common action and the desire of the national governments to maintain some control (Dehousse 2002). It is also supposed to minimise sovereignty losses (Schäfer 2006).

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[47] The question of 'openness' will be dealt with in more detail later on.

An excellent summary of the main assumed strengths of the OMC argues that

> "the value of the OMC, in our view, lies not simply in its general usefulness, efficiency, and flexibility as an instrument of EU policy-making. Because the OMC encourages convergence of national objectives, performances and policy approaches rather than specific institutions, rules and programmes, this mechanism is particularly well suited to iden tifying and advancing the common concerns and interests of the Member States while simultaneously respecting their autonomy and diversity. It is neither strictly a supranational nor an intergovernmental method of governance, but one that is genuinely joint and multi-level in its operation. By committing the Member States to share information, compare themselves to one another and reassess current policies against their relative performance, the OMC is also proving to be a valuable tool for promoting deliber ative problem-solving and cross-national learning across the EU." (Búrca and Zeitlin 2003: 2)

A group of writers within the new mode of governance debate focuses, as a sub theme, on the functional dimension by concentrating on the tools and instruments of the OMC, such as benchmarking, peer review and target setting (Arrowsmith, Sisson and Marginson 2004; de la Porte, Pochet and Room 2001; Hodson and Maher 2001; Schäfer 2006; Sisson, Arrowsmith and Marginson 2003). While analysing the exact processes and t he use of these tools, they then try to evaluate to which extent the OMC introduces changes to the governance system of the EU. These writers also examine what benchmarking has to offer and whether these new tools are more effective in policy-making than the traditional Community Method. Some argue that empirical studies provide some evidence that peer pressure and benchmarking influence the behaviour of national governments (Chiatteli 2006). Others argue that so far peer review has been less effective (Kro eger 2006).

Another sub theme, where a significant number of writers have concentrated their efforts, is the legal dimension of the OMC (Ashiagbor 2004; Borras and Jacobsson 2004; de Búrca 2003; Hodson and Maher 2001; Maher 2004; Schäfer 2004; Teague 2001 ; Trubek and Trubek 2004; Wincott 2003). Some of the main debates evolve around the following questions:

- How do old and new governance differ in the legal dimension? Academics look at the relation between hard and soft law;

- Where can the OMC be located bet ween the methods of soft law and hard law? (A certain problematic evolves from defining the OMC. Writers outline that even if the OMC cannot be defined as anything else than soft law, it differs from traditional soft law measures (Regent 2003). Therefore s ome establish a typology of different soft policy-making methods (Ahonen 2001);

- Is the OMC, as an example of soft law, better or worse than hard law?

- How important is the OMC in EU policy -making? How many EU policy activities are based on the OMC and how m any on traditional modes of governance?

- How does the lack of sanctions within the OMC impact on the effectiveness of the method? One of the major concerns is whether the OMC as a soft law instrument, can really deliver results;

- How appropriate is the use of the OMC in politically sensitive areas? For various writers looking at the legal dimension, there is a link between the form of law and the policy area. They consider that the OMC, as a form of soft law, is particularly appropriate in politically sensit ive issues (de la Porte 2002).

Indicators

The following indicators are used by this group of writers to answer these research questions and evaluate the OMC:

- Difference from traditional governance;

- Comparison with the Community Method;

- Presence or absen ce of sanctions;

- Use in specific policy areas i.e. with legal basis or not;

- Whether it is a normative form of governance and what exactly this includes.

Evaluation

Most academics agree that the OMC is a new governance approach, indeed some see it as part of a new policy paradigm (Dehousse 2002). The real debate is whether or not it delivers as a form of governance. Critics argue that OMC cannot work without sanctions, as

this restrains the OMC from being really effective. They identify the lack of sanction s as a weakness because MS are not directly forced to comply. Others believe that one can identify certain sanctions, namely the introduction of indicators (Regent 2003). While others again do not perceive the absence of sanctions as a problem in a governa nce architecture based on incentives for learning (Radaelli 2003: 8) or they even argue that "the weaknesses of the OMC might turn out to be its strengths" (Borrás and Greve 2004: 333). Some see the Luxembourg process as having acquired a normative status (Ashiagbor 2004: 312), as the view of the Commission, their peers and the public opinion through the media can pressure the individual MS to comply rather strongly, which can be seen as 'light versions' of sanctions with some quiet 'hard' impact. [48] There are various academics who support the notion that even in the absence of law the OMC can have possible constraints on national governments (Dehousse 2002; Trubek, Cottrell and Nance 2005). [49]

The choice for a non-constraining instrument without sanctions is s een by some as a compromise at two levels: on the one hand, between economic and socially minded actors, and on the other, between the Commission and the Member States [50] (Bruno, Jacquot and Mandin 2006). Furthermore, those seeing the non -binding nature of t he OMC as positive, also argue that it increases the willingness of the Member States to discuss sensitive issues in the first place as they do not have to fear legislation and therefore can discuss an issue in a more constructive way. The discussion on th e perceived absence of sanctions clearly divides observers from different theoretical standings, in particular concerning the question of the nature of law, as the one (more rationally informed) group of writers sees no possible impact with the absence of sanctions, while the other group of academics (more constructively orientated) believe there is.

Some critics, who argue against applying the OMC and soft law to the EU, raise not only the absence of sanctions, but also other concerns. These include:

- It lacks clarity and the predictability necessary in order to establish a reliable framework for actions;

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[48] This is again an aspect which needs to be further examined in the fieldwork.
[49] The authors specially indicate that these ideas draw on the work of constructivist minded academics.

- Hard law on market regulations can only be balanced with hard law on social issues;

- Soft law does not prevent a race to the bottom e.g. in Social policy in the EU;

- Soft law has no real effect but is a covert tactic to enlarge the Unions legislative competence;

- Soft law bypasses normal systems of accountability;

- Soft law undermines EU legitimacy, because it creates expectations on which it cannot deliver (Trubek, Cottrell and Nance 2005: 2).

Another aspect considered by this literature is whether or not the OMC respects the principle of *subsidiarity*. While some argue that the OMC goes against the principle of subsidiarity, others argue it offers the policy-maker an attractive 'logic of appropriateness', as it delegates responsibility to find tailor-made solutions to a lower level (Arrowsmith, Sisson and Marginson 2004: 312). Finally, some observers fear that the OMC could become the victim of its own success. If the OMC really leads to the growing of common values, as a result of the learning process, the possibility of a transfer of competences to the EU level could increase, which would mean that the OMC would be only a transitional instrument and not a fully-fledged alternative (Hodson and Maher 2001).

Strengths and weaknesses of this literature

One of the strengths of this literature is that it places the development of the OMC in a wider (time) frame (than only Lisbon) and compares it to the traditional mode of governance, which helps to explain the origins of the OMC as well as to understand its novel features. By doing this, the reader gets a better overview not only of what the differences are to other forms of governance, but also *how* these methods were developed and *why*. The discussions on the legal dimension provide the reader with an interesting overview of the different opinions on the nature of law. It also gives an understanding of how the use of law has contributed to European integration, how this use varies across policy areas and how it has changed. However, the danger exists that one takes an either/or approach on the usefulness of soft and hard law respectively, which rather limits the level

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[50] This issue will be discussed in the case studies.

of examination. Also, as the OMC is a political pr ocess and not a legal one, focusing on the legal dimension can be helpful only to a certain extent.

The work on benchmarking and peer review is very useful because it helps to identify the advantages and shortcomings of these tools when applying them to s uch a diverse group as European nation states. It sheds some more light on what exactly benchmarking is, and what its different forms are. Moreover, comparing the use of benchmarking and peer review procedures in the OMC with those of other international o rganisations, makes the scientist aware that the tools of the OMC processes are not limited to the EU, but the same instruments, are used at the national, European or international level by other international organisations e.g. European Monetary Union, In ternational Monetary Fund (IMF) and the Organisation for Economic Cooperation and Development (OECD). However, this is also a shortcoming of this literature, comparing regimes of a very different nature (OECD, IMF) with that of the EU which might be more c onfusing than helpful. The problem here is not the general n=1 debate, the real difference, and worth taking into consideration in the further analysis, is that while the other international organisations use tools such as benchmarking as their main form o f operation, the EU has a wider range of tools and it chose to use soft tools rather than harder ones. Furthermore, this literature concentrates too much on the functional side of the OMC, which leads to neglecting the bigger picture, such as for example (further) integration or the division of power between the actors.

While this work is essential for laying the groundwork, the analysis of the OMC must be extended beyond the governance discourse, and explore whether or not the OMC fulfils these promises, in order to show clearly the many meaningful contributions the OMC can make to the study of the EU. Therefore while most work starts from analysing the governance perspective, many writers then look at different aspects more in detail and try to answer:

- 'How does it contribute to more democracy in and legitimacy of the EU'; by looking at participation in and transparency of the process;
- 'Whether this mode of governance is more effective than traditional policy -making'; by looking at the impact at national level and at learning;

- 'How the OMC relates to integration'; by looking at the spread of the OMC across the different policy areas.

The literature on these three separate aspects will now be looked at more closely.

Legitimacy and democracy

The body of literature on legitimacy and democracy is the second most prominent theme in the OMC literature (de la Porte and Nanz 2004; Eberlein and Kerwer 2002; Idema and Kelemen 2006; Jacobsson and Vifell 2003, Radaelli 2003; Regent 2003; Smismans 2004; Wendler 2004). This group of writers looks at whether or not the OMC improves the legitimacy problems of the EU and the democratic deficit. They examine how the OMC is supposed to contribute to increasing the legitimacy and to which extent it is successful in doing so. The theme of legitimacy and democracy involves a range of concepts, along which different academics can be divided into various sub groups. A major part of this discussion focuses on whether or not the open method of coordination is really *open*, and debates what 'open' actually means. Another focus lies on the *participation* of the various actors in the different OMC processes in order to evaluate the added value of the OMC in the legitimacy discourse. For these authors, greater involvement of actors which leads to a systemised communication and cooperation between the private and the public in the sphere of policy instruments is essential for increasing the legitimacy of the EU. This stream of literature also deals with the question of, to which extent the OMC presents a 'decentralised or a centralised process' as well as a 'bottom-up or top-down approach' (Smismans 2004). In their belief a more 'bottom-up' approach is the basis for better governance.

Another key concept of this body of literature is 'deliberative governance'. For some writers public deliberation is the basis for legitimacy. They analyse whether or not the OMC is a deliberative-democratic form of governance or at least supports a deliberative mode of policy-making in the EU (de la Porte and Nanz 2004; Jacobsson and Vifell 2003; Teague 2001). In their opinion the arenas of 'deliberative supranationalism' are the EU

committees. Therefore they concentrate their examination on the SPC, the EFC, and the EMCO. Applying their criteria to different e mpirical case studies shows that the strength of the OMC for legitimising EU policy -making differs strongly between policy areas. Elements which are taken into consideration include: looking at which extent action coordination such as the OMC is based on f air arguing rather than coercion and power relations, and whether the OMC contributes to normative integration. Some of these authors establish criteria, which are based on deliberative democracy theories, in order to examine if the OMC fulfils these norma tive criteria in practice. The criteria are: transparency, public debate, learning, participation and responsiveness. In order to place the debate of the OMC's legitimacy into a broader perspective some writers apply democracy theories in order to evaluate the democratic dimension of the OMC (de la Porte and Nanz 2004; Wendler 2004). Some writers place the OMC within the discourse between output legitimacy and input legitimacy (Behning 2004; de la Porte and Pochet 2003; Scharpf 1999).

Indicators

The indicators used by this group of writers to evaluate the OMC include therefore **:**

- Openness of the process;
- Participation of different actors;
- Accountability of the actors involved;
- Transparency of the policy -making process;

Evaluation

One of the proclaimed advan tages of the OMC is that it is 'open'. However, before looking at the different evaluations on this issue one should point out that different observers not only disagree whether the OMC is open or not, and if this is a good thing, but also have different ideas on what the concept of 'openness' actually addresses. The Lisbon Council conclusions also did not give any clarification; as (Radaelli 2003) points out, 'open' is one of the two of the most crucial terms of the OMC, which was not defined at Lisbon (wi th 'coordination' being the other). The only indication is point 38 of the Lisbon conclusions:

"A fully decentralised approach will be applied in line with the principle of subsidiarity in which the Union, the Member States, the regional and local levels, as well as the social partners and civil society, will be actively involved, using variable forms of partnership. A method of benchmarking best practices on managing change will be devised by the European Commission networking with different providers an d users, namely the social partners, companies and NGO." (Lisbon conclusions 2000, point 38)

However, this is not very clear and 'openness' therefore can refer to a number of the promising features of the OMC. One way of understanding the term 'open' is t hat it can refer to state action, policy outcome or à la carte involvement by states (Hodson and Maher 2001: 724). However, this neglects, amongst other things, the participation of non -state actors as part of the openness. Therefore one should also consid er two further elements: firstly, the results are not predefined, which makes it 'outcome open'. Secondly, it expresses the fact that NGO can participate in this process at national level or European level respectively (Maucher 2003: 4). [51] This makes it 'open' to a broader range of actors. Consequently, one can identify three issues that are related to the concept of 'open' in the context of the OMC:

- Openness of the content: the European guidelines as well as the best practice can be adapted to the national context;

- Openness of the results: openness can mean the fact that it is relatively open to the Member States how seriously they take the practical implementation;

- Openness of the participation: as the development of this method in its different stages should be open to the participation of the various actors of civil society at national and European level.

Observers trying to identify whether the OMC is actually 'open' consider one, several or all of these avenues when making their analysis. While some co me to the positive conclusion that "it is a truly open' method in sum (Laffan and Shaw 2006: 18), others argue that "the 'open' nature of the OMC is merely being open ended in its outcomes." (Smismans 2004: 2) Among those academics who straight forwardly r eject the claim of the OMC as open, some argue that the OMC suffers from a 'double deficit' of both a lack of open access to

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[51] Own translations, any misinterpretati ons are fully my fault.

academic scrutiny of underlying issues and concepts, and a lack of access to democratic debate on political ramifications (Berghman and Okma 2003: 6), while others point out the irony of the term 'open method of coordination' as it is supposed to be so open, but it is perceived as being more closed than the Community Method (Jacobsson and Vifell 2003: 23).

Concerning *participation,* de la Porte (2002: 44) points out that in theory the OMC should involve all relevant stakeholders: the Union, the Member States, the local and regional collectivities, as well as social partners and civil society. Observers supporting the OMC on this ground believe that the OMC can lead to a new form of governance which is more democratic through deliberation and participation, and thereby reduce the democratic deficit. Some authors use the involvement of various actors in a non -hierarchical way as argument for praising the new forms of governance over the old governance, because of its participatory features (Smismans 2006). De Búrca (2003: 2) considers that "a new model of European constitutionalism may be emerging which is less top -down in nature than befo re and which is premised on a more participatory and contestatory conception of democracy." Some argue that the social partners are involved in various degrees, depending on their traditional role and the level of recognition of social dialogue in that cou ntry (de la Porte 2002).[52] Others conclude that despite considerable promises, the new modes of governance have not delivered a substantial increase in the meaningful participation of social actors (Caporaso and Wittenbrinck 2006). Zeitlin (2005: 23) argues that the social partners are profoundly ambivalent about deeper involvement in the EES, which they often regard as a threat to their bargaining autonomy, and feel a less acute need than other actors for new channels of influence on public policy because o f their privileged constitutional status in employment matters, both at EU level [53] and in many Member States, and their wish to protect this constitutional status against infringement by other actors, including NGO (Zeitlin 2003). While Jacobsson and Vifell (2003: 7) see the OMC as having "a potential for legitimacy" and of being a form of deliberative supranationalism, others argue that "there is nothing (or very little) in the current practice that resembles participatory

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[52] This comment can be confirmed by actual participation of the author.
[53] See case study two.

democratic governance, democratic experimentalism based on bottom-up learning, or directly-deliberative polyarchy" (Radaelli 2003: 49-50).

When looking at the concept of *accountability,* one has to remember that in a liberal democracy accountability is normally assured through parliamentary elections. As outlined earlier, the role of the EP and national parliaments in the OMC processes is limited. Therefore even some of the strongest supporters of the OMC admit that the dimension of public accountability remains so far poorly developed within most, if not all of the OMC processes (Zeitlin 2003), and conclude that although there are differences between the OMCs in these areas, they are not living up to their democratic ambition (Eberlein and Kerwer 2002; Idema and Kelemen 2006; Radaelli 2003; Wendler 2004).[54] There is no common conclusion on this aspect of the OMC with some observers arguing that the OMC is providing a pragmatic solution to the EU's legitimacy problem (Hodson and Maher 2001), while many critics reject the view that the OMC brings further legitimacy to EU policy-making, but in fact the opposite (Idema and Kelemen 2006: 1).

Strengths and weaknesses

The benefit of this literature is providing the reader with an awareness of the different understandings of legitimacy, which helps to examine whether the OMC contributes to increased legitimacy as promised. It also provides an overview of the actors involved in all the OMC processes in order to evaluate the participation aspect. However, while intensive research has been done on the question of to which extent social partners and NGO are involved in the different processes, there is less analysis of the quality and impact of this involvement i.e. whether their views have been taken into account or if they are just there for window dressing. Moreover, as increased legitimacy is only one proclaimed advantage of the OMC, a main shortcoming of this group of writers is that it concentrates too much on the legitimacy issue without taking the other aspects into account. Furthermore, some of the discussions are too theoretical and concentrate more on philosophical debates on legitimacy than using theoretical understanding to explain the changes that occurred within the EU which led to the OMC or resulted from it. While the other main themes surrounding the

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[54] One has to keep in mind that there are different understandings of legitimacy.

OMC are often interlinked in order to give a more complementary picture, the legitimacy discourse rarely addresses them. Therefore it does not consider that even if the OMC does not, or only marginally, contributes to more legitimacy, it might improve the efficiency of policy-making, leading to better cooperation between Member States or to other positive results.

Impact of the OMC on national policy -making

This theme concentrates on analysing and evaluating the impact of the OMC processes at national level (Barbier 2004; Chalmers and Lodge 2003; Lopez -Santana 2006; Noaksson 2006; Trubek and Trubek 2004; Trubek, Cottrell and Nance 2005). In order to understand the novelty of this form of governance, many authors look first at the different O MC processes and examine the features, trying to understand how these processes work and how they differ from each other. Therefore substantial and very focused empirical work has been carried out, examining and comparing the different elements of the vari ous OMC processes. The most extensive work has been done on the European Employment Strategy (Ashiagbor 2004; Gore 2004; Mosher and Trubek 2003; Regent 2003; Smismans 2004; Trubek 2003; Van Riel and Marc 2002; Wendler 2004). Others concentrate on the OMC o n social inclusion (de la Porte 2002) or the OMC on pensions (de la Porte and Nanz 2004 ; Pochet and Natali 2004). Laffan and Shaw (2006) examined and compared all existing OMC processes on their individual characteristics.

One key concept analysed by th is group of writers is the notion that the OMC is supposed to be, through peer review and benchmarking, a learning process that leads to *policy learning*. Szyszczak (2006: 488) identifies two levels where policy learning can take place within the OMC. The fi rst is by creating a common discourse with a common language, which leads to identifying common problems and the diffusion of shared beliefs. Second, it can lead to policy convergence and policy transfer by defining good policies and bad policies.

A number of academics examine the impact of the different OMC processes on national policy-making and analyse whether the OMC really promotes policy learning (Borrás and Jacobsson 2004; Kerber and Eckardt 2005; Kroeger 2006; Mosher and Trubek 2003). Some apply *advocacy coalition framework* theory, arguing that within a system different competing advocacy coalitions, each with different beliefs, exist. Therefore policy change is a result of the transformation or substitution of one belief system by another (Deganis 2006). The example used by Deganis (2006: 27) argues that within the EES some countries form a liberal coalition while an opposing coalition is formed by other Member States around the social model.

The concept of *deliberative governance*, mentioned above, plays an important role under this aspect as well. Some authors argue that Member States preferences are influenced by continual discussions and exchange of arguments, and that the expert deliberations in committees lead to Community-compatible interests (Szysczak 2006). Other writers, such as Kroeger (2006) look at the *institutional fit/misfit* of Member States when examining the impact at national level through policy learning. She comes to the conclusion that policy learning depends less on the institutional fit but more on the political will (or the lack of it). As shown earlier, the scholars focusing on the governance aspect examine if the OMC has a normative dimension. The scholars looking at the impact of the OMC at national level analyse if it is possible to have national policy change driven by normative processes in the absence of clear cohesive mechanisms. Borrás and Jacobsson (2004) outline that scholars from different fields (EU studies, international relations, public administration) have different explanations for this.

Indicators:

In order to evaluate the OMC according to its impact on national policy-making academics focus on the following questions and indicators:

- Have policy change and national reforms happened, and if so what kind of c hange?
    - Substantive policy change (including broad shifts in policy thinking);
    - Procedural shifts in governance and policymaking (including administrative; reorganisation and institutional capacity building;
    - Participation and transparency;
    - Mutual learning (Zeitlin 2005).
- How has this change happened?
    - Cognitive dimension;
    - Power politics;
    - Discourse analysis;
    - Learning;
    - Knowledge creation;
    - Persuasion;
    - Networks and policy communities.

Evaluation

When attempting to evaluate the impact of the OMC at na tional level, it is important to realise that in a EU of 27 Member States, with different socio -economic foundations and various modes of governance, the impact of the OMC will be unequal across countries. This impact will depend on factors such as the dom estic opportunity structure and socialisation effects (Radaelli 2003: 54), and therefore it is very challenging to capture all the various impacts of the OMC throughout all different types of Member States. Furthermore, it is very difficult to assess to wh ich extent policy coordination and policy transfer are a result of the OMC and how far other externalities are responsible for this (Szyszczak 2006: 488).

While many observers say it is still too early to tell, or that not enough empirical studies on the OMC exist in order to be able to make this evaluation (Zeitlin 2005), others are more willing to judge the impact of the OMC at national level. Critics of the OMC on the one hand, such as Idema and Kelemen (2006: 1) argue that the "impact of OMC has bee n

greatly exaggerated and the OMC, and new modes of governance more generally, are a red herring and distract attention from the more important and pervasive increase in the formality and judicialisation of EU policy -making." A more balanced statement come s from Radaelli (2003: 15) who points out that while overall, the results achieved fall short of the grandiose expectations launched at Lisbon, the potential of open coordination is still there, ready to be exploited. He also argues that the reason why the results in cross-national and bottom-up learning have been limited so far can be explained by the following factors:

- Lack of participation at national and local level because there are no incentives for participation. This shortcoming cannot be resolved in Brussels[55] but must be made in the capitals of the MS;[56]

- The underestimation of the peculiarities of learning in a transnational political context;

- Limitations in the current use of benchmarking

More positive observers on the other hand report certain impacts. For example Barbier (2004: 15) argues that the research results confirm that the OMC has modified national systems and created new rules and institutions at European level. He then continues to propose a typology for possible and actual transform ations (policies) in the context of the EES. Another impact at national level can be seen in the convergence at the levels of ideas in some policy areas (Radaelli 2003). Szyszczak (2006: 488) even goes as far as stating that "the OMC penetrates into nationa l systems changing internal policy, re -configuring political institutional frameworks." Therefore she argues that the EU has moved from coordination of national policies towards attempting a system of policy transfer, as it is not only agenda-setting but also sets the parameters as how polices should operate. She even believes that the OMC can lead to the aggregation of preferences at the same time as leading to preference transformation.

Lopez- Santana (2006) also argues that the supranational level had various impacts on employment and labour market policies in the Member States by:

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[55] The European Commission points out in its general repor t whether in its opinion actors such as social partners and NGOs have been sufficiently involved in the NAPs at national level, but it cannot force the MS to change their behavior.

- Defining the problems which national authorities should look at;

- Pointing out or reinforcing that a certain policy is good, bad or necessary;

- Restricting the policy options of domestic policy-makers;

- Providing potential courses of action for lesson-drawing and learning between the policy-makers.

While being aware that its opinion is clearly subjective, it is nevertheless worth looking at one statement of the Commission on this issue, claiming: "there have been significant changes in national employment policies, with a clear convergence towards the EU objectives set out in the EES policy guidelines." [57]

One of the major elements when looking at the relationship between the EU and the national level are the concepts of 'uploading' and 'downloading' (Börzel 1997, 1999; Börzel and Risse 2000; Börzel 2001, 2003, 2005). [58] Keeping this idea in mind, one should consider Zeitlin's (2005: 11) argument that "the relationship between the OMC process and the Member State policies should be analysed as a two-way interaction rather than a one-way causal impact."

Strengths and weaknesses

This stream of work is also very important as it attempts to give a more concrete and factual dimension to many of the theoretical discussions by looking at concrete results. By outlining the different OMC processes, the reader understands that there is not only one OMC, but rather various processes that are based on a general blueprint, and then adapted to the political reality of the policy field. It offers also a more in-depth analysis and comparison of the various elements between the OMC processes in the different policy areas. While the work on this aspect is still limited, it is also very promising. The difficulty here relates to the data availability. So far little independent empirical evidence has been available on which to base the evaluation of the impact at national level, as most of the data

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[56] Speaking from personal experience, one should mention that in many MS the social partners are either not consulted at all on the NAPs or their views are not taken into account.

[57] Quoted in Szysczak (2006: 496).

[58] This mutual relationship is also one of the main focuses of theorists on European integration today.

used is built on the responses of the MS to their NAPs . As Zeitlin (2005: 10-11) points out "governments may likewise deliberately over - or understate the influence of OMC processes on domestic policy in reporting to the EU, depending on whether they want to burnish their credentials as "good Europeans" by de monstrating consummate compliance with guidelines and recommendations, or instead to present themselves as defenders of subsidiarity and the national interest against Brussels." Since enlargement, there is another dimension to this problem of over or under representing the impact of the OMC at national level. While some representatives from the new Member States often outline that they needed advice and the financial contributions from the EU to be able to carry out these policy reforms, in an attempt to se cure further financial support from the EU, others argue that the OMC offers nothing new and their countries are way ahead in this policy area, only in order to prove to the other MS that their country belongs fully to the club and they should not be treated as second class Europeans.[59]

A second problem comes with defining the meaning and the recognition of impact, as there is not always a clear manifestation of impact and different authors focus on different types of impact. Zeitlin (2005: 4) points out th at the practical impact of the OMC at national level on policy-making is not one-dimensional but one has to consider four different dimensions of policy-making, when evaluating them: substantive policy change (including broad shifts in policy thinking); pr ocedural shifts in governance and policymaking (including administrative reorganisation and institutional capacity building; participation and transparency and mutual learning. These criteria are taken up by more and more scholars (Trubek, Cottrell and Nan ce 2005; Noaksson 2006) and should be kept in mind during any research on the impact of the OMC at national level.

Furthermore, authors also disagree on the different types of causes for the policy change (using more rational or constructivist arguments i .e. power politics vs. learning), which makes it difficult to compare the findings.[60] A way that could help to overcome these difficulties is to apply the notion of uploading and downloading of policy to the analysis

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[59] This argument will be followed up in the case studies.

(Börzel 1997, 1999; Börzel and Risse 200 0; Börzel 2001, 2003, 2005). One of the shortcomings of this literature is that not enough writers have done so, and this should be remedied in any further work. [61]

Integration

Another important issue is whether or not the OMC is a successful tool in enhan cing European integration. While having a different foci, the issue of integration and the theme of looking at the impact of the OMC at national level are different sides of the same coin, as one leads often to the other. [62] Writers look at the extent of the OMC's contribution to increasing integration, to slowing it down or even stopping it (Behning 2004; Bernard 2003; Borrás and Jacobsson 2004; Bruno, Jacquot and Mandin 2006; Dehousse 2002; Goetschy 2001; Heritier 2002; Jacobsson and Vifell 2003; Regent 200 3; Trubek and Trubek 2004). One group of researchers focuses on a specific aspect of integration, namely social versus economic integration (Barbier 2004; Bernard 2003; Laffan and Shaw 2006; Larsson 2002; Wincott 2003; Zeitlin 2005). The discussion on this topic deals mainly with whether or not the OMC is successful in balancing the social with the economic dimension of the EU. For example, Behning (2004) applies Scharpf's model of integration in social policy, to the OMC. [63]

Scholars in the field of European integration theories have only recently found their way to the theme of the OMC and their numbers are still limited. Some exceptions worth mentioning are: Gore (2004), Kaiser and Prange (2002), Schäfer (2004), Trubek, Cottrell and Nance (2005), Van Riel and Marc (2002), Wendler (2004). Some of the main queries for them are:

- Why has the OMC been introduced?

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[60] However, they can always be evaluated individually, based on the usefulness of what they are doing and the extent to which they meet their goals.

[61] Some of the few exceptions are Borrás and Jacobsson (2004) and Zeitlin (2005).

[62] This argument will be discussed in more detail in chapter six when looking at European integration and Europeanisation.

[63] Scharpf (2002) himself places the OMC somewhere between the mode of intergovernmental negotiations and the mode of 'mutual adjustment'.

- What are the main actors?

- How has it developed?

These scholars try to find the answers by applying different European integration theories to the OMC. Trubek, Cottrell and Nance 2005 outline the differences bet ween rationalist and constructivist explanations for the OMC. Wendler (2004) applies new institutionalism in order to explain policy-making through the OMC, while Pochet and Natali (2004) apply policy networks to the use of the OMC in the field of pensions, and Van Riel and Marc (2002) try to explain the origin of the European employment strategy by ap plying intergovernmental and neofunctionalist theory, while Schäfer (2004) uses historical institutionalism.[64] The views of the academics not only diverge on the question whether integration has taken place and what are instances for this, but also on whether i ntegration is seen as something positive or not.

Indicators

For the evaluation of the OMC concerning fostering integration, writers working on this aspect use the following indicators:

- EU/Commission involvement in policy areas not foreseen by the treaties ;

- Is the OMC a tool preparing for the Community Method at a later stage?

- Potential ability of the OMC to transform the EU polity:

  o Informal functional expansion;

  o Fostering transnationalisation;

  o Strengthening the multi -level dimension;

  o Accommodation of diver sity (Borrás and Jacobsson 2004).

- What does this integration lead to? Strengthening of the social model or downgrading of it?

- Functional interdependence of socio -economic issues;

- How can the OMC through promoting social integration gain support amongst the European citizens for th e European project, also in non -social areas?

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[64] These writers will be discussed in more detail when looking at how to apply European integration theory in chapter six.

- Is the type of integration the traditional one, or does it represent a new form of integration/ the partial delegation of power?

- How are the roles of the actors distributed? I.e. change in comparison to the CM.

Evaluation

Has the OMC really led to further integration, and if so, to what type of integration? Many writers point out that since its introduction the OMC has expanded into various other policy areas. Dehousse (2002: 6) believes "the open coordination procedures have enabled the EU to penetrate in areas where the treaties do not envisage common policies, as they are largely considered the preserve of the Member States." This notion can be supporte d, by looking at the various new policy themes (education, health, immigration) that are discussed at European level, and in which areas the Commission has now at least some role. Borrás and Jacobsson (2004: 201) speak of informal functional expansion (i.e . using OMC in policy areas not foreseen by the treaties) which is partly a solution to the gridlock between the political limits of transferring competences and the pressure for further national coordination in competitiveness -fostering and welfare-fostering areas, but also resulting from the functional interdependence of socio -economic issues. Additionally one can also differentiate between three types of policy areas where the OMC is applied: policy areas where integration attempts failed previously, pol icies representing new areas of public involvement and those which are functionally linked to existing EU policy areas .

But does this integration include the transfer of competences? Some observers highlight that the OMC, while not implying any transfers of competences from the n ational to the European level, has given nevertheless the European institutions a role in this area (Regent 2003). Therefore one can see the OMC as a third way between supranationalism and intergovernmentalism, which is needed when moving into core areas of national policy - making (Heritier 2002). This specific form of integration under the OMC is called by some writers "integration without supra nationalism" [65] and they argue that the nature of integration has changed, where the role of the EU now is not only to set minimum standards (Jacobsson 2003). Others agree that the OMC has changed integration, to a

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[65] Former Swedish Prime Minister Göran Persson, quoted in Larsson (2002).

process of Europeanisation by figures, replacing the Commu nity integration by law (Bruno, Jacquot and Mandin 2006: 530). Linked to the earlier outlined concepts of deliberation and normative governance, Jacobsson and Vifell (2003: 2) argue that the OMC c ontributes to *normative* integration.[66]

Concerning the question whether the OMC fosters social integration in the EU to balance economic integration, the literature is divided in two sides: The first group of researchers sees the OMCs as a tool in a process leading to the downgrading of the national social protection systems while the second argues that the OMCs have at least the potential to be a tool to achieve a specific 'European Social Model', and resisting liberalisation (Barbier 2004). However, both groups agree that the EES has the capacity to modify national systems substantively and both adopt a normative standpoint making recommendations for improving the OMCs' efficiency. The socially orientated writers believe that the OMC can help to secure Social Eu rope and create a common European Social Model. Some suppose that in the social dimension, the OMC can be seen as a vehicle for the pursuit of a social and cultural rights agenda (Bernard 2003). Larsson (2002: 11) argues that the different processes (such as the Luxembourg process) created new avenues for economic and social policy governance, for an integration of areas, which until then were almost taboo in European policy -making, such as social protection and social inclusion. These new avenues were further deepened by the OMC through adding healthcare and other areas to the European agenda. This i s why some writers, such as Borrás and Jacobsson (2004) see the OMC as potentially unleashing new integration potential. Other writers see the OMC as a tool to reform the welfare states in a way which reduces the social burden and makes Europe more competi tive. These critics are mainly from a social democratic origin, fearing that the OMC gives the Member States an excuse to weaken the European welfare state. Others argue that OMC is not capable of constructing social Europe without 'hard law' (which returns to the question of OMC vs. CM outlined earlier). Therefore, some authors link the question of integration with the legal dimension when analysing the contribution of soft law to the construction of Europe and its practical effects on European integration (Trubek and Trubek 2004).

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[66] In italics in original.

An earlier argument for increasing the support of the citizens for the EU and further integration was to deal with issues they really care about, one of which is employment and social policy. The importance of the social dimension is clearly expressed in the statement of Idema and Kelemen (2006: 13): "the OMC will be a success simply if it contributes to move social policy from the periphery of EU policy -making to the core and sets the stage for more ambitious initiatives in the future." They also believe that policy -makers have the goal of the EU playing a greater role in the social policy area. In the end one can agree with Goetschy (2001: 407), who argues that Lisbon managed to please the liberals with economic reforms and the socialists with safeguarding the EU Social model. By adopting a longer time perspective for EU developments spread over ten years, such a balanced ideological stance gains even more weight as it renders EU developments less sensitive to nationally contingent electoral change.

Many Member States now speak of Lisbon as a turning point and a sort of milestone and breakthrough in the history of EU Integration (Goetschy 2001: 407). This is complemented by political scientists describing Lisbon as "a true watershed in the Europeanisation of employment and social policy."[67] Various academics could generally agree with this notion, while then having very diverse opinions on whether or not this is a positive or negative development.[68] The more critical group is made up of commentators with very different ideas on what Europe should be. For the one faction, the OMC is bad because it helps the EU/ Commission to be involved in policy areas that lie in the strict sovereignty of the Member States. The other faction is made up of people fearing that the EU would weaken the Community Method and let go of the idea of a 'united states of Europe'. The more supportive group of the OMC's role in the integration process, mirrors the group of critics, namely being made up of people from very different beliefs on the future of Europe, but instead of seeing the glass half empty, they see it half full. For the ones who favour a Europe of the nation states, OMC is acceptable as it is carried out intergovernmentally, is

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[67] Esping-Anderson et al quoted in Larsson (2002).
[68] The members of these groups are internally strongly divided on nearly everything besides whether the OMC is useful or not. Furthermore, it is very interesting to note that observers and academics, who normally

non-binding and has limited participation by EU institutions. [69] The other group includes the pragmatic supporters, who see the OMC as a second best solution to increase integration, but accept it in the absence of other possibilities such as legislation. This group considers the OMC as a stepping stone. Borrás and Jacobsson (2004: 197) express this notion in a slightly different way, namely that the OMC entails a 'partial delegation of power'. [70] This leads to the situation that in "formal terms the division of tasks between the EU and its Member States remains unchanged, but beneath this formal surface, a series of apparently minimalistic changes might have deep effects on EU politics."

Following the earlier discussion, where it was accepted that the OMC is not there to replace the Community Method but rather to compliment it, one could believe that in the long run this might lead to stronger community actions in the areas currently under national control. In order to appreciate the OMC for what it is, under the circumstances that exist in the EU, one should take a pragmatic view and see how the OMC can actually contribute positively to further integration. [71]

Strengths and weaknesses

The advantage of this literature is that it examines the OMC not only from one perspective such as legitimacy or efficiency, but how the OMC can contribute to the whole European integration process. It shows how the OMC leads to further integration, but of a different kind. While the discussion of the relation between social and economic integration is very helpful in understanding the origin of the OMC and outlining the political forces behind it, the refocusing of the Lisbon agenda in 2005 on competitiveness shows that the social dimension is played down again and therefore does not support the argument that OMC is the tool to create or to protect the European Social Model. One of the major shortcomings of this body of literature is that it does not apply sufficient theory, in particular European

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have very different theoretical starting points and political beliefs find each other both supporting or rejecting a certain aspect of the OMC, naturally motivated by different reasoning.

[69] One of the best examples is the British treasury seeing OMC as "not only a means to privilege intergovernmentalism over supranational harmonisation, it is also a useful technique to minimize reliance on regulation." Quoted in Ashiagbor (2004: 325).

[70] Based on Helen Walace's (2001:592) notion of partial delegation.

[71] This of course assumes that integration is seen as something positive, which is this author's conviction.

integration theory. This would support the argumentation by providing a theoretical framework to the analysis, which would also give an improved structure .

While having outlined earlier that divergent theoretical understandings lead to different evaluations of the OMC, in this theme the comments and analysis made by academics and politicians are often based on different political beliefs, and often with op posing notions on key ideas such as the role and the future of the EU. This makes the analysis often even less objective than is generally the case. This is a crucial factor to be aware of when looking at other evaluations and carrying them out oneself.

Summary of the literature review

This overview of the literature has shown that different authors have analysed the OMC according to different themes, which broadly reflect the promised strengths of the OMC. As one can see, while the various authors fo cus on different aspects, they all start with the basic analysis of whether the OMC is a new form of governance. Research on the OMC is not always clearly focused on one characteristic; it often involves various elements and sometimes the different bodies of literature overlap. This is to be expected as many of the issues are closely linked. Therefore it is not surprising that some of the indicators used in evaluating the OMC appear in several strains of literature. Furthermore, this overview has shown that the evaluation results depend heavily on the theoretical starting point of the evaluator, which is reflected in the variety of questions asked and consequently in diverging results. It was outlined that the different evaluations in the various themes can to a certain extent be grouped together according to theoretical and ideological beliefs by looking at the questions which are asked in order to asses the OMC. These findings will be taken into consideration when applying European integration theories for the OMC in chapter six.

When evaluating the promising characteristics of the OMC, the conclusions were as varied as the themes, and even within the same theme there were some very different evaluations of the performance of the OMC. So what is really ex pected from the OMC, agenda-setting or problem-solving? Concerning the agenda -setting purpose some academics conclude that

the OMC has been very successful in placing policy topics on the political agenda (Berghman and Okma 2003: 6; Lopez-Santana 2006). Some believe, this author included, that the OMC is a success as it facilitates discussions at European level of topics so far limited to the national level. Furthermore, one can reach the conclusion that the OMC has contributed to further integration in certain sectors, albeit in a different form from the Community Method, and that the Commission has a significant role in this process, maybe not as decision-maker, but as an agenda-setter which is often even more important. This notion is shared by Pochet and Natali (2004) who argue that the Commission has become an agenda-setter with the power to impose issues which are not on the national agenda or at least not at that time.[72] Concerning the problem-solving purpose, disagreement between academics exists on whether certain aspects of the OMC can improve European policy-making or if not even worsen it. Not surprisingly, some aspects are outlined by one group as being improved while others argue that exactly these aspects are worsened. Consequently some authors present the OMC as either a magic bullet, solving everything that one conceives as wrong with the EU, or as the end of the EU, since the OMC is perceived to only worsen the current situation in nearly every single aspect. Gore (2004: 125) identifies a division in the literature on the OMC between three different groups. The first sees the OMC as a justifying discourse, i.e. as a means to validate existing policies and reforms which would have happened anyway. The second group sees the OMC as a new supra-national form of governance in its own right, to be used whenever the actors, systems and levels in the policy-making process are so diverse that it is impossible to integrate them in any other way and limit divergence between Member States. The third group looks at the OMC in a more long-term perspective, aiming at the convergence between Member States and ultimately the transfer of competences for social policy from national to European level, and then falling back into traditional modes of policy-making.[73]

However, ultimately only a few authors completely reject or completely endorse the OMC. The majority of the writers come to the conclusion that the OMC has potential, but that this potential has not been fully realised. While one can agree that the OMC might have been

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[72] Own experiences reflect this comment, in particular in regards to the new Member States.
[73] This will be looked at more in detail when applying theory to the OMC in chapter six.

more significant concerning some points than others, the verdict always depends on the composition of the jury.

Conclusion

The findings of this chapter can generally be divided into two main parts, which are complementary to each other in understanding the whole picture on the OMC. Firstly, this overview presented the main characteristics of the OMC and outlined its historical development. One of the main findings was that the OMC represents a third way between intergovernmentalism and supranationalism. Additionally, the necessity was outlined, to see the Lisbon summit, which coined the term OMC, in a wider historical framework in order to comprehend the whole picture. Furthermore, it became clear that there is no si ngle OMC process, but rather various processes which apply the template given at Lisbon to different extents, depending on multiple factors such as the time of creation and policy area. The analysis of the relationship between the OMC and the Community Met hod showed that while there are significant differences between old and new governance, such as the role of the different institutions, one cannot always draw a clear cut line between them. The examination showed that the OMC and the CM can be quite comple mentary rather than being a zero-sum game, especially in policy areas where the competences lie mainly in the hands of national governments, and that the OMC is currently far from replacing the CM. Nevertheless, the creation, promotion and expansion of the OMC in addition to the CM underlines the need of an EU of 27, which is more and more diverse and which started discussing issues previously limited to the national level, for a policy -making tool that complements the CM, seemingly not able to deal with al l aspects of the new situation. It also became evident that it is difficult to isolate one cause for the creation of the OMC, as there were multiple causes at the time and highlighting any single one would be incomplete. The OMC is a tool of compromise, as is nearly everything in EU politics, satisfying very different, often opposing interests such as: economic vs. social integration, efficiency vs. legitimacy, or integration vs. keeping policy areas under the control of Member States. However, one of the m ost influential causes was the challenge on the

competing interests concerning the speed and type of integration. The question whether the OMC can fulfil the balancing act between continuing integration, into more and more national policy areas without cau sing backlashes from the Member States, who fear their sovereignty threatened, and at the same time deal adequately, efficiently and legitimately with the challenges in these policy areas, will be one of the main elements of analysis of this thesis.

Secondly, this chapter outlined the various major themes in the existing literature on the OMC, which has significantly expanded in recent years. The issues discussed by the various academics greatly depend on what the individual academic identifies as the cau ses for the establishment of the OMC in the first place. Therefore, one can clearly see a common thread between the possible causes for the creation of the OMC, the different promising characteristics emphasised, and how the OMC is evaluated. Furthermore, the theoretical starting point of the analyst predefines the issues analysed, the questions asked and the expected results, which are linked to the assumed reasons for its creation as well as the evaluation of the OMC. As a consequence one can broadly grou p some of the questions asked in relation to evaluating the OMC according to theoretical beliefs. Therefore it is obvious that the OMC is evaluated very differently by academics from diverse theoretical backgrounds.

Analysing the main themes in the exist ing body of literature on the OMC has highlighted various accomplishments and shortcomings in the individual themes. These are summarised in table 1.1, also including a column with some proposals for further research on the individual themes. A shortcoming that nearly the complete existing literature shares, is that while the evaluation showed that there is a clear case for arguing that the creation of the OMC has fostered European integration by involving more actors, by spreading to more and more policy areas, formerly firmly in national hands, and that national policies change as a reaction to European recommendations, none of the bodies of literature addressed sufficiently the relationship between this form of integration and existing theories on European integration. Therefore the main focus of this thesis will not be evaluating the OMC on its effectiveness and its legitimacy, but to examine how European integration

theories explain the creation and use of the OMC and understand the spread of the OMC to more and more policy domains and its application by other actors, namely the European social partners in the European Social Dialogue. Consequently, this thesis will review traditional and more recent theoretical work on European integration and examine wh ich of these theories could explain the creation, features and development of the OMC. The subsequent chapter will look first at the use of theory in general before then examining the development of European integration theory.

CHAPTER TWO: SOCIAL SCIENCE THEORY AND EUROPEAN INTEGRATION

Introduction

Since the beginning of the European project, European integration theories have been used to explain, predict and understand the developments accompanying this phenomenon. They have helped observers to make sense of the events and processes going on in Europe and broaden our understanding of what the European Union is and how it affects the way we understand European politics. Like theory in social science in general, European integration theory experienced change and development. The aim of this chapter is to give an insight into the purpose of theory in social science in general and European integration theory in particular, to indicate how theories differ as well as to outline how and why theoretical fashions change. Section one will present the purpose of theory in social science and show how theories can differ between each other. It will indicate how and why theoretical fashions change by examining the notion of paradigms and paradigm changes. Section two will then give an overview of how the study of European integration theory has differed and evolved over time and how these developments reflect the changing views in the understanding of sound social science theory. It will examine if paradigms exist in EU studies, which they are and if they change. The existence of different phases of the theoretical study of the EU will be outlined, including the changing foci of each of these periods. Section three will then present some of the major theories and theoretical approaches on European studies, including their main assumptions, criticisms and evaluations. The conclusion will draw together the findings in order to provide a theoretical understanding for dealing with social science in general, and European integration in particular. It will argue that despite the evolution of European integration theory the continuing and complementary use of various theoretical approaches to the study of the EU, differing in the questions that are asked, is necessary.

1. Theory in Social Science

"Theorising in the social sciences is a path to making sense of complex social reality" (Chryssochoou 2001a: ix).

The purpose of theory

So why use theory? The above quotation summarises in a nutshell the main aim of theory in social science, namely to organise research on social reality. According to Young (1968), a theoretical approach performs three functions [74]:

- To guide the scholar to select data, deciding what is of interest and where to find it;
- To create a framework for organising data, according to its importance;
- To provide a common language for those engaged in this research.

Taking Young's approach as a basis, three main advantages of theory will be explored in a more convenient manner for the purpose of this chapter:

- *Theory as an organising tool:* Taking Young's points 1 and 2 of together;
- *Using theory for academic clarity:* Young's third point;
- *Using theory as an awareness-raising tool: one* use of theory not mentioned by Young.

Theory as an organising tool:
Theories are used because they bring meaning to empirical facts. Theories help to identify the most relevant factors for explaining an event (Rosamond 2000). Theories assist to decide which facts are relevant and which are not, and help to interpret them. They also help to distinguish the appropriate units of analysis, show the links between them and decide the right level of analysing them. Theory is used for providing a framework for ordering events, processes and set ups (empirical data), making sense out of them and possibly predicting their consequences for future developments. Events and processes can

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[74] Quoted in Pentland (1973).

only be interpreted and understood by conceptual fra meworks (theories). On this basis, theories select to narrow their focus of inquiry, as they have to put more emphasis on certain actors, processes and events than on others. It is to be expected that theorists who focus on certain events, actors and proce sses come to different conclusions than the ones focusing on other events, actors and processes. This will be seen later in this section.

Using theory for academic clarity:

Furthermore, theory is used to provide academic clarity. Theorising creates plura lism, which produces choice, which creates alternatives that lead to debate. Theorising increases awareness and should reduce dogmatism (Chryssochoou 2001a: 1). It should serve to develop understanding by using the same concepts, which is like having a sha red 'language' for scientist in the same area.

Using theory as an awareness raising tool:

Another use of theory is to identify the different theoretical assumptions or conceptual lenses that oneself and other theorists have when commencing their work. B urchill (2005) points out that theory is fundamentally concerned with asking questions about our prior assumptions. His notion of constitutive theory acknowledges that everyone comes to social science with preconceptions, beliefs and experiences which predefine their approach to the object of analysis. Language, culture, religion, class, ethnicity are only a few factors which determine our worldview. These lenses predefine our theoretical approach. One purpose of theory is to be aware and examine how our worldview is (pre) defined and why we place focus on certain actors and processes, and not on o thers. Subsequently, one must be aware of one's own assumptions, prejudices and biases, when trying to understand the theoretical position of other academics. This is crucial, as these conceptual lenses of the theorists determine the perception of things a nd lead to different evaluations of the same event, process or set up. This use of theory is as important as the use of theory as an organising tool. Therefore Burchill (2005: 17) stresses that theory is a s concerned with how we approach social sciences as with which actors, events and process we choose.

Differences between theories

One has to be aware that theories are also referred to as approaches, perspectives, paradigms, discourses, schools of th ought, images and philosophical traditions. This variety of concepts makes it difficult sometimes to define theory, as some writers apply different terms to different scopes of theoretical thinking. [75] While not having a universal definition of theories, Burchill (2005) outlines four points on which theories can differ:

- *Object of analysis and scope of the enquiry (level of analysis debate)*: Here one differs on which actors or phenomena should be studied, which characteristics of political processes one should be concerned with and what kind of outcomes are favoured;

- *Purpose of social and political e nquiry*: This looks at the reason behind the theoretical undertaking. The different purposes for social and political enquiry are the basis of distinction between problem solving theory and critical theory; [76]

- *The appropriate methodology for the study of the field*: Differences here are whether it should be based on empirical vocation, on rigorous application of scientific method, a systemic or functionalist approach;

- *How the different theories see the relation of the field to other disciplines* : either as being distinct from or related to them.

Ontology and epistemology[77]

The ontology and epistemology are main areas where a theory can differ from another, as they fundamentally shape the theory and the methods used in the inquiry. Each theory starts with its own basic image of social reality (an ontology) upon which a theoretical superstructure is built which includes ways of gathering knowledge (epistemology) (Rosamond 2000). Thus the ontological position comes first as it deals with the question of whether there is a real world out there, independent of our knowledge. Then the

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[75] For an overview of different definitions on theory see Burchill (2005).

[76] Problem solving theory does not question the existing order, but rather legitimises it. Critical theory does not accept the existing order but rather seeks to bring about an alternative order.

[77] The understanding of *ontology* here is based on Blaikie (2000: 8) who identifies the specific sense of this concept as "to refer to the claims or assumptions that are made about the nature of social reality, claims about what exists, what it looks like, what it is made up of and how t hese units interact with each other." Therefore ontological assumptions are concerned with what we believe constitutes social reality. *Epistemology* is understood as "the claim or assumptions made about possible ways of gaining knowledge of social reality" Blaikie (2000).

epistemological position can be determined. It is important to realise that different theoretical perspectives produce and reproduce different types of knowledge (Rosamond 2000). While being aware of the close relationshi p between ontology and epistemology, one has also to know that the ontological position affects but not necessarily determines the epistemological position of a theory (Marsh and Stoker 2002). Some important epistemological questions posed by Hermann (2002), outline where theorists in social science are utterly divided:

- Is there a knowable objective reality out there, which can be separated from our subjective interpretation?

- Can we generalise across time, space and people, or are our observations culturally, historically and geographically bounded? Therefore is grand theory possible or are middle range theories necessary, which specify the conditions in which theories apply?

- What are the implications of different methodologies for the results of the inquiry?

The epistemological posi tion then expresses the view of what we can know about the world and how we can recognise it. Therefore choosing one's epistemology shapes to a strong extent one's methodology. According to Mjøset (1999) (and taken up by other theorists such as Chryssochoou 2001) there are four types of theory (epistemological positions):

1. Law-oriented;
2. Idealising;
3. Constructivist;
4. Critical.

Mjøset (1999) argues that these four notions of theory in social science differ along three dimensions: firstly, whether or not they support the deductive nomological ideal; secondly, if they accept that social sciences are distinct from natural science and finally whether ethical fundamentals matter for social science theory. The first two types of theo ry are different modifications of the deductive -nomological notion of theory based on positivism,

which assumes that truth can be proven with empirical facts and the existence of an external reality, while the other two reject this starting point. [78]

When examining the field of political science (or at least international relations (IR) theory) for these theoretical positions, one sees that rationalism [79] (which is based on the first two types of theory as outlined by Mjøset), has been the dominant metatheoret ical position, arguing that identities and interests of actors are given and that the actors under analysis are states rather than individuals (Wendt 1992; Smith 2001). This position was challenged in the late 1980s and early 1990s by writers from a critic al and reflectivist persuasion, being post-positivist in their approach, who questioned whether one can apply theories in social science in the same way as in natural science. They also argued that the researcher is not purely an observer, but actively sha pes and influences the subject of his or her study. A key question in this respect concerns the agent -structure problem: do social structures determine an individual's behaviour or does human agency? While the one group focused on the structure, taking the agent's interests for granted, the other group focused on the agent and its impact on structures. Another perspective introduced to the domain of IR theory at that time was social constructivism. This metatheoretical view is based on theoretical approaches from the field of social philosophy/sociology, expressing the criticism that the dominant theoretical view in IR paid insufficient attention on the social construction of actors Wendt (1987; 1992a; 1992b). [80] Like reflectivist theories, constructivism argu es that identities and interests of actors are not given, therefore questioning the materialism and methodological individualism on which rationalism operates (Jupille, Caporaso and Checkel 2003). One of its main claims is that structures shape agents *and* agents shape structure. Consequently, constructivists argue that social constructivism can be the bridge between rationalism and constructivism (Adler 1997; Wendt 1992; Wendt and Fearon 2002). Adler justifies this argument, by stating that

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[78] A critical rationalist's view on theories, which dominates in social sciences and was promoted by scientists such as Popper, who argues that "no theory can ever be verified, only falsified. Theories are not just generalisations, they are hypotheses on universal relations which have not been falsified"; quoted by Mjoset (1999: 2).

[79] For a comprehensive overview of rationalist assumptions in IR theory see Snidal (2002).

[80] For a comprehensive overview of constructivist assumptions in IR theor y see Adler (2002).

"Unlike positivism and materialism, which take the world as it is, constructivism sees the world as a project under construction, as becoming rather than being. Unlike idealism and post-structuralism and postmodernism, which take the world *only* as it can be imagined or talked about, constructivism accepts that not all statements have the same epistemic value and there is consequently some foundation for knowledge." (Adler 2002: 95)

As a result, most constructivists claim that social constructivism presents 'the middle ground' between the two poles of rationalism and reflectivism (Adler 1997; Rosamond 2007; Wiener 2006). However, while all social constructivists share the habit of distancing themselves from the rationalist and the reflectivist poles respectively, they do so in different fashions thereby creating different groups within social constructivism. Some academics divide social constructivist into 'thin' and 'thick' constructivist (Smith 2001), with the first group believing that there is a real world out there, but this world is not entirely determined by physical reality and is socially emergent (Adler 1997), and a second group refusing that there is an objective world out there (Christiansen, Jørgensen and Wiener 1999). Others identify three (Checkel 2006) or even four different groups within social constructivism, which are made up of modernist (thin or conventional) constructivists, modernist linguists, radical constructivists and critical constructivists (Adler 1997; 2002). Sometimes, constructivism is set against rationalism, thereby ignoring reflectivist writing completely (Geyer 2003). Wendt and Fearon (2002) point out that like constructivism, rationalism also falls victim to over-generalisation and remind the reader that there are many rationalist positions, with some rationalists, which other academics call 'thin' rationalists (Checkel 2005), seeing social sciences as different to natural sciences and believing in the importance of ideas. Rather than seeing constructivism and rationalism as competing alternatives, many constructivists prefer to see them as debates between in principle complementary approaches (Greve 2004; Wendt and Fearon 2002). Wendt (1998) criticises the fact that the (third) debate in IR has tended to conflate two different issues, namely the questions on what things are made of and what questions we should ask, and by disentangling these two aspects one can see that explanation and understanding are not mutually exclusive but mutually implicating. Therefore he pleads for the 'mutual recognition' of each other's research questions by positivists and post-positivists.

The important conclusion of Mjøset (1999:12) is that "there are clear ties between substantial theoretic al perspectives and notions of theory in the social sciences. A number of the fundamental debates in social science in fact imply debates between different understandings of theory and knowledge more generally." So depending on what notion of theory one has, its objectives change also.

When evaluating a theory one has to be aware of the different characteristics of the specific theory, as one cannot evaluate a theory according to the criteria of another, if this other theory varies significantly on its c haracteristics. Furthermore, Chryssochoou (2001a: 2) argues that "theory in social science is to 'illustrate', not to 'prov e'." Therefore, the real question should not be whether a theory is false or not, but how much of the world the theory can help us explain (Johnson 2006).

How and why do theoretical fashions change?

In order to understand why theoretical fashions change, the concept of a paradigm [81] is very useful. A very general definition would be that a paradigm is a basic set of beliefs that guides action (Guba 1990). For Kuhn (1970: 10-11) paradigms are models which are the foundations for particular coherent traditions of scientific research, in which the members of this community are committed to the same rules and standards for scientific practice. A paradigm has two main functions: firstly, deciding what constitutes valid knowledge, an d secondly creating communities of researchers. This is expressed by Janos (1986) as: "theoretically, paradigms organise research, and psychologically and sociologically, they bind researchers into a community." [82]

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[81] There has been some debate in the literature on the use of the 'paradigm' concept. See Ball   (1976); Farr 1988; Pettigrew (1996); Wagner and Berger 1985.

[82] Janos quoted in Farr 1988.

Furthermore, within a paradigm, there is room for different theories of different scopes (grand theories, middle range theories and micro theories) because paradigms are metatheoretical frameworks in which theorists carry out their research and create theories.

So a paradigm is not a single theory but establishes what 'normal science' is i.e. the acknowledgement of a particular scientific community for a time and supplying the foundations for its further practise (Kuhn 1970). So one of the central features of a paradigm is to decide what kind of knowledge is acceptable. This is stressed by Rosamond (2000:192) who argues that "paradigms define the guiding assumptions of research, what counts as valid knowledge and how work should proceed" and therefore "the search for knowledge, indeed the establishmen t of what counts as valid knowledge, is socially located and socially constructed." So what is considered as knowledge in one period of time is not objective but paradigm dependent. What is important with the concept of paradigms is that phenomena which do not fit into the box of the paradigm are usually ignored. Kuhn (1970) admits that paradigms do not help to look at ne w phenomena or create new theories, but to focus on phenomena and theories which are already part of the paradigm.

Paradigms are the basis for any scientific work in a specific field until a paradigm shift occurs. A paradigm shift is the development from one accepted set of what consists of valid knowledge and how to gather it, to another. "When the paradigm shift is complete, the profession will have changed its view on the field, its methods, and its goals" (Kuhn 1970: 85). A paradigm shift occurs when the empirical findings cannot be any longer explained by the dominant paradigm and when the scientists using this paradigm accept the n eed for this change. Therefore, the willingness to change paradigms must come from within the scientific community using this paradigm and not from outside. However, this does not mean that because of a paradigm shift, facts become interpreted in a differe nt way. Rather, new facts are being recognised as facts. "Scientists do not see something as something else; they simply see it" (Kuhn 1970: 85). Finally, focusing on a new phenomenon does not automatically mean rejecting an older one, as the new phenomena had just not been considered beforehand.

As Kuhn's concept of a paradigm focused on natural science, one has to consider the question whether or not social science and the study of politics can be scientific, like natural sciences. If so, one can apply the notion of paradigms directly to social sciences. On the other hand, for academics that see a difference between natural and social sciences, the idea of a one to one transference of the paradigm idea from the natural sciences to social sciences is contested. One has to be aware of the differences before using the notion of paradigms in social science. These are:

- Intellectual progress in 'hard' science is quite different to progress in social science. In the former, progress occurs when older ideas are superseded by newer ones, while in the later the matter under investigation cannot be proven, however new ideas add to the existing knowledge (Burchill 2005: 11);

- Social structures, unlike many natural structures, change. The refore in most senses the social world varies across time and space and a paradigm is only valid for certain conditions, while in the natural science it should be universally applicable (Marsh and Stoker 2002);

- Social structures, unlike natural ones, do not exist independently of the agents' views on them (Marsh and Stoker 2002);

- In natural science there is always one predominant paradigm. In social science there is always a battle between different competing paradigms;

- Paradigms in social science are typically combined rather than substituted (Pettigrew 1996);

- A main difference between social and natural science is that in the latter research tradition would never experience a revival, while in the former it does (Dryzek 1986).[83]

So which paradigms exist in social sciences? Ball (1976) argues that at least one research programme can be identified in political science, namely rational choice. Guba (1990) argues that in social science the main paradigm is 'traditional positivism' with the other paradigms, 'post-positivism', 'critical theory' and 'constructivism' challenging it.[84] Other writers argue that no other paradigm is on the way to replacing positivism as the dominant

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[83] This can then be very much applied to European integration theory, where various theories experienced revivals, most and foremost neofunctionalism and intergovernmentalism.

paradigm (Kegley 2002). Applied to international relations in particular, some authors claim that realism is the old est and most prominent theoretical paradigm in international relations with the other paradigms being the liberal, epistemic and institutionalist paradigms (Legro and Moravcsik 1999: 5). So there is some disagreement about whether one paradigm is dominant in social science or if there are alternatives. Nonetheless positivism, post-positivism, constructivism and critical theory can be seen as the main paradigms in social science.[85]

Summary on theory in social science

This analysis showed that the purpose of social science theory is twofold: one main purpose is to provide a framework w ith which events and issues can be interpreted and understood; the second is to be aware of one's conceptual lenses and those of other theorists when analysing the world. Furthermore, it was also outlined that theories differ depending on their ontological and epistemological positions. The metatheoretical debate between rationalism and constructivism was also illustrated. When explaining the change in fashions in theory, the notion of paradigms is useful. It firstly explains how certain concepts of theory dominate the field and certain empirical facts and questions are not considered from the outset, as they lie not within certain boundaries established by a group of scholars or even a field. It re-emphasises the notion that our theoretical lenses restrict us in the questions we ask and in the answer we receive. This leads to the idea that concepts are social constructions, and the same action could be regarded in totally different perspectives in different societies (Pettigrew 1996). Second, it illustrates how the understanding of 'sound social sciences' changes. Using the words of Rosamond (2000:7) "Knowledge is not neutral. We gather it according to rules that change over time and which in turn influence the sorts of questions we ask. In other words, knowledge has its own sociology." Knowing the different paradigms that exist in social sciences can help to identify ones own and others' theoretical work.

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[84] For a detailed analysi s and comparison of the different beliefs of these paradigms see Guba (1990).
[85] These reflect Mjøset's four notions of theory outlined earlier.

2. Overview of European integration theory and its developments

The study of European integration has meant different things to theorists during different periods, and therefore the objective, the assumptions and the theories have varied over time. The fact that theories and approaches of different time periods focus on varied aspects of European integration proves that European integration is not a static object, but is constantly changing and evolving. Over time certain concepts become integrated into newer theories which shows that despite all the difference between the various approaches, there is a connection between them and that only by being aware of all of the different objectives and assumptions can one begin to understand the greater picture of European integration.

Purpose and differences of theories in European integration

The reasons for using theory in studying European integration are the same as those for using theory in social science in general. Broadly speaking, it is to gain more knowledge about the EU's institutions, the policy-making processes, and the actors who shape them. Just as in social science in general, "different theoretical approaches to European integration are informed by different understandings of the meaning and purpose of theorising" (Wiener and Diez 2004: 3). One can distinguish between various analytical levels of European integration theories. This is outlined by Chryssochoou (2001) when speaking of different scales of theories:

- Those which only want to capture the larger picture;
- Those which want to capture only a specific part of the overall picture;
- Others which focus on the relationship between different realities;
- Others which concentrate on the process of theorising.

If one divides theories and approaches of EU integration according to their scope, one distinguishes between *macro, meso* and *micro* theories. While macro theories aim at explaining the complete object, in this case European integration [86], meso theories focus their explanatory power on a general feature of the research object such as the decision-making process in the EU and the actors involved, and micro theories look at a very

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[86] This has shifted later to European governance.

specific issue of the object, for example policy -making in one specific area. Theories of European integration have changed over time, and one of the main points where European integration theories have changed is o n their scale. Nowadays, the most prominent are no longer the theories that want to capture the larger picture (grand theories), but those that want to capture only a specific part of the overall picture (middle range theories). When looking at the differe nt theories in more detail later, their scope will be pointed out.

European integration theories might be additionally distinguished by the relationship between the dependent and the independent variables, i.e. this is what Wiener and Diez (2004: 18) call "the area of theory." The focus might be on: the polity, the policy or the policy-making process. Each of these areas can serve as either independent or dependent variable, which then leads to different purposes of the theories. Nugent (2003) for example outlines three broad types of conceptual and theoretical work on EU integration and the study of the EU:

- Attempts to conceptualise the organisational nature of the EU, determining the 'nature of the beast'. These attempts treat the EU as a political system. They include: federalism, consociationalism and multi -level governance;

- Theories which attempt to explain the general nature of the integration process. Their aim is to develop a broad understanding of th e factors underlying the whole of European integration and to predict how the integration process would continue. These are mainly what Wallace and Wallace (2000) call the 'old theories', which are less fashionable nowadays but are the point of departure for any other theoretical work. These are neofunctionalism, intergovernmentalism and interdependence theory, which come from international relations theory and are also macro or *grand theories*;

- Theoretical approaches to specific aspects of the functioning of the EU, in particular policy and decision -making. These are the meso or *middle range theories*, using tools from comparative politics (CP) and public policy studies, such as policy networks.

One possible definition of European integration theory, which tries to integrate all the different types of theories, is the following:

"European integration theory is the field of systematic reflection on the process of intensifying political cooperation in Europe and the development of common political institutions, as well as on its outcomes. It also includes theorisation of changing constru ctions of identities and interests of social actors in the context of this process" (Wiener and Die z 2004: 3).

Being aware of the possible differences between the different European integration theories is also important for the evaluation of them. Theory normally has not only to be tested against empirical evidence, but also against the best alternat ive theory which have the same function (competitive testing) (Jupille, Caporaso and Checkel 2003). However, not all theories cover all or the same of these functions, as theories vary in scope and aim. Therefore Wiener and Diez (2004) are quite correct when they argue that theories based on different functions should not be judged on the criteria of o ther European integration theories when compared with each other, because they serve different purposes. This point is important as some theorists believe very strongly in the evaluation and comparison of theory (for example Moravcsik), while not consider ing that these theories are not always comparable, because of their different aims and functions. Therefore research has to be judged on the question it is asking, and cannot be evaluated against research with different questions, which is examining differ ent aspects of the EU. Greve (2004: 28) brings it to the point when stating: "what you see depends on what you look for: state centred theorists will tend to emphasise political processes and primarily focus on intergovernmental big bang' bargaining, where as 'disaggregativists' focus on how non -political functional imperatives affect political decision -making on a more incremental basis."

These different theoretical approaches with their varying scopes and dependent variables can be roughly divided into di fferent phases of European integration theory.

Different phases of European integration theory

Overviews of European integration, which are organised along different time phases of the European project, leave the exact beginning, end and length of the di fferent periods often unclear. This is because theories frequently still influence other theories of the new age or try to adapt themselves to take on board the reflections and criticisms of the new

generation. Also it takes time until a theoretical approa ch is established. Therefore various authors who distinguish between different phases of European integration theory, remind the reader not to be too strict in separating these phases and to leave some space for overlapping (Warleigh 2004; Wiener and Diez 2004).

A sensible way of looking at the development of integration theory is to follow Wiener and Diez (2004) who argue for three main phases. The first phase of European integration theory started in the late 1960s. The main aim of the theories of that period was to explain why integration happened and who were the main actors of this process. The E uropean project was seen as a form of international organisation, nothing comparable to a state like entity. Neofunctionalism established itself as the champion of European integration theory with intergovernmentalism being its main rival theory. Other the ories included Karl Deutsch's transactionalism and interdependence theory. All theories of that time were part of the discipline of international relations, however, inspired by different schools of thought, such as realism or behaviourism. The dependent v ariable of these theories was integration itself and the great debate was about 'more or less integration' with the dichotomy between the supranational and the national level. During this period the EU was seen as *sui generis*, i.e. one of a kind. Today mos t writers believe that the EU is *sui generis* but stress that whether the EU is *sui generis* or not does not affect the efforts made to conceptualise it (Caporaso et al. 1997; Hix 1994; Nugent 2003; Risse -Kappen 1996). [87]

The second phase of integration the ory began approximately in the 1980s, and saw an important shift in the dependent variable. As the process of integration was the focus of the first phase, the second phase looked at how the EC functioned. Kaiser (1967) was one of the first writers who argued that one should not only look at the process of change but also at the nature of the socio -political system. The importance of this change is reflected by the fact that many academics only see the theories of the first phase as 'theories of European integration', with theories of the second phase being 'theories of EU governance' (Bache and George 2001). Furthermore, the difference between the classical integration theories

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[87] For an extensive treatment of this topic and representation of different views on this issue see Caporaso et al. (1997).

and the governance approach is t he shift from the EU polity being the dependent variable to becoming the independent variable (Jachtenfuchs 2001). The exchange of dependent variable was not the only important development during the second phase. In order to analyse and explain the functioning of the EU, theories of IR were not sufficient but had to be complemented or replaced by theories from other fields. This was first proposed by Hix (1994). Following this call, theories of the second period aimed at bringing EU studies from IR studies to comparative politics and public policy analysis and saw the EU as more than an international organisation (Hix 1994) and started to see it as a 'regulatory state' (Majone 1994). These second generation theorists did not try to analyse the whole but only pieces of the picture. They still see the EU as uni que, but argue that the n=1 problem can be avoided by only analysing individual components of the EU system (Jachtenfuchs and Kohler-Koch 2004). Some of the more significant theoretical approaches coming from this phase are new institutionalism, multi -level governance and policy networks. The shift to, or better the addition of, a new angle to European integration was quite logical. For th e theorists of the first day, the *existence* of this European project was a novelty and its *process* was the independent variable. By the 1980s the European Community, despite all its ups and downs, had proven that it was here to stay and even developed cert ain characteristics which made it resemble more a national political system or polity than an international organisation. Some see the move from treating the EU as an international organisation to considering it as a polity, as the most straight forward ch ange between the first and second phase of European integration theory (Bache and George 2001).

Another importan t novelty of the European governance idea is that theorists are now looking at the outcomes of the integration process (Jørgensen 1997). Not only the EU polity itself, but also the impact of the EU on domestic affairs in the Member States became a topic of analysis (Jachtenfuchs 2001). Furthermore, part of the 'governance turn' and treating the EU as a polity is the emphasis of theorists on questions such as democracy, legitimacy and effic iency. Another of the new issues was the democratic deficit. [88] As classical integration theories looked at the process of integration, they did not concern

themselves with the problem of the democratic deficit. Intergovernmentalist writers, such as Moravcsik, would see the question of the democratic deficit as irrelevant, as the EU is an international organisation and the legitimacy is secured at national level (Schimmelfennig 2004). Furthermore, a general trend among theorists of European integration during this period was moving away from 'grand theories' towards middle range theories. Some authors highlight that the new focus on European governance, caused the shift away from grand theories to more defined and specific areas of research with the establishment of middle range theories (Bulmer 1998). This can be explained not only by the fact that the grand theories had problems explaining certain realities of the EU, such as the empty chair crisis or the deepening of the integration process w ith a growing influence of supranational actors, but also that the EU had become so multifaceted and diverse that a single theory could not capture all parts of the picture. Theoretical approaches tried therefore to limit themselves to explain certain aspe cts of European integration and the EU. The advantages of a governance perspective over 'classical integration theories' is seen by its theorists in its capacity to link policy-making and institution building, allowing for discussions of normative issues without losing contact with empirical research (Jachtenfuchs and Kohler - Koch 2004). However, governance approaches are not directly compe ting with classical integration theories. While the first focus on the causes and outcomes of polity development, the latter focus on forms, outcomes, problems and development paths of governance in the Euro -polity (Jachtenfuchs 2001). Exactly because they have different scopes and ask different research questions, they can b e complementary with each other.

The third phase, as identified by Wiener and Diez (2004), started in the 1990s. However, they themselves highlight that the content and definition of the third phase is not shared by all academics. The main focus of that phase was on the goal or finality of the EU, our understanding of integration, normative implicatio ns of particular EU policies and 'constructing' European integration. Theorists of this period again turned towards the study of international relations for inspiration. The main theoretical approach being added to the study of European integration during this phase was social constructivism. This approach

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[88] "The loss of democracy caused by the transfer of power to the European institutions and to Member State executives arising out of European integration. It implies that representative institutio ns (parliaments) lose out

challenged the existing theories not on differences of epistemology but on ontology. As a consequence, and reacting to the real world developments of the EU, some of the classic theories tried to update themselves and adapt to the new circumstances, resulting in neo - neofunctionalism (Schmitter 2004), and liberal-intergovernmentalism. The third phase clearly shows how the study of European integration has evolved. The main questions are now not only why and how integration happened or how the EU works and what the structures are, but also about (European) identity, socialisation and to what integration really leads. Part of this change is very well captured by some social constructivists who argue that as "European integration itself has changed over the years, it is reasonable to assume that in the process agents' identity, their interests and behaviour have changed as well" (Christiansen, Jørgensen and Wiener 2001: 2). Furthermore, the concept of 'Europeanisation', which will be discussed in detail later, makes a valid attempt in trying to capture this transformation. The concept of EU governance is the link between the second and the third phase, as the main additional theoretical approach of the third phase, social constructivism, draws on and expands the notion of governance (Wiener and Diez 2004).

The theoretical discussions between constructivism and rationalism represent the great debate of the third period. This shows that the debate between rationalists and reflectivists/constructivists identified earlier in the field of IR spilled over to the domain of European studies. However, constructivism, like rationalism, is a metatheory. [89] This separates them from the theoretical approaches which will be outlined in section three, as they are 'first-order' theories, while constructivism and rationalism are 'second -order' theories (Pollack 2009). Consequently, there are various theoretical approaches in EU studies based on either rationalist [90] or constructivist [91] positions. Some constructivist writers argue that this is sometimes forgotten by rationalist critics, such as Moravcsik, when evaluating their approaches (Risse and Wiener 1999). The earlier outlined differentiation between various groups of social constructivists applies also to European integration

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in this process" (Cini 2007: 458).

[89] For an excellent overview on metatheory in EU studies see Jupille (2006).

[90] For a comprehensive overview of rationalist assumptions in EU studies see Scully (2006) and Pollack (2009).

[91] For a comprehensive overview of constructivist assumptions in EU studies see Checkel (2006; 2009) and Wiener (2006).

theory, with some social constructivists tending more to the rationalistic pole, with writers like Checkel (1999), right up to the othe r end which is more reflectivists such as Diez. [92] While constructivists do not share the same epistemological position, they agree on the relevance of ontology over epistemology, with the main aim of social constructivists being to show the impact of 'socia l ontologies' and 'social institutions' on the process of European integration (Christiansen, Jørgensen and Wiener 2001). Therefore they challenge rationalist theories on an ontological ground and differ from reflectivism on epistemological grounds (Risse and Wiener 1 999). The debates between rationalist and constructivist approaches have been well documented in the literature (Jupille, Caporaso and Checkel 2003). Nevertheless, sometimes there exists confusion on the exact claims of social constructivism, as some acad emics equate it with a reflectivist position (or at least with the social constructivist type which tends most to the reflectivist pole) and treat constructivists as a homogenous group. Some writers, both rationalist and social constructivists (those with a tendency towards the reflectivist pole), try to set up a rationalism vs. constructivism debate, while others attempt to build bridges between the poles. However, they admit that so far bridge building between the poles goes on only in one direction, from social constructivism to rationalism, while the bridge from social constructivism to reflectivism is underdeveloped (Checkel 1999; 2006; 2009).

For a deeper understanding of the progress between the three phases of European integration theory, this fiel d will be now examined for paradigm changes.

Paradigms and paradigm changes in European integration theory

Applying Kuhn's notion of paradigms to the field of European integration theory, one can see that each of its three phases was accompanied by a c ertain paradigm change. One can identify a paradigm shift from a supranational to an intergovernmental paradigm, and then to a 'syncretic' paradigm, as the insights of multiple perspectives are synthesised (Rosamond 2000). Another example of a paradigm shift in EU studies is the move from using mainly IR theories to comparative politics. Chryssochoou (2001) argues that the

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[92] The location of social constructivism in relation to other IR theories, as well as of individual writers and strands within social constructivis m is well presented by Christiansen, Jørgensen and Wiener (2001).

increased theoretical interest in the EU as a multi-level polity or system of governance represents a significant paradigm shift with in European integration theory, namely from policy to polity. Furthermore, the 'normative turn within European studies from theory to metatheory and the questions of 'who governs' to 'who is governed' (Chryssochoou 2001a: 16) during the third phase can als o be seen as a paradigm shift.

Some writers argue that European studies is only a subfield, [93] and that the paradigms in European integration are likely to be found in the broader disciplinary fields, such as IR or comparative politics (CP) (Rosamond (2000) quoting Hollis and Smith). One can argue that during some periods theories of European integration are influenced more by the one and sometimes more by the other (Wiener and Diez 2004: 14). Being aware of the influences from other fields is important in order to understand why these paradigms changed in the field of European integration. Theories nee d to be contextualised, which includes not only the real life developments, but also, and maybe more importantly, the developments within social science that gave rise to these theories and the social scientific environment in which they operate. Debates i n one scientific field are very often stimulated, or reflected, by debates in the wider scientific field. Therefore if methods and understanding of sound social science theory change in one field, sooner or later this will lead to a change of the theories within a related field. This of course is a two -way street; developments in EIT can spill back to the larger field. An example is given by Jupille, Caporaso and Checkel (2003) who argue that in IR neofunctiona lism provided the 'intellectual opening' of a neoliberal rival to the dominant realist paradigm. So one can see how developments in the study of European integration, also influences theoretical developments in other fields of social science. Jupille and C aporaso (1999: 430) summarise this by stating that "EU scholarship reflects and reinforces broader trends in political science." Chryssochoou (2001) outlines an example of this, namely that the 'normative turn' in EU studies followed the constructivist discourse in IR theory. This notion is supported by Geyer (2003), who argues for a division between a rat ionalist and a reflectivist research paradigm, with constructivists trying to bridge this divide. Greve (2004) sees rather a general divide between rationalists and

constructivists. This idea shows similarities with Pollack's (2001) notion that the different rational theories converge around a rationalist model which assumes fixed preferences and rational behaviour among all actors in the EU and with constructivism being the only, but less developed, rival approach in European integration study.

Contextualisation includes also the consideration of developments in the real world. According to Rosamond (2000: 11) theories need to be seen "in the light of the context -in terms of the social science as well as in the 'real world' of integration practice - in which they arose and in terms of the relationship between *theories* of European integration and the *practise* of integration and EU governance." [94] Furthermore, "political science indeed often changes its theories because of new political developments external to its theories and the academy itself" (Farr 1988: 1186). One can observe that real world events have led to, or at least contributed to, three main developments of European integration theory, which reflect the three different phases of European integration theory. First of all, follo wing the evidence from the real world, such as the 'empty chair crisis', but also the deepening of integration through law and the strengthening of the supranational level, showed that classical theories such as neofunctionalism and intergovernmentalism re spectively, were not in line with it. Secondly, by changing its political nature, from international organisation to 'would be polity' and quasi (con) federation, theories of the EU were in need of new tools and therefore integrated instruments and reasoni ng from CP. Thirdly, because of the growing expression of dissatisfaction by the EU citizens with the development of the EU (i.e. negative referendums, growing anti -Europeanism and success of anti-European parties), the study of integration was in need of, and ready to accept, new theories and methods which provided the normative turn.

Another crucial aspect of the paradigm reasoning has been identified as belonging to a community of scholars. Wiener and Diez (2004) point out that theories can often be influenced by geographic origin, e.g. different approaches between American and European

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[93] The field of EU studies is undergoing a process, which reflects the same discussions that were previously carried out in IR, namely , if it is a field by itself or only a subfield of some b roader field, in this case IR theory, or CP or comparative regional integration.

[94] Emphasis in the original.

scholars, and specific theories coming from one particular region (e.g. Germany, Scandinavia). This idea is reflected also by Jupille and Caporaso's (1999) observation that American scholars of the EU are more often informed by IR theory, while European writer s on the EU use mainly comparative politics approaches.

Summary

As the different approaches to the study of European integration focus on different actors, this clearly pre-distinguishes the type of events, processes and policy areas they look at. Therefore their findings and explanations of why European integration happens, what it is and what the future will bring, depend on the choices they make when selecting their main independent variables. Rosamond (2000) therefore speaks of a 'sociology of knowled ge' which one has to be aware of, if one wants to understand the answers to European integration. The overview of the development of European integration theory also outlined 'why theories change and how'. Often there is a very close relationship between a given European integration theory and the situation in the 'real world'. If the object of study changes, theorists are required to make revisions in the way they analyse it. If this relationship changes to the extent that the theory is not any longer able to explain the developments in the real world, it will be replaced by a new theory which is able to explain the new situation. Therefore the question of whether different periods of integration need different theoretical perspectives, must be answered pos itively, but with the condition that former theories are not only not forgotten, but build part of the foundation of the new ones, as the EU does not lose its older characteristics, but rather adds further components to it. One has to remember that Europea n integration theories do not exist in a vacuum of each other. Newer theories build on older ones, and even theories from the same time borrow from each other in order to adapt to the circumstances, criticisms and empirical findings. As realised during the second phase, no theory is capable of explaining every aspect of the EU. Many theorists agree that the different theories are appropriate in explaining the different pieces of the EU mosaic (Nugent 2003; Rosamond 2000) and, as there is no single dynamic of European integration, therefore no single theory can describe the totality of European integration (Mazey 2001). The multi -dimensional nature of European integration and the EU itself require the existence of multiple approaches. Theorists argue that no analytical

framework is available to account for history -making and day-to-day politics simultaneously (Gstöhl 2000), and that different theories are better suited to conceptualise the different stages of the policy -making process in the EU polity (Richard son 2001; Sandholtz and Stone Sweet 1998). More and more writers argue for the added value of supplementing theories with other theoretical approaches (Checkel 1999) and have undertaken work and research on framework theory of the EU, combining various compatible theoretical approaches under one framework (Mazey 2001; Peterson 1995; Peterson and Bomberg 2000; Richardson 2001), e.g. Gstöhl (2000) arguing for a liberal - intergovernmentalism+ framework, and Warleigh (2000) for a Multi -Level Confederation as well as combining the theoretical approaches of multi -level governance with policy networks (Warleigh 2006).

3. Different theoretical approaches to European integration

This literature overview seeks to present some of the key theoretical approaches applied to European integration. [95] Being aware of the different foci and assumptions of the conceptual approaches (see table 2.1) is necessary, so that one can try to apply them when analysing the OMC at a later stage.

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[95] The overview of theoretical approaches is not aimed at being exclusive, nonetheless it represents what the author sees as the most influential th eories of European integration. The constraints of this thesis also limit the possibility of dealing with the individual theories in depth. The author also does not want to judge which theory is the best to analyse and explain European integration, but to give an overview of the main existing theories, their assumptions and what part of European integration they want to account for, in order to apply them later on to the phenomenon of OMC. It has to be kept in mind that theories, while often originating wit h one writer, or a small group of writers, are interpreted differently and expanded separately by the various followers of it. The following overview will concentrate on the main assumptions and concepts of the different theories, on which the majority of the writers agree.

Table 2.1: Overview of European integration theories

Theoretical approach	Neofunctionalism		Intergovernmentalism		Governance approaches public policy analysis					Constructivism
							New Institutionalism			
Variations	Traditional Neo-functionalism	Revisionist Neofunctionalism	Traditional inter-governmentalism	Liberal- inter-governmentalism	Multi-level Governance	Policy Networks	Rational choice Institutionalism	Historical Institutionalism	Sociological Institutionalism	Social Constructivism
Dependent Variable What does the approach want to explain	European integration Why and how does integration happen. Explain institution building above the state	European integration[96] Why and how does integration happen	European integration Why and how does integration happen	European integration Why and how does integration happen	EU polity and EU Politics: How the EU works; Efficient and legitimate governance; Impact on the national level (but not on identities)	European Governance How the EU works Efficient and legitimate governance Policy making Impact on the national level (but not on identities)	What are the effects of institutions	What are the effects of institutions The role of institutions in further integration	What are the effects of institutions	Effects of European integration on individuals and states How does integration influence identities
Inspired by which theoretical considerations	Behaviourism, Functionalism, Pluralism	Neofunctionalism, Transactionalism, Institutionalism?	Realism	Inter-governmentalism, Rational choice Institutionalism, Liberal theories of IR	Neofunctionalism Inter-governmentalism	Network theory	Neofunctionalism Institutionalism LI	Neofunctionalism Institutionalism	Neofunctionalism Institutionalism Constructivism	IR constructivism, Discourse analysis, Sociology
What is integration?	Integration is a process, not a condition	Integration is a process, not a condition	The practice of ordinary diplomacy under conditions creating unusual opportunities for providing collective goods through highly institutionalised exchange	The interaction of state actors and the result of interstate bargaining	A polity creating process in which authority and policy influence are shared across multiple level of government	A polity creating process in which authority and policy influence are shared across multiple level of government and between a network of public and private actors	States pursuing their interests but in the context provided by international institutions	A political process that unfolds over time	A political process affecting the identities of actors that unfolds over time	Effecting the identities of actors
Social-science field	IR	IR plus CP	IR	IR	IR and CP	IR and CP	IR and CP	IR and CP	IR and CP	IR

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[96] Within a specific policy field (e.g. social policy), or a specific aspect of enlargement (PHARE), or a specific dimension (e.g. legal)

Theoretical approach	Neofunctionalism		Intergovernmentalism		Governance approaches public policy analysis					Constructivism
							New Institutionalism			
Variations	Traditional Neo-functionalism	Revisionist Neofunctionalism	Traditional Inter-governmentalism	Liberal- Inter-governmentalism	Multi-level Governance	Policy Networks	Rational choice Institutionalism	Historical Institutionalism	Sociological Institutionalism	Social Constructivism
Ontology	Soft rational choice Actor centred	Soft rational choice Actor centred	Rational choice Actor centred	Rational choice Actor centred	Rational choice	Rational choice	Rational choice	Rational choice Institution centred	Constructivism, sociological	Social ontology Constructivism No comment epistemology
The role of European institutions	Strong	Strong	Weak	Weak	Medium-Strong	Medium	Medium	Strong	Strong	Medium
The role of interest group	Strong	Strong	Weak	Weak	Varied	Strong As part of a network	Varied	Varied	Varied	Varied
The future of the EU	Supranational state	Federal state	International organisation	International organisation	MLG/Federation	Agnostic	Agnostic	Agnostic	Agnostic	Agnostic
The focus of study	Process	Process	History making events	History making events	Every day politics	Every day politics	Every day politics	Every day politics	Every day politics	Ideas and knowledge
Agency vs. structure	Agency	Agency	Agency	Agency	Agency	Agency	Agency	Agency	Structures and agents are mutual codetermined	Agency shapes structure & structure shapes agency
Level of focus	European	European	International	Two level game	Multiple	European but also domestic	European but also domestic	European but also domestic	European but also domestic	Domestic but also European
What is the EU?	Sui generis	Supranational governance form	International Organisation Forum for interstate bargaining	International Organisation Forum for interstate bargaining	Multi-level, multi-actor and multi-centred Polity	Sui generis Multi-level, multi-actor and multi - centred Polity	Polity	Polity	Polity	Polity
Scale of theory	Grand theory	Middle range	Middle range	Grand Theory	Metaphor, Theoretical approach	Metaphor, Theoretical approach	Middle range	Middle range	Middle range	Metatheory
Belief in Socialisation	Yes	Yes	No	No	Yes	Yes	No	Yes	Yes	Yes

Theoretical approach	Neofunctionalism		Intergovernmentalism		Governance approaches public policy analysis					Constructivism
							New Institutionalism			
Variations	Traditional Neo-functionalism	Revisionist Neofunctionalism	Traditional inter-governmentalism	Liberal- inter-governmentalism	Multi-level Governance	Policy Networks	Rational choice Institutionalism	Historical Institutionalism	Sociological Institutionalism	Social Constructivism
Main authors of this approach	Haas, Lindberg, Schmitter, Scheingold,	Sandholtz, Stone Sweet, Caporaso, Tranholm-Mikkelsen	Hoffmann, Milward Keohane	Moravcsik,	Marks, Hooghe	Kohler-Koch, Eising	Scharpf Tsebelis/ Garrett	Pierson, Bulmer, Wincott	Checkel, Risse, Trondal	Wiener, Christiansen, Jorgenson, Ruggie,
Main concepts	Various forms of spillover, externalisation, epistemic communities, socialisation engrenage	Supranational governance	Rescue of the nation state	Two-level-game	Multi-level governance	Consociation, issue networks, policy communities, epistemic communities, Governing by persuasion, Politikverflechtung, advocacy coalition	Joint decision trap	Path dependency, lock in, deliberation	Logic of appropriateness, institutional isomorphism	Logic of appropriateness, deliberation, socialisation, learning, constituitiveness of structures and agents, discourse
Interest Preferences	Crucial but changeable	EU Membership can influence preferences of MS	Fixed	National level defines preferences of MS	Fixed	Fixed	Changeable	EU Membership can influence preferences of MS	EU Membership can influence preferences of MS	National level defines preferences of MS and EU Membership can influence preferences of MS

Source: Author

Neofunctionalism

Theorists have described neofunctionalism as the quintessential theory of integration (Rosamond 2000). This statement is plausible as neofunctionalism was until the end of the 1960s the main theory of regional/European integration. It originated in the field of international relations theory, and was developed by a group of writers around Ernst B. Haas (1958), including Lindberg, Scheingold and Schmitter, who were theoretically influenced by Mitrany's functionalism, behaviourism, and pluralism. Its dependent variable was how and why nation-states cease to be wholly sovereign, and how and why they voluntarily transfer competences to the European level (Haas 1958). They wanted to show how economic integration in important economic sectors would lead to wider economic integration, which then would lead to political integration and how the establishment of supranational institutions would accelerate this process.

Neofunctionalism is based on t he following assumptions:

- Integration is a process, not a condition: Neofunctionalism focuses on the process and less on the outcome. That does not mean neofunctionalism has no predictions for the future. Haas (1958: 5) saw the end goal as a *political community,* "a condition in which specific groups and individuals show more loyalty to their central political institution than to any other forms of political authority";

- Institutions matter and can influence the process: National governments are not in full control of the integration process and the supranational institutions can also influence the process. "No single government or coalition controlled the decision -making process. The Commission, because of its power of initiative, was able to construct a dif ferent coalition of supporting governments on each major issue" (Haas 1967: 325);

- Interdependence between economies as well as between sectors;

- Gradual withering of the powers of the nation state;

- Political integration follows economic integration;

- Multiple groups with varying interests exist and participate in society;

- Neofunctionalism's ontology is the underlying belief in instrumental self -interest. However, differently from other rational approaches, neofunctionalism allows for the possibility that interests can change during the process. Consequently

neofunctionalism's ontology "is 'soft' rational choice: social actors, in seeking to realise their value-derived interests, will choose whatever means are made available by the prevailing democratic order. If thwarted, they will rethink their values, redefine their interests, and choose new means to realise them. Therefore the ontology is not materialistic: values shape interests, and values include many non-material elements" (Haas 2001: 11).

Based on these major assumptions, neofunctionalism developed various concepts [97] in order to explain why integration takes place. The most famous concept is the notion of *spillover*. In its most general formulation, "spillover refers to a situation in which a given actio n, related to a specific goal, creates a situation in which the original goal can be assured only by taking actions further, which in turn create a further condition and a need for more action, and so forth" (Lindberg 1963: 10). So cooperation in one area would lead automatically to cooperation in other related areas. The initial neofuctionalis t writings included two forms of spillover: functional and political. Revision and second generation neofunctionalist writers added further forms of spillover, such as cultivated, geographic and institutional.

- *Functional spillover:* [98] integration in one (economic) sector creates pressure for integration in another related sector. Later, Haas added that some sectors have more spillover potential than others, particularly the ones that affect the day-to-day lives. Schmitter (1969: 162) sees two forms of functio nal spillover: "Spillover can increase integration either by resorting to collaboration in another, related sector (expanding the scope of mutual commitment) or by intensifying their commitment to the original sector (increasing the level of mutual commitm ent) or both." The first is then functional spillover while the other is called *task expansion* (Lindberg 1963). One can therefore distinguish between *vertical* and *horizontal* spillover;

- *Political spillover*: Once a sector is becoming integrated, national and later European interest groups shift their loyalties and lobby their governments for further integration. Therefore "political integration is the process whereby political actors in several distinct

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[97] As there are various neofunctionalist writers and neofunctionalist writing has been revised by fir st and second-generation neofunctionalist, sometimes, different labels are used for similar ideas.

national settings are persuaded to shift their loyalties, expectations and political activities towards a new centre" (Haas 1967: 16). While Haas focused more on i nterest groups, Lindberg examined governmental elites. Through interaction with each other on a daily, often informal basis, this would lead to a gradual convergence of interest and expectations, with these elite groups (Lindberg 1963). This *engrenage (*or socialisation) process is the process whereby national civil servants through their increasing involvement with each other are encouraged to take integrative decisions (Lindberg and Scheingold 1970: 16). An example is the Council, where the representatives develop personal relations with their counterparts, learn to trust them and feel a common understanding (principle of staendiger Vertreter vs. Staendiger Verraeter). [99] Furthermore, the shifting of loyalties does not depend on whether these groups necessarily believe in the project and are convinced integrationists or not. By shifting their activities to a new c entre they are acknowledging the significance of the supranational institutions and are giving further legitimacy to the process (Lindberg 1963). Thus the forming of regional interest groups is equally a result and a condition for regional integration;

- *Cultivated spillover*: Later neofunctionalists added that in order for spillover to occur, political activism (of the High Authority) was necessary (Haas 1961). This was later named cultivated spillover (Tranholm -Mikkelsen 1991). It sees central institutions a s policy entrepreneurs and agenda -setter, and the Commission can actively influence the integration process by moving beyond the minimum common denominator and actually 'upgrading the common interest', which would lead to an expansion of its power. Examples for cultivated spillover can be seen in the Commission's Cockfield report which led to the Single European Act (SEA), the Commission's social program as a reaction to economic forces, and the PHARE project (Niemann 1998);

- *Externalisation and geographi c spillover:* Successful regional integration between certain states will lead to extending the number of states that want to be part of the regional integration, therefore having a geographical spillover effect (Haas 1958). Schmitter (1969) builds on this when he discusses his externalisation concept, in which

[98] Haas (1958) referred to this in his original work as the expansive logic of sector integration.
[99] Permanent representative vs. permanent traitor see Niema nn (1998).

the members are forced to form common policies and increase their integration in order to respond adequately to the outside pressures. Lindberg (1963) argued already earlier that participation in a cu stoms union would probably elicit reactions from non -Member States, a situation which may create problems that can be resolved only by further integration. In a more recent example, Niemann (1998) applies these concepts to the situation of the EU's eastern enlargement and the PHARE project;

- *Institutional/legalistic spillover:* This concept was developed by (Jensen 2000), a second generation neofunctionalist, who considers that legalistic/institutional spillover represents amendments to the treaties and argues that spillover happened in the area of social and labour market policy. Although not calling it a legalistic spillover, Tranholm - Mikkelsen (1991) already argued earlier that legal integration corresponds remarkably closely to the original neofunctionalist beliefs.

Criticism

The main weaknesses of neofunctionalism have been summarised by Moravcsik (1993) who argues that it mispredicts both the trajectory and the process of EC evolution. As neofunctionalism was closely linked with the Monnet method [100], its success as a theory was also linked with the success of the community project itself. The notion of automatic progression towards deeper integration and greater supranational influence was part of early neofunctionalist writing, but when policy integration did not develop automatically as anticipated by neofunction alists, instead slowing down with the empty chair crisis in 1965 - 66 and the world recession in the 1970s, neofunctionalism was challenged on empirical grounds as being too deterministic. Intergovernmentalists, such as Hoffmann (1966) criticised neofunction alism for not taking global developments into account. Furthermore, neofunctionalism had the 'n=1 problem' [101], where the European Economic Community was the only case study and the attempts of neofunctionalists to apply their theory to other areas, showed its limitation (Moravcsik 1993). As a result, neofunctionalists set preconditions for regional integration: pluralistic society, high level of economic development, common ideological patterns and a high level of bureaucratisation (Haas

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[100] Also referred to as the Community Method.

1967). Neofuctionalists tried on various occasions to revise and reformulate their theory to keep up with real life events and addressing its weaknesses. Haas in particular tried to explain the 'de Gaulle factor' in his revision, and Lindberg and Scheingold (1970) tried to add new concepts such as s*pillback* to explain the possible reversal of the integration process. Furthermore, the idea of automaticity was dropped. However, the final blow to neofunctionalism as a base line theory came when its own founder declared the theory obsolete (Haas 1976). This at the same time ended the era of grand theory building, and limited the interest in European integration in general. Nonetheless, from the early 1990s onwards a new generation of political theorists argued for the usefulness of neofunctionalism in explaining the latest developments of the EC/EU. Padoa -Schioppa (1987) looked at the spillover from the 1992 project to EMU, Leibfried and Pierson (1995) did the same from the single market to social policy. Others tested the concept of spillover to specific policy areas, such as Jensen (2000) in social policy, or Sandholtz and Stone Sweet (1998) in telecommunications. These authors argue that neofunctionalism, though with some adaptations and updates, still represents the best theory in explaining the process of European integration.

Evaluation

Rosamond (2005) points out the contradiction that neofunctionalism is considered as *the* European integration theory *per se* but is often presented as a theory of the past without use for the current study of the EU.[102] This mis-representation contradicts the fact that neofunctionalists terms and assumptions have been integrated and further developed by newer theories,[103] some also seeing a link between neofunctionalism and social constructivism (Haas 2001). In line with other academics such as Rosamond (2005) or Cram (2001) one would have to conclude that while considering the weaknesses of this theory, it still has great potential for explaining major parts of the European integration process.

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[101] For an excellent analysis see Rosamond (2000).

[102] Even Moravcsik, nowadays the main proponent of intergovernmentalism called neofunctionalism "the most comprehensive and sophisticated attempt to pr ovide a general theory of European integration and a touchstone for subsequent scholarship" (Moravcsik 1993). The interesting fact is that in a more recent work he downgrades neofunctionalism from a theory to a framework (see Moravcsik 2005).

[103] See for example Pierson (1996), Warleigh (2000) or Bache and George (2001).

Intergovernmentalism

Intergovernmentalism was (and some say still is) the main opposing theory to neofunctionalism, and the literature was for many years dominated by the great debate between them. One of the main differences between neofunctionalism and intergovernmentalism is that the former is a theory of change and transformation, and the latter is a theory emphasising international politics as usual, just with new conditions (Rosamond 2000). This overview will briefly outline the 'classical intergovernmenta lism' before concentrating on liberal -intergovernmentalism, its more refined and updated version.

- Classical intergovernmentalism

Intergovernmentalism, just as neofunctionalism, comes from the more general field of IR theory and also concentrates only on the question why and how integration happens instead of looking at how the EU functions. Furthermore, intergovernmentalism is strongly influenced by realist writing. The main representative of classical intergovernmentalism is Stanley Hoffman (1964, 1966) who argued for the 'logic of diversity' rather than the 'logic of integration' (Nugent 2003).

The main assumptions of intergovernmentalism are:

- The integration process is perceived as a series of bargains carried out by sovereign states following their na tional interest (Hoffman 1966);
- The state is a unitary actor;
- The national governments are in control of the integration process;
- Separation between 'low' and 'high' politics. Intergovernmentalists acknowledge that integration is possible in areas of low politics but high politics sectors are out of the scope of integration (Hoffman 1966).

Criticism

Intergovernmentalism has been criticised for its rigid separation between high and low politics as well as playing down the interdependence between states (Ci ni 2007).

Intergovernmentalists have also problems explaining why nation states would hand over power through integration, but some tried to turn the tables around and even proclaimed "the rescue of the nation state" as a result of membership in the Europe an project (Milward 1992).

- Liberal-intergovernmentalism (LI)

This theory was developed by Andrew Moravcsik (1991; 1993; 1995; 1997; 1998; 1999). [104] It is mainly influenced by classical intergovernmentalism, as well as neo -liberal institutionalism, contemporary theories of international political economy and applies negotiation analysis and regime theory to the EC/EU. Liberal -intergovernmentalism is Moravcsik's attempts to create a grand theory [105] of European integration, which focuses on the main (history-making) events of integration. In his writings he concentrates on a sequel of negotiations (SEA, Treaty on the European Union and Treaty of Amsterdam) and its impact on the integration process. Liberal -intergovernmentalist theory seeks to analyse the EU as a result of strategies pursued by rational governments, acting on the basis of their preferences and power (Moravcsik 1993). Therefore he defines European integration as a series of rational choices by national leaders (Moravcsik 1998).

Main assumptions:

- EC/EU is an international organisation: Like classical intergovernmentalists, liberal - intergovernmentalists see the EU as an international organisation. "EC can be analysed as a successful intergovernmental regime designed to manage economic interdependence through negotiated policy coordination." (Moravcsik 1993: 474);

- States are the central actors in European integration: Not only do they not lose influence, they even become stronger as regards to their national parliaments and national interest groups, as results of European integration;

- Rational choice: Actors behave rational, based on the calculation how best to maximise their interest (Schimmelfenning 2004);

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[104] LI is based on Moravcsik's earlier approach called "intergovernmental institutionalism (Moravcsik 1991; 1993).

[105] Although Moravcsik's LI is considered as a grand theory, he himself argues t hat more than one theory is needed to explain the complexity of EC policy -making (Moravcsik 1993 and Moravcsik and Nicolaidis 1999).

- Role of supranational institutions is limited: Institutions play a role, but only the one foreseen by the nation states, namely to reduce transaction costs for international negotiations;

- Policy-making takes place in intergovernmental negotiations;

- Bargaining power depends on information.

Based on these assumptions Moravcsik's LI is a liberal theory of national preference formation, a bargaining theory of international negotiations and a functional theory of institutional choice (Schimmelfenning 2004). As Moravcsik (1993) applies Putnam's two level game, LI is based on two levels: On the first (national) level, national preferences are defined by domestic interests; on the second (international) level, there are two processes: Agreement on common policy response through interstate bargaining, followed by an agreement on the institutional setting.

- *National preference formation*: The main difference to classical intergovernmentalism is that LI acknowledges the importance of domestic players, and does not treat the state as a 'black box'. For Moravcsik (1993; 1995) an understanding of domestic politics is a precondition for, not a supplement to, the analysis of the strategic interaction among states. He argues that state preferences are based on the economic interests of different domestic interest groups which are in competition with each other to influence the government. This makes state preferences dependet on the most powerful interest group at the time. Therefore according to him, state preferences are neither fixed nor uniform but depend on domestic political processes (Rosamond 2000; Schimmelfennig 2004). However, during certain periods of time the constraint of the national government by the domestic interest groups might be reduced, and this 'agency slack' gives the government more autonomy in its decision -making (Moravcsik 1993);

- *Interstate bargaining*: Moravcsik (1993) continues, giving an in-depth analysis of interstate bargaining which he based on three assumptions: Intergovernmental cooperation in the EU is voluntary, the environment in which European governments bargain is relatively information-rich and the transaction costs of intergovernmental bargaining are low. Liberal-intergovernmentalism sees the results of interstate

bargaining reflecting the relative bargaining power of the actors, based on economic and political weight (Moravcsik 1993; 1995) and by issue -specific interdependence, or state vulnerability resulting from substantive asymmetric interdependence (Moravcsik and Nicolaïdis 1999). Other factors that affect the negotiations are the possibilities for coalition-building, the threats of exclusion, exit veto, the potential for compromise and linkages, as well as the cost of non -agreement (Moravcsik 1993);

- *Institutional choice*: Different to classic intergovernmentalism, liberal - intergovernmentalism foresees a role for supranational institutions limited how ever to the task foreseen by the Member States. Applying principal -agent theory to the EC/EU explains the conditions under which governments delegate power to international institutions. Furthermore Moravcsik (1993) argues that delegating power to supranational institutions, augments rather than restricts the ability of governments to achieve domestic goals in two ways: It increases the efficiency of interstate bargaining by reducing transaction costs and it strengthens the autonomy of the government vis -à- vis domestic social interests.

Schimmelfennig (2004) points out that intergovernmentalists, such as Moravcsik or Milward, are trying to use this argument of na tional governments gaining more independence at national level, as a result of European integration, in order to explain why nation states participate in the EU/international organisations and hand over certain powers, which is normally difficult for inter governmentalists to explain.

Main criticism
A number of criticisms have been launched against liberal -intergovernmentalism:

- Biased case selection: First of all, it focuses only on history making events and not on informal processes and day -to-day politics (Wincott 1995). Secondly, even if one accepts this limitation, as Moravcsik limited himself to these kind of events, the cases are biased as he does not look at constitutional changes brought by the Commission and the ECJ (Schimmelfennig 2004);
- Neglecting integration dynamics: LI heavily underestimates the impact of supranational actors on the integration process (i.e. as agenda -setter). New institutionalists, such as

Bulmer (1998) mainly criticise that LI treats institutions only as neutral arenas for political actors;

- Internal theoretical problems: Schimmelfennig (2004) argues that LI has internal theoretical problems based on the analytical separation between substantive bargain ing and institutional choice;

- Only two levels: LI does not consider multiple levels possible (Cini 2007);

- Impact of domestic and European interest groups: LI limits the role of interest groups to the national level. Many authors, such as Sandholtz and Ston e Sweet (1998) argue that the gatekeeping role of the nation state is undermined from two sides: 1) by letting the EU having direct impact on national politics and 2) by giving national interests access to a forum at European level without going through th e national government;

- It neglects the idea of socialisation: LI ignores the possibility that identities (can) change and develop;

- Some even argue that liberal -intergovernmentalism is not a theory but only an approach to European integration (Forster 1998 ; Wincott 1995).

<u>Evaluation</u>

As LI is a single author theory, it is relatively homogenous in its assumptions and predictions, compared to theories of multiple writers, which often use different terminology and sometimes contradicting ideas (Schimmelfennig 2004). Therefore LI is relatively straightforward, with a testable set of propositions and many authors agree that LI is useful in ordering of data and the testing of hypotheses (Rosamond 2000). Furthermore, one of the main strengths of LI is its way of a pplying aspects from realism as well as from liberal - pluralist theories, which have long been opposing theories with contradictory assumptions. Consequently, even its critics agree that it explains much of state behaviour in the EU (Schimmelfennig 2004). T herefore it is not surprising that liberal - intergovernmentalism is today the baseline theory against which any new theory is tested (Schimmelfennig 2004). It has replaced neofunctionalism in being this theory. However, Rosamond (2000) argues that LI is out of touch with the developments in integration theory as it still focuses on integration rather than on EU governance. Therefore it can only be taken as a first cut before moving on to other theories to complete the picture.

Governance approaches

The theoretical approaches of the governance perspective are not a comprehensive theory of European integration but the governance perspective is supposed to give a broader view of the integration process (Jachtenfuchs and Kohler-Koch 2004). Furthermore, the con cept of European governance is not that clear cut. Different scholars from various disciplines relate different things to the concept of governance (Jørgensen 1997). Some theorists define governance as "the continuous political process of setting explicit goals for society and intervening in it in order to achieve these goals" (Jachtenfuchs and Kohler -Koch 2004: 99). Others argue that the term governance has been used for analysing the patterns of rule generally and in the EU in particular (Bulmer 1998). Ho wever, most authors agree that European governance varies over time and across policy areas (Kohler -Koch 1999; Wallace and Wallace 2000). Furthermore, theorists using a governance approach reject the intergovernmental notion that changing EU governance is purely steered by (a series of) history-making events, but that changes are evolutionary and (also) occur through day -to-day events. They argue that their approach is promising because it places the competition for political power as the core of integratio n research (Jachtenfuchs and Kohler -Koch 2004) and overcomes the borders between international and domestic politics, as well as between IR theory and comparative politics (Jørgensen 1997). Approaches to European governance share certain assumptions, while then focusing on different parts of the European polity. Governance approaches see government now as involving a wide range of actors and processes beyond the state, focusing more on regulation than on redistribution and the relationships between state an d non-state actors are more interactive and less hierarchical (Nugent 2003). Jachtenfuchs (1995) argues that the idea of governance beyond the state does not mean governance above the state. The various theoretical approaches, which can be associated with the 'governance approach' to European study, should be seen rather as complementary than as opposing theoretical stands, because they have the same focus on governance instead of integration and they use each other's concepts. The most popular ones, multi-level governance, policy networks and new institutionalism, will now be presented in turn.

Multi-level governance

Multi-level governance's most prominent writers are Marks and Hooghe (Marks, Hooghe and Blank 1996; Hooghe and Marks 2001) who follow the co mparativist belief that politics in the EU is more like that found within nation states and not among them. Therefore its main focus is the nature of the EU.

Main assumptions as outlined by Marks, Hooghe and Blank (1996):

- Decision-making powers not only l ie with, and are exercised by, national governments but with institutions and other political actors as well; [106]

- MLG rejects the intergovernmentalist view that national governments stay in total control of the integration process;

- Political arenas are inter connected: The separation between domestic and international arenas, as in the state centric model, is rejected. There are multiple channels, and national actors do not always have to go through the national government to input in the EU decision-making process;

Portraying the EU as a form of multi -level governance carries along with it the assumption that actors at different levels are interdependent, and 'network' with each other (Peterson 2004). Furthermore, Hooghe and Marks (2001) argue that governanc e must be multi-level in order to internalise externalities. Therefore multi -level governance sees the EU as a polity or polity in the making, where power and influence are exercised at various levels: supranational, national, regional or local. The concep t of multi-level governance has shed light on two important features of the EU polity: policy -making is shared between actors at various levels e.g. European, national, regional (Peterson and Bomberg 2000); and secondly, public/private networks have joined the core representative institutions in the decision-making process (Hooghe and Marks 2001). The notion of partnership principle sums up the MLG belief that formal and informal roles and powers are distributed between

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[106] For an analysis of this dispersion of authority using different conceptions of multi -level governance see Hooghe and Mark s (2001).

various governmental and non-governmental actors across different levels in the EU (Warleigh 2006).

Criticism: [107]

The most prominent criticism is that MLG is based only on the case of one policy area (Warleigh 2006). Most criticism comes from state centric theorists, who argue that many nation states have no substantial subnational structure and that sub-national actors are not involved in other policy areas besides cohesion policy (Warleigh 2000). Furthermore, the focus of many theorists using the MLG approach was mainly on the aspect of multiple levels and less on the governance part (Börzel 1997). Moreover, it is only a limited theoretical approach, as it explains neither the development of the EU nor the motivation of its main actors (Warleigh 2000). Finally, even its most prominent writers, argue that MLG is unlikely to be a stable equilibrium and the outcome is uncertain (Marks, Hooghe and Blank 1996).

Evaluation

The MLG approach is very useful because it sheds light on the structure of the EU polity and the interconnection of the different levels and actors. Furthermore, it outlines the involvement of sub-national actors better than any other theoretical approach (Warleigh 2000). Nowadays it has been generally accepted to treat the EU as a multi-level polity (Peterson and Bomberg 2000; Risse-Kappen 1996; Warleigh 2004). However, MLG needs to be supplemented by other theoretical approaches which can explain the origins of the EU and the decision-making process within it (Warleigh 2000).

Policy networks

There are various academics working with the concept of policy networks, often with varying research questions and even different understandings of the concept itself. [108] Writers commentating on the concept of policy networks outline that there is no common

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[107] For an in-depth overview of MLG see Warleigh (2006).
[108] For an excellent overview of the different uses of the policy networks approach see Börzel (1997).

understanding of what constitutes a policy network and if the concept is a metaphor, a method or an analytical tool (Börzel 1997). Therefore policy networks should be used as a generic term, as there is no one way of policy-making, there is also no one type of policy networks (Richardson 2001). Theorists using the concept of policy networks see the EU as a system of network governance (Kohler-Koch 1999; 2002), with networking being the most characteristic feature of EU governance (Jachtenfuchs and Kohler-Koch 2004). Among the various writers using the policy networks concept, some see policy networks as a specific kind of governance, a tool to mobilise political resources, where these are widely disperse between public and private actors (Börzel 1997).

The application of the concept of policy networks is based on the notion of the EU as a multi-level system, considered not as a layer cake, but rather as a marble cake (Kohler-Koch 2002). Furthermore, Börzel (1997) argues that the interest in policy networks can be mainly understood as a reaction to the critique of multi-level governance. As discussed above, the concept of multi-level governance has two aspects: multiple levels and the relationship between public and private actors. Therefore the concept of policy networks was perceived as 'putting governance back into multi-level governance'.

Assumptions:

- Modern governance is non-hierarchical, but rather involves mutuality and interdependence between different actors in various policy sectors;
- Interests of actors are fixed, but can change over time;
- The focus of attention is not on organisations (be it national, international or transnational) but the linkages between them (Peterson 2004);
- The rules and actors in the EU polity vary significantly between policy sectors (Peterson 2004) and can be compared to policy-making in other international organisations;
- As soon as the EU extends to new policy areas, policy networks emerge (Kohler-Koch 2002);
- Various committees in the EU sub systems can shape policy, even before political decision-makers officially set the policies (Peterson 2004);

- EU policy outcomes are determined by how integrated and exclusive policy -specific networks are and how mutually dependent actors are within them (Peterson 2004).

One of the main factors which divide writers on policy networks is whether they treat European governance as the dependent or independent variable. One group would focus on the relationship between the Commission and different interest groups and how they influence the policy -making in different policy areas, while the other group focuses on the conditions under which multi -level policy-making takes place instead of inter - governmental bargaining (Börzel 1997). The idea of networks is to guarantee the broad est involvement as possible of individuals and particular groups in decisions which affect them, through direct and active participation (Jachtenfuchs, Diez and Jung 1998). Therefore writers using the analytical tool of policy networks reject the idea that the national government has a gatekeeper function and controls domestic interest group activity to act at European level, but rather such groups can bypass the national government and act directly in the EU arena (Börzel 1997).

The term policy network has been defined as a cluster of actors, each of which has an interest or stake in a given policy sector, and the capacity to help to determine policy success or failure (Peterson and Bomberg 2000). Moreover, Börzel (1997) sees policy networks as arenas for non-strategic, communicative action providing solutions for collective action problems and accounting for more efficient and legitimate policy -making. The different types of policy networks existing in the EU depend on three variables (Peterson 2004): the stability of networks; the insularity of the network and the strength of resource dependencies. Depending on these three variables, the different policy networks lie between *policy communities* and *issue networks*, with the former being very strong and consistent and the latter being weaker and limited in time. An example of a very strong policy network is an *epistemic community*. "An epistemic community is a network of professionals with recognised expertise and competence in a particular domain and an authoritative claim to policy -relevant knowledge within that domain or issue area (Peter Haas 1992: 3)."

Criticism

Warleigh (2006) outlines that there have only been limited criticism s on the use of policy networks in EU studies. The main points of criticism have been summarised by Peterson (2004):

- The policy networks concept is not a model or theory but only a metaphor;

- EU policy-making is too fluent and uncertain to have stable netwo rks;

- The concept lacks theoretical power;

- Discussions about policy networks are too theoretical.

Additionally, IR theorists argue that tools such as policy networks, coming from CP, are not suited to analyse international organisation (Warleigh 2006).

Evaluation

The main contribution of EU policy analysis to European integration theory is seen as the emphasis on the Union's diversity and complexity, and proving that the differing structures of the various EU policy sectors determine policy outcomes (Peter son 2004). A further advantage of using the concept of policy networks is that one overcomes or avoids the discussion of strengthening vs. weakening of the state through European integration, by accepting that transformation processes take place at both le vels and that new forms of governance exist (Börzel 1997). However, even theorists using a policy networks approach admit that it does not represent a theory about European integration or EU policy -making. In any case, the policy networks concept reminds t heorists of EU integration that governance by networks is an essential feature of the EU (Peterson 2004). Finally, it can be argued that policy networks works best when applied together with classical integration theories because they can complement each o ther as they are looking at policy -making and integration respectively (Warleigh 2000; 2006).

New institutionalism

New institutionalism is not one coherent theory but a broad category of theoretical approaches, having mainly in common that they believe t hat institutions matter in shaping

the European integration process. [109] It is based on traditional institutionalism, with the difference that the latter was only looking at the structure and power of decision -making institution, while the former takes a broa der view and includes formal and informal processes, practices, relationships, customs and norms (Nugent 2003). Moreover, new institutionalism focuses on institutional arrangements and the distribution of power. For its writers, institutions are not only s een as neutral arenas for political actors but as political actors themselves, and can shape the behaviour of other political actors (Bulmer 1998). There are three main strands of institutionalism: historical institutionalism, rational choice institutional ism and sociological institutionalism, which will now be reviewed. [110]

- Historical institutionalism

Some of the most prominent writers of historical institutionalism are Bulmer (1998) and Pierson (1996). Bulmer (1998) locates new institutionalism, and histori cal institutionalism in particular, at the intersection of comparative politics, international relations and legal theory. Historical institutionalism is also seen by some as the middle ground between sociological and rational choice institutionalism (Schm idt, Tsebelis and Risse 1999). Some academics attribute it more to the one, and others more to the other.

Assumptions:

- The analysis is institution -centred rather than being actor -centred and behavioural in character;
- Informal and formal institutions are s een as structuring actors' political behaviour;
- Past choices restrict subsequent policy action;
- Values and norms embedded within institutions are ascribed explanatory value;
- Political developments must be understood as a process that unfolds over time (Pierson 1996). Therefore once an institution is established it can constrain o r influence the behaviour of the actors within it (Pollack 2004).

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[109] For an excellent analysis of the differences and similarities of the different types see Aspinwall and Schneider (2000).
[110] Jachtenfuchs (1997) and Jachtenfuchs et al. (1998) speak of cultural institutionalism, which generally reflects historical and sociological institutionalism.

Based on these assumptions, historical institutionalists propose the concept of *lock-in* which means that previous commitments by national governments influence later decisions (Pierson 1996). These lock-ins make a change of policy difficult and create path dependency. Therefore historical institutionalists base their approach on the logic of path dependency (Schmidt, Tsebelis and Risse 1999). Furthermore, this can lead to an increase in the independence of supranational institutions. As a consequence, an institution is not designed according to its functional performance but because of past decisions. Pier son (1996) uses historical institutionalism to explain the importance of evolutionary change at the systemic level.

Historical institutionalists claims the following advantages for their work:

- It helps to organise and exercise process -tracing in policy case studies. Pollack (2004) outlines the strength of historical institutionalism, as not only arguing that history matters, but also showing under which conditions past events and decisions do (or do not) influence future political choices and outcomes;

- It illustrates the ways in which institutions structure the policy process. Bulmer (1998) sees the main advantages of historical institutionalism as being able to explain both the involvement of key institutions and actors in the transfer of competence at par ticular junctions of the integration process and explain systemic change between those critical moments in integration;

- It is argued that historical institutionalism can bring together history making politics with day-to-day politics (Bulmer 1998).

- Rational choice institutionalism

Here the focus is placed on how institutions shape, channel and constrain the rational actions of political actors. Rational choice institutionalists analyse why and under which conditions Member States delegate power to institu tions, using principal-agent theory. Their main argument for the transfer of power is because it decreases transaction costs (Pollack 2004). It is very close to liberal-intergovernmentalism, as this form of institutionalism focuses on intentional, interest -motivated action and wants to predict

generally how actors behave in a given set of institutions (Schmidt, Tsebelis and Risse 1999).

Assumptions:

- Rational choice institutionalism regards actors as strategic utility -maximisers with given preferences (Pollack 2004);

- It assumes that actors have complete information and are aware of the c onsequences of their decisions and the final outcome (Farrell and Héritier 2005). Therefore, the speed and extent of integration is explained by negotiations and the relative bargaining power of the actors (Farrell and Héritier 2005);

- Rational choice institutionalists focus on processes of institutional bargaining using game theory (Farrell and Héritier 2005), which brings this approach very close to liberal- intergovernmentalism;

- Rational choice institutionalism treats institutions as being a strategic co ntext which provides incentives or information, thereby influencing the strategies that agents employ to attain given ends (Checkel 1999).

While acknowledging the usefulness of the lock -in concept, rational choice institutionalists criticise historical institutionalists for not explaining which institutions experience lock -ins and under which conditions (Pollack 2004). Furthermore, rational choice institutionalism is very useful in identifying the interests and motivations, as it is based on 'the logic of interest' (Schmidt, Tsebelis and Risse 1999). Although rational choice intergovernmentalis ts argue that Member States are not fully in control of the integration process and institutional outcomes only reflect the intentions of the Member States to a certain extent (Farrell and Héritier 2005), they still treat institutions as very 'thin' (Check el 1999) and mainly as arenas for political actors. Therefore rational institutionalists underestimate the importance and impact of EU institutions (Pollack 2004). Furthermore, rational institutionalists have problems in explaining individual's reasoning f or action and change over time (Schmidt, Tsebelis and Risse 1999).

- Sociological institutionalism

This approach looks at how institutional structure and behaviour can be explained by culture. It shows strong similarities with social constructivism. [111] It focuses on culturally framed actions, ideas and identities that follow cultural specific rules and norms (Schmidt, Tsebelis and Risse 1999).

Assumptions:

- Sociological institutionalists speak of the constitutive dimension of institutions. They argue that institutions can construct, by way of interaction, the identities and interests of Member States and groups within them (Checkel 1999);
- For them people act according to the 'logic of appropriateness' (Pollack 2004);
- Sociological institutionalists argue that actors, their interests and preferences must be analysed and explained as products of intersubjective structures and social interaction (Schimmelfennig 2001).

Therefore sociological institutionalism claims that the goals and procedures of international organisations are led by questions of legitimacy and appropriateness rather than for efficient problem solving (Schimmelfennig 2001). Social constructivists oppose the rationalist 'logic of consequentiality' with the social constructivist 'logic of appropriateness'. One of the benefits of sociological institutionalism is that it can explain individual's reasons for action (Schmidt, Tsebelis and Risse 1999). Therefore, sociological institutionalists argue that the other types of institutionalism should be supplemented by a more sociological understanding of institutions emphasising their interests - and identity-forming roles (Checkel 1999).

Criticism and Evaluation

While admitting that it only represents a mid-range theory and by itself does not embody an adequate theory of European integration (Bulmer 1998; Pollack 2004), new institutionalists argue that one of the big advantages of their approach is that it limits the divide between international relations and comparative policies (Pollack 2004; 2007). The different forms

of institutionalism show different aspects of institutions and their behaviour, and in order to understand the full picture of how institutions matter, all three types have to be applied together (Schmidt, Tsebelis and Risse 1999). Furthermore, some argue new institutionalism needs to be part of a broader theory of EU decision -making to use its full potential (Warleigh 2000).

Social constructivist approaches to European integration [112]

Social constructivist approaches to European integration are based on the met atheoretical approach, constructivism, which is the view that "the manner in which material world shapes and is shaped by human action and interaction depends on dynamic normative and epistemic interpretations of the material world" (Adler 1997: 322). Soci al constructivism is not one homogenous theory, but is made up of various different types of social constructivism, as outlined earlier. Their main research interest is the social construction of European integration (Christiansen, Jørgensen and Wiener 199 9).

For social constructivists the main question is not why or how integration happens but what integration is, how it is perceived by people and their reaction to it. Furthermore, they look at ideas, norms, institutions, identities and the interdependenc e between agency and structure (Wiener and Diez 2004). For social constructivists identities and interests are the dependent variable (Wendt 1992). The principal assumption shared by all constructivists is that theorists are so embedded in the environment they work in, that they contribute to the development of the object they want to study (Christiansen, Jørgensen and Wiener 2001). Consequently, social constructivists believe in the importance of norms and ideas, construction of identities and behaviour, s ocialisation and communication. Therefore, for them the study of politics or integration is not so much about agents with fixed preferences but about trying to explain the content of actor identities/preferences and the models of social interaction (Checke1 2001). Communication and discourse is an important point in the research agenda of some social constructivists, such as Risse (2004), with some writers

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[111] See next section.
[112] Chapter two outlined constructivism as a metatheory. Here 'social constructivism' is understood as the body of (first world) theoretical approaches applied to the European integration process based on constructivism as a metatheory.

even making the point that 'eurospeak' can be an example of the power of language in arguing and persu asion (Diez 2001).

Assumptions:

- Human agents do not exist independently from their social environment and its collectively shared belief system;

- Bargaining depends on communication and intersubjectivity (discourse);

- Interests are shaped by social identiti es and are endogenous;

- Participation in the EU leads to transformation of ideas and identities;

- Actors' behaviour is guided by the wish to do the right thing;

- Structures and agents are mutual co -determined;

- Behaviour is shaped for constructivists by a *logic of appropriateness.*[113]

Social constructivists explain change of identity by concepts such as *socialisation*, *social learning, deliberation and rule -driven behaviour* with the former two often characterised as processes of argumentation. L*earning* and *deliberation* may transform even the interests of state agents in supranational settings at EU level (Checkel 2001). Social constructivist writers describe socialisation, as the process by which actors internalise the norms which influence how they see themselves and what they perceive as their interest (Risse and Wiener 1999).[114] Therefore they treat socialisation not just as a behavioural process, but also as a cognitive process (Wendt 1992). The concept of socialisation shares a striking similarity to the neofunct ionalist concept of *engrenage*. When analysing the similarities between social constructivism and neofunctionalism, Haas (2001) argued that neofunctionalism is a precursor of constructivism, which is supported to some extent by some social constructivists (Adler 2002; Risse 2004). Other social constructivists, although accepting that social constructivism shares various beliefs and assumptions with

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[113] This concept entails the belief that actors' behaviour is b ased on trying to do the right thing and opposes the rational concept of a 'logic of consequentialism' where behaviour is driven by strategic and instrumental calculations Risse (2004).
[114] Checkel (2001) presents five scope conditions, where agents are in p articular open to socialisation and change of interests.

neofunctionalism, warn that this should not lead to a conflation between the two (Christiansen, Jørgensen and W iener 2001).

Criticism

One of the strongest critics of social constructivism is Moravcsik (1999; 2001). He argues in particular that constructivists contribute far less to the empirical and theoretical understanding of European integration than other the oretical approaches and that they are unwilling to put their claims to empirical testing. He argues this is because the theory has neither testable hypotheses nor methods to test these against claims from other theoretical approaches. These claims are part ially reflected by Checkel (2006: 3), who auto -critiques constructivist writing and argues that (conventional) constructivists need to 'get serious' on metatheory and other (interpretive) constructivists should pay more attention to methods. There is also some criticism from reflectivist writers, who, while agreeing on the important contributions that social constructivism has made to the theoretical developments, argue that social constructivism fails in one of its main aims, namely to build bridges betwee n rationalism and reflectivism, but rather tends towards the rationalist pole (Smith 2001). Others claim that social ontology of con structivism cannot be reconciled with rationalist epistemology (Friedrichs 2004).

Evaluation

In spite of this criticism social constructivism has made theorists of the EU aware of the importance of identities, norms and ideas. They argue that the effects of ideas, values and identities have to be taken into consideration, which are often overlooked in rationalist theories (Sjursen 1999). One has to agree with Risse (2004: 165) who identifies three contributions of social constructivism to EU study, namely the focus on the mutual constitutiveness of agency and structure, the imp act of European integration on identity shaping, and realising how the EU is constructed and understood by actors. Furthermore, social constructivists do not want to dismiss rationalist theories from being applied, but to add a new (social constructivists) supplement which asks new questions, using new techniques, in order to find out how and under which circumstances new European institutions-norms- are constructed through processes of non -strategic exchange (Checkel

1999). Therefore several social constru ctivists argue that their approaches could be integrated into other theoretical frameworks on European integration, rather that substituting for them (Christiansen, Jørgensen and Wiener 2001; Risse -Kappen 1996; Risse 2004).

Europeanisation

Europeanisation has become a popular concept in the study of the EU in recent years, applied by various writers to different phenomena. As a consequence, the term Europeanisation has become so widely used that nearly everything related to the EU is being described as Eu ropeanisation.[115] Olsen (2002; 2003) outlines five major phenomena, which have been labelled as Europeanisation. [116] These are:

- *Changes in external boundaries*: In relationship to this phenomenon, Europeanisation means the geographic expansion of the European Un ion through means of enlargement;

- *Developing institutions at the European Level*: Here the main focus of Europeanisation is the creation of institutions at the European level, meaning European integration itself;

- *Central penetration of national systems of g overnance*: Europeanisation is seen as the change of domestic institutions of governance and politics as a result of the creation of European institutions, policies and norms. This view is the most popular understanding of Europeanisation (see table 2.2);

- *Exporting forms of political organisation*: European institutions, culture, political beliefs, languages and religion are spread around the world. Traditionally this has been associated with the idea of colonialism;

- *A political unification project*: Here Europeanisation is seen as the development of a state like European polity. It is very similar to the political ideological approach of Federalism.

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[115] Europeanisation can be analysed beyond the scope of the EU, but the limits of this section do not allow for a broader comparison.
[116] For the use of a similar categorisation see Kevin Featherstone and Claudio M. Radaelli (eds.) (2003) "The Politics of Europeanisation" Oxford: Oxford University Press.

Table 2.2: Overview of approaches on Europeanisation

	Europeanisation literature [117]			
What is Europeanised? [118]	Governance	Institutionalisation		Discourse
Variations		Rational choice	Sociological	
Dependent Variable	Change at national level: Changes in the understanding of governance	Change at national level: Changes in political organisation	Change at national level: Changes of structures of meaning and peoples minds	Change at national level: Process of translating EU ideas and paradigms into national policy
What does the approach want to explain	What is the impact at national level? Why does Europeanisation differ across MS? Is Europeanisation producing good and legitimate governance?	What is the impact at national level? Why does Europeanisation differ across MS? Why does Europeanisation happen?	What is the impact at national level? Why does Europeanisation differ across MS? Why does Europeanisation happen?	What is the impact at national level? Why does Europeanisation differ across MS? How doe European discourse impact on national ideas and identities?
Inspired by which theoretical considerations	MLG and PN	Rational choice institutionalism	Sociological institutionalism	Social Constructivism
What is Europeanisation	A process of changing understandings of governance in Europe	A processes of institution -building at the European level which impact on the Member States		A vehicle through which discourses on globalisation are institutionalised at domestic level
Social-science field	Comparative politics and International relations	Comparative politics and International relations	Comparative politics and International relations	Comparative politics and International relations
Ontology	Rationalism	Rationalism	Constructivism	Constructivism

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[117] Europeanisation meaning the phenomenon of European integration's impact on the domestic level.

[118] Theoretical approaches grouped around Europeanisation. Divisions in the Europeanisation literature are most of the time not that clear -cut and often academics use a combination of the three views (Radaelli 2004).

What is Europeanised?	Governance	Institutionalisation		Discourse
The role of European institutions	Important	Important	Important	Important
The role of interest group	Important	Medium	Important	Important
The future of the EU	N/A	N/A	N/A	N/A
The focus of study	Partnership between private and public actors	The conditions under which domestic change occurs in response to Europeanisation		Language and discourse
Agency vs. structure	Agency	(Material) Structure	(Cognitive) Structure	Agency shapes structures and structures shape agency
Level of focus	Domestic	Domestic	Domestic	Domestic
What is the EU	N/A	N/A	N/A	N/A
Scale of theory	Middle range	Middle range	Middle range	Middle range
Belief in Socialisation	Yes	No	Yes	Yes
Main authors of this approach[119]	Kohler-Koch; Bomberg and Peterson	Börzel; Cowles et al	Olsen; Radaelli; Trondal	Rosamond; Schmidt; Checkel
Main concepts	Policy Transfer	Goodness of fit; up and downloading	Socialisation	Policy Learning

N/A= not applicable
Source: Author

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[119] These are often the same theorists as the ones from the main EIT theories.

<u>Definition of Europeanisation</u>

Probably the most quoted definition of Europeanisation is from Ladrech (1994: 96): "Europeanisation is an incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organisational logic of national politics and policy-making."[120] However, the choice of definition depends very much on which approach the writer takes. Some academics start with a 'top-down' approach, and others with a 'bottom-up' equivalent. The 'top-down' approach focuses on the effect the evolving European system of governance has on the political institutions, policies and political processes of the Member States (Börzel 2003). This reflects the 'second type' of phenomena associated with Europeanisation as described by Olsen earlier. Within this approach Europeanisation is defined as:

> "The emergence and development at the European level of distinct structures of governance, that is, of political, legal, and social institutions associated with the problem solving that formalise interactions among the actors, and of policy networks specialising in the creation of authoritative European rules." (Risse, Cowles, and Cap oraso 2001: 2)

The 'bottom-up' approach focuses on the reaction of Member States to the creation of institutions on the European level (Börzel 2003). Here the concept of Europeanisation is about the impact of European policy within Member States. European isation is defined as the "domestic adaptation to the pressures emanating directly or indirectly from EU membership" (Featherstone and Radaelli 2003: 60). This is very much in line with Olsen's 'third type' of phenomena labelled as Europeanisation, as desc ribed above.

This Europeanisation literature looks at why, how, when and to what degree Europe matters on domestic settings (Lopez-Santana 2006), in other words the domestic consequences of the process of European integration (Radaelli 2004). [121] Nevertheless, these authors are also aware of the limitations of trying to isolate European effects on the domestic scene from

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[120] Quoted in Vaquer i Fanes (2001); Featherstone and Radaelli (2003); Smith (2004).
[121] This is just one understanding of the concept of Europeanisation (Olsen 2002; 2003).

global, national and sub-national factors for change (Olsen 2002). Theoretical approaches based on the notion of Europeanisation, take off where traditional integration theories end, with a post-ontological focus, once European integration has taken place (Radaelli 2000; 2004; Schmidt 2002). So while the latter looks at the creation and functioning, the former starts with analysing the consequences.

Criticism:

Focusing on only one of these possibilities limits the concept of Europeanisation and its explanatory power too much. Olsen (2002: 923) underlines this notion by stating: "Different conceptions of Europeanisation complement, rather than exclude, each other." Thus one has to be aware of the fact that Europeanisation goes both ways: 'top-down' and 'bottom-up'. Member States, especially smaller ones, are forced to adapt their political structures (e.g. the change of the UK's voting procedures in EP elections). On the other hand the EU can include features of the Member States in its institutional set-up (e.g. taking the Scandinavian model of the ombudsman and creating an European Ombudsman.). Being aware of this connection, Wallace (2000: 370) combines the two views to define Europeanisation as "the development and sustaining of systematic European arrangements to manage cross-border connections, such that a European dimension becomes an embedded feature which frames politics and policy within the European states." Other writers have also recently included both dimensions into their approach towards Europeanisation. The following definition shows the various aspects of the concept and the relationship between them. For them "Europeanisation consists of processes of a) construction, b) diffusion and c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and sub-national) discourse, political structures and public policies" (Radaelli 2000: 4).

Evaluation:

Keeping both approaches in mind, Europeanisation is first and foremost 'change'. Schmidt (2001: 2) brings it to the point by defining Europeanisation as "a set of regional, economic,

institutional and ideational forces for change also affecting national policies, practices, and politics." An important question is how much of this change ca n be assigned purely to Europeanisation and how much is caused domestically or internationally. To answer this one would have to compare and contrast Europeanisation with globalisation. Is Europeanisation a sub category of globalisation or is it the opposi te and reacts as an anti-pole to globalisation? Wallace (2000: 381) sees Europeanisation as "sufficiently deeply embedded to act as a filter for globalisation." Featherstone and Radaelli (2003: 9) on the other hand see Europeanisation as a "defensive strat egy with respect to the onset of globalisation and the neo-liberalism associated with it." Schmidt (2001: 4) argues both ways and sees Europeanisation as a "regional foil to globalisation as much as a regional variant." It is also important to keep in mind that there are other important factors for (domestic) change than Europeanisation.

Radaelli (2004) admits that Europeanisation should be seen rather as a research agenda with more questions than answers. However, this research agenda includes different approaches towards the domestic impact of Europeanisation. These can be grouped around Europeanisation in relation to governance, institutionalisation and discourse. [122] In outlining and explaining 'change', the concept of Europeanisation can help to explain aspects of European integration, often overlooked by other approaches. Ginsberg (2001: 38) argues that "the concept of Europeanisation is a healthy corrective to the overemphasis on interstate bargaining and opens the door to new, more nuanced theoretical insights." Schäfer (2004) identifies the move of the foci of European integration study from integration to governance to Europeanisation.

Conclusion

The aim of this chapter was to analyse the purposes of theory in social science and integration theory, outline how theories differ, and identify how and why theoretical fashions change. The examination showed where theories can differ, such as in their ontology and epistemology. The most important purposes of theory are to provide a framework for ordering empirical data and to inform the scientist about his or her own pre - assumptions about the world, and making him or her see the starting points of the other theorists. In order to understand changes in social sciences in general and in integration theory in particular, but also to explain why change sometimes does not happen, the notion of paradigms proved useful. It makes the analyst aware of communities of scholars using the same academic 'language', seeing the world in the same way and developing simi lar and compatible hypotheses. While belonging to this specific paradigm the theoretical lenses are set, and one only analyses the factors (i.e. events, actors and processes), which are considered as important, using the accepted methods. Therefore it is q uite right to say that "what you see is what you look for" (Greve 2004: 28). Applying the concept of paradigms is useful as long as one is aware of the differences between natural and social sciences (most importantly that in social sciences various paradigms can exist at the same time and compete with each other).

The overview of European integration theory illustrated that the theoretical approaches presented varied in their scope, assumptions and in their dependent variable. They lead to different results, as they wer e being conceptualised at time periods with different political realities, asking varied questions, looking at different issues and using varying tools. This chapter showed that the development of European integration theory can be roughly divided into three different phases so far, each with their own specific theories. These phases coincide with a number of paradigm changes in European integration theory. These paradigm changes occurred because of progress in the academic community, as well as real world developments. Therefore it was also argued that there is a crucial relationship between the study of European integration and other fields of social sciences, as well as a

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[122] Not only is the Europeanisation literature divided on the concept of Europeanisation but also with in the same understanding of Europeanisation, namely as impacting on the domestic level, different foci exist.

between the academic and the real world developments, for the progress in the understanding of sound social science theory. Today the main paradigm debates in EU studies are between rationalism and constructivism.

This chapter also presented some of the main theoretical approaches in the field of European integration, outlining their main assumptions and criticisms. Based on their differences the usefulness of the various theories depends on what exactly one wants to explain. Nevertheless, each of them further enriched the study of the EU. However, no conceptualisation of the EU managed to capture all aspects of European integration. Academics of nearly all theoretical backgrounds admit that their approach needs to be complemented by some other theoretical approach (mostly a macro theoretical approach) as the older grand theories cannot explain the detailed features of EU governance and more recent theories do not explain the historical integration of the EU. Therefore instead of creating dichotomies it should be accepted that different theories can exist beside each other and enrich the understanding of European integration. Sometimes, if their ontologies and epistemologies allow, they could even be used together in one framework. The often cited example of Puchala (1972), which declares theorists as blind men who touch and describe different parts of the elephant, and therefore have varying notions on the constitution of the whole animal, is valuable in describing the purpose of theory and the differences between them. Chryssochoou (2001a; 2001b) changes the elephant to a chameleon. This is very useful in explaining the development of the understanding of sound theory in social science. As the object of analysis constantly changes, and theories discover new elements which they were previously not considering, theories and their understanding need to be continuously updated. This is the only way in order to try to understand the whole 'elephant'.

Having looked at different theories on European integration and their specific assumptions, being aware of their strengths and their weaknesses will be helpful when trying to explain and analyse the development and use of the OMC. The next chapter will now outline the methodology used in this thesis.

CHAPTER THREE: METHODOLOGY

Introduction

The use of a sound methodology is important in any academic research project, as it identifies the theoretical starting point of the academic and helps to structure the empirical data gathered during the research. Furthermo re, it helps to identify possible challenges of the research giving the academic the possibilities to prepare for them. It also provides the framework for evaluating the results of the research and defining its added value for the research community.

This chapter outlines the methodology used in this PhD thesis. Section one starts by restating the rationale of this study, the research problem, the main hypothesis together with the supporting questions as well as the scope, the limits and the benefits o f this work. This is followed by a brief discussion of the ontological and epistemological foundation of this research. Section two will concentrate on the research design. It will first argue for using case studies as the research strategy. This includes the presentation of the case study on the OMC in education and training and the case study from the European Social Dialogue, and justifying the choice of these case studies. Then the different methods for collecting and analysing data will be outlined, na mely participatory observation within the European Social Dialogue (and partially within the OMC in education and training) and the semi - structured interviews carried out with some of the main actors within the two processes. This section will also present the indicators for analysing whether or not OMC -like tools have increased integration, how it has done so and in which way different European integration theories explain this. Finally, the challenges faced by this research will be outlined as well as the strategies that have been selected in order to overcome them. The summary will then bring this chapter to a close.

1. The research problem

Research rationale

The rationale underpinning this research is based on the one hand on the growing importance of the OMC topic within the literature on the European Union, and European governance in particular, and on the other hand on the lack of applying European integration theories to this process, which have been used to explain every other major event, underlying process or future direction in the history of the European integration process. Since its official baptism at the European Council in Lisbon in 2000 and the subsequent expansion into various policy areas, the OMC has become a significant theme and the work on it is constantly increasing. Some of the reasons for applying European integration theories to the OMC are:

- The Lisbon process represents a significant event, a process as well as a normative project, namely better governance, which normally are us ed for testing and supporting the different types of European integration theories,
- The choice of the case studies includes original work where European integration theories are not only used to explain the traditional EU policy -making procedures, but also to explain why non-state actors involved in these procedures copy and apply them as part of their own internal processes,
- It contributes at the same time to the literature on European integration theory as well as to the literature on the OMC.

Main research question and hypothesis

As stated in the introduction of this project, the main research question is 'how do different theories of European integration explain the development and use of OMC -type approaches in European policy-making and their role in the European integration process?'

Propositions

The first hypothesis of this PhD is that the OMC is a useful tool to enhance the European integration process (in the area of education and training policy), especially when discussing sensitive issues. Some of the supporting arguments include the increase of policy areas where OMC is practised and the use of OMC governance by other EU actors. The second hypothesis is that as the OMC is mainly based on soft/informal procedures, more constructivist approaches are more likely to explain this phenomena rather than rational choice approaches. [123] This hypothesis is applied because, first of all, constructivist approaches look for evidence of socialisation and policy learning, while rational choice approaches ignore these possibilities, and secondly the policy area under examination is not a domain of power bargaining but rather one where ideas and norms, identities, communication and language are decisive. Therefore this piece of work will examine if and how the OMC has contributed to further integration, and how this can be explained by the different theories on European integration.

Independent variables and supporting questions

The following independent variables are taken from Warleigh-Lack (2006: 762) and applied to this research as they cover all of the different dimensions of the OMC-like tools this thesis wants to deal with:

- The rational for applying OMC, and the framework of actions' respectively to the education and training policy field (genesis);
- The way the OMC and FoA processes work respectively (functioning);
- The ideational /affective factors at work (socialisation);
- The effect of using these instruments (OMC and FoA) on the national level (impact);
- An additional variable will be the effect of using these instruments (OMC and FoA) for the European level (integration).

Some of the supporting questions that will be answered as part of the overall analysis are:

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[123] While assuming that no one theory will be able to explain all aspects of the OMC.

- 'Does OMC-like governance represent a valuable alternative or complementary mode of policy-making for further European integration?

- How do OMC-like tools fit into traditional theories of European integration and to what extent do these theories explain the promotion and use of soft instruments such as benchmarking use of good practices and peer press ure, as an alternative to the traditional tools of EU legislation and intergovernmental methods?

- Why was the OMC method applied to the area of education and training?

- Is there spillover between policy areas? Does OMC in one policy area lead to OMC in another?

- Are there concrete results from using OMC -like tools? Do they present an added value or only additional administrative work for Commission and Member States?

- Does the use of OMC-like tools lead to an Europeanisation of the given policy area or do they keep this policy firmly under the control of the national level?

- How is the OMC applied in the European Social Dialogue?

- What are the origins of applying an OMC like process in the European Social Dialogue and what are the interests of the different actors for using it instead of other tools?

Scope

Reflecting on the literature review of the OMC, one can agree that the OMC provides various worthy research topics, many of which have already been taken up extensively. However, while being aware of theses diff erent themes within the OMC literature, the decision was taken for this study to have a very specific focus. While touching upon them at the right moment, as they are all linked with each other to a certain extent, the following aspects will be only dealt with in a limited way:

- Legitimacy discourse;

- Policy learning discourse;

- Better form of governance;

- Benchmarking.

These limitations are based on two main reasons. The first is the length restrictions of this project. The second is that the focus lies on the integration potential of the OMC and the

explanation and understanding capacity of European integration theories for this, and not on the other promises of the OMC. Follow -up studies could then look at the relationship between the lessons learned and t he added value for the other issues.

<u>Potential benefits of this study</u>

This research will contribute in an original way to the understandings of the use of OMC in EU policy-making and the research output from this project promises to be significant. The most important contribution that this thesis will make to the study of the EU is by adding theoretical and empirical evidence to the use of OMC in general and in education and training in particular. This project has various potential benefits for academics and policy-makers, as:

- Firstly, it will provide further insight into an area of the European Union which to date is under researched , namely the social dialogue, and using it as a case study for the application of OMC -like tools. In particular the analysi s of the social partners' own version of OMC in the social dialogue, as part of their new instruments, shows the significant spillover potential of OMC;
- Secondly, it will place the OMC in the framework of traditional European integration theory and examine the compatibility of the OMC with the various theories thereby extending the field of application of European integration theories to an aspect of the EU which there have not (or only very limited) been used for so far;
- Thirdly, it will bring further in sight into the development of European cooperation in E&T at EU level, another aspect which has been under -researched in the past, and examine how and why this cooperation has significantly increased over recent years;
- Fourthly, it will contribute to the e xisting body of work on the OMC and to the currently limited literature on the OMC in Education and training.

Theoretical propositions

As this author agrees with the notion that 'all knowledge is conceptually formed' (Goetz and Hix 2000) it is necessary to present the theoretical basis of this research.

<u>Ontology and Epistemology</u>[124]

What is the author's understanding of integration? As already discussed in more detail in the theory chapter, European integration is not a static object, but is constantly changing and evolving. Nevertheless, it is important at this stage to outline that European integration is understood by this author as a process, and is informed amongst others by the following two descriptions:

> "[European integration is] the process whereby political actors in several distinct national settings are persuaded to shift loyalties, expectations and political activities toward a new centre, whose institutions possess or demand jurisdiction over the pre -existing national states." (Haas 1958: 16)

> "European integration comprises two interrelated processes: the delegation of policy competences to the supranational level to achieve particular policy outcomes; and the establishment of a new set of political institutions with executive, legislative and juridical powers." (Goetz and Hix 2000: 3)

The epistemological position expresses what we can know about the world and how we can know it. Therefore choosing one's epistemology shapes to a strong extent one's methodology. While the theoretical dimension has been dealt with extensively in chapter two, at this stage it is important to outline this author's responses to Hermann's (2002) questions presented earlier, in order to clarify the epistemological starting point of this thesis:

- *Is there a knowable objective reality out there, which can be divorced from our subjective interpretation?* The author believes it is not possible to be 100% objective as an academic, because the researcher is part of the social fabric, he or she is influenced by it and influences it at the same time;

- *Can we generalise across time, space and people, or are our observations culturally, historically and geographically bounded?* Values and behaviours, norms and ideologies change over time and differ across space. People of a different age were driven by other factors than later generations. Certain things were acceptable which are unacceptable today, and vice versa. Furthermore, the way of carrying out research changed over time and with it, the notion of what makes up knowledge. Therefore this author believes that

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[124] See chapter two.

it is only limited possible to generalise acros s time and space, rather it is important to understand the different underlying factors of a society at a given time and space compared to other times or other societies;

- *Therefore is grand theory possible or are middle range theories necessary, which specify the conditions in which theories apply; and what are the implications of different methodologies for the results of the inquiry?* The implications of choosing a certain methodology, rather than another, predefines certain aspects of the results as it decides which data will be taken into considerations, which ways of data collection are acceptable and how to evaluate the given data. The choice of methodology is therefore dependent on the epistemological starting point of the research. [125]

Qualitative and quantitative research

The literature indicates that researchers who have an epistemological belief which says that one can be totally objective from one's study of enquiry, prefer using methods such as quantitative research which provides a certain di stance between the researcher and the object of enquire. Researchers who come from the epistemological tradition of insisting on the need of understanding the culture and worldviews of the social actor under investigation, rather apply qualitative researc h methods (Arkey and Knight 1999; Blaikie 2000). As the main aim of this research is to identify the principal reasons and motivations behind the actions of political actors and decisions, the research approach must be necessarily be of a more qualitative nature.

2. Research design

Research strategy[126]

As a method of data selection, the case study approach has been chosen for this project. The advantage of using the case study method has been described by Yin (2003: 2) as it "allows

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[125] While outlining the epistemological and ontological starting point of the author, the aim is to examine the explanatory power of the different European integration theories according to their own epistemological and ontological positions.
[126] A way of investigating an empirical topic by following a set of pre-specified procedures (Yin 2003: 15).

investigators to retain the holistic and meaningful characteristics of real -life events." The literature on research methodology identifies qualitative methods, such as case studies, as being more suitable for answering questions such as 'how' and 'why' than more quantitative methods, which are more suited to answer 'how many' or 'what' questions. As this research mostly concerns 'how' and 'why' questions, the choice of these methods is appropriate. Yin (2003) stresses that the case study approach should not be confused with 'qualitative research', as some case studies also apply quantitative methods. Nevertheless, most of the case studies are based on qualitative research methods and therefore choosing the case study approach fits well with the epistemological starting point of this work.

Selection of case studies

This thesis will examine two case studies. The first is the OMC process in the field of education and training; the second is the policy instrument 'framework of actions' in the European Social Dialogue. It was deci ded to examine two case studies rather than a single one because they would complement each other and avoid some of the challenges faced by this project which will be explained in more detail later in this chapter.

More specifically, the OMC process in t he field of education and training has been chosen as a case study for various reasons:

- It is one variation of the standard OMC processes used by the European Commission and the Member States;
- It is a core policy area of Member State control;
- It is far les s researched than the different OMC processes in the social field;
- It is a policy area which arguably, is even more strictly protected by Member States than the social policy area;
- The author can provide in -depth first-hand experience in this field.

The European Social Dialogue, with its policy instrument 'framework of actions' was selected for this analysis for rather different reasons, although some overlap with the earlier ones described earlier for the OMC in E&T:

- First of all the author used to work for one of the European social partners organisations, namely UEAPME [127], during most of the research process and has extensive first-hand experience in this field; [128]

- It does not present another 'typical' OMC process by the same actors (Commission and Member States) in a different policy field, but rather shows how other actors (social partners) apply an OMC-like method in the same policy area (education and training);

- It investigates how other European actors, in particular European social partners, have adapted their policy tools to include an OMC like process;

- While not being a classical OMC process, as the Commission is not directly involved, it nevertheless provides valuable insights why actors would choose an OMC-like instrument rather than other options such as binding legislation;

- The inclusion of this case study may provide the possibility to extend the theoretical framework beyond purely Commission-Member States processes, but look at any process of political integration between political actors.

<u>The choice of research methods</u> [129]

The data collection of this study will be based on a combination of different methods in order to gather the empirical data needed for this project. This includes: an in-depth review of the existing literature on the OMC as well as on European integration theory, an extensive analysis of primary sources, participatory observation and interviewing.

Literature review

This method is used in order to be aware of the existing research on these issues and to be able to create links and synergies between other academic work and this project. Furthermore, the literature reviews highlight the main questions asked related to the topic, but also help to identify gaps where original research is needed. The results of the literature reviews have been presented in chapter one and two.

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[127] Union Européenne d'artisanale,petite et moyenne entreprises.
[128] The advantages and challenges of this will be further discussed later on.
[129] Research methods are understood as "the techniques or procedures used to collect and analyse data." Blaikie (2000: 8).

Primary sources

An extensive analysis of primary sources, among others, Commission documents, joint declarations and agreements between the European social partners will be carried out in order to have comparable data with the findings from the interviews and the participatory observation methods.

Participatory observation

The method of participatory observation was primarily chosen based on practicalities as the author has worked during the period from Novemb er 2004 to December 2007 in the secretariat of UEAPME in Brussels.[130] UEAPME is the European association for craft, small and medium sized Enterprises with over 81 member organisations in the 27 Member States and candidate countries. It was founded in 1979, but really only became an active force in Brussels from the early 1990s onwards. Today, while being on the one hand a business organisation lobbying for the interests of craft, small and medium enterprises, UEAPME is also one of the four European social pa rtner organisations participating in the European Inter-Sectoral Social Dialogue.[131]

During this author's time working for UEAPME he had, among other responsibilities, the duty to work closely with the other European social partner organisations, includin g participating in negotiations, in particular the negotiation of the 'framework of actions on gender equality'[132] and the follow-up and evaluation of the framework of actions for the lifelong development of competencies and qualifications. This experience w as essential for carrying out this research, as it allowed to access first -hand information, rarely available to other researchers, as well as helping to understand the decision -making processes within an European organisation. Moreover, it helped to ident ify processes and specific behaviour, which would not make sense or seen as relevant from the outside. The author's position at UEAPME also brought him close to the OMC process in the Directorate General of Education and Training where the author could obs erve the particular processes and

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[130] Nevertheless, as participatory observation is, according to the literature on social research, supposed to be the most extreme form of qualitative research (*ibid*). This fits very well with the theor etical starting point of the author, as outlined above.

[131] See chapter five.

elements of the OMC in education and training as well as make contacts with relevant key actors at European and national level in this process in order to sample their opinions on this method. These circumstances support t he arguments used in the literature on social research for using participatory observation as a data collection method. The advantages are outlined by Yin (2003): having access to events or groups otherwise not accessible, perceiving reality from an 'insid er' point of view and manipulating minor events. [133]

The added value of applying the method of participatory observation cannot be stressed enough at this stage. The researcher receives access to information and processes, which would most likely be closed t o him if applying another research method, and opens up the perception of the analyst from someone who writes about something he observes to someone who writes about what he experiences. However, the use of participatory observation also brings with itself certain problems, which are discussed in more detail in the section on *challenges*. In addition to the already outlined theoretical and functional benefits for this research of working in UEAPME, it also ensured that the author had sufficient resources whi le carrying out the fieldwork, and potential difficulties, such as postponing interviews etc, could be dealt with relatively easily.

Interviewing[134]

For the interviewing process the following design has been applied:

- Semi-structured approach;
- Choice of interviewees;
- Dates for field work and length;
- Interview questions.

Semi-structured interview approach

The choice of using interviews, and the semi -structured approach in particular, is based on the nature of this study. As this research focuses on qualit ative data, the method of interviewing is more likely to provide this type of data than other methods such as surveys.

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[132] See http://www.etuc.org/a/991 (last accessed on 22.07.09).
[133] This means for example that the researcher is able to choose the time,   date and location of the interview.

Based on the ontological and epistemological starting point, outlined before, the choice of qualitative research methods is appropriate. Furthermore, as many of the research questions lead to more subjective responses, semi-structured interviews were in addition to the participatory observation, the obvious choice.

Choice of interviewees

The choice of such a diverse group of interviewees [135] reflects the aim of having different data sets which on the one hand complement each other, and on the other hand provide a wide range of expertise that would not be available if the type of interviewees was more limited. While some of them were at the time working in the field of education and training policy and were involved in the creation of the OMC and the FoA respectively, others joined more recently and can report on the continuation and development of this method. Others were chosen for their general expertise concerning the working methods of the Commission and the European social partners respectively. Furthermore, it was important to have representatives of both sides expressing their motivation and their interpretation of the motives of their counterparts for applying the OMC-like method to their policy area. In the first case study this means Commission and Member State representatives; in the second case study this means employer and trade union representatives.

The choice for using interviews as a data collection method as part of the fieldwork in addition to the participatory observation method was made deliberately in order to be able to benefit from the strengths of the different methods, while avoiding their weaknesses, when used in isolation, thereby creating a balanced and more accurate result. Complementing this with a thorough analysis of the literature as well as primary sources also contributed to making the data more reliable. The importance of this *triangulation* method will be discussed in more detail when talking about the challenges of this research.

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[134] Interview period Nov-Dec 2007, Aug-Sept 2008.
[135] See annex 1.

Interview questions

The interview questions[136] were sent to the interviewees in advance to give them the opportunity to prepare themselves. These questions are based on the following indicators.

Indicators

The interview questions, the analysis and the evaluation of the data were based on a set of indicators. As the focus of this thesis is not to evaluate the OMC itself but to see how European integration theories can be applied to i t, the emphasis of these indicators will be on whether or not OMC-like tools have increased integration, how it has done so and in which way different European integration theories explain this. Therefore the analysis needs to proceed in two phases. In the first phase this research will look at the contribution of the OMC-like tools to further integration, while the second phase will look at how the different European integration theories explain and evaluate this contribution. As seen earlier, there has been substantial work done on the theme of integration in relation to the OMC, but with only limited application of European integration theory to this inquiry. Therefore some of the indicators derive from the result of the literature review on the OMC, while others are taken from the work that has been done on European integration theories.

Indicators and related questions for the first phase

Indicators for examining the contribution of the OMC are basically divided into two groups, namely objective and subjective indicators. The objective indicators will be used to provide hard evidence of the OMC's contribution to European integration, such as expansion of policy areas used, official role of the European institutions in the process, the creation of committees and 'upgrading' the competences of the EU in a particular policy area where the OMC is used. The subjective indicators are for identifying the opinions and feelings that involved actors and policy -makers have on the existence or not of an added value for European integration originating from the OMC, and what this added value is.

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[136] See annex 2 and 3.

Objective indicators

- Spreading of the OMC to more and more policy areas at EU level (vertical integration):
    - Number of policy areas;
    - Type of policy areas:
        - i. Old policy areas of the EU
        - ii. New policies
        - iii. Sensitive policies.
- The institutional divide in OMC, and who the main actors involved are;
- Increase of the OMC's strength over time (horizontal integration):
    - More powers, such as benchmarks and recommendations;
    - More responsibility for European institutions.
- Level of involvement of the EU in OMC processes:
    - Formal or informal role;
    - Supportive or main responsible for the policy area.

Subjective indicators

- Usefulness of the OMC;
- Impact on policy-making and policy change:
    - At European level:
        - i. Uploading of national policy or downloading another state's policy.
    - At national and regional level:
        - i. Dealing with new topics at national level as a reaction to recommendations from the EU level;
        - ii. Being more proactive, having more and different actions/initiatives and legislation and reforms on topics already dealt with (or not) as a reaction to EU recommendations;
        - iii. Involving more and other stakeholders at national level as a reaction to recommendations at EU level, such as social partners;
        - iv. Evaluation of European frameworks of actions by the European social partners;

    v.   Use of the term (OMC) by policy-makers, stakeholders and official documents (language);

    vi.   Analysing impact of the EU level on new policy areas which previously did not exist at national level an d on already existing national policy areas.

Indicators for the second phase

These indicators will be used when testing the explanation capacity of integration theories for OMC-like tools. Some of them are the same as in the first phase; others are taken from the literature review on European integration theories.

General indicators

- Aim of the MS and other actors for using the OMC in relation to integration:
    - Foster/Enhance it;
    - Slow it down/ stop it;
    - Change it to a new type of integration
        - i.   Why?
- Level of involvement of the EU in OMC processes:
    - Formal or informal role;
    - Supportive or main *responsible*.
- Reason for the spreading to more (sensitive) policy areas:
    - Choice of the MS;
    - Agency loss;
    - Functional interdependence.
- Reasons for national policy changes:
    - Socialisation;
    - Learning;
    - Common perceptions of problems;
    - Persuasion;
    - Power politics;
    - Purely/mainly national reasons.

- Use of OMC-like tools in relation to its original aims:
    - Strictly follows them;
    - Aims have changed
        - i. Why?
- The extent to which discussing a topic at Eu ropean level is seen as a (first) step towards (further) integration;
- Role of the main actors (at different levels):
    - European institutions;
    - National and regional governments;
    - Interest groups;
    - Networks.
- Variations of power of the main actors:
    - Decision-making;
    - Agenda-setting;
    - Influencing.

Indicators based on the literature review of European integration theory

- How the institutional divide in the OMC, and the participation of the main actors can be explained;
- The role of interest groups and the existence of policy networks;
- Functional spillover;
- Pre-dominance of national governments and national interests;
- Legitimacy, efficiency and democratic deficit;
- Multiple levels of governance;
- Path dependency and the role of institutions;
- Socialisation

Challenges

Every academic research project faces challenges. These depend on the type of methodology one uses, such as the accessibility of data, validity of the data or potential biases of the researcher. While the accessibility of data is in this case no major c oncern, there are certain challenges resulting from the choice of research methods, most prominently the participatory observation method, which needs to be addressed. These include: research ethics, independence of the researcher, data reliability and pot ential biases.

Research ethics

As this research is strongly based on a participatory observation methodology as well as on interviews and conversations with work colleagues and other practitioners, the aspect of research ethics is important and has to be kept in mind. Although in this research none of the people are in danger of any physical or psychological harm, certain aspects deserve additional consideration. How to deal adequately with any potentially confidential information that the researcher might get either from his company and colleagues, through his employment status or through conversations with practitioners, which see the researcher as a peer rather than an analyst? Ethical challenges can be avoided by referring only to official public docume nts of the employer, as well as keeping this source of information anonymous, if the PhD researcher did not inform the source that the information received would be used as part of academic research. It is also essential to outline the aim of the study to the interviewees, as well as explaining in which way the data received through the interview would be used, and offering them the possibility of anonymity.

Independence of the researcher

In participatory observation the independence problem can take two dimensions. One is where the researcher is limited in his work due to fear of repercussions of people finding out about his investigation (e.g. loss of employment or loss of friendships with colleagues). The other is guaranteeing the independence of th e PhD researcher from the official line of the organisation. This means that the academic is, consciously or sub -consciously, becoming a supporter of the group, which is the object under research, and thereby losing

the (limited form of) objectivity. In th is specific study, these problems, while existing, are relatively unlikely to be insolvable. In particular the danger of becoming a supporter of the group (in this case UEAPME) would have no or only little impact as the unit of analysis has a wider focus than the organisation where the researcher was employed.

Data reliability and possible bias

Other main challenges resulting from using the participatory observation approach are data reliability and the possible bias. If data comes only from one specific method the chance is greater that certain aspects have been overlooked. The selection of a single data set has the risk of potential biases as the researcher could be tempted to choose data that is more favourable to the original hypothesis. In order to av oid this bias, the strategy of *triangulation* will be used in this study.[137] Here triangulation is achieved by using participatory observation, interviewing and an analysis of primary documents which all together provide the data pool. By applying diverse set s of data derived from different methods, the author aims at overcoming the problems of validity and bias. Triangulation is normally used either to complete or to confirm the given data set. (Falkner 1998) In this case it is a bit of both. On the one hand, the interviews are supposed to confirm the information gained through the participatory observation, on the other, they are aimed at complementing the participatory observation by getting additional information on purposes, motives and objectives for creating and using an OMC type method in this policy area by the different actors. This therefore is *methodological triangulation*.

Another challenge in relation to data reliability, including access to data, is that as the researcher is known to many of the interviewees in his position as employee at UEAPME, the respondents might refrain from accepting the interview in the first place or limit their responses to neutral comments or information which is publicly available. In order to be prepared for the possibility of interviewee refusing, the list of interviewees was selected in such a way that in this case another pers on was identified on the grounds that he or she could give the same (or at least similar) view. Concerning the case that the interviewee

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[137] The basic idea of triangulation is that data are obtained from a wide range of different and multiple sources, using a variety of met hods, investigators or theories (Arksey and Knight 1999: 21).

would be reluctant to give some more confidential information, or even make dishonest remarks, the researcher could ide ntify this by comparing the interviewees' answers with the material he gathered during his participatory observation period and if they are contradictory, eliminate them and replace them with other interviewees.

By being aware of these challenges and app lying the necessary safeguards, it will be possible to prevent or at least limit their impact on the study. Furthermore, the added value of using participatory observation, which includes better access to sensitive information and to formal and informal pr ocesses, which would most likely be closed to the public, as well as having a unique perception as someone who experiences the study under analysis, outweighs the potential challenges by far.

CHAPTER FOUR: THE OMC IN EDUCATION AND TRAINING POLICY

Introduction

In order to find out how OMC-like tools are being developed and how they are used, a case study approach based on semi-structured qualitative interviews was chosen as data collection method, in addition to an in-depth review of the existing literature, an extensive analysis of primary sources and participatory observation. In order to benefit from first-hand information on the creation, functioning and impact of the open method and the FoA in E&T and to test the hypothesis that "OMC-like tools were applied because they are better adapted to the specificities of this policy area and represent a new form of (doing) integration", a series of interviews with Member State representatives, Commission officials and social partners was carried out between November-December 2007.[138] By using a wide range of different and multiple sources and a variety of methods, the concept of triangulation is being applied in order to overcome the problem of validity and bias. Chapter three has discussed this intensively, as well as outlined the advantages of the case study approach.

The decision to employ two case studies, rather than only one, was made because these complement each other and the findings of the two will make it possible to place the theoretical implications in a wider frame than when looking only at the results of one specific case. The choice of case studies is innovative with respect to other studies because the comparison is not between two OMC-instruments used by the European Commission and the Member States in different policy areas but rather between one OMC-instrument used by the European Commission and the Member States and one OMC-like tool used by other European actors, i.e. the European social partners, in the same policy area. The benefit is that it shows that the development and use of OMC-like tools is, not only, not limited to policy areas but also not to specific actors, and that OMC-like tools are being

used by more and more actors as one form of governance. This has been outlined in detai l when discussing the methodology of this research.

This chapter will deal with the first case study, the *OMC process in the field of education and training*. The next chapter will then analyse the second case study, the *framework of actions' in the European Social Dialogue*. The aim of this chapter is to present and analyse the creation and functioning of the OMC in E&T, looking in particular at its significance for European integration, as well as its impact at national and European level. This analysis will be based on the findings of the interviews. The results of these interviews are outlined thematically. The chapter will start with a brief overview of the main results of the interviews before looking in more detail at the individual aspects of the OMC . The first section will examine the creation of the OMC within a historical perspective. Then the individual elements of the OMC and its actors will be outlined before giving some explanations for the use of the OMC in this policy area. A section outlinin g the impact of the OMC on national policy -making will follow. Afterwards the OMC's contribution to European integration will be presented. The last section will look at an evaluation of the OMC to date, showing its successes, its failures and the areas wh ere the OMC may need some adaptation. The conclusion will review the findings of this chapter and outline how they will afterwards be placed within a discussion on European integration theories, subsequently to looking at the other case study.

1. Overview of the main interview results on the OMC in E&T

This overview will first summarise the main findings before outlining the individual aspects more in detail.

Nature of the OMC

- The OMC is an <u>elite driven process </u> and not very legitimate as the EP is not involved;

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[138] Three additional interviews were carried out in 2008.

- The OMC is a <u>flexible instrument,</u> enabling EU policy to adapt to specific situations in the Member States;
- The OMC is a <u>voluntary process,</u> focusing on learning in order to inform national reforms;
- The OMC is achieving the convergence of nation al policies <u>without harmonisation.</u>

Elements of the OMC

- Common objectives, good practices, clusters, reporting, peer reviews, indicators and benchmarks, multiple levels, regular committee meetings at European and national level. It has an initial time limi t until 2010.

Lisbon and the OMC

- To a certain degree the Lisbon summit was a <u>continuation of earlier developments;</u>
- The Lisbon summit was important for making the <u>link between E&T and competitiveness</u> and giving a <u>political mandate</u> for further cooperation i n E&T.

Creation of the OMC and its causes

- It was an <u>incremental process</u> and not a single decision. Different elements were tested, resulting in a type of OMC. The name was almost accidental rather than a reflection of a deep vision;
- Global competition an d societal changes made Member States more willing to cooperate in E&T;
- Political will and commitment of the Member States are crucial;
- Member States support OMC in E&T but for different reasons. Some want to limit the expansion of EU powers in E&T, othe rs want to enlarge them;
- Currently there are <u>no valid alternatives</u> to the OMC in E&T;
- The huge <u>diversity of national systems, subsidiarity</u> and <u>sensitivity</u> of the topic requires a flexible instrument, such as the OMC.

Governance

- The Community Method <u>is used</u> in E&T, but <u>without legally binding force</u>, complementing the OMC;

- Complementary forms of governance: OMC proposes reforms and the <u>programmes</u> finance them.

European integration

- The EU opted for <u>widening over deepening in E&T</u>, with more topics to discuss now;

- The reluctance of some Member States can be partly explained by the position of <u>their regions;</u>

- The OMC is a <u>new form of integration;</u>

- For some it is <u>a second best solution</u> for integration;

- There is a <u>spillover</u> between employment, competitiveness and E&T.

Added value of the OMC

The added value of the OMC in E&T depends on the perspective. There can be added value:

- <u>In general</u>: creation of networks, having common concepts and common terminology, improving quality of policy, the transfer of ideas and l earning, reconciling the responsible actors within the E&T system and common attention to topics;

- <u>For the economy</u>: increased mobility of workers, more competitiveness and employment;

- <u>For the Member States</u>: it helps them to modernise national E&T systems a nd support reforms, enhances the awareness of national policy -makers about their own situation, creates political commitment and forces them to state policy priorities;

- <u>For the EU</u>: it gives a voice to policy areas where the EU has no treaty powers, it lead s to convergence while respecting Member States competences, discussing issues that Member States would normally not debate.

Consequences and impact

- Impact at national level exists, but varies across the Member States. Change has many reasons. It may originate at national, European or international level. The impact depends also on the national level of E&T policy, the size of the Member State and its willingness to learn;

- Impact on policy-making mainly concerns the content and less the national structures;

- Learning happens, from others but also, about your own system;

- Uploading and downloading takes place, but depends often on the interest of Member States and the individual national representatives;

- Socialisation happens between the participants, which is important for this form of governance to function as it is non -binding;

- The influence of the Commission in E&T has increased;

- There is a transfer of European concepts to the national level;

- National interests play a role but are less important than in o ther governance forms;

- The role of the individual for learning, disseminations and reforms is crucial;

- Peer pressure is part of the OMC but is always difficult;

- Political commitment is needed for change and the OMC can achieve this.

Evaluation

- For some interviewees it is too early to evaluate;

- For most interviewees, it is a great success in: creating reform pressure, enhancing the capacity of Member States to learn from each other by providing structures and methods, changing the Commission's attitude to E&T and seeing that it is an integral part of the competitiveness agenda, making policy -making more realistic, improving the cooperation between E&T ministers significantly, improving the relationship between the Commissioner for E&T and the national mini sters for E&T and discussing the topics at national level;

- Not reaching the benchmarks by 2010 should not be seen as a failure of the OMC;

- Changes and improvements are necessary especially concerning dissemination;

- All of the involved actors want to continue with this method, as they find it useful;

- A reflection process on how to continue with the OMC in E&T has begun.

2. Results from the interviews on the OMC in E&T organised thematically

Genesis of the open method of coordination in E&T

<u>Pre-Lisbon</u>

It is important briefly to look at the historical development of E&T at European level in order to understand the current regime of the OMC. The formation of an E&T policy at European level experienced a rocky road over the last 50 years with blockages, setba cks and turning points.[139] While the EU's involvement in vocational education and training (VET) already started early under article 128 of the Treaty of Rome, and the Advisory Committee on Vocational Training (ACVT) was already set up in 1963, education was not discussed at European level until much later. Education was, and still is, a very sensitive policy area for the Member States and any attempt to Europeanise this policy area was doomed from the outset. On the other hand it was already acknowledged at that time that VET was linked to social and employment policy, such as the recognition of qualifications, which made it possible to discuss this topic at EU level. After the general EU crisis in the 1970s the ministers met regularly on the topic of VET but no real output resulted from this, as the Member States were not keen on EU involvement in E&T. For many participants and commentators the main work of the EU in the field of E&T concentrated between the late 1970s and the mid 1990s on the programmes (COM ET, PETRA, later SOCRATES, ERASMUS, etc) and no real policy was produced.

To a certain extent the profile of E&T at European level was first raised by Jacques Delors' 1993 White Paper on "Growth, Competitiveness and Employment" (Boomgaert 2007). Additionally, the role of the new Director General of the Directorate General for Education, Audiovisual and Culture (DG EAC), Nikolaus van der Pas, who was convinced of the need

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[139] For a detailed overview of the different phases see Pepin (2006), Ertle (2006) or Hingle (2001).

for a policy approach in E&T, contributed from 1996 onwards to its development. At th at time the Member States were creating networks outside of the EU framework, such as the 'Bologna process' on higher education (HE) and another one on school education. The one on school education was then stopped because the Member States realised that s chool education was at the core of their nations' cultural identity. In 1998 the 'Rolling Agenda' was created as a consequence of the Member States' frustration about all the work being done in E&T at European level with no impact at all, as the EU preside ncies at that time always came with their own national priorities, which were then forgotten and not continued under the next presidency (Boomgaert 2007; Thiele 2008). Under the Rolling Agenda the Member States continuously returned to the following three main issues: the role of education and training in employment policies, the development of quality education and training at all levels; and the promotion of mobility, including recognition of qualifications and periods of study (Council 2000). Thus, one can see that shortly before the Lisbon summit in 2000 there were already new developments and innovations in the policy-making regime of E&T at European level.

Lisbon

Although there were some important developments at the end of the 1990s, in particular with the creation of the Rolling Agenda, the strong impetus from the 2000 European Council for an increased cooperation in E&T at European level was surprising to most participants and observers. The Lisbon summit gave the go ahead for further cooperation i n E&T at European level by formulating two messages: First of all, it set itself "a new strategic goal for the next decade: to become the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion." [140] By formulating this, it created an implicit link between education policy and employment policy at European level and saw E&T as contributing to Europe's competitiveness, which should become more explicit over time. Some interviewees outlined that is not possible to separate policy areas such as E&T and employment, and identified a strong spillover potential between them (Boomgaert

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[140] Presidency conclusions Lisbon Europ ean Council, 23 and 24 March 2000 Council http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/00100_-r1.en0.htm (Accessed last 9.12.2008).

2007; Hingel 2007). This created more awareness for the importance of E&T, upgrad ed the significance of E&T at European level and increased the scope for community activities.

Secondly, the Lisbon summit made a clear request to the Member States concerning education and training by asking the Education Council to "undertake a general reflection on the concrete future objectives of education systems, focusing on common concerns and priorities while respecting national diversity, with a view to contributing to the Luxembourg and Cardiff processes and presenting a broader report to the E uropean Council in the spring of 2001." [141] This demand for 'joint' objectives was truly the revolutionary aspect of the Lisbon conclusions and is seen by some people in the Commission, such as Anders Hingel (2007), the Head of unit in DG EAC responsible for Indicators and Benchmarks, as actually going further than the treaty allowed them. [142] This was the go ahead for what later would turn out as the OMC in E&T. The individual aspects of the OMC in E&T were constructed in the aftermath of the Lisbon summit in a number of steps which where then sanctified by a series of European Council conclusions. On all these occasions and in all the subsequent documents the importance of E&T for competitiveness was stressed.

It is important to outline that the summit conclusi ons did not specify that the open method of coordination should be used for the cooperation in E&T (Hingel 2007). In article 37 and 38 of the Lisbon conclusions, where the OMC as a method was mentioned, there was not a word about applying it in the area of E&T. At that moment the structure of further cooperation in E&T was not clear at all, which shows that the Lisbon Council did not decide to have an open method in E&T. While Lisbon did not specify the use of the OMC in E&T, it was still a clear signal for a changing political climate. On the one hand, Lisbon can be seen only as a follow -up to the developments in the 1990s in E&T but, on the other hand, one can also see it as a watershed for the field of education and training at European level. Consequently, Lisbon should be seen as a significant moment with an incremental nature of a process that also included Delors' White Paper, the Rolling Agenda and the

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[141] *Idem*.
[142] For a detailed an alysis of this argument see Hingel (2001).

events that followed the Lisbon summit. David Coyne (2007), a director in the Commission[143] described the importance of the Lisbon Council to this researcher by stating that "if the Lisbon summit would had not asked for creating something in E&T there would not have been an OMC in E&T, so you can not get more significant than that."

An interesting aspect is the reason for the Heads of State and Government's decision to increase European cooperation in the area of E&T. This can partially be explained by the EU's global situation at the time. There was a global move from an industrial society to an information society and then to a knowledge society (Richonnier 2007). This was not only an EU phenomenon but happened also at national and global level. The heads of state and government recognised that they were facing similar challenges resulting from these changes. They agreed that the EU and its Member States needed to make progress in the world and that E&T could contribute to this through its link with competition and employment. Member States knew that they had to update their national E&T systems and were now willing to discuss national reforms at EU level. In addition to the need for cooperation, the form of governance was important for agreeing on deepened EU action in E&T. It seems that there was, until that moment, the expectation and fear of the Member States that the Community Method was to be used in education and training (Coyne 2007). This caused deep suspicion from the Member States concerning any policy proposals from the EU level in this field. As they realised this was not the plan, they accepted more willingly to deepen cooperation and consequently, they gave the mandate for closer cooperation in E&T at the Lisbon summit.

After Lisbon

The setting up of the OMC was not a fast affair. As presented above, the Lisbon conclusions did not specify that the OMC, as a method, was to be applied to the E&T policy area, only that the Council would reflect on concrete future objectives of education systems. To sum up the Lisbon Council, it gave a political mandate but not a clear template. The Commission and the Member States then spent the following three to four years to work out the details for closer cooperation in E&T at EU level.

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[143] Formerly director in DG EAC.

The political mandate from the European Council went hand in hand with a greater interest in policy within the Commission's DG EAC. Nikolaus van der Pas, Director General of DG EAC at that time, drove this movement and reorganised the DG to have a particular policy unit. The Commission interpreted the mandate received from the Lisbon Council in a very broad way and became pro active. For example, it tried to build on the work done in the field of employment. Three years in a row, DG EAC published a report based on the national reports in employment outlining the E&T dimension of these reports. These reports were then presented to the Education Committee. The Commission had no mandate to do so, they just did it (Hingel 2007). It was then during the Education Council discussions on 9 November 2000, when the Commission proposed a two -stage follow-up to the Lisbon invitation: The fi rst stage should decide on the content, the second phase should define the method (European Commission 2001b).

The Commission carried out surveys in order to identify the topics that groups of Member States were most interested in and selected the experi ence of the Member States that would be useful for the others. During this time there were also contacts with the European social partners, who were negotiating their framework of actions for the lifelong development of competencies and qualifications. One could even argue that the FoA facilitated the creation of the OMC in E&T and inspired the work of the Commission. Commission officials attended the meetings of the social partners to observe their work and integrated for example one of the concepts emphas ised by the FoA, namely 'validation of informal competences', into their own policy programme (Decaillon 2007). This influence can be also seen in the fact that the OMC in E&T focused at the beginning more on education and less on training, which changed o ver time (de Liedekerke 2008; Schmitt 2007).

Based on this preparatory work, the Commission (2001c) wrote a report, which laid the foundation for the report that was later adopted by the (Education) Council (2001) at its meeting in Stockholm, outlining t he concrete future objectives of education and training systems. The report outlined the issues where the Member States were willing to work on together in E&T at European level, as well as three common objectives (and some 20 sub

objectives), which formed the basis for Member States to work together at European level over the next ten years to contribute to the achievement of the Lisbon strategy. The three common objectives were:

- Increasing the quality and effectiveness of education and training systems in the European Union;
- Facilitating the access of all to the education and training systems;
- Opening up education and training systems to the wider world.

The European Council also asked the Council and the Commission to draw up on this basis "a detailed work programme on the follow-up of the objectives of the education and training systems, including an assessment of their achievement in the framework of the open method of coordination." [144] Based on the objectives adopted by the European Council, the Commission set up nine working groups [145] in the second half of 2001, hence establishing 'the objective process'. These so called 'objectives working groups' had two main roles. The first was "to identify the priority themes, make an inventory of existing experience, define a preliminary list of indicators for monitoring progress and to secure the consensus needed between all the interested parties" (European Commission 2003). The second was to start the exchange of good practice between experts. Through this exercise and because of the political mandate coming from the Lisbon summit, many areas which were formerly out of reach for cooperation at EU level suddenly became possible. The working groups initially comprised only representatives from the Member States and the Commission. However, in January 2003 they were enlarged to include representatives from the candidate countries, the EFTA/EEA countries and stakeholder groups (such as the social partners).

Although the Feira European Council had already suggested that the OMC should be used in the field of education, [146] and restated in the 2001 Commission report, there was some

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[144] Stockholm Council conclusions see
http://www.consilium.europa.eu/ueD ocs/cms_Data/docs/pressData/en/ec/00100 -r1.%20ann-r1.en1.html (last accessed 01/08/09).
[145] See http://ec.europa.eu/education/policies/2010/objectives_en.html#measuring (Accessed last 9.12.2008)
[146] Feirera conclusions see http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/00200 -r1.en0.htm (last accessed 01/08/09).

initial resistance from some Member States towards this idea. This was overcome only when the 2002 Barcelona European Council endorsed the earlie r requested work programme[147], which was jointly transmitted by the Council and Commission. [148] This work programme announced that the OMC, as a method, was to be used in the field of education and training and outlining some of the tools to be used for the OMC in E&T, namely: indicators and benchmarks, best practices, periodic monitoring, evaluation and peer review.

So the OMC was only applied to E&T when the work programme was adopted in 2002. The work programme 'Education and Training 2010' holds all of the se elements together by serving as the framework of the OMC in E&T. It is based on the three strategic objectives and refines them into 13 associated objectives. While the report presented to the Stockholm European Council outlined the content of the Europ ean cooperation in E&T, the work programme underlined the way in which the open method of coordination should work in E&T. While the adoption of the work programme symbolised the arrival of the OMC in the field of E&T, the main elements of the OMC in E&T s till had to be developed in detail.

The functioning of the OMC in E&T

The elements

It took several years to set the OMC in E&T into place and several elements were added and altered over time. In general the OMC in E&T is very similar to the OMC templat e that was created and described at the 2000 Lisbon summit. It consists of:

- Common objectives;
- Indicators and benchmarks;
- Reporting;
- Clusters and peer learning activities.

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[147] Barcelona conclusions see
http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/ec/71025.pdf   (last accessed 01/08/09).
[148] From 2004 onw ards the work programme would be called Education & Training 2010.

The functioning of the OMC in E&T is a process built on these key elements: the Mem ber States define common objectives and work on them according to an agreed programme and timetable; clusters and peer learning activities are carried out in order to identify best practices and to learn from each other; this is supported by a continued ch ecking and monitoring on the implementation, which happens through reports, benchmarks and indicators. Although initially the Commission distinguished its work in E&T from the OMC in employment, also because of the different legal basis of the policy area, over time more and more elements of the OMC in employment were applied to the field of E&T (Coyne 2007; Hingel 2007). So while it was not a copy and paste exercise, the Commission recognised the usefulness of the different OMC elements for the E&T policy area.

One should not try to identify any of them as the key element, as all the different elements of the OMC work in close collaboration with each other and contribute to the final result. Furthermore, some elements are more important for specific result s (such as learning) than others. These individual elements will now be looked at individually. [149]

Indicators & benchmarks

As the work programme envisaged the setting up of European -wide benchmarks in the field of education and training (Council 2002), the Commission set up in 2002 the Standing Group on Indicators and Benchmarks (SGIB) whose role was to discuss the development and use of relevant and reliable indicators and benchmarks to monitor the progress towards the goals. While the work programme origin ally proposed 33 different indicators, these were later changed to 29, based on the results of the standing group's work. Because of political sensitivity, these were not 'adopted' by the Council but 'tolerated' (Hingel 2007). It seems that the Council was taking a more prudent approach, observing where the Commission was going with this new initiative in the field of E&T before deciding to fully endorse it. Then in November 2002 the Commission proposed six benchmarks (European Commission 2002) and subseque ntly the Education Council (2003) adopted five benchmarks in May 2003 after making some changes. They state that b y 2010:

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[149] The creation of the common objectives was already outlined above and need not be repeated here.

- All Member States should at least halve the rate of early school leavers, with reference to the rate recorded in the year 2000, in ord er to achieve an EU-average rate of 10% or less;

- Member States will have at least halved the level of gender imbalance among graduates in mathematics, science, and technology whilst securing an overall significant increase of the total number of graduates, compared to the year 2000;

- Member States should ensure that average percentage of 25 -64 years olds in the EU with at least upper secondary education reaches 80% or more;

- The percentage of low-achieving 15 year olds in reading, mathematical and scientific literacy will be at least halved in each Member State;

- The EU-average level of participation in lifelong learning should be at least 15% of the adult working age.

The adoption of the benchmarks was crucial as they were very concrete objectives that attracted a lot of attention. Consequently, agreeing on them was not an easy undertaking as various Member States were uncomfortable with the use of benchmarks and targets and six meetings in the Education Council were necessary until they were at last agreed on . The interviewees reported very tough discussions on indicators between the ministers, including on how to measure quality. At the beginning, Germany was one of the Member States that blocked the use of indicators and benchmarks, as it did not want nation al targets but then provided a compromise solution by suggesting that the indicators should be the average performance targets of the European Union. Benchmarks then became a European responsibility. Hingel (2007) reported that "the people came to the meet ings not to discuss national benchmarks but to discuss the European responsibility."

The use of indicators and benchmarks in E&T at EU level can be seen in a wider context, as this runs in parallel to other mechanisms, such as the Programme for Internati onal Student Assessment (PISA), [150] and are part of a general trend of looking at benchmarks and comparing (Pokorny 2007). However, their significance needs to be stressed also. As Hingel (2007) points out "everyone has statistical tools but politically agree d indicators is a

first in world history." Some see the indicators and benchmarks, as the backbone of the OMC, as these form part of the Council conclusions.

In 2003 the Commission made a first analysis of the progress towards these five benchmarks (European Commission 2004a), which provided also the basis for the Commission's Communication "Education & Training 2010: The success of the Lisbon Strategy hinges on urgent reforms" (European Commission 2003). This analysis document is updated on an annual basis and provides foundation for the Commission drafts of the joint biannual reports.

The next step for a refinement of the OMC process, as foreseen by the 2004 interim report, was to revisit the indicators and benchmarks. The Commission developed a first in ternal draft at the end of 2004 (European Commission 2004b) and the Council (2005) gave the mandate to develop a concrete proposal for new indicators the year later. After discussing the usefulness of the different indicators in the SGIB the Education Coun cil (2007) agreed in May 2007 on 16 new core indicators for monitoring the progress in education and training. Only a few were not accepted such as the indicator on 2% spending on HE or the one on stratification i.e. division of secondary schools (e.g. in Germany this division is between: 'Hauptschule', 'Realschule', 'Gymnasium'), which was directly eliminated by Germany (Teutsch 2007).

The need for updating the indicators from time to time became also visible through the peer learning exercise and the wo rk of the clusters.

Peer learning, clusters and the Education & Training 2010 Coordination Group (ETCG)
During the period 2002 -2004 peer review only took place at the initiative of individual Member States. The first joint report in 2004 outlined the n eed for more peer learning activities.[151] Therefore the Commission launched in 2005 a new peer -learning programme, the 'cluster approach', which built on the experience gained from the 'objectives process'.

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[150] http://www.pisa.oecd.org/pages/0,2987,en_32252351_32235731_1_1_1_1_1,00.html
[151] For a descritption of a peer learning event see Kroeger (2006: 11).

Mr Richonnier (2007), former director in DG EAC, ca lls this activity "social voyeurism." Each of the clusters is made up of some Member States representatives, Commission experts, and sometimes, social partners. Currently there are the following groups:

- Cluster on Modernisation of Higher Education;

- Cluster on Teachers and Trainers;

- Cluster on Making best use of resources;

- Cluster on Maths, Science and Technology (MST);

- Cluster on Access and Social Inclusion in lifelong learning;

- Cluster on Key competences;

- Cluster on Information and Communication Tech nologies (ICT);

- Cluster on Recognition of learning outcomes;

- Working group on the Adult Learning Action Plan;

- European Lifelong Guidance Policy Network (ELGPN). [152]

These clusters are responsible for discussing the current developments in the area of the specific topics of the cluster and for organising the peer learning activities on these E&T issues. In some countries, like Austria, national desk officers are actually obliged to participate in the peer learning activities of other Member States, because they are seen as being useful (Kreiml 2007).

The work of the clusters is coordinated in the 'Education & Training 2010 Coordination Group' (ETCG).[153] It is supposed to be a forum for picking up the coordination, which is not being carried out in the Educa tion Committee. The ETCG organises the planning and implementation of the clusters and peer learning activities. It looks at the results of the clusters and examines what to do with these results. Not all Member States are in all of the clusters therefore the ETCG is seen as useful for the Member States to get an overview of the activities (Teutsch 2007). While officially the ETCG was created in order "to coordinate the activities of the clusters and the peer learning activities as well as providing

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[152] http://ec.europa. eu/education/lifelong -learning-policy/doc32_en.htm (Accessed last 9.12.2008).
[153] The ETCG is made up of all European states involved in the E&T 2010, the Commission and the European social partners.

greater coherence, transparency and efficiency" (European Commission n.d. 1) , some participants argued that it was created to reduce the work of the Council and to give the Member States more control over the reporting process (Boomgaert 2007; Kreiml 2007) The real impact of this committee is debatable. While some interviewees see it purely as an administrative and management committee (Pokorny 2007), others believe it has a strategic function for policy discussion (Clark 2007; Coyne 2007). Others again outline th at it is not as influential as the Social Protection Committee in the social inclusion OMC (Crowley 2007).

Within the Education Committee the Commission already tried earlier to discuss policy but was not successful with this because the appropriate expe rts were not included in the committee and the participants had no mandate to discuss policy (Coyne 2007). Having a debate at technical and political level is considered as very important as it obliges Member States (but also social partners) to investigat e their own systems and question them. Michel Aribaud (2007), a French national expert working currently in the Commission, outlined that "in order to join the 'club' the participants must not only evaluate the proposals of the Commission but also their o wn systems. This brings people out of their own little world where they think that their system is the best that exists." Additionally, the increasing network building of experts and administrators is seen as aiding the learning process from each other (Kreiml 2007). However, there are also voices that believe that peer learning is fine but the fact that it always has the same peers limits its effect. Social kinships are being developed but the whole effect is questionable. [154] Some of the best practices ident ified during the peer learning process are then presented in the biannual reports.

Reports

The reporting exercise forms an essential part of the learning process and is an important soft pressure element of the OMC. [155] The reporting exercise consists of tw o main documents: the annual indicators and benchmarks document and the biannual joint report of the Council and the Commission. The indicator and benchmark document can be more

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[154] This issue will be further discussed when looking at th e evaluation.
[155] See discussion below on soft pressure.

critical as it is a purely Commission document. While the joint report is less critical, it is, however, politically more influential and binding, as the Commission can use it as a means of pressure by reminding the Member States of their agreed commitments. This joint document gives an overview of progress and points out the policy areas where reforms are carried out and those where progress is lacking. Every two years it provides the possibility to look at short and medium-term priorities and to add new topics (e.g. efficiency and equity, pre-school education etc.). [156]

The first joint Council and Commission report was a crucial document and was presented to the European Council in Spring 2004 (Council 2004), as asked for by the Barcelona summit. [157] The 2004 joint report proposed how to adjust the OMC procedure in order to make it more efficient. It stressed the need for more structured monitoring and proposed that a report would be presented on a biannual basis to the Spring European Council. Another element, which was outlined in the 2004 interim report as not reaching its full possibilities, was the peer learning activities. The 2004 joint report represented also the launch of a new more integrated approach in European E&T cooperation, as it streamlined most of the existing processes. The OMC was building on different, already existin g, initiatives within the EU education and training field, such as the Copenhagen process and the Bologna process. While the Commission tried, and is still trying, to streamline these processes into the OMC, they continue to keep a strong individual profil e, such as the Copenhagen process, or even stay formally out of the OMC, such as the Bologna process. Nevertheless both processes are closely linked and their policy developments are also discussed within E&T 2010.

The final 2004 joint report was based on an initial Commission draft but was substantially changed by the Member States. This example of the joint reports shows the balancing act for the European Commission in this policy area. On the one hand the reports need to be of value, on the other hand i t cannot be too critical in order to prevent resistance from the Member States. This is what happened with the 2004 joint report, where the Council

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[156] New topics identified in the 2006 report.
[157] http://www.bologna-berlin2003.de/pdf/Pres_Concl_Barcelona.pdf (Accessed last 17.12.2008).

substantially changed the Commission's draft, as it was highly critical and the Commission did not consult the SGIB on the last draft. The Commission learned from this experience and now the joint reports are based on national reports submitted by the Member States, and the national representatives are involved in the whole reporting process, before and after collecting the data. While all the national reports are published on the Commission's homepage,[158] the EU level document is of great importance, as the Member States will not read all the national reports from the other Member States (Pokorny 2007). The proper involvement of Member States is crucial and if their opinion is not taken into account accordingly this will create problems. Consequently, the joint reports in 2006 and 2008 were hardly changed and reflect to a great extent the respective draft versions of the Commission (2006; 2008b) as the Member States already had the opportunity to influence the document earlier.

There is a valid concern about the objectivity of the joint reports if they are based on the reports from national governments. Participan ts admit that there exists an element of painting the picture as rosy (Clark 2007) and that the national reports are often only window dressing (Thiele 2008). However, the Commission believes it was able to pass on all the messages they wanted while at the same time having all Member States on board (Clark 2007). For the 2008 report the Commission added country specific information, which the Member States did not provide in the national reports, which led to some discussions, but eventually this also was h ardly changed.

<u>The role of the different actors in the OMC in E&T</u>
The Commission and the Council are the main actors in the OMC in E&T. However their relationship is very complex regarding the steering of the process. One could have the impression that the Council has by far the most significant role, by having the first word (deciding on the objectives, indicators and benchmarks) and the last word (adopting the reports and Council conclusions) within the OMC. However, the role of the Commission should not be overlooked. The Commission officially has only a supportive role in the field of E&T, and within the OMC it is formally a facilitator, helping the Member States to learn

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[158] http://ec.europa.eu/education/policies/2010/nationalreport_en.html (Accessed last 9.12.2008).

from each other by setting up the structures and mechanisms. However, there are v arious aspects which show that the role of the Commission exceeds these limited decision -making powers and purely administrative role. The opinions of the interviewees show that 'support' goes hand in hand with leading (van der Pas 2007) and that the Commission is the initiator, driver and main agenda-setter in the OMC process. Some interviewees even go as far as arguing that the Member States would not be active if the Commission did not push and they believe that an outside body is needed to provide momen tum and give a structured form to the cooperation (Aribaud 2007; Crowley 2007; Pokorny 2007). However, sometimes it is difficult to say whether the Commission is leading and the Member States are following or if the Commission is just taking the dominant p ath in the educational world at this time (Coyne 2007). The experienced Austrian representative for vocational education and training policy, Peter Kreiml (2007), described it as a circle, seeing the processes of political initiative as being multi -layered, where no clear separation is possible. Furthermore, the work of the clusters and that of the Commission feed off each other. Sometimes academic expertise originating from the clusters and study visits influence the content, but other times it is an indiv idual Member State which thinks it has something to present (Coyne 2007). Consequently, the division of labour between the Commission, the Council and the committees relies on cooperation. Basically, the Commission proposes the priorities and the Education Council defines them. The Commission does the technical work, initiates and proposes, normally based on the feedback it received from the Member States, and consults the advisory committees (ACVT, ETCG, experts working groups). Then the Council committees discuss the initiatives of the Commission, slightly adapt the wording of the texts and prepare decisions. The Education Council then decides and gives political guidelines and instructions. All of these initiatives are doomed to fail if they do not have t he general backing of the Member States and are not accepted by the Council. Therefore the Commission only makes proposals where it sees the demand and the support from a majority of the Member States. On the other hand if the Ministers want something done the Commission normally follows up on it. An additional aspect that gives the Commission more importance within the OMC structure is the fact that it solely has the full overview on the process (Teutsch 2007). Finally, the Commission has a significant fun ction as provider of funding. Mr van der Pas

(2007) outlined that "it is not only important to give the policy for reforms but that the programmes then provide the money for these reforms to be carried out and financed," just as the European Social Fund do es in the employment field.

Besides the Commission and the Council there are also other actors involved in the OMC process at European level, but to a significantly lower degree. The role of the EP in the OMC in E&T is very limited, as it is only informed of relevant activities and does not participate in them. However, once the Community Method is used it plays an important role.[159] The EP seeks more activities in the field of E&T at EU level, but not through the OMC. It tries to increase its influence thro ugh the use of its own initiative reports e.g. on the European Qualifications Framework (EQF). Even more limited than the EP's role is the role of the European Court of Justice, who has no competence in the field of education and training.[160]

The inclusion of other actors at national level varies across countries. Member States with a strong social dialogue tradition, like Germany, France or Austria, better involve social partners (Aribaud 2007; Boomgaert 2007; Kreiml 2007; Thiele 2008). Besides the SP, civi l society in general is rarely involved. When asking the social partner representatives if they felt sufficiently involved in the OMC processes at national and European level, in particular the E&T OMC, their responses were very diverse, which confirmed th e argument that involvement of social partners clearly varies between Member States and policy areas. Concerning the European level, some social partners feel sufficiently involved in the OMC, in particular the one in E&T, while others point out that while there are enough possibilities to meet and discuss there still is the tendency of working with a "closed club" of national governmental experts in the E&T field and there is no real willingness to truly involve the SP. To a certain extent the European soc ial partners also do not want to be involved too much as they prefer to keep their autonomy and not be involved in a tripartite exercise.[161] Differences exist also concerning the regions. More federal states involve their regions better, at least regarding s ome aspects. In Austria for example, the regions are very much

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[159] See discussion on OMC vs CM
[160] *Idem.*

involved in the implementation but less in the decision -making process (Kreiml 2007). In Belgium the regions are well integrated in the policy -making process but less in the reporting exercise (Boomgaert 2007).

<u>The role of interests</u>

National interests

National interests always exist in European politics. While they dominate at COREPER and Council level, they are less significant in the OMC because the Member States are less threatened by legislation and therefore more relaxed (Crowley 2007; van der Pas 2007). Also, the dynamic in the OMC is different. The clusters have more thematic discussions and take a problem solving approach (Teutsch 2007). When the Commission outlined the priorities of the OMC, the Member States selected those that were in line with their national interest. Thus national interests do not run the OMC, but the topics are chosen on the basis of Member States' interest. This is what the Commission wanted in order for the Membe r States to buy into this approach (Coyne 2007). National interests are important, but they are linked to the common goals (Boomgaert 2007; Kreiml 2007). The participants want to create something together, but they are aware of the difficulties this will c ause back home. National reality, not interest, is important in this area (Aribaud 2007). Often the socialisation of the national representatives makes them look at the greater good rather than at national interests and then they sell it back home by sayin g they had no other choice (Thiele 2008). So socialisation may not lead to forgetting national interests, but it plays a role in deciding their significance.

Commission interests

Some Member State representatives were convinced that the Commission contin uously manages to use the OMC for its own interest by setting the agenda and attaining more steering control (Kreiml 2007). Within the Commission there are some who reject the idea of an institutional interest of the Commission (van der Pas 2007) while oth ers admit that in every area the Commission is involved in, it also works for its own interest (Teutsch 2007).

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[161] See chapter five.

One should not forget that the OMC is, to a great extent, the creation of the Commission (Crowley 2007). Sometimes it is the national Member Stat es' objectives that overlap with the Community's (Coyne 2007).

Peer pressure

As seen in the chapter on the literature review, the OMC is known for being a soft tool, because it does not avail itself of sanctions and other 'hard powers'. However, while seeming to be very soft, the OMC has a lot of potential (Pokorny 2007). One of these soft elements is the use of peer pressure through naming and shaming. The majority of the interviewees sees naming and shaming as important (Boomgaert 2007; Kreiml 2007; van der Pas 2007), in particular when there are no other competences. Some argue that it has a significant impact at national level to be presented as being worse than others. Ministers depend on this (Hingel 2007). Most Member States do not like the shaming, but they like the naming (Boomgaert 2007). This is what makes the exercise so difficult. However, some Member States might like some form of shaming in order to press at national level for reforms where resistance exists (Teutsch 2007). While it could be useful for psychological reasons, it may not really lead to better results on its own (Kreiml 2007; Thiele 2008).

One of the instruments for the naming and shaming is the reporting exercise. As outlined above, the Member States make reports on the improve ments of their E&T systems in respect to the indicators and benchmarks. Indicators can be used as a tool for national reforms because they point out weaknesses of the Member States and this leads to additional pressure and debates (Richonnier 2007; van der Pas 2007). Some argue that the naming and shaming element has been reduced because of Member States refusal to be named and shamed (Kreiml 2007). Impartial and real data is crucial for naming and shaming, without it this is not taken seriously. If the Com mission has valid data it is easier for it to be more critical towards the Member States (Teutsch 2007). As the European analysis is nearly exclusively based on the national reports, real peer review like in OECD (where the data is produced by the OECD its elf and not the Member States) does not exist (Boomgaert 2007). This brings us back to the impartiality of the national reports outlined earlier on. For some this reporting leads to more than only soft pressure, because Member

States commit themselves. Thi s is a question of self-responsibility of the Member States, also towards public opinion. The OMC has the possibility of creating some public awareness and leading to EU and national debates (van der Pas 2007).

Another tool for carrying out soft pressure are the peer learning activities (Clark 2007). There the host shows their guests the strengths and weaknesses of its E&T system. This is a big change in comparison to how it was done before. Just five years ago this openness would not have been possible. P eople were not willing to show their weaknesses and others were not ready to learn from them. Now the numbers of participants in the cluster visits are increasing and the participants are willing to discuss the problems of their country (Aribaud 2007).

For Mr Hingel (2007) the Commission should have more courage in using this tool and mention that country x is not following up on the Lisbon goals. It is the choice of the Member States whether to have a courageous Commission or one that mainly produces reports. He considers that the joint reports are very flat, and explains the lack of discussion and criticism of them in the Council by the fact that the comments are harmless. Still there are some Member States that believe that the Commission starts with sof t pressure, which then gradually becomes stronger until it turns into hard pressure, like legislation. Therefore the Commission has always to restate that the responsibility lies with the Member States (Coyne 2007).

The role of the individual

Many interviewees pointed out the crucial role that the individual plays within the OMC process, as they can bias the way things go forward. They need to be an expert in their fields, but also have an awareness of EU activities, as they are the ones that learn and th en have to transfer the new knowledge or practice to national level and disseminate it. Striking the right balance can be quite difficult (Pokorny 2007; Teutsch 2007). Moreover, in order to be able to change something at national level and initiate reforms the person should also be at senior civil servant or minister level (Crowley 2007). These are the people who become interested in certain issues and over time this individual interest becomes an institutional

interest (Coyne 2007). Within the clusters the re are two possibilities: isolated experts and/or well-place administrators (Pokorny 2007). This can lead to the situation that sometimes the individual plays a disproportionate role, for better or worse (Boomgaert 2007).

The role of the individual is not only important with regard to the national representatives and the impact at national level, but also concerning the functioning of the process at European level. Many people outlined in the interviews the significant role played by Mr van der Pas in developing cooperation of E&T at EU level. Mr Thiele (2008), veteran representative for Germany in vocational education and training policy sees with the arrival of Mr van der Pas a paradigm change in the Commission, where the Commission paid more attention to cooperating with the Member States, which explains to a certain extent why the Member States were willing to deepen their cooperation with the European Commission.

Choosing the OMC for the E&T field

After looking at the steps that led to the application of the OMC in the E&T policy area and its functioning, it is necessary to analyse the reasons behind its creation and use.

Specificity of policy area

What immediately becomes clear when looking at the field of education and training is that this is not a policy area like any other. A combination of specific circumstances limits the choice of tools and the form of cooperation. First of all, there is a treaty base, which only allows for a limited cooperation in E&T. According to articles 149 and 150 Treaty of the European Communities (TEC) the EU has only supporting competences in the area of education and training, respecting the subsidiarity principle, and therefore no legally binding community initiatives are possible.[162] Consequently one might think that the Community Method cannot be used in E&T. However, the reality is that the main features of the Community Method (Art 251 TEC) do apply in the E&T field, but without legally binding force and therefore no role for the ECJ. Recommendations are being made, but

these are of a voluntary nature. [163] Examples are the recommendation on the EQF [164] and the recommendation on key competences. [165] Therefore there is a mixture of governance forms in E&T, made up of the OMC and a limited form of the Community Method. This coul d have been changed at any past treaty revision, but the Member States were, and still are, not willing to do so. Many interviewees stressed that legislation does not matter if the political will to implement it is missing (Aribaud 2007; Coyne 2007; van de r Pas 2007). This second, and main, obstacle also explains why earlier attempts in the 1980s did not succeed even in accordance with the treaty (Clark 2007). For the Member States, E&T is a very sensitive issue and belongs to the last core competences stil l remaining at national level. All respondents agreed that it is appropriate to use the OMC in those areas where no EU competences exist or subsidiarity applies. However, the OMC has to be adapted to the specific area and one cannot use the same OMC templa te for all policy areas (Clark 2007). A third element for choosing the OMC is the huge diversity of the various national E&T systems. This makes it very difficult to harmonise the different national E&T systems. However, Michelle Aribaud (2007) recalled th at the main difficulties between national systems are not because of technical differences, but because of the lack of political will. Mr van der Pas (2007) supported the idea that the degree of appropriateness depends on the willingness of the Member Stat es. What the Commission wanted was a political commitment from Member States (Coyne 2007). So the tool being used needed to be flexible enough to work with different systems and adaptable to the national political priorities while not imposing things on th e Member States. The MS like the OMC, because it helps to define joint goals but leaves the way to reach them up to the national level (Thiele 2008). Additionally, it is voluntary and does not lead to legal commitments from the side of the MS. As Mr Kreiml (2007) outlined that "the overall objective was to achieving the convergence of the national policies without harmonisation." The OMC is a voluntary and informal means of cooperation, which establishes a framework in which policy issues can be discussed a nd negotiated. It does not impose things on the Member

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[162] See annex 4.
[163] The significance of voluntary recommendations will be discussed   further on.
[164]   http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:111:0001:0007:EN:PDF   (Accessed last 9.12.2008).
[165]   http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_394/l_39420061230en00100018.pdf   (Accessed last 9.12.2008).

States and it can be easily adapted to the national circumstances. Therefore it provides this flexibility and is well fitted for this kind of policy area. David Coyne (2007) believes that " for any meaningful cooperation in areas outside of the treaty basis, where Member States only cooperate if they want to, and you have to give them something they understand but that does not frighten them off. We call it OMC but you could call it something else."

Key players in its creation

The results show clearly that the Commission together with (some of) the Member States were behind the creation of the OMC. The mandate came from the European Council and the reference to it gave pro-integration Member States a chance to move ahead. Also the role of the countries holding the presidency at that time (Portugal, Sweden) was very significant (Coyne 2007; Thiele 2008). Nikolas van der Pas (2007), recalled that the EP also supported more EU activities in E&T but was very hesitant towards the OMC as a tool in general as it strongly limits the role of the EP. [166] Others supported the notion that the EP had a marginal role at best in setting up the OMC (Thiele 2008).

Why Member States participate in this process

Concerning the Member States, nearly all interviewees agreed that they are very supportive of the OMC, though for different reasons. For some the OMC is a way of implementing reforms which are long overdue. Europe is seen as a good argument to open up something that is a very sensitive issue at national level (Coyne 2007; van der Pas 2007). Although many interviewees support this argument, one should remember that governments always use the EU for difficult reforms if it is in their interest, and this is not exclusive to the OMC. Some even believe that because of the political commitment of the Member States in the OMC, the Member States cannot play the blame game as often as before (Thiele 2008). A number of responses suggest that some Member States may well believe in the OMC, while others cannot afford to be left behind (Coyne 2007).

The different attitudes of the various Member States towards further European integration in E&T also play a significant role for supporting the OMC. There are basically two

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[166] The attitude of the EP towards the OMC will be discussed in more detail in the conclusion chapter.

conflicting positions: one is represented by a group of Member States (e.g. Belgium, Germany, United Kingdom) wanting to avoid harmonisation and to use the OMC to limit the EU's role, and another group of Member States and the Commission try to use the OMC for the contrary (Boomgaert 2007). Mr Aribaud (2007) believes that some Member States, such as France, have the Europeanisation of E&T as their aim, while others want to use the OMC to leave Member States in control. This is why Peter Kreiml (2007) argues that for some, the OMC was created as a counter measure to a possible competence transfer in the field of education policy. So both groups participate in and support the OMC for contradictory long-term objectives. The resistance of the regions, who fear losing competences in this policy area, explains part of the reluctance in Belgium and Germany (Boomgaert 2007). On the other hand the departments in France use the OMC to gain power from the government (Richonnier 2007). The same applies to Spain, where the regions speculate on gaining power *vis-à-vis* the national administration by deepening EU cooperation.

(Perceived) added value[167]

Mr Thiele (2008) believes that citizens are not even aware of the OMC, while the people working in this area see a high added value. He continues with the notion that policy-makers at home, who do not take part in the process, do not understand the added value either. They see it in individual products, such as the EQF, but it is difficult explaining to them the added value of the OMC process in general. Mr Aribaud (2007) argues that one can see the added value from the perspective of the individual Member States or from the perspective of the EU as a whole, which is not necessarily the same. That is why the following overview distinguishes between general added value, added value for the national and the European level:[168]

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[167] The 'added value' of something is rather a subjective concept. Therefore some characteristics and consequences of the OMC might be (seen as) added value for some but not for others.

[168] Some of the following points reflect what the interviewees identify as the added value of European cooperation in education and training in general while other points concern the specific added value of the OMC in E&T. Some interviewees do not distinguish between added value of cooperation in E&T in general and the OMC in E&T in particular, as for them the one is the same as the other or at least they are not separable from each other.

General

- Increased mobility of workers, which leads to a strengthening of the internal market (Kreiml 2007; van der Pas 2007);

- Added value for the economy, more competitivene ss and employment (Teutsch 2007);

- Added value for the individual citizen (Teutsch 2007);

- Creation of networks (Richonnier 2007);

- Reconcile the responsible actors of the E&T system (Aribaud 2007);

- Having common concepts and common terminology (Boomgaert 200 7);

- Common attention to the same issues (Boomgaert 2007; Clark 2007);

- It presses for improving quality of policy (Coyne 2007; Teutsch 2007);

- Convergence while respecting Member States competences (Kreiml 2007; van der Pas 2007);

- Diploma recognition (van de r Pas 2007);

- Political commitment of the Member States at EU level;

- The OMC allows for Member States to adapt European concepts to the specific national situation, which is necessary because of the huge diversity between them (Boomgaert 2007);

- The transfer of ideas (Teutsch 2007) and learning from each other (best practices, peer learning) while all interviewees outlined that 100% transfer is not possible;

- Better policy-making and more democracy, as better policy -making leads to reforms and bringing in more actors leads to more democracy (van der Pas 2007);

- More quality in education, which is also linked to social inclusion. This would contribute to democracy as educated citizens participate more in society (Coyne 2007).

National

- It forces governments to s tate policy priorities (Crowley 2007);

- The OMC gives more and better tools to the Member States (Hingel 2007);

- It helps Member States to modernise their E&T systems (Richonnier 2007);

- It leads to more awareness of national policy -makers about their own sit uation (Pokorny 2007);

- Support for reforms in highly complex national education systems. It is like an 'iching power' for the Member States ie. causing them to react (Richonnier 2007) and helps overcome national resistance (Kreiml 2007).

European

- It gives a voice to policy areas where the EU has no treaty powers (Hingel 2007);
- As it is a soft tool, you can debate issues which would not normally be discussed at EU level (Hingel 2007).

One can see that there are various dimensions to which the OMC is suppo sed to have an added value. This ranges from the socio -economic dimension, over European cooperation in E&T to national policy -making. Now it is important to examine if the expected added value is also reflected in the impact at national and European level .

Consequences and impact at national level

Impact is always difficult to measure as change consists of multiple factors and it is rarely possible to point out one factor as being the main cause. It also depends very much on where one is looking. Therefo re the impact of the OMC is not to be seen as a single cause for change, but needs to be observed within the national contexts as well as in a holistic perspective. Furthermore, the consequences and impact of the OMC need to be distinguished between the va rious Member States, and between the individual aspects of policy-making (e.g. structure, perspective and content).

Impact on national policy -making

While some argued that the main reason for changes in policy -making is still pressure from society, all respondents agreed that there was a direct and visible impact at national level as a result of participating in the OMC at European level. Also at the ETCG meetings the Member States continuously argue that their participation in the cluster has informed the ir national reforms. While saying this, it is also clear that national policy -making is still very

diverse and they are becoming similar only slowly and in a limited way. However, this is also the aim of the OMC, 'convergence without harmonisation'.

The areas where national policy-making is becoming more similar are identified as the policy context, the objectives and the content (Coyne 2007; Kreiml 2007; Teutsch 2007; van der Pas). About five years ago, education was considered linked to social issues, w hile now it is more related to competitiveness, which shows a significant change of the policy context (Coyne 2007). Furthermore, policy -making is seen in a European context and not only in a national one, with joint objectives (Thiele 2008). The interview ees identify the greatest impact on national policy -making with respect to the content. Mr Thiele (2008) explains that everything that is on the European agenda in E&T is now also on the German agenda. One example for changes on the content of national pol icy caused by the OMC is "the recommendation on key competences", which led to changes of the curricula in various Member States (e.g. entrepreneurial skills are now taken into account) (Coyne 2007).

The impact on policy content is stronger or at least mo re visible than on policy structures because, firstly, content changes can be implemented faster than structural changes, and, secondly, because the OMC does not provide blue prints for new structures (which the Member States would also not allow) but poin t out topics that need to be discussed. Wilfried Boomgaert (2007), a long -time representative for Belgium in the VET field, expresses this by saying that "the software is becoming more similar, but one wonders if this new software fits with the old hardwar e." To a certain extent even structural changes will in the long-term result from the participation in the OMC, maybe not directly but indirectly, as they are needed in order to keep up with the other changes. This is illustrated for example by the nationa l reactions to the European qualification framework, which led in many Member States to the creation of own national qualification frameworks (Teutsch 2007). Mr Kreiml (2007) sees an internationalisation of their national administrations as well as the use of new methods of quality evaluations at national level as consequences of using the OMC in E&T. These reflect structural as well as policy changes.

It seems clear that the Member States now have a greater understanding of the fact that they are facing the same challenges. However, the impact on national policy -making varies among the different Member States.

Different impact according to Member State

The unanimous response of the interviewees confirmed that the impact varies across Member States. While this is to be expected, one should briefly look at why the impact varies. First of all, the level of impact depends on the national level of E&T policy. The Nordic countries have been very successful in E&T over the last decades, which is confirmed by Mr van der Pas (2007) outlining that the Nordic countries need the OMC less than the countries in the south of Europe. Another group which has a lot of changes happening in their national E&T systems are the Member States that joined the EU after 2004. The question is if the reforms in these Member States are caused by the OMC or if there was already reform pressure because of the huge gap between them and the countries already in the Union. It seems to be the case that the need for the reforms existed alrea dy, but the OMC helped to trigger the reforms and gave the national governments ideas in which direction to channel them. Secondly, one can see a greater impact on smaller Member States than on larger ones (Clark 2007). Mr Pokorny (2007), head of unit in D G EAC, believes that this can be explained by the fact the education and training systems of most large Member States are very monolithic and the tradition is to be less open to other Member States activities. At the same time the new Member States, and sm aller Member States in general, are more open to innovation than older and larger Member States (Clark 2007; Pokorny 2007; van der Pas 2007). Thirdly, it depends on the individual issue and to which extent it has been discussed before at national level. Mr Aribaud sees the conclusions on *informal learning* as a good example for this difference. In France, there was no impact, because this topic existed already for many years. In Germany and Italy the situation was very different and there was a positive impa ct. The reverse example is the issue of *quality assurance*, which is a topic that was not discussed so extensively in France in the past (Aribaud 2007). Fourthly and finally, it also depends on how seriously the Member States take the European targets. New Member States plus the Netherlands, Sweden and Norway have taken the EU average benchmarks as their own national targets (Hingel 2007).

Impact of other processes on national policy -making

As pointed out before, the OMC is only one cause for change and h as to be seen in a wider context. The interviewees all agreed that change to national policy -making has always multiple causes and it is difficult to isolate the exact percentage of each individual factor. The results of the interviews point out the import ant influence of the OECD and the PISA test on national policy-making, and therefore one should briefly look at the relation between the two instruments. One wonders what the added value of the OMC activities is, in addition to those carried out by the OEC D. All interviewees insisted that they are not at all the same and that they have different but complementary roles, feeding off each other. The OECD can do certain things the OMC cannot and vice versa. First of all, not all Member States are members of t he OECD. Second, and more significantly, the OECD is stronger on data collection and analysis while the OMC is about policy cooperation of political decision-makers. This is reflected in the structural setting, as the OECD does not have anything like the C ouncil where people meet in a policy context (Clark 2007; Pokorny 2007; Teutsch 2007; van der Pas 2007).

Concerning the impact at national level, PISA and similar comparative studies may have more influence on policy changes than the OMC; on the other han d, the OECD could have had a stronger impact than the EU in the past but now they are equal (Boomgaert 2007; Kreiml 2007), with some kind of convergence having taken place recently (van der Pas 2007). Some argue that PISA has a great influence on some poli cy-makers in some Member States and maybe too much because it distracts them from the policy -making process (Pokorny 2007). Some see the OECD as mainly a marketing institution (Hingel 2007).

Impact on other aspects

The cooperation in E&T at European level within the OMC had a number of consequences in addition to, but also related to policy -making, such as:

Language and concepts

The existence of so many different languages at European level makes true cooperation rather difficult. Even with good translati on (something always gets lost) it is very difficult to create a European terminology in a specific policy area. At the beginning the participants in the OMC did not have a common understanding, but over time and as part of the process they comprehend what is meant by these concepts at EU level and how they are used in the different Member States. The Commission tries to find out what the Member States understand under the various concepts and makes sure that the European concepts are clear in relation to the national interpretations (Teutsch 2007). This is not always easy and the participants believe that while they do speak the same (working) 'language', sometimes they might use the same concepts and terminology but the comprehension of them is very different, as the words just have different meaning at national level (e.g. competence vs. Kompetenz[169]) (Boomgaert 2007; Coyne 2007; Kreiml 2007; Thiele 2008). It also depends often on the audience; within the clusters there are fewer problems, because people are experts, but in the formal parts (i.e. the Council) of the OMC there are more misunderstandings (Coyne 2007; Crowley 2007).

The real difficulty is when trying to transfer this terminology back to the national level as the same word at European level ofte n has different connotations back home. Things are easier when concepts are new and did not exist in this form at national level before. These transferred concepts often lead to new national discussions. Some of these concepts include *transparency, peer le arning method, lifelong learning, learning outcomes* and *permeability* (Kreiml 2007; Teutsch 2007; Thiele 2008). As a consequence of cooperation in E&T at European level, a common European terminology is being developed. Mr van der Pas (2007) believes that this new community language is developing through socialisation. Other interviewees support this notion (Thiele 2008).

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[169] There are a number of differences between the use of the term 'competence' and the German concept of 'Kompetenz'. The basic difference is that the term 'competence' looks at the result of a learning process, while the term 'Kompetenz' focuses on the learning process itself and the input into this. See CEDEFOP http://www.trainingvillage.gr/etv/Upload/Information_resources/Bookshop/491/42_de_Bohlinger.pdf (Last accessed 09/12/2008).

Socialisation[170]

All interviewees agree that some sort of socialisation takes place by participating in the OMC. While some point out that participation in any group leads to socialisation and creates a dynamism influencing the individual members of the group (Pokorny 2007), some limit their socialisation to people who are useful for them (Kreiml 2007). Mr van der Pas (2007) describes that "the typical socialisation process would begin with the Member States representatives being very hesitant at first. Then they call each other by first names, and then they want to change the world together."

Long-term cooperation is needed to understand eac h other, and particularly the working groups and committees create a feeling of belonging to a club, where participants speak the same language. Over time, they accept each other and develop a willingness to listen to each other (Aribaud 2007; Teutsch 2007). Mr Crowley (2007) describes it as building up a "we feeling, a European feeling." Socialisation prepares them to look beyond their own world, and leave behind the attitude that their own system is the best and the only true one (Aribaud 2007; Boomgaert 2007). Mr Thiele (2008) sees personal relations as important as the content because these create trust. However, the participants have to be open and willing to cooperate (Teutsch 2007; Richonnier 2007). Mr van der Pas (2007) sees informal meetings as crucial for socialisation. One can see that over time the Commission has become very good in creating an atmosphere where people are relaxed and willing to discuss. Mr Boomgaert (2007) points out that through socialisation there is a growing knowledge of other systems and thereby a precondition for learning.

Learning

Michael Teutsch (2007), DG EAC, describes the OMC as "a process that focuses on learning in order to inform national reforms." Like impact on policy -making in general, learning can have various c auses and sources and it is difficult to distinguish between them. Particularly in this case, where the Member States have many other possibilities to learn from other Member States, be it on a bi -lateral or a multi-lateral basis (Thiele 2008).

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[170] Socialisation is understood as the process of adapting to a so cial group; social intercourse or activity. In this case it is the national representatives who get socialised by participating in the OMC activities such as

Therefore it is not surprising that some interviewees point out that they have already learned before, but now they do it in a more structured way (Boomgaert 2007). Most interviewees agreed that they learn from each other through their participation in the OMC (Richonnier 2007; van der Pas 2007), while some interviewees specified this by saying that the learning potential is even greater (Pokorny 2007). Mr Coyne (2007) sees the political priorities at the time in the individual Member States as an important factor imp acting on the learning willingness.

After establishing that Member States learn from each other, the question is how this learning takes place. As outlined above, the clusters take a prominent role in the learning exercise, and participation can be seen a s another condition for learning (Clark 2007; Coyne 2007; Kreiml 2007; Pokorny 2007). Additionally, the Member States do learn to a certain extent from the reports (Teutsch 2007). Furthermore, while some believe that Member States learn whether they want t o or not (Kreiml 2007), Mr Aribaud (2007) believes that it depends on the attitude of the individual: if they want to learn they do, if not they do not. The role of the individual is highlighted in the learning process because they then transfer this to the national level. Sometimes the transfer from the individual to a broader audience at national level is difficult (Aribaud 2007; Teutsch 2007).

Legitimacy and democracy

As outlined during the literature review, some academics believe that the OMC leads to a greater involvement of other actors and see the word 'open' in open method of coordination as referring to the openness to actors, which would increase the legitimacy of this form of governance. However, as in the other OMC processes, this argument cann ot be supported in the context of the open method in E&T, as the number of actors involved is rather limited. In the opinion of Mr Hingel (2007), the OMC is a technocratic tool and the 'open' (method of coordination) means 'legally open'. Mr Boomgaert (200 7) confirms this hypothesis and sees the OMC as "an elite driven process as there is a low number of key players." Others agree that the legitimacy is limited as only experts are involved (Hingel 2007; Kreiml

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committee meetings, peer learning visits etc.

2007). While the involvement of the social part ners[171] increases this legitimacy, at least at EU level, the fact that the participants are nominated and the EP is not involved makes it less democratic (Pokorny 2007).

In addition to the national level, the OMC had also significant impact on the European level, which will be looked at next.

OMC contribution to European integration

Impact at European level

If one compares the level of cooperation in E&T at European level with only ten years ago, the difference is astonishing. Therefore it is not surprisi ng that all interviewees agreed that European integration has been enhanced through the use of the OMC in E&T. This can be seen in a number of ways:

EU competences in E&T

As there was no treaty revision concerning the E&T legal basis, there were conseque ntly no new competences transferred to the European level. Mr Coyne (2007) remembered the discussions during the Constitution debate and the convention asking if the Commission wanted more competences in this area and the Commission said 'no'. The argument is that this is not the sort of area where legislation is useful at European level. Nevertheless, while using the OMC in the E&T policy area definitely did not lead to the transfer of any formal competences, it is also indisputable that the Commission has gained significantly in influence in this field, even in areas where this was not legitimated (Aribaud 2007; Hingel 2007). This enlarged influence can be seen, on the one hand, on the range of issues where the EU is now involved, ranging from school and p re-school education to higher education and adult learning. On the other hand, the increased visibility and significance of the EU Commissioner for Education & Training and his position vis -à- vis the national Ministers is another indication of this strong er influence. Mr Coyne (2007) recalled that at first the Member States ministers more or less ignored the Commissioner, but later they turned to

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[171] See discussion above.

him to introduce the topics at their meetings. For Mr Aribaud (2007), the Commission has also gained influence because it progressed in the area of expertise and not only in administration.

<u>Horizontal integration/ expansion of topics</u>

The use of the OMC led to a huge increase in policy areas under E&T, which came under EU domain (even if only supportive competence s). This could be a conscious choice made by the Commission for 'widening' over 'deepening' (in the political sense). The alternatives were between to deepen the competence of the EU on a particular aspect or broaden the amount of policy issues. For deepen ing, the continued use of article 128 TEC would have been crucial, as it gave the EU 90% competence in some small areas of VET (Hingel 2007; Richonnier 2007). Mr Richonnier (2007) and Mr Thiele (2008) both argued that the Commission lost on regulation poss ibilities by using the OMC, but by giving up some of its power on more detailed issues, the Commission gained more influence in additional areas in this domain. Furthermore, the Commission still had significant budgetary powers, such as the programmes fund ed by the EU budget.

While some Member States believe it might be the strategy of the Commission to address more and more issues in order to slow down or limit the oversight capacity of Member States (Kreiml 2007), Commission representatives reject the n otion that more topics mean more influence for the Commission, as it has just a certain capacity to work on a certain number of topics (Coyne 2007). Therefore some argue that the increase of topics did not contribute to making EU policy more efficient, and there now exist various grey zones, where it is questionable whether or nor the Commission can do something (e.g. the topic 'schools') (Richonnier 2007).

Increased policy output

There is now a substantial increase of policy output at European level in E& T as a direct consequence of this form of governance. [172] Some argue that the change of the internal

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[172] For an overview of the pol icy outputs see European Commission (2008c) or http://ec.europa.eu/education/lifelong -learning-policy/doc36_en.htm (Accessed last 9.12.2008).

structure of the Commission, where Director General van der Pas created a specific policy unit with the specific objective of achieving more policy activity, was essential for this increase of policy output (Coyne 2007). While it shows that cooperation between the EU and its Member States seems to be currently working well, a wave of documents is arriving at national level to be worked on and followed up. Anoth er side effect is that the elite driven process is even increasing, as there is no time and way to explain to outside actors all of the details and integrate them into the process (Boomgaert 2007).

Small steps approach: History making events vs. an increm ental process

The majority concurs that there are always important points in a process, such as the Lisbon summit, agreeing on the first set of objectives and the adoption of benchmarks, but in general it was an incremental process (Boomgaert 2007; van der Pas 2007). While saying this, the first three Spring European Councils after Lisbon were crucial to get momentum and start the process (Coyne 2007). It was very much a trial and error approach. There was no history-making event, like a treaty revision, th at changed the E&T landscape, but it was a process. The fact that there was no initial Council decision to have an OMC in E&T, which was outlined already earlier, underlines this argument.

Agenda-setting

The significant role of the Commission as agenda -setter has already been mentioned above when looking at the roles of the different actors. However, the Member States also managed to influence the agenda by getting national topics on the European agenda. Examples are that Belgium and France got 'equity' as a topic on the agenda, and the Scandinavian countries got 'technology', 'new basic skills' and 'mathematics' on the European agenda. Belgium also got 'teachers education' on the European agenda (Coyne 2007). Additionally, the role of the presidency is als o important in influencing the agenda (van der Pas 2007). The consequence is a mixed agenda between national priorities and European priorities (Boomgaert 2007; Coyne 2007). Boomgaert (2007), therefore correctly identifies that "uploading as well as downl oading has happened." Mr Thiele (2008) sees this cross-fertilisation between the national and the European level as very useful.

Political commitment and ownership

The OMC has clearly led to more political commitment by the Member States towards cooperation in E&T at European level. This is political long -term commitment at national level, which surpasses national legislative periods and creates continuity (Kreiml 2007). Getting Member States to make structural commitments is easy, while commitments on content are more difficult. Making the link is the challenge (Coyne 2007). The willingness to discuss the issues at EU level is a huge change to before Lisbon (Teutsch 2007). The importance of this has been touched upon already earlier. The lack of political commitment was also one of the main reasons why things did not advance in E&T before the OMC. Partially, this lack of political commitment from the Member States was the fault of the European Commission. The Commission's attitude until the mid 1990s, supp orted by the French, was that it could just come with proposals and put pressure on the Member States, which led to their resistance. Another consequence of this political commitment by the Member States, is that it is also a lot more difficult than before for the Member States to blame Europe for unpopular decisions (Thiele 2008). Voluntary recommendations play a significant role in this context; although they are not legally binding, they are very powerful tools. The Member States develop a feeling of own ership of the OMC process and whenever they forget this, the Commission can remind them that they voluntarily agreed to this (Coyne 2007; Hingel 2007; Teutsch 2007). Consequently, legally non -binding documents can have the same, or sometimes more, impact o n changing national political systems than legally binding acts. This confirms again the argument mentioned earlier that "legislation does not matter if the political will is missing." For Mr Coyne (2007), integration is not only about more legislation, bu t also about creating a "community of thought."

The relation between the OMC and the Community Method

Traditional forms of integration, such as the CM, aim at the harmonisation of a policy area (Pokorny 2007). As outlined before, the specific circumstan ces of this policy area do not allow for harmonisation (at least currently), and the OMC is the only possible way. The OMC is appropriate in areas where harmonisation is not, and therefore is used where the (full version) CM is not possible (Boomgaert 2007 , van der Pas 2007). While, the OMC

can be seen as an alternative to harmonisation and the CM, it exists in parallel to a limited form of the Community Method in the area of E&T. Here the two tools are fulfilling, different but complementary roles that sti mulate one another. As seen above the policy output in E&T at EU level has increased significantly over the last years, and the OMC gave strength and knowledge to do so (Hingel 2007). Mr Teutsch (2007) outlined that "the OMC makes the topic selection and t he preparation, then the CM helps with the implementation." Figure 4.1 shows that the OMC allows that the topics are being discussed in the clusters and initiatives are being developed, which originated either in national policies or European pilot project s, and the CM then leads to recommendations on these topics which influence the policy at national level and lead to new European projects. Here again the important role of the European education programmes for the testing phases needs to be mentioned.
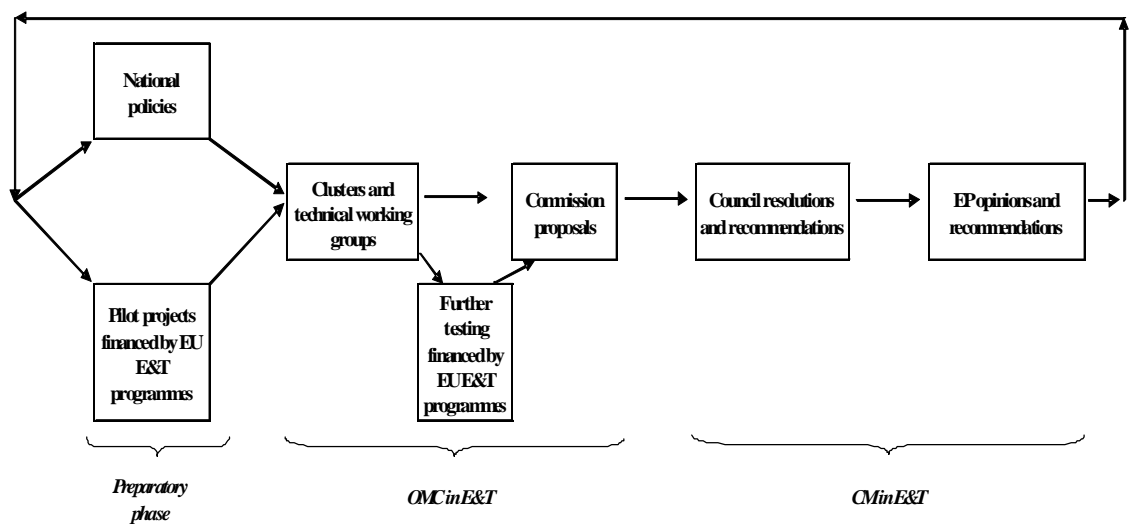
Figure 4.1: EU policy development in education and training
Source: Author

Some argued that from the perspective of those who want to integrate even further, the OMC is a second best solution for European cooperation (Boomgaert 2007). For Mr Thiele (2008) the OMC is better than the CM, as it limits the conflicts between the Commission and the Member States and therefore creates political commitment from the Member States.

Consequently, the implementation also goes easier. At the same time he identifies a disadvantage of the OMC, namely that the Commission has fallen into a more passive role and lost the dynamism. In the CM the Commission is the official initiator while in the OMC the Commission has only the role of facilitator. He qualifies this statement by adding that it also depends very often on the person in charge in the Commission. [173] Another explanation for the current possibly more monitoring role of the Commission is that a huge number of initiatives have been developed and adopted at European level, and they need to be implemented at national level before proposing new ones.

The OMC as a new type of integration

As seen above, some Member States supported the use of the OMC in E&T in order to limit the transfer of competenc es to the European level. This was successful as far as official competences are concerned. This speaks against further integration in the field of E&T, at least in the traditional (limited) way of considering it (i.e. competences being formally transferred). Mr Kreiml (2007) believes that the EU has currently reached a limit in the integration willingness of the Member States and a further sovereignty transfer in additional areas is not presently imaginable. Therefore if one way does not lead to the goal, one has to find another way and change the method to reach this target by trying a different way, this being the OMC.

When looking at the huge impact the OMC had on EU activities in E&T, one can clearly speak of an increase in European integration. Howev er, what is true, is that this form, at least so far has not taken the traditional way via the CM but through the OMC. While for some the OMC can be seen as a first step towards traditional integration (Kreiml 2007), others insist that it will never turn i nto the Community Method. Mr Coyne (2007) explains the latter by referring to the fact that the EU is often seen as a federation, but in all federations in the EU the E&T lies more at regional level than at federal level. Most respondents agreed that the O MC was neither preparing nor replacing the CM, but is rather a new form of integration, an alternative route (Boomgaert 2007; Clark 2007; Coyne 2007; Kreiml 2007; Pokorny 2007; van der Pas 2007). What is for sure is that the Commission

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[173] The role of the individual in the OMC was outlined already earlier.

benefited from applying the OMC to get its foot in the door in many other policy issues (Aribaud 2007, Richonnier 2007). How this will continue is not clear. Mr van der Pas (2007) argued that the OMC can be both, preparing or replacing the CM, depending on the consensus you can get. This is supported by others, who argued that it is not an utopian scenario that one day the CM will be used fully, depending where the Member States want to go (Aribaud 2007). In any case, further transfers of competences would require a treaty revision and would therefore be resolved intergovernmentally (Kreiml 2007; van der Pas 2007).

Evaluation of the results to date

Taking stock

Reforms take time and do not happen overnight. Therefore some interviewees were hesitant to give an evaluation as they argued that it was still too early to evaluate the success (Boomgaert 2007; Coyne 2007; Pokorny 2007 Teutsch 2007; Thiele 2008) Nevertheless they all outlined the aspects where they saw the OMC as successful so far and where they did not.

Success[174] *of the OMC as a tool by:*

- Creating reform pressure (Crowley 2007; Kreiml 2007);
- Enhancing the capacity of Member States to learn from each other by providing policy decision-makers with more policy options than they would have normally and with the structures to do so (the clusters) (Coyne 2007; Kreiml 2007; Pokorny 2007);
- Changing the Commission's attitude to E&T and helping to understand that it is an integral part of the competitiveness agenda (Coyne 2007);
- Making the policy-making more realistic and more co mplete (Crowley 2007);

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[174] As with the term 'added value', 'success' is not a value free concept and needs to be treated with caution. What for some people might be a success, might be for others with a different agenda a failure. This var iation however is acceptable, because many of the interview questions were aiming at subjective responses, as outlined in the methodolgy chapter. Therefore 'success' is not something defined by this author but rather felt by the individual interviewee. For example "success" was defined by various interviewees, as the case where people at national level say that it is useful to cooperate with other Member States through the EU in order to

- Improving the cooperation between E&T ministers significantly. The difference between the Council meetings before the OMC, and since then, is substantial (Hingel 2007);

- Improving the relationship between E&T ministers with their nati onal colleagues in the social and finance departments (Richonnier 2007). The same is seen regarding the relationship between the Commissioner for E&T and the national ministers for E&T (Crowley 2007);

- Gaining the support from all the Member States to conti nue with this method (Teutsch 2007);

- Discussing these topics at EU level (Teutsch 2007) and accepting now the proposals (Aribaud 2007);

- Leading to concrete actions (Teutsch 2007);

- Transferring ideas and concepts to the national level for debate (Teutsch 2 007);

- Making people in the international departments realise that a lot was going on in other Member States (Kreiml 2007).

Preconditions for the success of the OMC are seen by some in the dialogue between the Member States and the Commission, a balance be tween the priorities of Member States and Commission, plus authentic, comparable and up -to-date statistics (Boomgaert 2007).

Not successful

In some ways the OMC can also be seen as unsuccessful:

- The OMC in E&T has not been able to create a single comprehe nsive vision for the E&T field (Crowley 2007);

- Some promoters hoped (like the Portuguese) that it would be a precursor to a much more binding or constraining process where Member States would do much more together and that there would be a process of conve rgence. Coyne (2007) argues that this was fortunately not a success;

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implement national reforms and that the work is relevant. Mr van der P as (2007) sees "moving towards topics which concern the individuals and give an added value", as strengthening EU Integration.

- The benchmarks will not be reached by 2010. However, is this really a failure? The interviewees do not consider it so. Firstly, the benchmarks are only 'one' instrument (Teutsch 2007). Secondly, as Hingel (2007) argues, the OMC gives more and better tools to the Member States. It is then their responsibility to apply them to achieving a knowledge-based reform. Thirdly, they were political goals, and ambitious targets were needed. The progress made towards these is a success. (Thiele 2008). The follow-up/next work programme might see other benchmarks (Hingel 2007).

Possible changes and improvements

While the majority of the interviewees called the OMC successful and agree that the OMC has the potential to work well, nearly all concurred that changes and improvement were necessary. Mr van der Pas (2007) identifies a general wish among the Member States to start a reflection on how to sharpen the instruments of the OMC. The proposals for improvement concentrated on different areas:

- *Peer learning activities*: While some interviewees criticised that the peer learning activities are dominated by Member States representatives and should have more of the other stakeholders from the grass roots involved (Kreiml 2007), others wondered if peer learning is really useful (Hingel 2007);

- *Reporting:* Many agree that it is not yet functioning optimally. While some speak of an overproduction of documents and reports (Hingel 2007; Kreiml 2007), others address the fact that they are too long and a lot of richness is lost because the reports often tend towards consensus, which limits the learning possibility (Pokorny 2007). Therefore the way the material is presented by the EU can be improved (Hingel 2007; Pokorny 2007), maybe by having a country specific part in the joint report (Teutsch 2007);

- *Dissemination and coordination at national level:* While seeing the conceptual level as good, the implementation at national level is often considered as very slow (Boomgaert 2007). This can be partially explained with the frequent existence of limited contact between the national experts participating at EU level and the national policy-makers (Aribaud 2007; Pokorny 2007). It is difficult to get the right target audience involved at national level. It is also argued that the national representatives in the different

committees do not know each other and give different messages. Therefore the OMC needs more coordination and preparation at national level (Hingel 2007);

- *Benchmarks and objectives:* Some believe one should examine if the benchmarks and objectives are still the right ones and update them if necessary (Teutsch 2007). Germany criticises the use of the same quantitative benchmarks for all (Thiele 2008), as they are easier to reach for countries already close to the benchmarks;

- *Indicators:* Indicators need to be seen within the context of the political objectives of the time and might need to be changed once in a while. Also they could be made more efficient (Clark 2007). Furthermore, when reporting on them it is important to show not only the (three) best countries, but also those that made the most progress (Boomgaert 2007);

- *Strengthen the OMC:* Mr van der Pas (2007) identifies the need for more reporting, more indicators, and more benchmarks and believes the Member States want to give it more teeth;

- *Learning:* One needs to analyse why some experiences were successful in some Member States but could then not be transferred to another. The task is to find out which elements are transferable (Hingel 2007);

- *Structure:* There is a general reflection on the structure of the OMC in E&T. Some identify too many parallel processes inside the OMC, making it more difficult to having an overview and call for a reduction of coordination groups (Boomgaert 2007) and more focus, while knowing that this is difficult because of the different priorities of the 27 Member States (Kreiml 2007). Others stress that an E&T political committee (like the Employment Committee or the SPC) is missing, as the Education Committee is a Council-preparing committee, and no strategic and policy discussion take place. This happens only in the Council itself (Crowley 2007; Teutsch 2007). Others see this role fulfilled by the ECTG (Coyne 2007).

Conclusion

This chapter showed the development of the OMC in the field of education & training, outlining the key elements of this process and its main actors. The analysis was supported by the findings of a series of interviews carried out with a range of different actors involved in the process. Their feedback showed that there was clearly an impact at national and at European level from using the open method as the basis for the cooperation in E&T at EU level, while this impact varied between the Member States and across different issues. However, it was also pointed out that other national and international developments contributed to these changes and it is therefore not entirely possible to isolate the impact of the OMC. This discussion showed also that the use of the O MC clearly expanded the EU's activities in this policy field, as Member States are now willing to discuss topics in E&T at EU level which lie within Member States competences. While this on the one hand clearly enhanced European integration, it did so not through the traditional way, using the Community Method, but in a new and alternative way. Before trying to see how European integration theories make sense of this new form of integration, the next chapter will look at whether the OMC-like tool of the European Social Dialogue, the framework of actions, was applied for the same reasons and if it led to the same results.

CHAPTER FIVE: THE FRAMEWORK OF ACTIONS: THE OMC OF THE SOCIAL PARTNERS

Introduction

The development and increased use of 'soft governan ce tools', such as the OMC, can be identified at European level not only within the sphere of the European institutions but also within the decision-making structures of some of the secondary actors. In order to see the developments outlined in the last ch apter in a wider context, this second case study was chosen to complement the picture in explaining the use of these OMC -like instruments and their relation to European integration. In order to test the hypothesis that OMC -style governance is being used no t only more frequently in EU politics but also by more and more actors within the European political arena, a second series of interviews was carried out with representatives from national and European social partner organisations. The interviews concentra ted on the question why this type of tool was chosen, how it functions and what results can be observed. The aim of this chapter is to report on the results of the interviews with the social partners, concerning the creation, functioning and impact of the framework of actions at national and European level. This chapter presents the findings from the analysis of the European social partners framework of actions for the lifelong development of competencies and qualifications. [175] Firstly, it will give a short overview of the development of the European Social Dialogue, in order to place the creation and use of the FoA within this context. Then the main findings of the fieldwork will be presented before looking at the individual aspects in more detail. As in the previous chapter, these findings will be presented thematically. The conclusion will make the link to the previous chapter and outline the elements to be followed up in the next chapter, where these results of the two case studies will be compared.

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[175] This is the official name, but everyone just calls it the FoA on lifelong learning (LLL). This shorter version will be used th roughout the thesis.

1. The European Social Dialogue

Before looking at the FoA itself, it is necessary to give an overview of the context in which it was created. This section will briefly look at the different phases in the development of the European Social Dialogue, while then focusing on its current phase.

What is social dialogue?

The social dialogue (SD) is the main form of industrial relations between the social partners in Europe. 'Social partners' are the representatives of management and labour/ employers' and workers' organisations. There are different forms of social dialogue. In some countries this dialogue is mainly organised between governments, employers' organisations and workers' organisations, the so-called *tripartite social dialogue*, while in other countries the dialogue is only between employers' and workers' organisations, the so-called *bipartite social dialogue*.[176] At European level both of these forms are used, which will be discussed later on in more detail. Furthermore, there are different types of social partners, as the social dialogue takes place at different levels. One can distinguish between 'sectoral social dialogue' and 'cross-sectoral' (or 'inter-professional') social dialogue. The difference is that cross-sectoral social partners cover the whole economy and labour market while sectoral social partners restrict their work to issues concerning their specific sectors and conclude agreements just applicable to that sector. Both these types of social partners also exist at European level.[177] This overview concentrates on the development of the inter-professional European Social Dialogue, as the case study is about one of their tools and because this European Social Dialogue is the most developed one at European level. Nowadays the European inter-professional social partners are the European Trade Union Confederation (ETUC),[178] representing the workers and three organisations representing the employers'

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[176]For an overview of the different national industrial relations systems see http://www.eurofound.europa.eu/eiro/country_index.htm . (Accessed last 9.12.2008) For discussions on various forms of national social dialogue see Iankova and Turner (2004) or Mailand and Due (2004).

[177] For further information on the different sectoral European Social Dialogues see http://ec.europa.eu/employment_social/social_dialogue/sectoral_en.htm (Accessed last 9.12.2008). Also Keller and Sörrier (1999) and de Boer, Benedictus and van der Meer (2005).

[178] For more information see http://www.etuc.org/ (Accessed last 9.12.2008).

side,[179] namely BusinessEurope, [180] Centre européen des entreprises à participation publique et des entreprises d'intérêt économique général (CEEP) [181] and Union européenne de l'artisanat et des petites et moyennes entreprises (UEAPME). [182]

The creation of the European Social Dialogue

Franssen (2002: 60) identifies idealistic and pragmatic reasons in the literature for th e creation and strengthening of the European Social Dialogue. One idealistic reason is the theory that "the community is not just a bilateral arrangement between its institutions and Member States, but a complex polity which engages a wider range of other actors in social policy formation and implementation." A more pragmatic reason is that "it was important for the Community institutions in general to avoid too much opposition towards their legislation." As the Community was dependent on Member State coope ration in pursuing its policies, it was important to engage powerful national interest groups, such as trade unions and employers organisations, in the policy process. Based on this logic, one can argue that it was an attempt to gain the trade unions' supp ort for the internal market policy of the European Commission, and the employers' support for enhanced social policy. Falkner (1998) believes that the main reason for the creation of the European Social Dialogue, at least from the Commission's perspective, in breaking the stalemates in the social policy area in the Council. This argument is supported by Franssen (2002), who sees the ESD as an alternative route for social policy at EU level, necessary because of the consequent use of the British veto.

Barnard (2002) sees four interconnected explanations for the involvement of social partners in EU governance, namely subsidiarity, effectiveness, legitimacy and democracy. [183] Another possibility is seen in the argument that the involvement of the trade unions in EU

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[179] For a detailed presentation of the European employers organizations see Arcq, Dufresne and Pochet (2003).
[180] Until 2007 called UNICE. For more information see http://www.businesseurope.eu (Accessed last 9.12.2008).
[181] For more information see http://www.ceep.eu/ (Accessed last 9.12.2008).
[182] For further information see http://www.ueapme.com (Accessed last 9.12.2008).

policy-making would give the Commission a more 'human face' (Franssen 2002). While many of these explanations are plausible and provide an added value of the ESD for the EU, probably the most important reason is the plain fact that the EU Commission rea lised they needed the support of the social partners if they wanted to increase the European policy-making in employment and social affairs.

Development

While some academics such as Pochet (2005) point out that some social partner activities have been already taking place since the 1950s, which were very informal and happening mainly at sectoral level, [184] the European Commission, as well as the European social partners themselves, identify three different phases in the development of the ESD. [185]

- The first period 1985-1991;
- The second period 1991-2001;
- The third period 2001 onwards.

The first phase is generally identified with the term 'Val Duchesse process', named after the place where Jacques Delors, in his function as the Commission President, invited ETUC, UNICE and CEEP in 1985 to intensify their cooperation. The Single European Act then laid the ground for formal relations with the introduction of article 118b EC treaty. The tools during these years were mainly joint opinions. The importance of this ph ase was less the outcomes but more that such a political process was taking place (Pochet 2007). The second phase started in 1991 with the Maastricht treaty creating a strong legal basis for the consultation of the European social partners. [186] This legal base was drafted on the joint agreement of 31 October 1991 between UNICE, CEEP and ETUC. [187] Using this legally binding procedure, the European social partners agreed in the 1990s on a series of

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[183] A detailed analysis of the social partners contribution to enhancing the EU's democracy is provided by Reale (2003).
[184] For more details on the period prior to 1985 see Falkner (1998) or Franssen (2002).
[185] http://ec.europa.eu/employment_social/social_dialogue/docs/sds_actes_en.pdf (Accessed last 9.12.2008) or http://europa.eu/scadplus/leg/en/cha/c10132.htm (Accessed last 9.12.2008).
[186] See annex 5.

agreements,[188] which were then transferred by the Council into Europe an directives.[189] The possibility of having legally binding agreements did not make the use of joint agreements obsolete but rather added a new layer of tools to the disposal of the European social partners.[190] At the end of this phase the number of participat ing organisations in the European Social Dialogue was extended with the arrival of UEAPME. [191]

The current third phase

In 2001 the European social partners made a joint contribution to the Laeken summit outlining their willingness to achieve an independent European-level dialogue, the creation of an independent work programme, which would include the use of a variety of policy instruments. As a consequence they developed in 2002 their first autonomous work programme lasting from 2003 –2005.[192] A second work pro gramme was adopted in 2006 lasting until 2008.[193] While the legal basis of the European Social Dialogue is still the one created with the Maastricht Treaty, the Laeken declaration introduced the latest phase of the ESD and led to the enhancement of the tools at the disposal of the ESP.[194] An additional message coming from the social partners in their Laeken declaration was that the label 'social dialogue' was incorrectly being used for any kind of activity involving the social partners. They therefore called fo r a clear distinction between three different types of activities involving the social partners:

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[187] See http://ec.europa.eu/employment_social/dsw/public/actRetrieveText._do?id=10480 (Accessed last 9.12.2008).

[188] On parental leave in 1995, on part time work in 1997 and on fixed term contracts in 1999.

[189] For an in-depth analysis see Falkner (2000).

[190] For more details on the first and second phase see Falkner (1998) or Franss en (2002).

[191] The exact standing of UEAPME as social partner is legally questionable. While not being officially mentioned as cross-sectoral European Social partner by the Commissions (see http://ec.europa.eu/employment_social/social_dialogue/docs/list_art138_en.pdf) (Accessed last 9.12.2008), it still participates in all European social partners activities and signs all negotiated agreements. http://www.eurofound.europa.eu/areas/industrialrelations/dictionary/definitions/ueapme.htm (Accessed last 9.12.2008).

[192] See http://ec.europa.eu/employment_social/dsw/public/actRetrieveText.do?id=10416 (Accessed last 9.12.2008).

[193] See http://ec.europa.eu/employment_social/dsw/public/actRetrieveText.do?id=10969 (Accessed last 9.12.2008).

[194] For a detailed analysis of this new phase see Branch (2005), Prosser (2006) and Gold, Cressey and Leonard (2007).

- *Tripartite concertation*: to designate exchanges between the social partners and European public authorities;
- *Consultation of the social partners*: to designate the activities of advisory committees and official consultations in the spirit of article 137 of the Treaty;
- *Social dialogue*: to designate bipartite work by the social partners, whether or not prompted by the Commission's official consultations based on ar ticle 137 and 138 of the Treaty.[195]

As already mentioned earlier, the activities of the social dialogue at European level can be divided between bipartite and tripartite social dialogue.

The bipartite social dialogue

The bipartite social dialogue includes all the activities carried out as part of the autonomous work programme as well as under the legal procedure created at Maastricht, namely article 138 and 139. Article 138 of the EC Treaty provides for the compulsory consultation of social partners on all matters of social policy mentioned in article 137. The consultation process takes place in two stages. Firstly, before submitting proposals for new socia l policy legislation, the Commission has to consult workers and employers on the possible direction of EU action. Secondly, if the Commission then considers EU action advisable, it must then consult workers and employers on the content of its planned propo sal. After the second stage, the European social partners can inform the Commission that they wish to open negotiations and start the process laid down in Article 139. [196] Article 139 EC Treaty addresses the negotiations through which the European social part ners can conclude agreements on social policy. Any agreements concluded by the European social partners will be legally binding once implemented. The implementation can take one of the following forms. Either the ESP ask the Council to implement it through a Council directive[197] or they make their national members responsible for implementing the

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[195] Laeken declaration at http://ec.europa.eu/employment_social/dsw/public/actRetrieveText.do?id=10423 (Accessed last 9.12.2008).
[196] http://ec.europa.eu/employment_social/social_dialogue/bipartite_en.htm (Accessed last 9.12.2008).
[197] However, neither the Commission nor the Council have the right to change the text of the agreement.

agreement in line with their national customs and practices. These are known as 'autonomous agreements'.[198]

Tripartite social concertation

As outlined above, tripartite social dialogue happens between the social partners and the public authorities. However, this can take place in different policy areas [199] and at various levels. Starting with the level of *Heads of State and Government*, where the European social partners meet regularly since 1997 with the troika [200] on the eve of the European Council meetings. The conclusions of the Nice European Council in December 2000 provided for an annual meeting with the social partners before the spring European Council. Furthermore the European social partners meet regularly at *ministerial level***,** with the troikas of different Council formations, such as culture, education and training or employment and social policy. Finally, at *technical level*, where the social partners are invited to present their views in technical committees such as the Employment Committee or the Social Protection Committee and advisory committees of the Commission and the Member States.

In 2002, the development of the European Social Dialogue took another step b y creating the tool of a framework of actions and adding it to the arsenal of instruments at the disposal of the European social partners for the common work. This instrument will now be analysed in detail.

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[198] For an academic analysis of the imple mentation of autonomous agreements see Larsen and Andersen (2007).

[199] There are now four fields in which tripartite concertation takes place - macroeconomics, employment, social protection and education and training.
See http://ec.europa.eu/employment_social/social_dialogue/tripartite_en.htm   (Accessed last 9.12.2008).

[200] The term troika is actually used in two different ways in relation to the European Union. First of all,   in the context of external relations, it refers to the Foreign Affairs Minister of the Member State holding the Presidency of the European Union; the Secretary -General/High Representative for the common foreign and security policy; and the European Commis sioner in charge of external relations. The other use of the term refers to the formation of representatives of the current, the following and the next but one Member States holding the presidency of the European Union. The latter understanding is used in   this thesis.

2. Overview of the main interview results with the social partners

The following results are the key findings of the interviews with the social partners.

Nature

- The FoA is a <u>soft and flexible tool</u> as it is legally non-binding. It is soft law, but it is as efficient as hard law;
- The FoA gives <u>flexibility</u> to the European level while <u>respecting subsidiarity</u> and the <u>diversity</u> of the national systems;
- Concerning <u>the top-down/bottom-up</u> dimension the FoA is a hybrid.

Functioning

- <u>Elements</u>: Common objectives, good practices, reporting, multiple levels, regula r committee meetings at European and national level, and a time limit of three years;
- Essential <u>role of the individual</u> to report from and to the European or national level in order for the learning to work;
- <u>Peer pressure</u> works to some extent, as nobody wan ts to be last;
- <u>National interests</u> exist but have limited influence and are seen in a European context.

Creation

- The FoA was a <u>new instrument</u> and a 'learning by doing' <u>process;</u>
- The FoA was the r<u>esult of a compromise</u> between the European social partners, ov er what type of tool to use;
- The work is based on national tools, experiences and priorities;
- <u>The name</u> was only decided at a later stage. The instrument came after the content;
- The OMC in E&T was no template but rather a parallel process developing at the same time. The FoA facilitated the creation of the OMC in E&T;
- A new <u>paradigm</u> at that time led to the development of governance tools;
- There were <u>no alternatives</u>, which represented a compromise to satisfy both sides;
- Different topics need different tools because of their sensitivity and their diversity.

Lisbon

- The Lisbon strategy can be seen as <u>a catalyst for the FoA</u> on lifelong learning (LLL);
- The FoA was linked to the labour market which <u>is a competence</u> of the social partners.

Governance

- Framework agreements (FA) look at <u>minimum rights</u> and a FoA looks at <u>actions and priorities</u>. The one is not better than the other. The two tools are <u>complementary</u> being used for different situations with different objectives. There are different ways of implementing them . The attitude does not depend on the tool, but on the topic.

Integration

- The diversification of ESD tools was an expression of the (new) <u>autonomy of the SP;</u>
- Soft tools such as the FoA are <u>not replacing</u> the use of framework agreements;
- <u>Horizontal as well as vertical integration</u>: More topics for the ESD and more influence for the social partners;
- For some the FoA seems to be a <u>second best option</u> for the trade unions, but others see the <u>instrument as not as important as the political support</u> .

Added value

- Added value depends on the perspective e.g. national or European;
- <u>Added value of EU cooperation</u>: looking at common priorities, learning from one another, creating awareness, convergence, better mutual understanding, improving quality;
- Added value of the FoA: Labour market approach, cross -fertilisation, common words and concepts, joint commitment, more visibility and awareness of SP activities, common European approach, drawing attention to common topics, promoting E&T at national level.

Consequences and impact

- It is not easy to isolate: <u>which impact is caused by what;</u>
- The <u>level of impact varied</u> across the MS;

- Different forms of impact : On the content, on the structure, on the system;

- Learning is a strong element of the FoA instrument but transferability is difficult;

- Different forms of learning : from each other, about oneself, about the EU level;

- The use of concepts is difficult because different national understandings exist;

- Socialisation and human relations are important aspects and lead to trust.

Evaluation

- The FoA was successful at European level: Concerning the relation to the Commission as well as the development of ESD;

- The FoA was successful at national level: More cooperation, increased role for E&T, learning, reforms, up and downloading;

- Less successful: Dissemination, limitation in quantitative terms, limited feedback, better communication and more responsibility at national level needed.

OMC

- The SP involvement in the OMC varies between the different MS and policy areas.

3. Results from the interviews with the social partners organised thematically

Genesis of the framework of actions

When developing the FoA, social partners did not have to start from scratch as they have been working together on the topic of E&T for years. However this collaboration never went further than joint opinions on individual issues. The FoA was a new instrument, the first of its kind. It was a 'learning by doing' exercise, which also explains the duration, lasting from October 2000 to February 2002 (Menéndez-Valdés 2007; Schmitt 2007; Suomalainen 2007). Before starting, the two sides had to agree on what they were actually aiming at. The trade unions at the time wanted a framework agreement (FA), while the

employers were not willing to give the label of a FA on a topic like lifelong learning because it would wrongly give the impression that you could decree the improvement of LLL and they were opposed to the rights based approach favoured by the TU (André 2007; de Liedekerke 2008; Schmitt 2007). Some even did not want to talk at all to the TU about these sensitive issues (Mayr 2007). Therefore, what ended up as the FoA was the result of a compromise (de Liedekerke 2008). The text is written in a way that the diverse national systems, those with a rights approach and those without a rights approach, were covered by the European approach (de Liedekerke 2008).

As the European social partners knew from the beginning that they were not in agreement on the type of instrument, they started on the content and saw where they could agree on how to develop competences and qualification. As the work had to be based on reality, they carried out one year of exploratory work and fact finding in the MS trying to create a common understanding at European level of the meaning of the concepts they were using. Long discussion on the meaning of the different concepts followed, as in different countries these concepts had different meaning. The European level started to ask the national social partners for the challenges they were working on and for the innovative tools they wanted to present. Then, based on these discussions, the European social partners identified the important issues from the social partners' perspective in terms of what role E&T could play in improving the functioning of the labour market (LM). They agreed on focusing on the development of competences and qualifications rather than on E&T (André 2007; de Liedekerke 2008;). Finished with the technocratic work they tried to describe together the various challenges and find a joint approach to define priorities of actions. The European level social partners then started to structure this by taking different issues of the national social partners and finding a common denominator. In 2001 they put forward a joint paper outlining common priorities. This was then the structure for the negotiations (de Liedekerke 2008; Schmitt 2007).

The real negotiations took another year. First they agreed on the challenges and described the approach they wanted to take. This was placed within the context of the Lisbon strategy (André 2007; de Liedekerke 2008). The next step was to carry out various workshops on

the main issues identified in the joint paper. This bottom -up approach looked at good practices from the national level of how compan ies dealt with the issue of LLL in practical terms (Schmitt 2007; Suomalainen 2007). The European level started their work, based on best practices from the national level, and did not invent anything new (de Liedekerke 2008). The SP looked then at which l essons they could draw from this experience and identified four specific priorities on which the national social partners should work (André 2007; de Liedekerke 2008; Suomalainen 2007). These are:

- To identify and anticipate competences and qualifications n eeds;
- To recognise and validate competences and qualifications;
- To inform, support and provide guidance;
- To mobilise resources. [201]

Based on the good examples, the European social partners proposed activities and recommendations for each priority. These reco mmendations were not only towards the public authorities but also directed to the social partners themselves. This 'self commitment' is one of the innovative features of this new tool, as until then, the joint positions in E&T of the social partners were a lways aimed only at the public authorities. The priorities should help promote E&T and LLL in the context of a changing society and E&T and should help workers and employers to adapt to this changing world (André 2007). Each of these four priorities should be developed at all three levels: enterprise, sectoral and national (Menéndez-Valdés 2007).

Then, a drafting group was convened to make the conclusions (André 2007; de Liedekerke 2008; Schmitt 2007). As this was the first FoA the spirit was still very mu ch as in framework agreements, which was reflected in having a rather short document. [202] The name was only decided at the end. They decided not to call it a joint opinion because this would send the wrong signal. This was about carrying out actions, so they called it a framework of actions (de Liedekerke 2008). There was nothing scientific about the way they named the instrument (André 2007; de Liedekerke 2008; Schmitt 2007; Suomalainen

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[201] See annex six.
[202] Later the FoA on Gender was different and longer.

2007). The instrument came after the content (André 2007; de Liedekerke 2008). The follow-up was then discussed only at the last stage in the social dialogue committee (SDC), which was a very political decision. The trade unions insisted on having a strong follow -up procedure (Schmitt 2007). In the end the social partners agree d that "the social partners will draw up an annual report on the national actions carried out on the four priorities identified" and "after three annual reports, the social partners will evaluate the impact on both companies and workers. This evaluation c an lead to an update of the priorities identified."[203]

Causes

<u>Context</u>

When looking at the development of the framework of actions one has to start by analysing the causes for its creation. The political and economic context at the time is crucial. In 2000 the Lisbon strategy was adopted and had the aim of creating a knowledge -based economy/society at its heart, which linked the issue of E&T to the labour market and competitiveness. This linkage was important, as the SP have a specific responsibility concerning labour market issues (André 2007; de Liedekerke 2008; Menéndez-Valdés 2007; Volozinskis 2008). Consequently, they wanted to make a contribution to the Lisbon strategy. Therefore the Lisbon strategy can be seen as a catalyst for the FoA on LLL.

While in the 1990s Framework agreements generally followed the threat of the Commission to come up with legislation, such a threat did not exist on the FoA on LLL because the Commission did not have the competence to do so (Mayr 2007; Windey 2007). Nevertheless, because of the ESP role with the labour market the Heads of State and Government put huge pressure on the ESP to be active on LLL. The Nice Council in 2000

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[203] http://ec.europa.eu/employment_social/dsw/public/actRetrieveText.do?id=10421 (Accessed last 9.12.2008).

specifically asked the ESP to work on this topic. [204] Additionally, the national members put pressure on their respective European organisations because they were eager to see more positive and useful results from the European level. For both groups, TU and employers, there was the need to legitimate their role by proving to their members that they obtain something beneficial (Mayr 2007; Windey 2007). While being a core topic for the Lisbon strategy, it is also true that it is a very consensual topic because it is in the interest of both sides to have a highly skilled work force (de Liedekerke 2008; Mayr 2007; Schmitt 2007). Therefore the development of the FoA can be seen as a double attempt by the ESP to legitimate their role by making a contribution to the Lisbon strategy and showing the European Commission and Member States their joint responsibility, a s well as proving to their members that they respond to their needs and get something beneficial for them. So it was a reactive as well as a proactive approach by the ESP. Moreover, following the Laeken declaration in 2001, which led to a new, more autonom ous stage of the European Social Dialogue as outlined before, the social partners wanted to diversify their tools and were now ready for more integrated discussions (André 2007; Schmitt 2007; Suomalainen 2007). Consequently, it is possible to identify thre e complementary aims for the creation of the FoA in LLL: firstly to gain more political relevance by underlining their joint responsibility in this area and contributing to the Lisbon agenda as well as to participate in the debate on LLL at EU level; secon dly, to be useful by answering to the existing needs of the member organisations as well as companies and workers directly; and thirdly to stimulate the ESD on a relatively easy topic (André 2007; Mayr 2007; Menéndez-Valdés 2007; Schmitt 2007).

Alternatives to a FoA

Instead of developing a new tool, two possible alternative approaches could have been used. Either they would have continued with (weak) joint opinions or use the (stronger) instrument of a framework agreement. Employers ruled out from the begi nning a legally binding instrument, which the TU were asking for (André 2007; Menéndez-Valdés 2007; Schmitt 2007; Suomalainen 2007). On the other hand, the joint opinions approach was

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[204] "Improve effective access to life -long education and training, in particular in new technologies in order to avoid skills shortages. Strategies in this area should coordinate the shared responsibility of public authorities , social partners and individuals, with a suitable contribution being made by civil society. The social partners are requested to negotiate measures to improve further education and training to increase adaptability."

rejected by the TU because they wanted something more structured with a follow-up. Additionally, this was an area where the EU has no competences and a new instrument was needed (Menéndez-Valdés 2007). Therefore there was no real alternative that represented a compromise and satisfied both sides (de Liedekerke 2008). While it could be argued that for the trade unions this was a second best option (Windey 2007), it is also true that the instrument is sometimes not important, and it is in fact the political support that matters (André 2007).

The OMC as template for the FoA

The social partners were clearly inspired by the European Employment Strategy and the OMC in employment, be it directly or indirectly. During that time there was a certain 'paradigm' (Mayr 2007) which influenced the development of governance tools. It gave them the idea to have an own version of the OMC, by using the same or at least similar methodology (Schmitt 2007). So it was in the air, but it was not a template (Volozinskis 2008). So while being an inspiration, it cannot be considered as a copy -paste exercise, as some elements like the indicators and benchmarks were not used, because the ESP wanted to start from practical cases instead of fixing quantitative targets (de Liedekerke 2008; Volozinskis 2008). They wanted to develop a toolkit rather than objectiv es (de Liedekerke 2008).

The OMC in E&T in particular, was at that time no template, but rather a parallel process developing at the same time (Schmitt 2007; Suomalainen 2007). One could even argue that the FoA facilitated the creation of the OMC in E&T a nd inspired the work of the Commission. The Commission integrated for example one of the concepts emphasised by the FoA, namely *validation of informal competences'* into their policy programme (Decaillon 2007). Commission officials came to meetings with the social partners to observe their work through which they were further inspired. This correlation can be also seen in the fact that the OMC in E&T focused at the beginning more on education and less on training, which changed over time (de Liedekerke 2008; Schmitt 2007). Consequently, there was a two-way flow with cross-fertilisation between SP and Commission. The FoA was inspired by the OMC in employment and then itself inspired the OMC in E&T.

Afterwards this relationship was not fostered and the impact of the FoA on the Commission work was not exploited (Schmitt 2007).[205]

The social partners did not use the term OMC for their FoA although the instrument is more or less the same. As seen earlier the name of the instrument is for the ESP less important than the content. Furthermore, the Commission and academics try to "force" upon the SP this vocabulary,[206] which would impact on the autonomy of the ESD and is therefore rejected by the ESP (Volozinskis 2008). It is important for both sides and for the national members to define the instruments to be used in the ESD themselves (André 2007).

Functioning of the FoA

Nature and aim of the FoA

The FoA is generally a flexible and soft tool, as it is legally non -binding (Menéndez-Valdés 2007; Suomalainen 2007). It focuses on a limited number of priorities, and reinforces intervention at various levels with a lot of flexibility regarding the needs of the different actors and levels. The strong detailed messages, which were given in the FoA on LLL, could not have been given in a legally binding text (Suomalainen 2007). So while being a soft law instrument, it is considered just as efficient as hard law, sometimes even more, because hard law does not help if it is not implemented and ultimately, what is important is the level of implementation at national level. Despite its legally non -binding nature, it achieves a commitment by the social partners which is self -binding in itself (Mayr 2007). The aim, when developing the FoA, was to find a tool that provides sufficient f lexibility, as the national situations were very diverse, while respecting subsidiarity in order to get the commitment of the national members (Schmitt 2007). Getting the national members on board was crucial but challenging, as it was a topic which was no t directly a European competence. That is also why it was linked to the labour market, which is a competence of

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205 See SP involvement in OMC.
206 See Pochet (2007), http://ec.europa.eu/employment_social/social_dialogue/typology_en.htm (Accessed last 9.12.2008) or http://www.eurofound.europa.eu/pubdocs/2006/94/en/1/ef0694en.pdf (Accessed last 9.12.2008).

the social partners (Volozinskis 2008). On the other hand the development of skills and competences is a less controversial topic because both t rade unions and employers are interested in it (Mayr 2007). Concerning the top-down or bottom-up dimension, the FoA is a hybrid. While a framework agreement is a top -down instrument, and a compendium of good examples is a bottom-up one, the FoA is both as it is a two way process: The ESP identify national examples and base their work on them. The national SP then take responsibility and work on the European priorities and report on the subsequent activities (Schmitt 2007) (see below).

Elements of the FoA
The FoA is made up of the following interrelated elements:

- Joint analysis;

- Good practices;

- Reporting;

- Ad hoc working group on education and training.

The joint analysis outlined the challenges and provided arguments why, from the social partners' perspectives, it was necessary to work on this issue. The good practices were thus both the basis of the FoA and the result of it. As the priorities were chosen on the basis of national good practices they gave inspiration to be applied to countries which did not have them. Then these countries reported how they adapted these tools to their specific national conditions which encouraged other national SP to do the same. The FoA has a follow -up mechanism made up of annual reports and an evaluation. [207] The reporting was aimed at showing how the social partners implemented the tool at national level. The national social partners worked on the four priorities in a variety of ways using different tools, such as collective agreements or joint declarations, depending on the national situation and SD traditions (Mayr 2007; Schmitt 2007). For Petri Lempinen (2007), Finnish trade union representative, the annual reporting and the evaluation are the most innovative aspect of the tool. The annual report was made up of joint replie s by the national member organisations

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207 See http://www.ueapme.com/spip.php?rubrique74 (last accessed 22.07.09).

of the European social partners to a template provided by the European level. The European social partners integrated these national reports in the final document without any changes. The European level then made a synthesis and identified the general trends of how the different national organisations dealt with the FoA, as well as outlining the European level developments.

Exaggerations and understatements are difficult to avoid in the reporting exercise, as people sometimes are not clear about the link between their actions at national level and the European level (de Liedekerke 2008). Sometimes people forget where ideas come from. However, it is the general belief that the national social partners reported correctly on the influence of the FoA in their countries. This is also the case because the national TU and employers keep each other in balance through the use of joint reports (Volozinskis 2008).

The European Social Dialogue Committee has an ad hoc Working Group on Education and Training, which was in particular responsible for supporting the follow -up of the FoA. In this group social partner representatives discussed the template for the national reports as well as the joint trends identified in the annual repor t. This was a more technical group and all the political decisions were made in the European Social Dialogue committee.

Peer pressure, national interests and involvement in policy -making

All respondents agreed that peer pressure (naming and shaming) works to some extent as nobody wants to be last. One can argue that the reporting mechanism was a strong instrument for naming and shaming because it showed the countries that replied, and whether they did it in a detailed and thorough way (Schmitt 2007). At the same time Mr Menéndez-Valdés, Spanish employer representative, believes that the naming and shaming element is not as strong as in the OMC. Others mention that the naming and shaming works, but it is not sufficient (Windey 2007). What is definitely missing are specific national recommendations to the national members, as is used in the OMC. This is because the ESP has no authority to do this (Volozinskis 2008). While one can identify a strong element of peer pressure within the FoA process, it is not clea r to which extent it really influences the behaviour of the national social partners.

It is generally accepted that national interest always exists. However, while being aware of their national interests during negotiations, the national representatives t ry to find a common denominator and to see the national interests in a European context while also being aware of the policy developments in other countries (Lempinen 2007; de Liedekerke 2008; Volozinskis 2008). This is also part of the learning and social isation process. So while national interests have an influence on the negotiations, they do not dominate them (Suomalainen 2007; Windey 2007). When it comes to the implementation they see it again from their national perspective (de Liedekerke 2008; Menéndez-Valdés 2007). An additional aspect is that the ESD can sometimes help to find solutions for issues, which cannot be solved at the national level, by finding a consensus that does not harm national organisations.

The involvement of social partners in th e OMC processes clearly varies between the MS and policy areas. This involvement is greater in countries with a strong role for social partners, such as Austria or Finland. While some of these SP feel that they are well heard by the national administration (Lempinen 2007; Mayr 2007) others point out that you cannot influence the national reports because there is nothing to discuss about hard facts (Suomalainen 2007). Some respondents pointed out that in Belgium SP are actively involved in the preparation an d the follow-up, through a permanent dialogue with government representatives. Networks of social partners are therefore a direct result of the OMC (Windey 2007). While the education ministry in Spain does not consider SP enough, they are relatively well i nvolved in the OMC in employment (Menéndez-Valdés 2007). Other social partners feel better involved in the E&T than in employment (Decaillon 2007). Concerning the European level, some social partners feel sufficiently involved in the OMC, in particular the one in E&T (Volozinskis 2008), while others point out that there is still the tendency of using the SP but in the end, all important decisions are taken by a 'closed club' of national governmental experts in the E&T field. While there are enough possibili ties to meet and discuss, there is no real openness to involve the ESP. To a certain extent the ESP also do not want to be involved too much because they want to keep their autonomy and not be involved in a tripartite exercise (de Liedekerke 2008).

Added value

General benefit of European cooperation in education and training

Before looking at the added value of the FoA on LLL it is important to look at why national actors agree to cooperate in education and training issues at EU level in the first place. European cooperation in education and training can have a number of positive consequences, some of the most prominent being: l*ooking at common priorities; convergence; learning; diploma recognition; mutual understanding; awareness creation; as well as improved quality and more involvement of SP in policy -making at national level.*

Looking at common priorities draws attention to common topics and is stimulating for national discussions and reforms. The European level can provide new ideas even to stable systems that are not in the need of drastic reforms, by giving some impulses for the further evolution and development of the system (Lempinen 2007; Menéndez-Valdés 2007; Volozinskis). This leads also to policy c onvergence through flexibility and adaptation o f policy measures at national level (Volozinskis 2008). Another important added value is found in mutual learning. While the degree of learning varies between countries, as their performance level in E&T is different, all of them can learn from each other, from either the good or the bad examples. It also makes the MS and SP reflect on their own systems (André 2007; Lempinen 2007; Suomalainen 2007; Volozinskis 2008). Through learning from one another, the quality of the national E&T tools can also be improv ed (Volozinskis 2008). This then contributes to the recognition of diplomas, which is particularly important for small countries and helps fostering mobility (Suomalainen 2007). Furthermore cooperation at European level leads to a better mutual understandi ng (Volozinskis 2008) and creates awareness so that social partners at sectoral level are more conscious of E&T issues and they are starting to take them more seriously (Lempinen 2007). Finally, enhanced cooperation at European level can also lead in some countries to more involvement of social partners in E&T issues at national level, as they play a role in

implementing the policies which are initiated by the European level and then reported back to by the national authorities (André 2007; Lempinen 2007).

Specific added value of FoA in LLL

Some of these examples for an added value of the FoA in LLL are necessarily the same as the general benefits of European cooperation in general, but deserve to be restated as they form essential aspects of the added val ue of the FoA instrument. While they all represent some form of added value, one has to be aware that some elements apply more to the national level and others are more general in nature. Therefore the following aspects are sorted accordingly.

General Added value:

The general added value of the FoA can be seen in that it: *confirmed the responsibility of the social partners; identified common challenges; provided a common European approach; tackled the issue from a labour market perspective; influenced the OMC in E&T; led to a cross-fertilisation of ideas; and created common words and concepts.*

For employers it was a way to prove that they could deal with sensitive issues at EU level. The TU also benefited from showing that they got a joint paper with the e mployers. This was a win-win situation and showed the Commission that SP are capable of working together on this topic (Mayr 2007; Suomalainen 2007). Also, it helped to identify and draw attention to joint priorities which are common challenges in all MS. It forced the different stakeholders to look at the same issue and what should be done. For example the issue of *recognition of qualifications* was one faced by all, but not discussed by all MS because of the link to salary increases (Mayr 2007; Schmitt 2007; Volozinskis 2008; Windey 2007). The FoA created a common European approach in E&T by the social partners, which did not exist until then in the ESD. Until then SP touched on different single issues but never in a comprehensive way. They never successful ly discussed issues such as the *financing of training* or the *joint responsibility* of the different stakeholders for the training of the individual (de Liedekerke 2008). The SP were now able to discuss more sensitive aspects of E&T. For the social partners it represented a great added value to have a labour market

approach to LLL. So far all the discussions at the European level (not the social partners but the EU) were in the hands of E&T professionals, national experts from the Member States and the approach was always a systems approach and not from the labour market approach (de Liedekerke 2008).

The four priorities of the FoA influenced the Copenhagen priorities [208] and the Commission agenda. From this point of view the FoA was an important stepping -stone for what was to become the OMC in E&T (Lempinen 2007; Mayr 2007; Volozinskis 2008).

Confronting national ideas with each other and with the European level leads to a cross - fertilisation process. For example the national level debate in France inspired th e discussions at the European level and they then inspired other national debates and later the French readapted their discussions in the light of the European developments (de Liedekerke 2008). By having a common analysis the concepts used are then transm itted to the national level (Windey 2007).

Added value for the national level:
The added value particular for the national level is identified as: *giving visibility at European level; creating a knock on effect; influencing national agenda -setting; providing flexibility to the national social partners; helping to promote the topic of E&T;* as well as *creating discussions and giving a structure to the national social dialogue discussions.*

The FoA helped to create more visibility and awareness of social partners towards the EU institutions by bringing national level activities to the surface (Schmitt 2007; Volozinskis 2008). Furthermore, the European discussions helped national social partners to address this issue together. On the one hand, the FoA helped to show within their own organisations the importance of E&T (Mayr 2007), also because the FoA forced the national social partners to put the E&T issue on the agenda (Lempinen 2007). On the other hand, it led to constant discussions at national level, whic h would not (necessarily) be there without it

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[208] Priorities set by the European Union for the field of VET in its Copenhagen declaration in 2002. See http://ec.europa.eu/education/vocational -education/doc1143_en.htm (last accessed 22.07.09).

(Windey 2007). As the FoA leaves it open to national delegations to adapt measures to the needs of the different actors and levels, there is also the possibility to be more ambitious than the common objectives (Menéndez-Valdés 2007). This flexibility also opened the door for national and sectoral negotiations and to identify the qualification needs of companies and workers (André 2007; Schmitt 2007) Finally, by taking a joint responsibility and creating a dialogue, the end product is joint commitment (Suomalainen 2007; Windey 2007).

FoA impact at national level

<u>Impact</u>

When looking at impact one has to be aware that it is impossible to isolate which reason led to which impact, because a mixture of instruments a nd initiatives causes changes at national level. Additionally, the circumstances in which national discussions take place can be significant for the impact. It is always difficult to say that if there had been no FoA, certain actions would not have happene d. Social partners agree that they have to be modest and realistic when looking at the impact. Sometimes they are positively surprised, and sometimes disappointed about the influence on the national level (Volozinskis 2008). What is important for them is that competences are being developed and interesting tools are coming to the knowledge of people to use them. It is less important to try to identify what exactly led to this (de Liedekerke 2008). There are many parallel processes going on, which influence actors, making it very difficult to identify the individual impact. This is particularly true when looking at aspects that do not only concern the social partners, but also other actors, such as the national E&T systems. A strong convergence can be identif ied between the FoA and the work of the Commission, using the same concepts and terminology. For example the *learning outcome approach* is something they did not have in many MS and would not have without the work of the Commission (Mayr 2007). One can observe reforms of the national systems starting but it is difficult to say which of them, if any, is the main cause (Volozinskis 2008; Windey 2007). However, generally it is fair to say that the FoA has had an impact at national level and inspired national di scussions

between the social partners. However, this impact has taken various forms, and differed (sometimes) significantly in its degree between the Member States.

Varied level of impact

From the responses it can be seen that the level of impact varied a cross the MS, with some countries experiencing only little added value from the FoA while in other MS there was more impact (Suomalainen 2007). This is understandable when looking at the different starting points of the MS. The impact was more limited in M S which (regularly) discussed this topic already and which were much more developed on these issues (André 2007; Lempinen 2007; Mayr 2007; Menéndez-Valdés 2007). In addition to the country's level of development on this issue, there are other explanations for a limited impact at national level. First of all some good practices are difficult to transfer (Mayr 2007; Suomalainen 2007). Secondly, the willingness at national level is important. The heavy reporting procedures led to resistance at national level i n some countries and limited ownership of the tool (Menéndez-Valdés 2007). Furthermore awareness was limited in some countries and might not have reached the national sectoral social partners or the company level (Lempinen 2007; Menéndez-Valdés 2007). The last point shows the great role that the transfer of the FoA from European level to national level played. While the capacity building exercise of the ESP led to a greater awareness of this tool in some MS (Menéndez-Valdés 2007) it could be argued that the European social partners should have explained better to the national members what the instrument was about in order to increase the impact (André 2007). At the same time the actual dissemination of the FoA was in the hands of the national social partners and was sometimes carried out suboptimally as Mr Mayr (2007), employers' representative from Austria reported. This was also reflected in a poor coordination between SP on some of the national reports. Another factor that influenced the impact at national level is the individual national representative (Schmitt 2007). The role of the individual national representative is crucial as he or she is responsible for reporting from and to the European or national level, as well as forming the link between those who participate at European level discussions and those who are in decision-making positions at national level (Lempinen 2007; Mayr 2007; Schmitt 2007). If this relationship does not work, the instrument does not either. Consequently, a tool is only

as good as the actor using it (like with the OMC). A final explanation for the different impact of the FoA at national level is that it was not supposed to be applied in a harmonised way. The national social partners should work on the four priorities within the national context and take the elements and adapt them to the national situation. This leads clearly to varying results.

Diverse forms of impact on policy -making

In countries where there was a bigger impact, this could take different forms such as concerning the content, the E&T systems or the structures of the national social dialogue. For some countries the content of the FoA impacted at national level, as for example the *competences development approach* was new for some countries like Portugal and Spain . Some countries were influenced on a systems level, for example the Member States which joined in 2004 were reinventing the national training systems at the time (de Liedekerke 2008), but also countries like Spain and Portugal have reformed their systems based to some degree on the input of the FoA (André 2007). Paul Windey (2007), President of the Belgian National Labour Council, argues that for some countries, such as Belgium, the impact was more about the follow -up mechanisms and less about the content of the FoA. Applying the follow -up mechanism led to constant discussions at national level which would not be there without the FoA. In the opinion of Mr Menéndez-Valdés, the FoA could impact also on national negotiations on LLL. In France, it helped the n ational social partners to get a birds eye view in addition to their national discussions. Some elements in the EU text were more beneficial for the employers than the national discussions, and therefore helpful (Schmitt 2007). In some countries, like Finl and, the FoA was linked with collective agreements (Lempinen 2007; Suomalainen 2007), quoted by some large firms in their company agreements on training or used in discussion with the authorities on the needs to reform the national education and training s ystem (Menéndez-Valdés 2007).

Generally it is fair to say that the FoA inspired national discussions between the social partners, which then adapted the approach to the national situation and dealt with it in their own ways (de Liedekerke 2008; Menéndez-Valdés 2007; Volozinskis 2008). This often began with the translation from the English text into the national language, which was a

very important step and proved to be like a whole new negotiation in itself. It was a constructive but difficult element in p reparation for national discussions or negotiations (Menéndez-Valdés 2007; Suomalainen 2007). In some cases the FoA was also used in discussions with the authorities on the needs to reform the national education and training systems (Menéndez-Valdés 2007).

Other forms of impact

In addition to influencing the policy -making of social partners at national level, the FoA also impacted on other aspects, such as *language and terminology, learning and socialisation*. At European level, language is always an issue as people speak different languages. It becomes particularly important when talking about concepts, terminology and definitions. Even when speaking the same working language (mostly English) the understanding of the people of the same concept varies, as th e concept has often different meanings, according to the country where the person comes from. Therefore part of the discussion at European level is jointly to define concepts and create a clear understanding (André 2007; Lempinen 2007; Schmitt 2007; Suomalainen 2007). The FoA helped to understand new concepts and adapt them to the national level e.g. LLL. Mrs Volozinskis (2007), Director for Social Affairs at UEAPME, sees this as an example of convergence and of learning from each other. However, the social partners believe that there will always be a difference between the countries and there should not be a harmonisation of this language, but rather an understanding of the people for the different meaning of the concepts at national level (de Liedekerke 2008; Volozinskis 2008). Discussing terminology also helps to find compromises and is an important aspect for European integration (Windey 2007).

The problem starts when those who participate in the negotiations cannot transfer the meaning back into the na tional vocabulary, as European jargon is not easy to understand at national level (André 2007; Schmitt 2007). Therefore the joint translations are important, but sometimes the FoA national translations differ in the use of concepts because they have different understandings of them (de Liedekerke 2008; Mayr 2007). Ms Volozinskis (2007) sees this as an additional reason for needing a flexible tool. Not only is it difficult to

transfer the concepts, but also the meaning behind the words. People at national le vel who were not involved in the negotiations might not know or understand why certain formulations were used and what they meant. Therefore the TU gave an interpretation guide for their members explaining their understanding of the FoA (André 2007).

All respondents agreed that learning is a strong element of the FoA instrument. This learning has various elements. On the one hand, it is about one country learning from the good and bad experience of another. Additionally, within the FoA the learning does n ot only take place between the different countries, but also within the different groups (employers/trade unions). Another learning result for the national members of participating in the process is that they learn that the extreme national position does n ot work in Europe. They need to adapt if they want to be influential (Schmitt 2007) (see socialisation). This also leads to the situation that it is mainly the individual who learns as part of this process rather than the organisation (Lempinen 2007; Suomalainen 2007). This places great importance on the individual, which was outlined earlier. The European level is also capable of learning from this exercise and improves the functioning of the tool. For example, at the beginning separate national reports (between employers and TU) were used. When this did not bring the desired results, the idea of joint national reports was introduced, which had a balanced presentation of the situation as a consequence (Suomalainen 2007). Seeing that learning takes place, i t is also important to understand that the specificities of the very diverse national systems can make the learning exercise very challenging. The main difficulty is transferability and adapting the good practices to the national level, because of the spec ificities of the very diverse national systems (Mayr 2007; Volozinskis 2008). While an exact transferability is not possible, this is also not the aim. Rather, the learning experience based on the good examples is supposed to be adapted to the national level and applied according to their needs and their national circumstances (André 2007; Menéndez-Valdés 2007; Suomalainen 2007). Furthermore, the development level of the country on this issue has been seen as crucial for the learning potential (Mayr 2007). A highly developed country is unlikely to learn something from a less -developed country. However, even in these cases learning takes place, namely about oneself. When preparing their own presentations and reports the national social partners reflect more o n

their own national system and sometimes discover that their national 'good examples' were not as good as they thought (Mayr 2007; Windey 2007). Despite the challenges of the learning exercise, one can observe that peer-learning visits (of the Commission, and CEDEFOP[209]) attract great interest by the national social partners who see an added value in participating in them (Volozinskis 2008).

The results clearly show that socialisation took place between the participants of the negotiations and the FoA process. One can argue that this applies not only to the FoA, but also to the work in the social dialogue in general and it is difficult to isolate the FoA from the rest of the process (Lempinen 2007; de Liedekerke 2008), as they are often the same representatives. The consequences of the socialisation between the social partners are an important aspect of the FoA as they contribute significantly to the working atmosphere. Socialisation leads to a better understanding and development of trust amongst TU, amongst employers, between TU and employers, and also with national governments (André 2007; Decaillon 2007; Lempinen 2007; Mayr 2007; Suomalainen 2007; Windey 2007). Even in the cases where the FoA did not create this trust, it contributed to it (Lempinen 2007). Especially over time, when meeting regularly and often, socialisation takes place. In order to have a true socialisation the surroundings are important. As part of the negotiations the participants sit at the same tables, which makes a huge difference (Volozinskis 2008). The socialisation was then carried on in the annual reporting exercises at national and European level. These meetings were significant for the European and national level. On the one hand it helped to show the national level the significance and influence of the European dimension. On the other hand it improved the atmosphere at national level through the national follow-up meetings and discussions between the social partners (André 2007). National discussions between the social partners are very important. It is not sufficient to have vertical relations between the European organisation for TU and employers respectively with their national members, but also the horizontal dimension between national employers and TU. These are two separate networks, and the FoA has contributed to them (Volozinskis 2008).

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[209] CEDEFOP is the European agency for VET. See http://www.cedefop.europa.eu/default.asp (last accessed 22.07.09).

Impact on the European Social Dialogue and European integration

The use of new soft tools, in particular the FoA, led to a number of changes in the European Social Dialogue, including more vertical and horizontal integration. At the same time it is necessary to look at the conditions and limits of using the FoA as well as its relationship to other 'harder' tools such as the FA.

More topics being used in the European Social Dialogue

While it is true that the social partners have dealt with the topics even before creating the FoA, the tools used for working on them have evolved. As a consequence the social partners could deepen their work on these issues and the discussions could go into more detail than before. Theoretically the topics are still the same, but practically the European social partners have now a lot more possibilities. As some subjects cannot be touched with a framework agreement, the FoA has helped to improve the work done on these topics because it gave more flexibility (Menéndez-Valdés 2007; Volozinskis 2008). This then also encouraged the national members to intensify their work on other topics using a FoA, such as gender (Schmitt 2007). However, this is not only because of the FoA, but also because of the variety of tools and the ESP decision to multiply their tools (Volozinskis) (see causes).

European level competences

While officially there is no change of competences for the European social partners in respect to their national members because of the use of the OMC, there are certain consequences for the European level because of the FoA. It has systemised the follow-up and structured the cross-fertilisation between the European and national level (Decaillon 2007; de Liedekerke 2008). Furthermore, it gave more credibility to the European secretariats with respect to their members and the European Commission (Decaillon 2007). This did not really lead to more competences, but the European level uses the existing competences differently and therefore has more influence (Volozinskis 2008). So for example it has helped the European level to set the agenda for the national level (Lempinen 2007). Also those who work on the messages, mainly the EU secretariats and some

individual national members, are supposed to have more influence (Suomalainen 2007). Finally, sometimes the national members need to be encouraged by the European level and it is seen as the responsibility of ESP to give the national level the right instruments (A ndré 2007).

Impact of enlargement on the use of FoA

It should be noted that some respondents argued that the enlargement from 15 to 27 members makes it more difficult to use binding agreements (Menéndez-Valdés 2007; Suomalainen 2007; Windey 2007). However, this opinion was not shared by everyone, as others pointed out that various FA have been agreed on since the enlargement (André 2007; de Liedekerke 2008).

Certain topics are more suitable for a FoA than others

It seems to be clear that within the Euro pean Social Dialogue different topics need different tools and the form is linked to the content (Lempinen 2007; Schmitt 2007; Volozinskis 2008). FoA are the right tools for issues where SP have a specific responsibility but not an exclusive one. These are issues where the responsibility lies partly with the public authorities and civil society at large but which has a strong labour market dimension to justify autonomous involvement of the SP. If there were issues within the exclusive bilateral competence o f social partners the FoA would not be the right instrument (André 2007; de Liedekerke 2008). Other cases where the FoA would not be appropriate would be in response to a Commission consultation (Schmitt 2007). Another explanation for the use of a FoA is that some areas are more sensitive than others. The FoA is seen by the social partners as an appropriate instrument to deal with sensitive issues (André 2007; Suomalainen 2007). Furthermore, horizontal topics which are broader in their nature are considered more suitable than specific topics (Menéndez-Valdés 2007). This can be explained by the fact that the FoA is not a prescriptive instrument, but rather points out the challenges a policy area is facing and offers different possible solutions.

The relationship between a FoA and a framework agreement

The ESD has various tools at its disposal. Two of the most popular ones are the FoA and the traditional tool of a framework agreement. While both tools call upon the national members to be active on a topic, th ey are different tools with different purposes. A clear separation between the use of FoA and FA is when rights are granted. The framework agreements look at minimum rights while a FoA looks at actions and priorities (André 2007; Volozinskis 2008; Windey 2007). For a topic like parental leave a framework agreement would be the right tool, while a FoA would be used for issues where the social partners cannot or do not want to define rights (Schmitt 2007; Volozinskis 2008). An FoA is normally used when there is already a substantial body of (national) legislation on this topic in place and the focus is on more practical solutions in order to complement this legal framework (Volozinskis 2008). The instrument is therefore chosen depending on the content of the w ork and what one is talking about (André 2007; Volozinskis). Another difference is that framework agreements are mainly addressed to their own members and not to others, while the FoA is also addressed to others, such as public authorities (André 2007). It is important not to see them as replacing each other but rather as being used for different situations with different objectives.

Other differences between the two tools can be found regarding their implementation. The nature of the follow -up is different concerning the form and level. The FA create templates on how to solve issues at company level (micro) while with the FoA you focus on macro issues (de Liedekerke 2008; Volozinskis 2008). In many cases the FA are implemented at national and sectoral level by agreements which is not the case with the FoA. While one could think that framework agreements are taken more seriously in their implementation, not least because the national social partners know that the Commission follows up on the implementation at national level (Schmitt 2007), in reality the attitude does not depend on the tool, but the topic. If the topic is important, the social partners will be active whatever tool is chosen (Volozinskis 2008). Neither tool is considered to be better than the other, they are considered complementary, to be used for different aspects of the same area (Schmitt 2007; Windey 2007). Consequently, it is wrong to think that FoA are replacing the use of framework agreements. They also do not necessarily represent a fi rst step before a

FA. So far no FoA has led to a FA on the same topic. While theoretically possible this was not foreseen when creating the FoA instrument (de Liedekerke 2008; Menéndez-Valdés 2007; Schmitt 2007). So as they have different foci, if a framew ork agreement followed a FoA, it would focus on something else rather than something more (Schmitt 2007).

The fact that the European social partners will continue to use different tools in the ESD is certain (de Liedekerke 2008). However, some social par tners feel that some further discussion on the clarification between these tools is needed (André 2007). This clarification is needed not between the European umbrella organisations themselves, but in regard to their respective national members, as the FoA tool does not exist at national level.

Evaluation

Success[210]

In general the FoA is seen as successful by all of the interviewees. However, different aspects and dimensions have been more or less successful, also depending on which area one is looking at. Therefore one should distinguish between the European and the national level when evaluating the success of the FoA, although sometimes the issue applies for both levels.

European level

The FoA impacted in a number of ways on the ESP's relation with the EU Commission. The FoA had an important influence on the EU Commission agenda as it influenced the development of important issues at EU level. Priorities, such as *competence development* and the *validation of informal competences* , were integrated at EU lev el. This happened on the one hand through direct contact between the ESP and the Commission, but on the other hand indirectly through the national members influencing their governments' position towards the Commission (André 2007; Decaillon 2007; Lempinen 2007; Volozinskis 2008). Additionally, having the FoA increased the SP opportunity to participate in the

debate on LLL at EU level. It can also be said that the FoA was a stepping -stone for the OMC in the field of E&T (de Liedekerke 2008). Finally, it also gave the Commission a better overview of the activities of social partners, as it normally gets information only from independent experts (Schmitt 2007; Volozinskis 2008). The FoA also influenced the further development (integration) of the European Social Dialogue. The development of a new tool (FoA) can be seen as a success, as it gave new impulses to the ESD and has been used again for other relatively easy, but sensitive topics (de Liedekerke 2008; Suomalainen 2007; Volozinskis 2008). Additionally, it made the role of the ESP more credible as it gave some form of coherence at the ESP level (Decaillon 2007).

National level

The FoA led to an increased coordination as i t allowed to identify priorities at national level and to see if they are the same as the European ones (Decaillon 2007). By bringing social partners together at national level it also strengthened the c ooperation between those which were not used to working together and also created contacts between national SP throughout Europe (Lempinen 2007; Mayr 2007; Suomalainen 2007; Windey 2007). Furthermore, it increased the role for E&T at national level . The promotion of the FoA placed E&T on the agenda of social partners at national level, who until then did not discuss this topic together (Lempinen 2007). The various forms of learning resulting from that can be seen as a very successful element of the FoA (André 2007; Decaillon 2007; Lempinen 2007; de Liedekerke 2008; Mayr 2007; Menéndez-Valdés 2007; Suomalainen 2007; Volozinskis 2008). Then the FoA also gave impetus to the national level work on this issue and supported reforms of the E&T system. These might have happened anyway, but it helped the national level to *focus* on specific priorities (Decaillon 2007; Menéndez-Valdés 2007; Volozinskis 2008; Windey 2007). Additionally, a cross-fertilisation process took place between the countries as it brought new topics and concepts to the European and national level, thereby up- and downloading policy, e.g. it created the notion of co-responsibility between a workers, companies, and public authorities in the further education

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[210] As outlined in the methodology chapter, many of the interview quest ions were aiming at subjective responses. Therefore 'success' is not something defined by this author but rather felt by the individual interviewees and might vary slightly between the respondents.

and training of employees (de Liedekerke 2008; Menéndez-Valdés 2007; Volozinskis 2008). The FoA also had a real influence on how E&T issues were approached by SP in some countries, namely through a labour market perspective (de Liedekerke 2008).

<u>Shortcomings</u>

While stressing the success of the FoA, it is important to point out some of its shortcomings, regarding: *the continuation; the time limit; the level of change; the progress towards quantitative targets; the feedback and the ownership; the communication and the peer review*; and *the relationship between the national actors* .

As there is currently no further work being done at European level under the FoA, there is a certain lack of continuation (André 2007). As the FoA was limited to only three years, one can argue that this time period was too short to stabilise results (Decaillon 2007). Consequently, it also did not result in a high level of change, as this instrument is not adequate for drastic reforms (Menéndez-Valdés 2007). Also there is not much progress at national level in quantitative terms of LLL as aimed at by the European Unions quantitative targets in E&T policy (Lempinen 2007), but this was also not an explicit goal of the FoA. There were also shortcomings in the use of the instrument. First of all, there was only limited feedback from some of the member organisations (Menéndez-Valdés 2007). This can partially be explained by the lack of ownership by some national feder ations. The follow-up mechanism and evaluation should have been more in the hands of the national level (Schmitt 2007; Volozinskis 2008). This could also have been improved through better communication with the members, which would have been necessary in o rder to explain what the instrument was about (André 2007), as well as the better use of peer review activities. It was a failure of the ESP not to exploit this more. This shortfall was the result of lack of time and resources rather than lack of interest (Schmitt 2007). Furthermore, a sub-optimal relationship between the national negotiator and the national decision maker can limit the impact of the FoA. It can be problematic if the national leaders do not place the same priority on this topic at home, as the negotiators did (see role of the individual and socialisation) (Menéndez-Valdés 2007).

Future and changes

Even if the tool was successful, every process needs to be revisited regularly, in order to examine if the priorities are still valid in the lig ht of changes in the practical situation. The approach as well as the priorities are still valid, nevertheless a time limitation is considered necessary, in order to make the exercise not too bureaucratic (Lempinen 2007; de Liedekerke 2008; Menéndez-Valdés 2007; Schmitt 2007; Suomalainen 2007; Volozinskis 2008). In general the FoA could continue in its current form, but some changes would be needed (Decaillon 2007). These changes include the better dissemination of outcomes at national and European level (Suomalainen 2007; Windey 2007), better monitoring and follow-up (Lempinen 2007; Schmitt 2007), and more commitment at national level to the follow-up (Menéndez-Valdés 2007). Some believe that the social partners have reached the limits of this exercise and should look at some of the issues which they did not concentrate on so much before (Volozinskis 2008). However, this is rather a change of focus than a change of tool, as the majority of employers' representatives reject the idea of a legally binding instrument on this issue completely (de Liedekerke 2008; Mayr 2007; Menéndez-Valdés 2007; Schmitt 2007; Suomalainen 2007). Other social partners believe that it depended on the subject and objectives and that maybe some elements from the FoA could be taken up in a FA (André 2007; Lempinen 2007; Schmitt 2007; Suomalainen 2007). Whether the debate on E&T will be restarted in order to try to reach a framework agreement (Decaillon 2007) or the topic will be integrated into the debate on *flexicurity*, thereby giving it a wider perspective than only E&T (Volozinskis 2008), the FoA has led to a significant development of the cooperation between social partners on E&T at European level.

Conclusion

This chapter has outlined the development of the European Social Dialogue . The three phases in this process show that social dialogue at European level is something rather innovative and dynamic, as demonstrated by the development of different ways of carrying out social dialogue and the variety of tools used in order to do so. The FoA itself is a new tool, based on a compromise between the expectations of the different social partners and is

basically a soft-law instrument in nature. It has impacted on the social partners' policy -making in E&T at European and national level, af fecting the content of the E&T discussions, the structures of the social dialogue and the national E&T systems at large. The impact varied across the Member States, depending on their level of development in E&T policy, the previous involvement in specific E&T issues, and the political support for change. It should not be forgotten that the aim of this type of tool was in no way harmonisation of E&T policy, but rather to stimulate actions and improvements in those areas, seen as a priority from the national perspective (while working within the framework of the European objectives). The context of the Lisbon strategy together with the choice of policy instrument made this impact possible in the first place. While certain improvements were recommended, overall the actors involved see the FoA as successful.

The results presented in this chapter have given an additional insight into the functioning of OMC-like instruments being used in the European cross -sectoral social dialogue. Some of the findings are particularly interesting when relating them to the results of the interviews on the OMC in E&T. The next chapter will assess the similarities and differences between the results of the two case studies. Afterwards it will examine how well European integration theories can explain these results.

CHAPTER SIX: OMC-LIKE TOOLS AND EUROPEAN INTEGRATION THEORY

Introduction

The first case study illustrated that European integration in European education and training policy is deepening through the use of the OMC. The second case study showed that not only the institutions in the EU system use soft forms of governance but also other participants in the EU governance system apply OMC-like tools. The aim of this chapter is to draw together the results of the previous two chapters and theorise about them. As this thesis is trying to answer different questions in regards to the OMC-like tools in E&T, (how it was created, how it functions, and what the outcomes are) a number of theoretical approaches need to be consulted in addition to the classical European integration theories (neofunctionalism and intergovernmentalism) in order to find all the answers. On the one hand these will be theoretical approaches coming from the governance perspective and on the other hand approaches based on social constructivism. Neither social constructivism, nor the governance approaches are competing with traditional integration theories but rather complement them. The governance approach is made up of a number of theories which have been outlined earlier. Two of the theoretical approaches in the governance 'school' will be dealt with jointly, namely multi-level governance and policy networks.[211]

In order to theorise OMC-like tools, the first section will compare the FoA and OMC as instruments and outline the similarities and differences of the results. Building on this, the second section will look at the governance dimension and examine whether OMC-like tools

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[211] Using PN together with MLG is justified because the network policy assumptions have striking resemblance with MLG (Risse-Kappen 1996; Warleigh 2006). MLG has the presumption that actors participate in diverse policy networks, including subnational actors such as interest groups and subnational governments, dealing directly with supranational institutions (Marks et al. 1996). The focus on policy networks is a reply to the criticism of MLG. The original MLG idea looked at both multiple levels and at the governance aspect. Further work concentrated then on the multi-level aspect, but the notion of policy networks is already part of the MLG assumptions (Börzel 1997; Warleigh 2006).

are better forms of policy-making. [212] The third section will take this another step furt her and look at what type of integration this is leading to and examine how different theories of European integration are able to explain the development, use and consequences of OMC - like tools. The conclusion will then summarise the findings, argue for t he need to use different EIT in a complementary fashion when explaining OMC-like tools and propose a matrix for doing this.

1. Comparing the OMC in E&T and the FoA

The previous two chapters have reported on the experience with the OMC and the FoA in the European E&T policy area. This section now wants to draw the lessons from this experience and evaluate the similarities and differences between the FoA and the OMC (see table 6.1), thereby examining the independent variables outlined in the methodology chapter:

- The rationale for applying the OMC and the FoA respectively to the education and training policy field (genesis);

- The way the OMC and FoA processes work respectively (functioning);

- The ideational /affective factors at work (socialisation);

- The effect of using these instruments (OMC and FoA) on the national level (impact);

- The effect of using these instruments (OMC and FoA) for European level (integration).

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[212] 'Better' policy-making is in the literature often defined as more legitimate and/or more efficient policy - making. Section two will al so examine the OMC in respect to this view. However, better policy -making, as it is understood here, starts first and foremost by enabling a deepening cooperation at European level between European and national policy -makers.

Table 6.1: Similarities and differences between OMC and FoA

Issue		OMC	FOA	Level of likeness
Type of tool				
	Nature	Flexible, soft, legally non-binding, adapts to the conditions of the topic	Flexible, soft, legally non-binding, adapts to the conditions of the topic	**High**
	Aim	Convergence of systems, To get political commitment from the national level	To get political commitment from the national level	**Similar**
	Topics	Sensitive, subsidiarity, no rights, national diversity	Sensitive, subsidiarity no rights, national diversity	**High**
	Legitimacy	Low because only experts, no EP involvement	High, as national and sectoral social partners are in charge themselves	**Different**
	Bottom up/top down	Hybrid form because both dimensions (see uploading/downloading)	Hybrid form because both dimensions (see uploading/downloading)	**Similar**
Elements				
	Objectives	European objectives	Joint approach and 4 priorities	**Similar**
	Indicators & Benchmarks	Quantitative benchmarks & indicators	No	**Different**
	Follow-up	-European and national meetings -Annual national reports -Joint European reports -Present always a rosy picture as edited by national level	-European and national meetings -Annual national reports -Joint European section -Present always a rosy picture as edited by national level	**High**
	Time	Initially until 2010 but will probably be extended	3 years plus one year of evaluation. Currently on hold	**Different**
	Good practices	Use of peer reviews, study visits and the reports	Use of seminars at the beginning and later the reports	**Medium**
	Level and players	European, national, regional, interest groups and civil society (limited)	TU and employers, European, national sectoral (limited)	**Similar**

Issue		OMC	FOA	Level of likeness
Raison **d'être**[213]				
	Motivation for creation	No real alternative, legally more binding not possible, national level not willing	No real alternative, Compromise, national level not willing	**Similar**
	Mandate/ Request	Political mandate from European Council	Demand/Pressure from the members and the EU governments	**Similar**
Integration/ Governance				
	Form	Alternative form of integration	New tool of the SD	**Similar**
	Hard vs. soft law	Not replacing hard law forms of governance but as efficient or more	Not replacing hard law forms of governance, but as efficient or more	**High**
	Vertical vs. horizontal	Widening and deepening of topics	Widening and deepening of topics	**High**
	Relation to other more legally binding instruments	-Complementary: Used for different aims -The one does not (automatically) precede the other but can	Complementary: Used for different aims and different topics -The one does not (automatically) precede the other and hasn't so far	**Similar**
Features				
	Uploading/ downloading	European Priority topics are chosen by national level & inspire the national level	European Priority topics are chosen by national level & inspire the national level	**Similar**
	Peer pressure	Being used and being felt	Being used and being felt	**High**
	Socialisation	Happens and is important	Happens and is important	**High**
	Learning (see impact)	Yes, different aspects Good practices not 100% transferable	Yes, different aspects Good practices not 100% transferable	**High**
	Nation interest	-Exist but are seen in a European context	-Exist but are seen in a European context	**High**
	Language and concepts	-Trying to define concepts at EU -New concepts are used at national level -Different use at National level	-Trying to define concepts at EU -New concepts are used at national level -Different use at National level	**High**
	Role of the Individual	-Crucial role to report to and from the European and national level -Position of individual NB for impact	-Crucial role to report to and from the European and national level - Position of individual NB for impact	**High**

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[213] The OMC and the FoA are the best of all possible instruments "This present world is not the best of all possible worlds. But it may be the best way to the best of all possible worlds." *Voltaire's Candide--*

Issue		OMC	FOA	Level of likeness
Added value				
	European cooperation in E&T	Increased mobility of workers, Transfer of ideas & learning, the economy, supporting reforms, Creation of networks, the citizen, Common attention, improving quality of policy, more awareness of own situation Having common concepts & terminology,	Looking at common priorities, Learning from one another, creating awareness, convergence, better mutual understanding, improving quality	**Similar**
	Tool	Help MS to modernise the national E&T systems, creates political commitment of the MS, it gives a voice to policy areas where the EU has no treaty powers, forces to state policy priorities, reconciles the responsible actors of the E&T system, convergence, discussing sensitive issues	Labour market approach, cross-fertilisation, common words and concepts joint commitment, more visibility and awareness of SP activities, common European approach, draw attention to common topics, promote E&T at national level	**Similar**
Impact		Difficulties isolating causes	Difficulties isolating causes	**Similar**
	European (see success)	-More topics at EU level -Influence of the Commission in E&T has increased - It gave more credibility to the Commission -Agenda-setting for the Commission - Being an initiator for MS action.	-It has systemised the follow-up and the cross-fertilisation between the European and national level -It gave more credibility to the European secretariats. -It has helped the European level to set the agenda for the national level. -More competences for those who work on the messages -The national members need to be pushed by the European level.	**Similar**
	National	-Impact varies across the MS -Willingness to discuss, -Supporting reforms -Learning happens. From others but also about your own system.	-The level of impact varied across the MS -Different forms of impact: Content, structure, system -Learning, but transferability is difficult -Different forms of learning: from each other, about on self, about the EU level	**Similar**

Issue		OMC	FOA	Level of likeness
Evaluation		Generally successful	Generally successful	**High**
	Success at EU level	Changing the Commission's attitude to E&T and seeing that it is an integral part of the competitiveness agenda, improving the relationship between the Commissioner for E&T and the national ministers for E&T, everyone wants to continue with this method.	Commission agenda influenced, shown SP can live up to their responsibility, improved European Social Dialogue (see impact)	**Similar**
	National level success	Creating reform pressure, enhancing the capacity of MS to learn from each other by providing structures and methods, making the policy making more realistic, improving the cooperation between E&T ministers significantly, discussing the topics at national level, everyone wants to continue with this method.	Cooperation, increased role for E&T, Learning, Reforms, Up and downloading	**Similar**
	Failures	Dissemination Reaching quantitative targets	Dissemination Improving quantitative situation	**High**

Source: Author

Raison d'être

Both processes have similar reasons for being used, namely the absenc e of a real alternative for using another instrument. In both cases the actors faced the challenge of having to do 'something more' in this area without infringing on national competences and while respecting the subsidiarity principle. Thus the involved a ctors examined what they wanted and compared this with what was possible in this policy area. Both the OMC in E&T and the FoA on LLL are compromises between the different expectations and needs of the participating actors. In both processes there are actor s trying to enhance as well as limit the involvement of the European level in policy -making in education and training, in the one case study this division is between the European and national level, between the Commission and Member States, but in the othe r case study, this division is not between levels but between types of actors, namely the trade unions and the employers. Falkner (2000) identifies employers as favouring flexible and voluntary instruments and the trade unions preferring binding law. This represents a parallel to the preference of the majority of MS for flexible and voluntary instruments and the Commission with some MS preferring the Community Method. The remarkable finding is that the OMC and the FoA satisfied both groups, giving them the belief that this form of governance would fulfil their aim of reducing and enhancing European integration respectively. This is typical for EU politics, where the various players read different (sometimes contradictory) meanings into common agreements.

In order to propose a governance change in E&T, the context of the Lisbon strategy, which considers education and training as crucial to the success of the European economy, was significant for both instruments' development. While the Lisbon summit gave a po litical mandate for further cooperation in E&T for the European Union, it also created an opportune environment for the European social partners to deepen their activities in this area, as they have a specific responsibility concerning labour market issues . The importance of the Lisbon strategy for both processes can not only be seen in the timing of their creations, as both were finalised in 2002 just after the conception of the Lisbon strategy, but

also of the language used by both. While the OMC in E&T i s placed in the context of becoming the most knowledgeable economy by 2010, the focus of the FoA was to "make an effective and specific contribution to the realisation of lifelong learning in the context of the strategic objectives established at the Europ ean Councils of Lisbon and Feira on employment, social cohesion and competitiveness" (ETUC, UNICE/UEAPME, and CEEP 2002: 2)

This form of governance is particularly suitable for a policy area such as E&T, with a huge diversity of systems and specificities at national level. Kaiser and Prange (2002) outline that OMC-like tools are normally used in policy areas with the following characteristics:

- A high degree of decision -making powers and a significant amount of financial resources at different territorial l evels (especially in federal Member States);
- Considerable differences in the structures of the Member States' societal subsystems (such as the research or education systems);
- Considerable differences in the performance of these subsystems across Member S tates.

All of these can be found in the E&T area, making it a perfect policy area for using OMC - like governance, as the tools needed to be flexible and adaptable.

Characteristics and functioning

The OMC and the FoA are flexible, soft and legally non -binding tools, which are able to adapt to the conditions of the policy area and to the specificities of the national level. In both cases the European level has no possibility of sanctioning the national level if they do not work on the issue. Therefore, th e two instruments are not threatening, but rather aspire to create commitment from the actors at national level by using voluntary initiatives. Consequently, the OMC and the FoA are not tools to be used if one wants to create individual rights. The aim is to achieve convergence of the systems without harmonisation. The focus lies on sending impulses for change to the national level, trying to cause action, lead and support reforms, which then feedback to the European level. This form of

governance entails a bottom-up as well as a top-down approach, where the various levels have a say and they mutually influence each other.

The FoA on LLL and the OMC in E&T are not identical in their functioning, but have many elements in common, some of them being: joint E uropean objectives, use of good practices, peer review and reporting exercise, regular committee meetings at European and national level and the involvement of actors at multiple levels (European, national, regional and/or sectoral). Both tools are based o n European objectives but then leave it up to the national level to specify the priorities. In both cases national good practices provide the basis for setting objectives and recommendations, while encouraging new activities and initiatives. The OMC and th e FoA involve actors from various levels, which is also reflected in their similar follow -up mechanisms with the European level being in charge of monitoring, gathering and presenting the information while the national level is responsible for the implemen tation and reporting on this. A slight difference is that in the case of the FoA there are two equal partners responsible for (joint) actions and the reporting exercise at national level, while in the OMC this is in general only the national government. Ho wever, this monopoly is in many cases limited by the inclusion of other stakeholders in the process, such as the social partners, and the sharing of competences with regional authorities, in particular in federal or quasi -federal Member States.

The FoA on LLL and the OMC in E&T also have the same level of potential peer pressure, as the national reports are made publicly available afterwards. One difference is that while the FoA does not apply indicators and benchmarks (neither European nor national), the OMC does have European benchmarks and indicators. A further difference between the two processes is the time duration of this reporting, as the FoA foresaw three annual reports and one evaluation afterwards (until 2006), while the OMC process expects repo rts on a biannual basis until 2010.

Socialisation

Both case studies reported a strong socialisation process between the participants, leading to the creation of trust. While agreeing that socialisation is (often) part of long -term participation in any group, the socialisation process is particularly important for OMC -like tools. In policy areas where other forms of governance (based more on hard law) are applied, this trust might not be as important as in this case. First of all, the OMC and the FoA are used in a policy area which is very sensitive for the national level, without a long history of strong policy-cooperation. In E&T there prevails a certain level of scepticism about the E&T systems in other countries and sometimes a superior feeling about on e's own system. Also for the social partners at national level, good cooperation in questions of E&T is not always given. Therefore it is crucial to build up trust between the actors, among and across the different levels. Socialisation prepares them to lo ok beyond their own world and leave behind the attitude that their own system is the best. Secondly, socialisation is particularly important in the OMC and the FoA, as they are based on voluntary action. The national level cannot be forced to do something if it is not willing. However, if the national representatives have been socialised they may look at the greater good rather than at national interests and sell it back home. So socialisation plays a role in deciding when national interests are considered really significant, and when to be constructive rather than obstructive. Consequently, socialisation is very important as the individual representative plays a significant role, since he or she is the gatekeeper between the European and national (or regional) level. The participants need to be open and willing to cooperate. If individual actors are not convinced of the process, they will not transmit the experience and knowledge to the national level, and no real policy learning can take place.

Impact at national level

In both cases a significant impact at national level could be observed, resulting from the use of the FoA and the OMC respectively. However, it is also true that sometimes initiatives that might have happened without the existence of the Fo A and the OMC are attributed to

them. The results showed that using the FoA and OMC influenced mainly the content on the national agenda, but also changes in the policy context and policy objectives. The impact at national level can to a great extent be at tributed to policy learning, either by learning from others or learning about oneself. Furthermore, both case studies showed that the impact at national level varied across the Member States. This depended, amongst other things, on how developed the nation al E&T policy was, the willingness of the national level to learn, the extent to which certain topics have been discussed at national level before and on how seriously the national level takes the European objectives. Also, there is in both cases an important dissemination function for the individuals who are the link between the national and the European level. The fact that there were different results confirms the choice of the instruments because the OMC and FoA were not supposed to be applied in a harmonised way, but rather adapted to the specific needs of the individual Member State.

Impact at European level

Also in regard to the European level there are numerous similarities between the OMC and the FoA in the E&T policy field. First and foremost it led to further integration in a policy area with previously only limited policy -making at EU level. In both cases no competences were transferred from the national to the European level. However, at the same time the European level gained influence in this policy area, in particular leading to a stronger agenda-setting role for the Commission and the European social partners. Furthermore, soft-law tools facilitated the expansion of topics being dealt with at European level. It also resulted in more credibility for the Commission, and the European social partners secretariats respectively. This manifested itself for example in a clearly improved relationship between the Commissioner for E&T and the national ministers for E&T, and has shown that the SP can live up to their responsibility. The voluntary nature of the process demanded a good relationship between the European and national levels, which was achieved amongst other things, by the former proving to the latter that they were able to provide an added value for them. Another interesting similarity is the insight that soft tools (the OMC and the FoA) have different roles and possibilities than more binding tools (CM and framework agreements), but these can complement each other. In any case,

neither the OMC, nor the FoA, seem (currently) to be a first step towards introducing more binding tools in this policy area.

Summary of the comparison between the OMC and the FoA

In general, the OMC and the FoA are very similar instruments. When comparing the OMC in E&T and the FoA on LLL, one could identify a very similar rationale for their use. While there are some differences between the functioning of the OMC and the FoA, there are sufficient similarities to make them comparable forms of governance. This resemb lance can also be seen at an affective level, where in both cases socialisation plays an important role in the functioning of this type of policy -making. Furthermore, concerning the impact at national level, the results of these two instruments are very al ike, including the variation at national level and the shortcomings. This analysis has show that OMC -like tools have spilled over from the use by the EU institutions, to the application by non -state actors in the EU political system.

The results of this c omparison will now provide the starting point for the discussion on whether or not/ and how the use of OMC -like tools seems to be a better form of governance in this policy area, before section three examines the different accounts that the various theoretical approaches provide in respect to the independent variables.

2. OMC-like tools as a form of governance

Chapter one outlined the literature on the OMC and referred to the promises associated with this form of governance. Some of these promises will now be revisited in relation to the OMC in E&T and the FoA on LLL. The focus of this section lies on the question whether or not OMC-like tools in education and training policy deliver as a form of governance and if they present a valuable alternative or c omplementary mode of policy -making. In particular its novelty as a governance form, its interaction with other forms of governance

and its contribution to (more) legitimate and (more) efficient policy -making, will be examined.

A new form of policy -making

The case studies and the previous section showed that the OMC in E&T and the FoA are new modes of governance. Their non -binding and flexible nature makes discussions on more sensitive topics possible in the first place. This form of policy -making enabled the enhancement of European cooperation in E&T without transferring any competences to the European level, thereby respecting the subsidiarity principle. Additionally, it left the MS principally in charge, while also finding a role for (some of) the Europ ean institutions. This confirms that the OMC in E&T is a third way between intergovernmentalism and supranationalism, as outlined by various academics for the OMC in general (Ashiagbor 2004; Dehousse 2002; Zeitlin 2005). [214] A third way between two extremes i s always a compromise. As seen in the last section the OMC in E&T and the FoA *are* compromises between the Member States and the Commission, and between the different social partners respectively. It represents a compromise between the need for respecting d iversity and the need for unity of EU action (Borrás and Jacobsson 2004; Dehousse 2002; Schäfer 2006). The compromise was not only about *how* policy-making should take place but also about *what* the objective of the use of this form of governance was, in par ticularly concerning the speed and type of further integration. One of the reasons for the various actors to agree with this form of governance is the level of flexibility that comes with the OMC and FoA. Flexibility is needed in particular in a policy are a with such diverse systems at national level. The OMC in E&T and also the FoA provide this flexibility, but stay within the framework of the joint objectives agreed on at European level. As illustrated in the case studies, the use of this type of policy -making enabled progress in European cooperation in E&T, as the discussion was depoliticised and the national level felt at ease to discuss these topics at European level, as they did not fear the loss of competence.

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[214] This view of the OMC has also been expressed by the British and Swedish gov ernments, traditional eurosceptic countries (see Jacobsson and Vifell 2003).

Concerning the benchmarking element, it was shown previously that the FoA does not use indicators and benchmarks while the OMC in E&T applies European benchmarks. As outlined earlier, some MS use the European benchmarks as national ones, but that is purely their decision and not really part of the OMC in E&T. However, as the European benchmarks are decided on at the highest political level, they carry a lot of political weight and can lead to public pressure at national level. While the joint reports from the Council and the Commission are toned down, as no negative country examples are used, the Commission working documents do name the countries performing above *and* below EU average. While this document gets less public attention than the other, it still sends messages to the national level and leads to peer pressure for the MS. Consequently, MS are very careful about what kind of benchmarks they agree on. Up until now benchmarking seems to function, as the European average in all five benchmarks are improving although some will probably not be achieved by 2010 (European Commission 2004; 2005; 2006; 2007; 2008).[215] In this context it is worth briefly looking at the comparison between the functioning of the OMC and the OECD type of governance. Putting the OMC at the same level with the benchmarking techniques of international organisations such as the OECD or the International Monetary Fund is flawed, as already argued in chapter one. The case studies have shown that the OMC in E&T, as well as the FoA on LLL, are much more than a purely benchmarking exercise *à la* OECD, because they lead to the creation of political commitment and impact at national level. On the other hand, the OECD method is superior when trying to identify weaknesses of the national systems, because the data is produced by the OECD itself and not by the Member States, as is mainly the case in the OMC, where European analysis is nearly exclusively based on the national reports and therefore real peer review is limited. However, while acknowledging their differences, one can still benefit from comparing these tools.

As outlined in chapter one, some of the literature on the OMC discusses the superiority of soft-law over hard-law and vice versa. The results of the case studies clearly showed that every type of law has its purposes. In th e case of education and training there is no aim to

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[215] While this author acknowledged already earlier that national and international factors influence the results as well, one can agree that the OMC at least contributed to the impr ovement of the European average as they

granting or restricting rights (which hard law would do) and therefore legally non -binding tools like the OMC and the FoA are more appropriate. Furthermore, there exists no treaty base to use legally binding tools. Some discussion has been on the question whether or not the OMC is only a transitional mode of governance or a real alternative able to substitute the CM. In the E&T policy field different forms of governance are being applied at the same time. The Community Method is also used in E&T, but without legally binding force, supporting the OMC. One is not better than the other as the two tools are complementary, being used for different situations with different objectives. The OMC creates the technic al specificities and gets the political support, while the CM then sends a stronger political message than if just the OMC were used. Therefore the CM and OMC should not be discussed as alternatives or superior to one another because using them together ha s proven very successful in this policy area. The same applies for the ESD, where FoAs and more binding instruments are used side by side, the former not replacing the latter. While the OMC in E&T and the FoA have led to promising results in enhancing coop eration in E&T at EU level, there is no danger that they might fall victim of their own success as feared by Hodson and Maher (2001). One of the main reasons for its success was that it is non - binding and any attempt to change this would jeopardise the ach ievements to date.[216]

(More) legitimate policy -making

The literature review on the OMC has shown that one reason why the OMC is often supposed to be a better form of governance is its claim to enhance the legitimacy of the EU. But does this apply to the field of E&T? As outlined earlier, one way in which the OMC is expected to enhance the democratic dimension is that decisions would be more adapted to the local level and could thus appear more democratic and legitimate than rules imposed from Brussels (Trubek 2003). This would represent a decentralised and bottom -up approach rather that the traditional centralised and top -down approach. The empirical evidence concerning this question suggests that both bottom -up and top-down elements are part of the OMC in E&T and the FoA on LLL. Part of the functioning of this tool is that the

create additional incentives for the national level to work on these topics.
[216] The future of the OMC in E&T will be further discussed in the conclusion chapter.

European level sets joint objectives and sends messages to the national level but the national actors are also involved in formulating European policies at European level. The argument that OMC is generally less top-down is based more on the fact that there is no treaty base giving the European level this possibility and therefore makes the supranational actors step carefully.

Another aspect to examine when evaluating the OMC's legit imacy discourse is the *participation* of the various actors in the OMC processes. The OMC is supposed to enhance democratic participation and accountability through being 'open' and allowing participation of employers, trade unions and NGO at various levels in the process. The case studies showed that actors' participation is rather low with the OMC in E&T and that it is an elite driven process, including a core group of Commission employees, experts and national representatives. Some MS (mainly those with a federal or quasi-federal structure) integrate their regions into this exercise, in particular as E&T policy lies in many MS within the responsibility of the regional authorities. Concerning the involvement of social partners, the results are very diverse. In some countries there is a strong involvement in the OMC aspects at national level, while in others, the social partners are not integrated at all. Additionally, there is sometimes no real desire of the social partners (at least the European social partners) for getting further involved in the OMC process, as they have their own (stronger) ways of working and prefer to keep their autonomy.

Consequently, these results also help answer the question 'what does the *open* actually stand for'. In respect of the three issues that are related in the OMC literature to the concept of 'open': openness of the content, openness of the results and openness of the participation, in the E&T field it is clearly openness of the content and the results, and less openness of participation, at both European level and at national level (Hingel 2007). Therefore one would have to agree more with Smismans (2004) who argues that the 'open' nature of the OMC is merely being open ended in its outcomes, instead of Laffan and Shaw (2006: 18), who see the OMC as "a truly 'open' method in sum."

Regarding the aspect of accountability, there is a slight difference between the OMC and the FoA. While the democratic oversight of the European social partners, namely the national affiliates, is an integral part at European and national level, the institution representing the European demos, the European Parliament, is barely involved in the OMC process, being only informed about the activities. This represents even less legitimacy than the Community Method. However, as the OMC and the Community Method co-exist in the field of E&T, this is not as bad as sometimes presented, but still far away from reaching democratic accountability. Furthermore, the OMC did not contribute very much to the transparency of policy-making in E&T. The multiplicity of committees, clusters and expert groups makes it difficult for the general public to follow discussions and decision-making which does also not help to make the process more transparent. Purely publishing the national as well as the European reports on the European website does not improve the situation much either.

(More) effective policy-making

Another point in which the OMC-type of governance is supposed to be better than traditional forms of governance is in respect of its effectiveness. Particularly through policy learning the OMC is supposed to inform national policy changes. Section one has summarised and compared the impact resulting from the use of the OMC and the FoA, and reported that OMC-like tools could cause different types of change. According to Zeitlin (2005: 4) four different indicators can help to categorise this change: substantive policy change (including broad shifts in policy thinking), procedural shifts in governance and policymaking (including administrative reorganisation and institutional capacity building), participation and transparency, and mutual learning.

It has been outlined earlier how the European average in regards to the European benchmarks has steadily improved. Identifying change at national level is a more complicated matter. This research did not have the possibility to examine extensively national reforms and cross-check them with the OMC and therefore cannot claim to be exhaustive. However, certain changes could be identified without an in-depth analysis and

can be taken as indications. The recommendation *on key competences*, which led to changes of the curricula in various Member States, as well as the consequences of the EQF at national level, are examples that prove that the OMC can lead to substantial policy changes. The same applies for the FoA on LLL, where the novel notion of *shared responsibility* between employers, workers and public authorities, for the further training of a worker, represents a significant ch ange to previous ways of approaching this topic. The OMC and FoA also led clearly to procedural shifts. On the one hand this applies to dealing with the European level, where resources had to be dedicated to the follow -up activities (such as the reporting exercise and committee participation) but on the other hand to the creation of purely national focuses, structures and procedures concerning the dealings between the social partners and the public authorities or between the employers organisations and the trade unions. As seen above, change concerning participation and transparency was more limited and diverse across the MS.

One of the main aims of OMC -type governance is to promote mutual learning through the exchange of good practices. Some academics b elieve that the OMC not only facilitates learning but also helps to incorporate new knowledge (Trubek 2003). The case studies have shown that policy learning is one of the most prominent elements of OMC -like tools. The case of the E&T policy supports the a rgument used by Szysczak (2006), where policy learning is seen as taking place at two levels, namely by first creating a common discourse with a common language, which leads to identifying common problems and the diffusion of shared beliefs and second, lea ding possibly to policy convergence and policy transfer, by defining good and bad policies. Nevertheless, while various forms of policy learning have been reported, there are no guaranteed results. There are a number of variables which can limit or even prevent policy learning, including the challenge of transferability and the crucial role of the individual as an intermediary between the European and national level. While the diversity between the national systems is particularly prominent in the E&T policy area, the case studies confirm the claim of Kroeger (2006) that policy learning depends less on the institutional fit but more on the political will (or the lack of it). While OMC-like tools have led to various forms of policy changes, it is also importa nt to

acknowledge that some changes have been wrongly attributed to them, as they were actually caused by national or international events.

Section one outlined that in both case studies uploading and downloading of policies has taken place between the European and the national level. Therefore Zeitlin (2005) is right when he argues that the relationship between the OMC process and the Member State policies should be analysed as a two-way interaction rather than a one-way causal impact. This two-way interaction leads to a cross-fertilisation that makes European policy, developed under the OMC-like tools, more relevant to the national level and provides therefore also better results.

Summary of OMC-like tools as a form of governance

This section outlined that the OMC in E&T is clearly a new form of governance, representing a third way of policy-making between supranationalism and intergovernmentalism. It can clearly help to achieve depoliticalisation in a sensitive policy area. When examining whether OMC-type instruments can make European governance in E&T a more legitimate and efficient form of policy-making, the results affirm and at the same time contradict these claims. While there is evidence that the OMC and the FoA led to substantial changes at national level, improving the added value of European policies for the national level, many of the claims that the OMC would improve legitimacy could not be confirmed.

3. Placing OMC-like tools in the framework of European integration theory

After comparing and contrasting the results from the case studies and looking at the governance dimension, this section will now analyse how the different European integration theories presented in chapter two, can help to explain the existence and the functioning of OMC-like governance. It will also be examined how the experience with the OMC in E&T and the FoA on LLL fit with the general assumptions of these theories.

Table 6.2: How European integration theories (would) explain the OMC

Variable	Theories						
	Neofunctionalism	**(Liberal-) intergovernmentalism**	**New Institutionalism**			**Social-constructivism**	**MLG and PN**
			Rational	**Historical**	**Sociological**		
Genesis	Functional interdependence, Spillover and interest groups and institutions	History making events; choice of MS in creating institutions or delegate responsibility in order to strengthen the MS at national level	MS attempting to avoid agency loss	Path dependency or Commission as policy entrepreneur; Solution to joint decision trap			A dominant advocacy coalition
Functioning	Supranational actors coordinate the networks of policy experts and have oversight	Pre-dominance of national governments +2 level game	Role of institutions	Role of institutions	Role of institutions	Bargaining depends on communication and intersubjectivity	European Governance proceeds through negotiations in policy networks linking public and private actors of different levels and dimensions of government
Socialisation	Political spillover, change of interest and loyalties engrenage	Has only limited importance; national identities remain intact	Has only limited importance		Participation in the EU leads to transformation of identities while keeping national loyalties; institution needed	Participation in the EU leads to transformation of ideas and identities	Change of identities can happen true persuasion and argumentation
National impact	Stronger role for domestic actors; direct access to EU level	Limited; only in relation to more power for governments	Redistribution of power between actors at nat. level	Policy downloading	Policy learning	Policy learning	EU policy outcomes are determined by how integrated and exclusive policy-specific networks are
European integration	Ever more power to supranational level	Limitation of power at supranational level	A lesser degree of agency loss	Path dependency or policy entrepreneur	Normative integration led by the Commission	Normative integration	EU policy outcomes are determined by how integrated and exclusive policy-specific networks are

Source: Author

As this study aims at examining how the theoretical approaches explain the creation and functioning of OMC-like tools as well as the change they create within the EU system, one has to bear in mind that this change affects the European as well as the national level. Of the five issues used to compare and contrast the FoA and the OMC (genesis, functioning, socialisation, impact and integration) and serving as independent variables for examining how European integration theories explain all of these aspects of the OMC, three look at change: one at the ideational change, one at the domestic change and one at the European change. In respect to change the concept of Europeanisation is promising. Depending on how one defines Europeanisation, this can be applied to domestic change, European change or both. Chapter two has outlined the different understandings within the Europeanisation literature. From the five understandings of Europeanisation described by Olsen (2002; 2003) European integration is only one. Another aspect that is dealt with is the impact on the domestic level. So Europeanisation is a two-way process where European integration shapes the different aspects of the domestic political arena while Member States at the same time try to influence the development of integration in the best way for their national interest (Bomberg and Peterson 2000). In order not to use the Europeanisation concept in different fashions, the concept European integration is used when referring to the creation of institutions at the European level and their interaction. [217] Schmidt (2002: 896) captures the relation between the two concepts of European integration and Europeanisation [218] best, when seeing them as the two aspects of an intertwined phenomenon, with European integration causing Europeanisation, and Europeanisation affecting, through a feedback loop, European integration.

Radaelli (2000: 4) summarises the various aspects of the concept and the relationship between them. For him "Europeanisation consists of processes of a) construction, b) diffusion and c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first

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[217] See chapter three.
[218] The understanding used in this analysis.

defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and sub-national) discourse, political structures and public policies." While one aspect of Europeanisation, which is meant by 'impact', will refer to the effect the evolving European system of governance has on the politica l institutions, policies and political processes of the Member States (Börzel 2003), another dimension of Europeanisation concerns the effect on identities and the cognitive component of politics, which will be examined more in detail when looking at socia lisation.

Chapter one outlined the division in the literature on how to interpret the OMC. This division on the judgement and explanation of the use of OMC -like governance identified by Gore (2004) can be (more or less) associated with different European integration theories:

- Instead of a vehicle for change, it is seen as a 'justification discourse' for existing policies and for new initiatives which would have happened anyway (this view can be associated with LI or realist schools)

- A flexible mechanism to limit divergence among Member States, being a new supranational form of governance in its own right (related to the governance literature in European integration)

- OMC as a tool to promote convergence between Member States in the long run, ultimately leading to the transfer of competences for social matters from national to European levels, and returning to classical policy -making approaches (i.e. Community Method). (This can be associated with a neofunctionalist view on European integration.)

These descriptions show that the various theories not only evaluate the OMC differently, but they also concentrate on different aspects of the OMC. The theoretical approaches that will be examined now are neofunctionalism, liberal -intergovernmentalism, social constructivism, multi-level governance and policy networks, new institutionalism and Europeanisation.[219] As outlined in chapter two, these theoretical approaches differ from each other in their scope, assumptions and in their independent and dependent variables

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[219] These are the same theoretical approaches as presented in chapter two. They have been chosen because they represent the most commonly used theoretical approaches in regards to the EU, covering different

(see 2.1). As they ask different questions and look at different aspects, some of them are therefore more likely to explain certain variables better than others. As 'the great debate of our times' in EIT is between constructivism and rationalism (Pollack 200 1; 2009), special attention will be paid (where appropriate) to the existence of different but (potentially) complementary rationalist and constructivist arguments, when examining the varying explanations of the European integration theories for the indivi dual aspects of the OMC-like tools.

The creation of OMC-like tools

As outlined in the chapter on European integration theory, the causes for European integration are mainly analysed by theories with an IR background, while theories originating more in the field of CP, focus on other aspects. As Wendler (2004) argues, classical integration theories focus on the *causes* of institutional evolution and the literature associated with the governance approach to European integration concentrates on the *effect* of this institutional change. This is also reflected in the limited number of academics looking at this aspect of the OMC, with the majority looking at the functioning and the impact of the OMC. Drawn from the general theoretical assumptions, the following could be explanations for the creation of OMC -like tools in E&T (see table 6.2):

- Functional interdependence (spillover), interest groups and institutions (neofunctionalism);
- Choice by MS in order to optimise their power through history -making events (liberal-intergovernmentalism);
- Attempting to avoid agency loss (rational choice institutionalism);
- Path dependency and Commission as policy entrepreneur (historical institutionalism);
- A dominant advocacy coalition (MLG and PN).

Zeitlin (2003) sees the expansion of OMC into EU social protection policies as a case of spillover from economic and employment coordination. This argument could also be made

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aspects of the EU and representing theoret ical approaches from the different phases with different independent variables.

for OMC-like tools in E&T. The internationalisation of the economy and a spillover effect from economic issues to E&T policy can be identified, which would support the main neofunctionalist explanation. However, this spillover effect was not automatic but rather needed the political support and the willingness of the Member States i.e. through the Lisbon strategy. Furthermore, one can identify spillover from EU institutions using OMC-like tools to non-governmental actors also using these forms of governance. [220]

As pointed out earlier, the Member States blocked development in E&T policy at EU level mainly because they feared a loss of power. Only when they changed their minds and voluntarily participated in this process, further cooperation was possible. How can one explain this change of view? Rational choice theorists would see the OMC in functionalist terms, an instrument designed to serve the rational self-interest of its creators (Idema and Kelemen 2006). In the case of intergovernmentalist assumptions, MS only agree to cooperate at EU level if it serves their interest and gives them more control over the domestic sphere. Based on rational choice assumptions, Schäfer (2004) argues that governments are willing to adopt soft law because it increases their strategic room for maneuver in two-level games. Furthermore, one could argue that it helps the national governments to shift blame at national level to the EU for unpopular decisions while at the same time minimising sovereignty loss (Wendler 2004; Souto-Otero, Fleckstein et al. 2008). The part of this chapter focusing on impact will examine whether the OMC really does lead to more power for governments at national level and if are they are able to blame the EU for unpopular policy measures.

Van Riel and Marc (2002) argue that neither intergovernmental nor neofunctionalist assumptions can explain the development of the European employment policy, but they have the idea that an advocacy coalition of social democratic EU presidencies at that time led to its development. Can this be confirmed for the E&T area? Some of the interviews stressed the importance of the presidencies at this time, while others indicated the role of the Commission. It is true that the presidency conclusions promoted the development of the OMC in E&T, but the Commission did the majority of the preparatory work for these

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[220] This point will be further discussed in the conclusion chapter.

conclusions. Additionally, the fact that social democratic presidencies were at the helm of the EU was less important for E&T policy than it might have been for employment and social policy.

Trubek, Cottrell and Nance (2005) provide additional rationalist arguments [221] for the use of soft law, including:

- *Lower "contracting" costs*: non-binding norms lower the stakes for the parties involved;

- *Lower sovereignty costs:* Soft law is better equipped to promote cooperation while preserving sovereignty;

- *Coping with diversity:* Different cultural and economic structures and interests can be accommodated through the subjective application of "soft" language such as "appropriate measures," "best efforts," "as far as possible," or "with a view toward achieving progressively";

- *Participation:* In principle, soft law permits the integration of all interested parties in the process of transnational law-making;

- *Incrementalism:* Soft law can also represent a first step on the path to legally binding agreements or hard law.

In the case of E&T at least the first three arguments can partially explain the creation of the OMC and the FoA, as it is a policy area which is very diverse and sensitive to the national level, which wants to remain in charge. So far the latter two arguments have not (yet) proven to be correct.

Various academics use different forms of new institutionalism in order to explain the creation of the OMC. Some of them apply historical institutionalism assumptions in doing so (Ashiagbor 2004; Schäfer 2004; Wendler 2004). From this perspective the deliberate choice depends on existing institutional configurations and the importance of purposeful choice will change as the degree of institutionalisation at the European level changes (Olsen 2002). The existing treaty basis clearly posed such a limitation when deciding on the

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[221] The constructivist arguments will be dealt with in the part on socialisation.

development of E&T policy and the use of the OMC. Ashiagbor (2004) sees the OMC as a response to the *joint decision trap* or the *competency gap* and Schäfer (2004) argues that the OMC was chosen, based on the MS past experience, in order to avoid agency loss. He promotes the argument that the OMC was selected to limit integration and Europeanisation. Lodge (2007) also explains the creation of the OMC at Lisbon with the argument that some MS (Spain, UK) wanted to move outside of t he CM and reduce the role of the Commission as an agenda-setter and eliminate any influence from the EP. Some feedback in the interviews suggested that the EU has currently reached a limit in the integration willingness of the MS, and a further sovereignty transfer in additional areas is not conceivable at present. Kroeger (2006) believes that the OMC should promote policy learning in a politically highly sensitive policy area where further integration was and remains undesirable for reasons of institutiona l diversity and political and ideological disagreement. This comment regarding the social policy field, also applies to the E&T policy area. The national (and regional) education and training systems are sometimes extremely diverse, and MS (and regions) do not want to lose any sovereignty in this policy area. Kroeger (2006) points out that the German Laender were very critical of the OMC in social inclusion, as they have significant powers in social policy in Germany. The same was outlined for the E&T OMC i n the case studies. The use of the OMC, as a type of soft law, enables European cooperation in E&T without fear of sovereignty loss by the MS (and regions). The same applied to the ESD, where national social partners agreed on cooperating at EU level becau se their autonomy was not threatened.

The creation of the OMC in E&T can therefore be seen as an attempt to slow down European integration. However, it is also correct that a group of MS and the Commission wanted more European level involvement, leading possibly to a competence transfer. The MS prevented this for decades, and could have just continued blocking the deepening of European E&T policy. As there were obvious limitations based on earlier treaty foundations and no threat/possibility [222] of applying a legally binding CM in E&T, another way had to be found to advance integration, while circumventing these obstacles. Here the role of the European Commission as policy entrepreneur (Pollack 1997; Cram 2001), which

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[222] Depending on the point of vi ew.

was also outlined in the interviews, is u seful and confirms neofunctionalist and institutionalist beliefs of the significance of supranational actors. The ESP can also be seen in the role of a policy entrepreneur, as they directed the FoA process, despite the fact that the ultimate decision power lay in the hands of the national members.

The results from the case studies showed that the OMC and the FoA were created by an incremental process rather than by a history -making event (nevertheless, there were of course significant moments, which decide d on the direction the process was going, such as the Lisbon summit). Consequently, their use can also be seen as a promotion of further integration in an area where integration has not been really advancing so far. The OMC -like tools in E&T therefore serv e two different and opposing interests: Further integration and keeping things intergovernmental. Consequently the OMC is able to serve diverse interests with respect to speed and nature of European integration (Gornitzka 2005). Based on the findings one c an conclude that in respect to the creation of OMC -like tools in E&T, the same applies here as has been argued for the OMC in employment, namely that its roots are in a complex mixture of intergovernmental forces, supranational factors and spillover effects (Goetschy 2001).

The functioning of OMC -like tools

Chapter one, four and five have presented how OMC -like tools function. This part now looks at how the different theoretical approaches would expect their functioning to be. Drawn from the general the oretical assumptions, the following could be explanations for the functioning of the OMC in E&T (see table 6.2):

- Pre-dominance of supranational actors (neofunctionalism);
- Pre-dominance of national governments and two level game (liberal - intergovernmentali sm);
- Significant role for the Commission (new institutionalism);
- Existence of policy networks with public and private actors from various levels and the use of advocacy coalitions (MLG and PN).

The decision-makers in the OMC are clearly the national gover nments. At the same time the OMC is a clear case against the assumption of a strong role of supranational actors in policy-making. The EP and the ECJ have close to no part and the Commission has only very limited formal competences. While the distribution of power between the actors seem to confirm some of the intergovernmentalist claims, Member States appear to be in control of this process, with the Council taking the political decisions and the ultimate competences lying at national level. However, the l ack of serious bargaining refutes intergovernmentalist explanations. Also the notion of a two level game, with the national government as a gatekeeper is not convincing. First of all, in various cases regional representatives participate in the discussions at European level. Secondly, national social partners participate also in European policy -making independently of their national governments. This happens sometimes directly (e.g. in the ACVT), other times indirectly through their European umbrella organi sation. What Jacobsson and Vifell (2003: 6) see in the EES, namely "a promising example of *multilevel governance"*, can also be said for the OMC-like instruments in E&T. They are right when arguing that "it is not a matter of *either* supranational *or* intergovernmental policy-making but precisely an *interplay between different levels of governance"* (italic in original). Furthermore, while the formal power of the Commission is limited, it has significant informal powers, which often stem from the day-to-day policy-making situations. Supranational actors coordinate the networks of policy experts and have oversight, with the Commission being the only actor aware of all of the procedures and processes going on, maybe not having all but certainly most information. Again, the same is true for the FoA, where the national players have the final word, but the European level is steering the process.

Trubek (2003) suggests that networks exist within the OMC because of the cooperation between different national ministries, input from social partners and civil society, the developing link between national civil servants with the Commission and Council staff. This notion is supported by Borrás and Jacobsson (2004), who believe that networking generated by the OMC takes place at various levels: first, coordination between national ministries; second, coordination procedures require input from social partners and civil society; third, new oversight committees have been created where national representatives, Commission, and expe rts exchange ideas and experience. Consequently, the MLG and PN

approaches seem promising for explaining the OMC in this respect. This view assumes that policy actors are dependent on each other's resources (Bomberg and Peterson 2000). The role of networks is supposedly more evident in the OMC, given the absence of binding decisions (Dehousse 2002). However, in E&T some of these elements are less developed than network theory would suggest, as the role of civil society and the SP is low on average. The interview results confirmed de la Porte's (2002) argument that SP involvement varies across the MS, and depends on whether the social dialogue traditionally plays a strong role in the country. Furthermore, de la Rosa (2005) argues that although the OMC was believed to be a form of network governance, it seems that managing the OMC comes closer to an institutional logic than a network one, because of the strong role of the Commission. Nevertheless, the policy networks idea of the Commission as an *ideational entrepreneur* which seeks to socialise domestic actors into new practices of cooperative governance by involving them in the formulation and implementation of European policies through transnational networks) is useful (Kohler-Koch 2002). So is the concept of an advocacy coalition, where the actors share a set of normative and causal beliefs, and engage in a non-trivial degree of coordinated activity over time (Pochet and Natali 2004; Deganis 2006). As these networks are (supposed to be) made up of true experts, [223] Deganis (2006) is right when arguing that policy learning requires the presence of a professionalised forum. Consequently, one can argue that policy networks approach is useful in explaining the process of policy formulation and later the policy implementation phase (Pochet and Natali 2004).

Just looking at the actors is however only half of the picture. What about the tools the OMC uses, such as monitoring and reporting? Idema and Kelemen (2006) propose that in the absence of hard law, the naming and shaming element would be crucial for rationalist theory. In their opinion there are three conditions for success: first the Commission has the means to see if MS do not comply, second the Commission must be willing and able to follow-up on this by shaming the MS, and third the MS must care about being shamed. They also argue that none of these apply in reality. In the OMC in E&T their argumentation is valid for the first condition, as the Commission mainly depends on information from the

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[223] The importance of this will be discussed under the part on impact.

MS, although it tries more and more to get independent information through contractors. The second condition is more or less valid, as the main means of shaming is the joint Council/Commission report where the MS can limit any direct shaming, as MS who did not reach the targets receive support from other MS because they do not want to be shamed when they themselves are in the same situation. However, the individual indicator and benchmark report 'does' name and shame countries. Furthermore, Idema and Kelemen (2006) argue that the Commission has little interest in shaming MS, as the Commission is dependent on their willingness to pursue its ambition of further integration in this field. This argument bears some truth as the Commission is very careful when and how it tries to shame and pressure MS, as it knows exactly its limitations in this policy area. Nevertheless, the Commission believes that it gets its messages across and the necessary political support for them, which is even more important. Consequently, one can argue that of the three conditions the third one definitely applies in E&T, and that is why the MS make sure that condition one and two are limited.

Summing up, Bomberg and Peterson (2000) argue correctly that EU policy transfer is governed as much by a network dynamics than by an intergovernmental one. While intergovernmentalist assumptions seem to explain some of the functioning of the OMC, they fall short in some aspects and need to be complemented by insights from other theoretical approaches such as MLG and PN as well as new institutionalism which do better in explaining this aspect. As the Commission cannot do it alone, the combination of the concepts of advocacy coalition and policy entrepreneur are useful in relation to the functioning of the OMC, as the Commission is even more dependent on a consent and cooperation of the MS than normally (Ahonen 2001).

Socialisation

In the past the effects on the individual from participating in the EU, have not been focus of European integration theory, and still today many theorists only look at structural and policy changes at domestic level. [224] However, European values and policy paradigms are

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[224] These types of change will be discussed when looking at impact.

also to some degree internalised at the domestic level, shaping discourse and identities (Olsen 2002). This is what will be examined here. While acknowledging that this is a (relative) bias issue, as rational choice theories in general do not leave room in their assumptions for socialisation effects, [225] it is nonetheless an important aspect of the European integration process and worthy of examination. Drawn from the general theoretical assumptions, the following could be explanations for socialisation as part of OMC-type governance in E&T (see table 6.2):

- Political spillover, shift of loyalties, preferences are based on values and which can change (neofunctionalism);

- Has only limited importance, national identities remain exclusive (intergovernmentalism and rational choice institutionalism);

- Learning, persuasion, language, and participation in the EU lead to transformation of ideas and identities (sociological institutionalism and social constructivism);

- Change of identities can happen through persuasion and argumentation (PN).

Radaelli (2000) is right when outlining that not only formal structures at national level are affected by Europeanisation, but these processes can also influence values, norms and discourses. In a second step, these preference changes can then feedback into the process of European integration (Radaelli 2000; Schmidt 2001; 2002). These effects are analysed mainly by scholars favourable to the social constructivist approach. The usefulness of constructivist theory when analysing this aspect is outlined by Trubek, Cottrell and Nance:

> "Constructivist scholars look at how institutions facilitate constitutive processes such as persuasion, learning, argumentation, and socialisation. With sustained interaction over the course of time in an institutional environment these processes influence actors' behaviour and eventually result in the creation of intersubjective knowledge and a "norms cascade" where a critical mass of states subscribe to new norms and rules. Constructivist would also argue that changes in state behaviour can also come through processes of socialisation within groups that incorporate new members through the expansion of norms, ideas, and principles. Constructivist scholars also underscore the importance of transnational

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[225] Exceptions to this are Neofunctinalism and some of the policy networks literature. While both are grounded in rationalist metatheory, they still leave room for socialisation and the change of ideas and identities. Also see Zürn and Checkel (2005) who try to explain socialisation by referring to rationalist arguments.

actors in the institutional and policy processes, and are particularly mindful of the role of epistemic communities and transnational net works of policy professionals who share common values and causal understandings, which often facilitate the development and dissemination of ideas embedded in given institution." (Trubek, Cottrell and Nance 2005: 13)

The case studies have shown that socia lisation is a strong element in the E&T process. Section one has outlined that this socialisation process is even more important in OMC -like forms of governance than in more traditional forms of governance. The creation of this 'we feeling' between the par ticipants, also fostered by the European level, has led to a joint problem-solving approach and sometimes helps national representatives to support European policies which are less favourable to their own interests than they had originally anticipated. Usi ng a sociological institutionalist approach, Trondal (2002a) argues that the participation in EU committees and the consequent socialisation process leads to the creation of a supranational identity for the individual participant. This clashes with intergovernmental thinking, which argues for the persistence of national identities and interests. However, different from neofunctionalist theory, this supranational identity does not replace the national one, but supplements it. This approach seems more realist ic because it moves away from an either/or approach in respect to identity.

The interviewees for the case studies stressed the importance of socialisation in the OMC - like tools, but how does socialisation take place? Sociological institutionalism is very promising for explaining this, as it looks at how values and norms embedded within institutions contribute to shaping the behaviour and preferences of the individual actors. Based on this logic, Deganis (2006) identifies the Commission as a *norm entrepreneur* within the European Employment Strategy, as it is capable of moulding the understanding and preferences of the national governments. Also within the policy field of E&T the Commission has become very skilful in arranging sufficient possibilities for th e participants to socialise and in creating a common understanding. Radaelli (2004) identifies the Commission as orchestrating socialisation. The same applies for the FoA, where the European level can manipulate the socialisation experience. Socialisation is not the same for all participants. The intensity of the socialisation of the individual participants can vary according to the length and frequency of participation in committees at EU level, whether

the individual plays an active role in the committee, and having informal contacts outside the formal committee meetings (Trondal 2002a). There are various examples from the case studies that confirm this line of argumentation.

For some social constructivists the concepts of deliberation, discourse and lang uage are linked to the issue of socialisation. Various academics also argue that the OMC is both a cognitive and a normative tool (Kroeger 2006; Mabbett 2007). Bruno, Jacquot and Mandin believe that

> "through the OMC, the EU is a new common forum for deba te, and contributed to the development of common conceptions of problems and solutions, which in turn introduces a new mode of harmonisation which is not institutional and constraining but cognitive and normative." (Bruno, Jacquot and Mandin 2006: 532)

This was also supported by some of the findings in the case studies. Sociological institutionalism looks at cognitive and normative structures (Radaelli 2000), so do social constructivism and (some) writers on policy networks. Dehousse (2002) blends argument s from these various approaches when highlighting the attempt by the Commission to create a new set of discourse for the policy community. MS preferences are influenced by continual discussion and exchange of arguments, which then through expert deliberati on in committees can lead to community compatible interests. Ashiagbor (2004) sees that the OMC is achieving convergence through the emergence of a common discourse between elites. It is arguable that the process of communication and socialisation in trans -national political-administrative networks is leading to the development of common perceptions of problems and solutions, a form of 'integration through coordination'. Regarding the field of employment, Jacobsson (2004) argues that discourse was crucial f or the development of the EES and was accompanied by the creation of a common vocabulary and cognitive framework. This can also be identified in the E&T policy area, with concepts such as *lifelong learning, knowledge society,* or *learning outcomes* being part of a new common European terminology. However, Kroeger (2006) reminds the reader that language can also pose serious difficulties for supranational learning, be it for simple communication or deeper understanding of political concepts. In the development of European policies

through the OMC in E&T language was sometimes a double -edged sword. On the one hand, once a terminology is agreed on, this leads then to the common discourse at national level using the same expression and concepts. However, on the ot her hand, individual MS sometimes opposed certain concepts, not because of the technical implications, but because of the ideational value and meaning applied to them at national level. In relation to this aspect of the OMC, it is also interesting to consi der the hesitation of MS to allow the EU to become involved in E&T. The policy field of education is still seen as nation -building and has a strong link to national identities (Trondal 2002b). Olsen (2002) rightly points out that control over education is a sensitive issue exactly because it is closely linked to national and sub-national identities. While the power struggle between the central government and the regions has been outlined earlier, the issue of identity linked to E&T is equally important in order to understand actors' motivation.

The OMC in E&T as well as the FoA have led to a substantial paradigm shift in respect of the belief of how to carry out certain policies, not because the national level was pressured into changing its policies, but i t did so voluntarily because they were convinced that this was a better approach to E&T policy. Agreeing on the concept of *learning outcomes* rather than *learning inputs* broke down long established traditions in certain countries about how to carry out E&T.[226] The notion of *shared responsibility* for the training needs of the individual, between employers, the workers and public authorities did the same for industrial relations. Nevertheless, the socialisation effect also has its limits. First, while socialisation might be strong with the participants in the OMC process, this only applies to a small group and does not reach a broader group at national level. Bomberg and Peterson (2000) admit that policy networks, which are mainly elitist and technocratic, do not help to transfer attitudes, political cultures or loyalties of large sections of European citizens to the EU. However, while arguing this, participation in the various European community programmes (such as ERASMUS, LEONARDO etc.) does in general have a s ignificant impact on people's identities. Thus, while the OMC in E&T does not directly have this socialisation impact on the general public, European policy in general can have it. Second, even if the participants are socialised, this does not mean that th ey completely cast aside

their national interests and agree on everything that is proposed at European level. A third limitation can be seen with respect to the strengthening of the open method. Most MS by now value European cooperation and acknowledge its usefulness but still refuse to apply a fully-fledged Community Method in E&T. The same holds for the FoA, where the employers, while appreciating the benefits from cooperation in E&T at EU level, continue their refusal to have binding agreements on E&T. Finally one has to agree that socialisation effects are a lot stronger than admitted by most rationalist theories, but not as extensive as some constructivist theorist argue. While the socialisation of individuals is (nearly) automatic and can be fostered by ideational (or norm) entrepreneurs, Warleigh-Lack (2008) is right in arguing that the MS are only socialised when they find it useful, and not when they do not.

Summing up, social constructivist approaches are better suited to deal with this aspect of OMC-like tools than their rationalist alternatives for obvious reasons. Sociological institutionalism seems to be the most appropriate theory when explaining the socialisation effects of OMC-style governance, as unlike social constructivism, it foresees the need for an institution in order to create and anchor socialisation. In the case of the OMC in E&T the Commission was this institution, which organised the socialisation process for the participants, and in the case of the FoA the European umbrella organisations played this role.

The impact of OMC-like tools

The results from the case studies have shown that there has been impact at national level, but the extent and type varied between the different MS. How do the theoretical approaches explain this? Drawn from the general theoretical assumptions, the following can be seen as explanations for the impact of OMC-style governance in E&T (see table 6.2):

- Stronger role for domestic non-governmental actors having direct access to the European level (neofunctionalism);

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[226] *Learning outcomes* is what a learner knows, understands and is able to do rather than the learning process itself know as *learning inputs*.

- Stronger role of national governments; change is caused by coercion or purely national reasons (liberal-intergovernmentalism);

- The impact of the OMC can both be at the level of policy goals and at the level of policy instruments (social constructivism);

- Uploading and downloading (Europeanisation);

- Redistribution of power between actors at national level (rational choice institutionalism);

- Path dependency (historical institutionalism);

- Socialisation and collective learning (sociological institutionalism);

- Stronger interdependence between the different actors; learning; the network form of governance being transferred to the national level (MLG and PN; and social constructivism).

Before looking at the theoretical assumptions, it is first necessary to dwell on what kind of impact one can expect. Are we talking about harmonisation, Europeanisation or convergence? And what is the difference? Radaelli (2000) rightly stresses that Europeanisation is not equal to convergence. Convergence can be a result of Europeanisation, but so can divergence. So one needs to distinguish between process and result. Impact is understood here as change at national level caused by activities at European level (i.e. the top-down approach of Europeanisation). However, this change does not have to be homogenous and lead to harmonisation across the Member States. The convergence and divergence of national policy-making in response to OMC-like tools has been outlined before and will be revisited further on. These different issues regarding impact require first a general analysis of (rationalist and constructivist) arguments for explaining the impact of OMC-like tools at national level, before examining the Europeanisation literature more specifically for explanations. Following, the role of learning for impact in more detail, also in relation to the differences between the impact across the MS.

Rational vs constructivist explanations

Idema and Kelemen (2006) argue that most claims regarding the impact of the OMC are based either on a rational choice perspective or a mixture of constructivist theory and learning.[227] Rationalist thinking attributes change to the mechanism of shaming and shunning, where policy convergence is seen as resulting from actors' cost -benefit calculation (Trondal 2002b). As outlined earlier, intergovernmentalist theory would expect impact to be mainly a shift of power at national level in favour of the national government. It is true that with the support of the political messages coming from the European policies developed as part of the OMC -type processes, the actors can press for reforms at national (and regional) level, which were necessary but opposed by strong interest groups sometimes including regional governments, other trade unions or other employ er organisations. Some of the policies proposed under the OMC in E&T faced strong opposition at national level although the development of these policies went relatively smoothly within the working groups at European level. Therefore Bomberg and Peterson (2000) could be right when they argue that the Member States are strengthened because of policy transfer. However, policy convergence can also be interpreted as resulting from elite socialisation and epistemic communities (Trondal 2002b). The difference fro m rationalist explanations is that the first view assumes that differences are a catalyst for Europeanisation, the second sees institutional interaction as well as normative and causal consensus among the elites as the driving force behind Europeanisation. In line with constructivist thinking in general, some theories see the OMC and the use of soft law as, amongst other things, providing legitimacy to domestic reformers in order to justify their policies by inserting possible solutions into the national de bates (Radaelli 2000). Jacobsson (2003) argues that the use of joint language, common indicators, the building of common knowledge, the systematic diffusion of knowledge and peer pressure are the causes of the OMC's effect on Member States policy in the em ployment policy field. This can lead to policy changes as well as subtle changes in the ways of thinking about policy, and even in collective understandings of identities (Jacobsson 2004). Trubek and Trubek (2005) identify six constructivist explanations for ways in which change may be caused by the OMC: shaming, diffusion through mimesis or discourse, deliberation, learning and

networks. These can be divided between the bottom-up aspects (deliberation, experimentation, learning and one form of network theory) and the top-down ones (shaming, discussion through mimesis or discourse and another version of network theory). Mimesis is particular useful in explaining policy changes in policy areas where coercion does not apply. It believes that if a critical mass of countries agree on a particular model, others will join, even if it is voluntary because they feel the force of attraction. This can explain why even 'giant' Member States, like Germany, participate in EU policies in E&T, which are not necessarily in their best interest, even without direct coercion.

Europeanisation literature and impact

As outlined in chapter two, the Europeanisation literature looks at the impact of European integration. Therefore this literature seems very promising when analysing the impact of OMC-type tools, while it may not add any insight into the creation and functioning of them. The earlier outlined work on Europeanisation in relation to governance, institutionalisation and discourse have different foci and provide different explanations for impact (see table 2.2). The literature that sees Europeanisation as governance is closely related to MLG and PN, as they look at the partnership between private and public actors in a complex layer of governance. They also look at the dimension of legitimate and efficient governance in the EU. The second group sees Europeanisation as institutionalisation and believes that Europe only has an effect on the domestic level if it is uncomfortable (see table 6.3). This group argues that domestic change, in relation to European policy, occurs under two conditions: the first is that there is a certain 'misfit' between the European processes, institutions and policy and those of the national ones, so Europeanisation must be 'inconvenient'. The second is the need for facilitating factors such as actors or institutions responding to the pressure created through the misfit (Börzel and Risse 2000).

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[227] They argue that most analysis do not explicitly associate themselves with a theoretical position, nevertheless their analyses tends to be rooted in these two frameworks.

Table 6.3: Europeanisation literature on impact

Impact	Europeanisation literature[228]				
	Knill and Lehmkuhl; Radaelli; Schmidt			Börzel and Risse	
Why is there impact?	Depending on form of policy-making[229]			Goodness of fit: Adaptational pressure because of *misfit* and *facilitating factors*	
	Positive integration	Negative integration	Framing integration or facilitated coordination i.e. OMC	Rational Based on the logic of consequentialism	Sociological Based on the logic of appropriateness
What is this change?	Prescribing an institutional model for compliance	Changing domestic opportunity structures	Changing beliefs of domestic actors	Domestic change as a process of redistribution of resources	Domestic change as a process of persuasion, socialisation and collective learning
What are the mechanisms?	Goodness of fit; coercion	Regulatory competition; mimesis	Socialisation and learning; mimesis	*Misfit*: Differential empowerment of actors resulting from a redistribution of resources at national level	*Misfit*: European policies, norms and the collective understanding do not fit with the national ones
Why does change differ?	*Mediating factors:* Presence of a crisis, strong or weak role of the principal political actors, fit with existing policies and institutions, discourse			*Facilitating factors:* Existence of multiple veto points and formal institutions	*Facilitating factors:* The existence of a political culture and norm entrepreneurs
How much change?	Different effects on the various Member States				
	Inertia: No change, as European policy is too different. This situation is not sustainable in the long-term	*Absorption or accommodation:* The national level can incorporate European policies into the national ones either without substantially changing existing processes or by adapting them slightly		*Transformation:* Member States replace existing national policies, processes and institutions by European ones. This includes certain paradigm changes	*Retrenchment:* European policies actually strengthen resistance to national reforms

Source: Author

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[228] The arguments overlap to a great extent. The difference is the way these authors separate different instances of Europeanisation.

[229] The authors admit that elements of these different mechanisms can be found in almost every European policy area, they argue that different policy types are characterised by a varying mixture of these mechanisms, with different logics dominating in different policy types (Knill and Lehmkuhl 1999: 3).

These facilitating factors can explain the different forms and levels o f impact at national level. Both rationalist and sociological institutionalists provide explanations for this change at national level. While the former argue a 'logic of consequentialism' and see the redistribution of power and resources between the actor s at national level as the decisive factor, with multiple veto points in a country and formal institutions being facilitating factors, the latter emphasise a 'logic of appropriateness' and processes of persuasion which can be fostered through the existence of norm entrepreneurs and a political culture conducive to consensus -building and cost sharing. It is argued that both of these logics can occur simultaneously or dominate different phases of the adaptational process. Radaelli (2004) summarises the critic ism of this group, as being too structural, leaving not enough space for agency and that there are cases of Europeanisation without adaptational pressure. Furthermore, the degree of fit is discursively and socially constructed, and is not an objective measure. This is also reflected in the interview results, where the argument that it is difficult to carry out European policy in E&T because of the huge diversity of national E&T systems and polices, was qualified when stressing that it is the political will and not the practical compatibilities which represent the real obstacles. Radaelli (2000) argues that soft mechanisms do not create any of the pressures anticipated with the goodness of fit argument. In his model he sees learning to be the default explanat ion for OMC-like tools, which he calls *facilitated coordination*, while seeing the goodness of fit for other modes of governance based on hierarchy (Radaelli 2004). While agreeing that the goodness of fit argument is stronger in other forms of governance, it is premature to reject this concept altogether as a possible explanation for the impact caused by the u se of OMC-like governance forms. While it is true that there is only limited coercion, as the OMC and the FoA are voluntary and soft tools, it still does not mean that a misfit between European and national policy does not lead to policy change. Naming and shaming can also be interpreted as coercion, although this element is limited within the OMC -like processes in E&T. Furthermore, in E&T various countries recognised that they needed reforms in this policy area and could use the misfit with the European po licy in order to get as much support as possible. Additionally, it is important to remember that the topics were chosen mainly by the MS, sometimes because the countries were performing well on them and in order to

avoid downloading policy, but occasionall y also in order to learn from others and to support change.

The third literature on Europeanisation sees this as a process of constructing Europe through language and discourse. This interactive process is based on a cognitive activity which enables acto rs to make sense of reality and a more normative activity assessing and judging reality (Radaelli 2004). This uses many of the social constructivist arguments for change, outlined earlier. The difficulty of identifying this type of change, in particular th e socialisation of elites, is that it is a slow process and over time it is difficult to be clear whether Europeanisation has overtaken domestic processes or just added to them. While Knill and Lehmkuhl (1999) focus on regulatory policy, their third model, which they call 'framing integration', resembles the characteristics of OMC -type governance in E&T. Here Europeanisation follows mainly a cognitive logic, and instead of prescribing concrete outcomes or changing institutional settings it aims at increasin g support for domestic reforms that may facilitate future steps towards integration by altering the beliefs and expectations of domestic actors. When describing the Europeanisation of the railway sector, they point out that integration in this sector faced difficulties because of the heterogeneity of the Member States and the limited legal and institutional power of the EU in this area. As there is no direct adaption pressure, the success of these policies and the level of Europeanisation depended on the mo bilisation of support for domestic reforms. The objective was therefore to establish new thought processes about what the aim of policy was and how it should be made in a 'good' way. When transferring this argument to the E&T case, one can identify that th e aim of this policy was changed at EU level from a more social to a more economic approach and various new ways of improving E&T efficiency were developed at European level. One could also observe a huge effort on behalf of the Commission in mobilising su pport for these initiatives by the various relevant domestic actors, by touring the EU attending conferences and seminars in order to 'sell their product'.

When reflecting on the arguments of these three groups of academic work on Europeanisation as dome stic impact, one can see that the OMC -type instruments in E&T

seem to fit the arguments of both the rational choice and sociological explanations for the misfit, while also allowing that discourse and language are causes of change at national level. Therefore one should follow Olsen who summarises the types of change that can occur in the European context:

> "Change may be a result of rule -following and the application of standard operating procedures to appropriate situations. It may be an outcome of problem-solving and calculating expected consequences, or of conflict resolution and confrontation. Change may also be produced through experiential learning or competitive selection, contact and diffusion or turnover and regeneration." (Olsen 2002: 924)

Impact caused by learning

The case studies have shown, that the participants at EU level socialise with each other and are socialised by the European level. De la Porte (2002) argues that a sociological institutional perspective would see socialisation and coll ective learning as the cause for behavioural change. This is supported by Idema and Kelemen (2006) who maintain that constructivist theory and learning argues that the impact of the OMC can be both at the level of policy goals and at the level of policy in struments. These theories believe that the OMC links civil servants and civil society actors from all MS with the Commission and Council staff in a multi -level, public/private transnational network through which new ideas diffuse, resulting in common polic y positions. This type of theoretical approach sees the dissemination of network mode of governance throughout the Member States as the crucial effect of Europeanisation (Radaelli 2000).

The case studies outlined that policy -makers learn from each other's good and bad practices, as well as from reflecting on their own situation. However, learning is not something automatic. Checkel (1999: 549) sees the following conditions as fostering policy learning:

- Social learning is more likely in groups where individ uals share common professional backgrounds;
- Social learning is more likely where the group feels itself in a crisis or is faced with clear and incontrovertible evidence of policy failure;

- Social learning is more likely where a group meets repeatedly and th ere is high density of interaction among participants;
- Social learning is more likely when a group is insulated from direct political pressure and exposure.

In the OMC in E&T and the FoA all of these circumstances apply. Within the working groups and committees many of the participants have the same professional background and technical know-how. The group also feels itself in a crisis. Europe in general is losing ground in E&T policy to other regions of the world and mechanisms such as the PISA tests foster this feeling of needing urgent reforms. In fact, the E&T performance has been linked through the Lisbon strategy to the economic performance of the EU. The number of working groups and committee meetings in E&T is impressive and the same national experts meet each other every fortnight at some E&T policy discussion at European level. Finally, as most of the discussions have a technical nature, they face only limited exposure to political pressure.

While the OMC-like tools have made an impact, where idea s are being transferred to the national level, they also have led to varying results. Earlier it was shown that this depends on the role of the individual participant, but it also depends on the learning potential. Learning can be seriously limited by 1) a limited number of participants from a small segment of society, 2) these participants' limited knowledge or limited capabilities to transfer what they have learnt back to the national level 3) they do not get the necessary political support to implement c hanges. Furthermore, as constructivists outline correctly, for policy-makers, the OMC is only one of many media where they can learn. Other international forums like the OECD, academic journals and other publications provide the policy-maker with informati on on good practice which they can learn from (Idema and Kelemen 2006). This has been confirmed by the case studies. This view argues that learning has an impact, but the OMC and the FoA do not necessarily cause this learning. Others added that learning ha ppens now in a more organised fashion than before the use of the OMC. Another perspective believes that learning does not lead to policy change. Kroeger (2006) summarises why policy learning might not lead to any or improved policy

change: learning is not a sufficient condition for policy change; learning from other countries is only one, and not necessarily the most important factor in national policy change; and learning does not automatically improve performances.

In addition to explaining policy convergence, Trondal (2002b) delivers valid arguments for policy divergence, namely the fact that EU policies are mediated, modified and filtered through pre-existing domestic policies, formal structures, legal rules and policy instruments. These factors can reduce the path dependency. This view is supported by Olsen (2002) who outlines that structural diversity persists and established national patterns are resistant, however they are also flexible enough to cope with changes at European level. Other explanations come from Kroeger (2006), who sees the lack of support by the higher political leadership as the main obstacle. This also reflects the findings in E&T, where the impact at national level depends heavily on the role of the individual. Just because the national expert is socialised does not automatically lead to further impact at national level. This individual must not only be a technical expert, but also have an important role in policy-making at national level in order to lead to change. It depends very often on his or her capabilities in argumentation and persuasion at national level, and also if a discourse at national level can be created. Börzel and Risse (2000) point out that policy convergence seems to be more likely than institutional convergence, as policy changes are more easily achieved. Depending on the strength of the different *mediating or facilitating factors* (see table 6.3), the Europeanisation literature provides alternative scenarios for the extent of impact at national level. These can vary between: *Inertia*, with no change at all as European policy is too different to national one; *absorption or accommodation*, where the national level can incorporate European policies into the national ones either without substantially changing existing processes or by adapting them slightly; *transformation*, where Member States replace existing national policies, processes and institutions by European ones; and *retrenchment*, where European policies actually strengthen resistance to national reforms (Börzel and Risse 2000; Knill and Lehmkuhl 1999; Radaelli 2000; Schmidt 2002).

Regarding impact at national level, new institutionalism literature uses the concept of (institutional) isomorphism (DiMaggio and Powell 1983) to explain the tendency of

political organisations to becoming alike (Radaelli 2000). In general, new institutionalism explains change with contextualised, endogenous policy dynamics. Rational choice institutionalism would look at bounded rational choice constrained by institutional rules and procedures, historical institutionalism uses path dependency and sociological institutionalism the mechanism of socialisation, persuasion and learning based on the logic of appropriateness (Trondal 2002b). Using an institutional logic one can argue that institutions change more slowly than policies because of their stickiness and path dependency (Bomberg and Peterson 2000). This argument is confirmed by the findings of the case studies, as outlined earlier. Olsen's explanation for diversified impact at nationa l level is even more correct for OMC -like tools, than for the other forms of governance because

> "European-level developments do not dictate specific forms of institutional adaptation but leave considerable discretion to domestic actors and institutions. There are significant impacts, yet the actual ability of European level to penetrate domestic institutions is not perfect, universal or constant. Adaptations reflects variations in European pressures as well as domestic motivations and abilities to adapt Eu ropean signals are interpreted and modified through domestic traditions, institutions, identities and resources in ways that limit the degree of convergence and homogenisation." Olsen (2002: 936)

So after looking at the findings and the theoretical explan ations, can one speak of convergence of national E&T policies? For Radaelli (2004) convergence is measured along a continuum, with the minimum being the existence of a shared 'European' vocabulary. The next step would be ideational convergence, where Europ eanisation has led to the convergence of paradigms, ideas and practices. Even stronger convergence can be seen in a similarity of decisions and their implementation. The highest level of convergence would be the convergences of outcomes. Along these lines OMC-like tools in E&T have reached the first two levels of convergence, while not achieving the other two. Dehousse (2002) therefore speaks of cognitive convergence, which results from cooperation between networks of experts. Trondal (2002b) distinguishes between *far reaching convergence*, which leads to the replacement of national policies by European ones (and actually is harmonisation), and *moderate convergence*, which implies a merger between national and

Community policies. Therefore convergence is under stood here as the advent of similar policy goals and policy rationales across levels of governance. Following this definition, OMC-like tools led to *moderate convergence*. Dehousse (2002) sees convergence as a side effect of the OMC, which is actually aimed at drawing up common objectives and identifying best practices.

In the end, the analysis of impact also depends on how impact is presented by the national level. Zeitlin (2005) argues that governments may deliberately over or underestimate the influence of the OMC processes on domestic policy in reporting to the EU, depending if they want to present themselves as 'good Europeans' or defend the subsidiarity position. This author initially would have supported Zeitlin's position, based on his own experience in OMC processes and the FoA but there was only limited empirical evidence from the interviews supporting this hypothesis.

Besides only looking at the impact side of the Europeanisation concept, one needs also to look at the feedback aspect. Schmidt (200 2: 894) reminds the reader that European policies have tended to follow national policies as much as lead them, and national policies shape European ones as often as EU policies have shaped national ones. Radaelli (2004) argues that one should see European isation as more than the narrow top -down notion of impact. Consequently, Barbier (2004)'s argument that the OMC should not be seen only in a context of one-way effects from the European to the national level, but cross -influence should be considered. This was also a result of the case studies and will be examined now in the European integration part.

Summing up, the Europeanisation literature has proven to be very helpful when looking at the impact of OMC -like tools at national level. While writing on Euro peanisation based on institutionalist theory seems to be particularly useful, the more rational choice informed literature seems very promising when examining policy and structural changes at national level, while the sociological variant helps to explain the changes of beliefs and identities of the actors involved. The former sees national impact stemming from mimesis and coercion

while the latter sees it based on socialisation. Both of them explain certain pieces of the puzzle and should be used together.

European integration

The case studies have shown how OMC -like instruments have contributed in enhancing European cooperation and policy -making in E&T, thereby deepening European integration. Chapter four in particular outlined how the use of the OMC has deepened integration in E&T. The part will now concentrate on how theoretical approaches to European integration explain this form of integration and how they anticipate its further development. Drawn from the general theoretical assumptions, the followin g can be seen as explanations for the impact of the OMC on European integration (see table 6.2):

- Ever more power to supranational level and spillover (neofunctionalism);
- Limitation of power at the supranational level (liberal -intergovernmentalism);
- Leading to a new understanding of how policies should operate; development of common conception of problems and solutions (social constructivism);
- Power (re) distribution between institutions; (rational choice Institutionalism);
- Path dependency (historical ins titutionalism);
- Normative integration through deliberative supranationalism (social constructivism).

Looking at the consequences for the European level of using the OMC in E&T, it is important to examine whether it leads to further integration of the giv en policy area or if it keeps this policy firmly under the control of the Member States. As Regent (2003) argues the OMC [in employment] was originally developed as an intergovernmental commitment by MS, but has subsequently developed into somet hing that she labelled 'supranational form of governance'. This observation goes against intergovernmentalist thinking that MS stay in full control of the integration process and confirms neofunctionalist and historical institutionalist thinking that supra national actors do not only carry out the roles foreseen by the MS for them, but use the rules to their advantage in order to further their own interests. However at the same time, the research results of this thesis fell short of what would be predicted by neofunctionalist theory, namely a strengthening of the EU level at the cost of

the MS power. Then again Ahonen (2001) argues that the use of the OMC led, without a doubt, to horizontal transfers or spillover of policy -making methods from some European policy-making fields to further fields. From a rational choice institutionalist perspective, one can explain increased policy activity at European level with the argument that Member States have an incentive to upload their policies to the European level in order to minimise the downloading costs (Börzel 2001).

While a traditional understanding of European integration would be: "the progressive realisation of an emerging system of authoritative rule at the supranational level." (Caporaso and Wittenbrinck 200 6: 472), this needs to be rethought in light of the development of the OMC. The work of Trondal (2002b) in the field of research and higher education identifies a creeping supranational research and education policy at EU level, while also finding that the EU does not fundamentally challenge the key elements of political, juridical, administrative, economic and cultural sovereignty of the nation state in this field. Consequently, this form of integration seems to be (slightly) different to the one experienced during the last decades, being either a partial or completely new form of integration, where integration proceeds along different pathways than before. Knill and Lehmkuhl (1999: 10) argue that European policies of 'framing reform processes', represents a logic of integration different to the one of positive or negative integration, but promotes European integration by accommodating national diversity. Rather than dictating reforms in a top-down approach, it is aimed at triggering European integration wit hin the existing context at the domestic level. This notion is also supported by Wendler (2004) who recalls that these new functions do not lead to positive integration, but to a strongly extended function for the EU in the setting of political goals and i n the definition of guidelines, while at the same time stressing the diversity and autonomy of the MS. Therefore Ashiagbor (2004) is correct when he sees the OMC to be an ideal way of facilitating further Europeanisation 'outside existing institutional for ms'.[230] The differences and similarities with traditional integration will now be illustrated:

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[230] Europeanisation understood as European integration.

Differences:

- No transfer of competences through treaty changes;

- A very different institutional architecture, with no (real) role for the European parliament and the ECJ and a new role for the Commission, where its influence is based on technical expertise;

- No legally binding European policies.

Similarities:

- Increased influence (in E&T) of the European level;

- Expansion of topics dealt with in E&T at European leve l;

- Increased policy output;

- Agenda-setting role for the European level.

It has been suggested that the European Commission's legitimacy base in the context of intergovernmental action is a technocratic one, as a policy broker in the 'stock exchange' of European policy ideas, being an 'image entrepreneur' (Ahonen 2001). This is also argued by Dehousse (2002) who proposes that if the Commission wants to maximise its influence in the OMC, it should try to establish its credibility in the eyes of the experts , rather than forcefully claiming a leading role in sensitive policy areas, which no Member State seems prepared to grant. So instead of formal leadership as under the CM, it has to strive for informal influence based on technical expertise and its knowled ge of the policy area. This was confirmed in the interviews, where it was outlined that the Commission has increased its influence because it has built up policy and technical expertise in this area, providing good ideas to the MS. Also in order to mobilis e the relevant actors, the Commission was dependent on building confidence and trust among the Commission, the Member States and the social partners, as legal forces do not apply (Jacobsson 2003).

For Wendler (2004) the new procedures in social policy, s uch as the OMC, have led to a strengthening primarily of the intergovernmental and executive institutions, within the balance of power of the institutional framework of the EU. Other writers argue this is a general trend, especially in policy areas that ar e new to the EU (Bomberg and Peterson

2000). Nevertheless, it is not as intergovernmental as one might expect, as it is mediated through EU practices, institutions and agents. The same can be said in principle for the field of E&T. The fact that the EP and the ECJ have no real role in the OMC in E&T and the Commission has a very different role to the CM, could lead to the assumption that the OMC leads to a rebalance of power between the different EU institutions, after many years of indented and unintended growth of the power of the community institutions. However, in the area of E&T the OMC cannot be seen as a step back for European integration and the role of the supranational institutions. Souto -Otero, Fleckstein et al. (2008) present the argument that depending on the policy area, the introduction of the OMC can be seen as a step forward or backward. One has to agree with them that in the area of education and training it is clearly a step forward. The extension of policy topics at EU level without the parallel extension of legal powers indicates a widening of integration rather than a deepening (if deepening involves competence transfer and legal competences). It was both if one considers policy-making as the main criterion, as more and more significant p olicy-making is taking place at EU level. Through the method of policy transfer, generally a voluntary form of policy-making based on soft law, (like the OMC) where MS mimic the experience of other MS, the EU has achieved Europeanisation of policy areas wh ich were previously out of reach of traditional forms of policy -making (Bomberg and Peterson 2000).

Bruno, Jacquot and Mandin (2006) argue that new fields of competencies were opened to the action of European institutions, but without any new transfer of state power and that the dynamic of European integration is no longer solely governed by the traditional Community Method. They believe that a process of Europeanisation by figures seems to replace Community integration through law, which has until now imp lied that sovereign power should be assigned to the supranational institutions. So this form of integration differs from the previous forms of integration on both the mechanisms and on the effects. The mechanism can be seen as 'a form of integration throug h coordination' (Ashiagbor 2004). The effects of OMC on integration are identified by Szyszczak (2006) as a subtle penetration into an area of competences outside of Community competences. It is not only agenda-setting, but also sets the parameters of how p olicies should operate. This is

confirmed by the interview results, where integration was seen not only as the transfer of competences but also as the creation of a 'community of thought'. Borrás and Jacobsson (2004) outline that the OMC might unleash new integration dynamics which is to say that the OMC might foster new political dynamics at national and subnational level, which might have an impact on the EU itself. The impact does not necessarily need to be further EU regulation but a process where integration is essentially the process of generating informal institutions (ideas, routines, unspoken norms of conduct) in a political space characterised by formal diversity. Therefore Jacobsson and Vifell (2003) argue that the OMC leads to normative integration through deliberative supranationalism. This is very much in line with social constructivist thought. Jacobsson (2003) outlines that the perceived need to view national policies as common concern and a certain level of policy convergence has led to specific procedures for establishing common policy goals and achieving Member States compliance. In the E&T area, having European benchmarks rather than national ones, also represents part of the 'we feeling' approach.

Whether the use of the OMC leads to a limited form of integration or a new type of integration depends on its development (see conclusion chapter). Here the question poses itself as to which extent is discussing a topic at European level being seen as a (first) step towards further (traditional) integration? Jacobsson (2004) sees an additional function of soft law, namely preparing the ground for hard law i.e. the Community Method. While agreeing that the OMC leads to further deepening of European integration, Pollack (2005) refutes the notion that the OMC is a first step towards a genuine Community dimension even in policy areas that are sensitive and difficult to integrate. In particular resistance from regional actors who would fear centralisation would prevent this move. This fear was already outlined when discussing the creation of OMC-like tools and the aim of the regional actors. Furthermore, the interviews showed the unanimous belief that there will be no further introduction (at least) in the medium- to long-term perspective of the (full fledged) CM or more binding tools of the ESP in the field of E&T.

Recalling the reasons for the introduction, where OMC-like tools were used to enable European cooperation while keeping the national level in charge, this aim has been

achieved. Various academics describe the OMC as more intergo vernmental and volutaristic than the CM (Schäfer 2004). At the same time it is more supranational than intergovernmentalism. Therefore Pollack (2005: 389) is right when describing the OMC as "a middle ground between communitarisation and purely national go vernance." Consequently, one needs to acknowledge the evolving of the idea of integration, where integration is not any longer seen (only) as the substantial transfer of competences from the national to the European level, but can be a third way between in tergovernmentalism and supranationalism where policy -making (in politically sensitive areas) is being carried out at European level but with the decision -making powers resting firmly in the hands of the MS. Jacobsson sees the use of the OMC as

> "a sign of the fact that the integration process has reached a phase where not only the core areas of the welfare state are directly affected, touching upon the very heart of national sovereignty, but also where increasingly dense cooperation does exert an increasin gly powerful social and moral pressure on (elite) actors, politicians and civil servants, to adapt to a common framework." Jacobsson (2003: 5)

Bomberg and Peterson (2000) argue that policy -making through policy transfer is supplanting more traditional met hods because of: *substantive reasons* i.e. national governments becoming dissatisfied with a particular policy and by using tested policies from other MS they reduce the uncertainty of policy change; *procedural reasons* i.e. dissatisfaction with traditional forms of policy-making; and *political reasons* i.e. it symbolises a consensus on the subsidiarity principle as a guiding principle for EU action. While it is true that most of new policy areas use softer approaches to policy -making, at the same time, the OMC related integration is not going to change integration in other policy area, as the OMC has been utilised not as a replacement for, but as a complement to the traditional Community Method in areas where national governments have been reluctant to adopt binding regulations (Pollack 2005).

Summing up, while certain assumptions of both neofunctionalism (strengthening of the European Commission) and intergovernmentalism (strengthening of the Member States) were confirmed, others did not apply (European ins titutions gaining legal competences and

MS staying in control respectively). Social constructivism gave some additional insights into the European integration dynamics. However, the EU is experiencing the evolution of the idea of integration, and the various integration theories are (so far) not able to fully explain this new type of integration that takes place because of OMC -like tools.

Summary of placing OMC -like tools within European integration theories

This section has outlined that while no one the ory was able to explain all of the aspects of OMC-like tools, various theories provided plausible explanations for the individual aspects of OMC-type governance (see table 6.4). This was to be expected, as the theories focus on different variables and atte mpt to answer different questions While LI, NF and new institutionalism explain best the creation of the OMC, governance theories provide better explanations when looking at the functioning. Sociological institutionalism and social constructivism do better for obvious reasons in explaining the socialisation aspect than more rationalist theories. When looking at the impact, the Europeanisation literature (in its various forms) offers significant insight. When coming to European integration, LI, NF and social constructivism can explain certain aspects of the developments but all of them struggle with this new type of integration. Consequently, in order to get a comprehensive picture of the development, functioning *and* results of OMC -type instruments, one needs to combine different European integration theories (as far as possible).

Table 6.4: Theories that explain the results of the aspects of the OMC in E&T

Issues Indicators	Results from case studies	Best theoretical approaches
Genesis		
Political context	-Lisbon strategy -Political mandate from European Council	LI and NF LI
Main actors	The main actors were clearly the Member States, no role for interest groups, but with the Commission being a policy entrepreneur	Different forms of new institutionalism
Aim	-The aim was both to enhance but also to limit integration -No granting of rights but causing actions in the MS -More efficient and legitimate policy -making	LI and NF Europeanisation based on framing integration Governance approaches
Sector interdependence	Link between employment and competitiveness and E&T crucial (but not automatic)	Neofunctionalism
Nature	-Incremental process, no one of decision	Neofunctionalism
Choice of tool	-No real alternative, legally more binding not possible, national level not willing -Tool adapted to the sensitivity of the policy area	Historical institutionalism LI
Participation	-Voluntary	LI
Functioning		
Main actors	Member states in charge but with a strong (informal) role for the Commission. EP and ECJ sidelined	Different forms of new institutionalism
Participation of other actors	Regional authorities and social partners are involved, but to different extents	MLG and PN
Levels	Tasks are divided between different levels. Monitoring EU level; implementation nat ional/regional	MLG and PN
Type of power	Not only decision making power is important but also agenda-setting and discourse	Social constructivism
Type of tool	Flexible, soft, legally non -binding, non threatening	Intergovernmentalism
Bottom up/Top down	Both: European objectives (based on national input) which then influence the national level policy and which are then reported back	MLG and Europeanisation seen as governance
Policy development	Through the use of peer -learning activities and working groups made up of interest groups, Commission, and MS representatives	Policy networks

Issues Indicators	Results from case studies	Best theoretical approaches
Socialisation		
Legitimacy	Elite driven process, no legislative oversight	Social constructivism an d NF
The role of trust	Trust is being built which contributes to the successful functioning of the process	Social constructivism and Sociological institutionalism
Learning	Learning takes place; about oneself, others and the EU system. Transferability i s difficult. Good practices not 100% transferable	Social constructivism and policy network
Language and concepts	Trying to define concepts at EU. New concepts are used but sometimes different in their use at National level	Social constructivism
Discourse	The OMC is used as a forum to launch national debates	Social constructivism
Peer pressure	Being used and being felt	Social constructivism and policy networks
National Impact		
Is there impact	Yes, but differentiated depending on country Role of the individual	Various approaches of the Europeanisation literature
Is the OMC the cause	Difficulties isolating causes	Various approaches of the Europeanisation literature
Manifestation of impact: **-on policy -making**	-Willingness to discuss policy at EU level; it supports reforms, creating reform pressure, enhancing the capacity of MS to learn from each other by providing structures and methods, improving the cooperation between E&T ministers significantly, discussing the topics at national level	Social constructivism and sociological institutionalism on Europeanisation
-on structures	-To a certain extent; trying to use best practices; Sometimes new bodies/groups are being created to coordinate the work coming from the EU level	Various approaches of the Europeanisation literature
-on content	-Topics and concepts are being transferred from t he EU to the national level	Various approaches of the Europeanisation literature
-increase of-cross- border cooperation	-Limited	Various approaches of the Europeanisation literature

Issues Indicators	Results from case studies	Best theoretical approaches
European integration		
Vertical integration[231]	No	LI
EU has more influence	Yes, Influence of the Commission in E&T has increased. It gave more credibility to the Commission and lead to agenda-setting for the Commission	NF and different forms of new institutionalism
More policy-making at EU level	Yes, increased policy output	NF
Horizontal integration[232]	Yes, More topics at EU level	NF
Uploading of national policies	Yes	Institutionalist approaches on Europeanisation
First step for more integration?	Probably not, but if so then path dependency, agency loss, policy entrepreneur are needed.	LI and Historical institutionalism

Source: Author

Conclusion: a matrix of theories explaining OMC-like tools

This chapter has shown how the findings in relation to the OMC in E&T and the FoA are very similar. The tools were chosen based on the same rationale, function in a comparable way and have led to consequences which were very much alike. Based on this comparison, OMC-like tools were examined, regarding whether or not they fulfil some of their major claims, namely being a more efficient and legitimate form of governance. While some aspects apply, others do not, in particular the claim of being more legitimate. The analysis has also shown that European cooperation in E&T has been significantly deepened through the use of the OMC and the FoA. While the EU may have found a third way of proceeding with integration without going the intergovernmental or the supranational way, this form of

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[231] I.e. EU got more competences.
[232] I.e. more topics to be discussed.

integration is different to previous forms of integration, and consequently its implications for theorising about the European integration process need to be considered.

Much of the work on the OMC has only focused on its individual aspects (benchmarking, legitimacy, soft-law, etc) rather than trying to explain the phenomenon as a whole. The application of European integration theories to OMC-like tools is particular well suited to remedy this shortcoming, as theory is used for providing a framework for ordering events, processes and set ups, making sense out of them and predicting their consequences for future developments (see chapter two). However, most academics nowadays would agree that there are cases where one single theory cannot explain all aspects of the phenomenon, and therefore different theories might offer the best fit for the individual aspects (Rosamond 2007). OMC-like tools seem to be such a case. The analysis of this thesis, and in particular this chapter, where different European integration theories were used in order to see how these could explain the creation, use, and consequences of OMC-like forms of governance, showed that not all of these aspects could be fully understood by one single theory. The result showed that while some aspects were more easily explained by rationalist theories, others required constructivist approaches in order to understand them. Furthermore, for some aspects different rationalist as well as constructivist theories appeared plausible. Therefore, rather than arguing for one all-encompassing EIT that explains all aspects of OMC-style governance, à la grand theory style, a combination of different theoretical approaches is being proposed. This combination needs to include theories that vary across the 'level' of analysis (examine different aspects of the OMC-like tool), thereby using theoretical approaches asking similar questions for the different aspects, as well as theories which are on the same 'level' (i.e. examine the same aspect of the OMC-like tool), but ask different questions e.g. regarding the impact at national level: they would ask 'how have power relations changed'? As well as 'how were identities affected by this'? This author agrees with Checkel (1999), who argues for a constructivist supplement to rationalist accounts in order to be able to ask different questions and use different techniques.

As outlined earlier, some writers argue that the field of EIT is generally divided between rational and constructivist theories, replacing the earlier dichotomies of supranationalism vs. intergovernmentalism or IR theory against CP. While one has to agree that the discussion over rationalism and constructivism are the main point of disagreement in EU studies at the moment, one can not draw a clear cut line separating these two blocks of theories. First of all, as has been outlined earlier, constructivism is no homogenous approach (neither is rationalism) and the theories based on this theoretica l premise have nearly as many differences between each other, as to rationalism. A second argument against this block treatment is that within the individual theories and research agendas in EIT one can identify academics and their approaches more inclined to rationalism or constructivism. This can be seen in the Europeanisation literature, in new institutionalism and to some extent in PN.

Jupille, Caporaso and Checkel (2003) have put forward a framework for promoting integration of -or at least a fruitful dialogue between- rationalist and constructivist approaches to international relations. Rationalism and constructivism, the authors argue, are not hopelessly incommensurate, but can engage each other through "four distinct modes of theoretical conversati on," namely:

> "1. Competitive testing, in which competing theories are pitted against each other in explaining a single event or class of events;
> 2. A 'domain of application' approach, in which each theory is considered to explain some subset of empirical reality, so that, for example, utility maximising and strategic bargaining obtains in certain circumstances, whereas socialisation and collective preference formation obtains in others;
> 3. A sequencing approach, in which one theory might explain a particul ar step in a sequence of actions (e.g., a constructivist explanation of national preferences) while another theory might best explain subsequent developments (e.g., a rationalist explanation of subsequent bargaining among the actors); and
> 4. 'Incorporation' or 'subsumption,' in which one theory claims to subsume the other so that, for example, rational choice becomes a subset of human behaviour ultimately explicable in terms of the social construction of modern rationality." Jupille, Caporaso and Checkel (2 003: 19)

The argument here is that there is first of all no all-encompassing theory in order to explain all of the aspects of OMC-like tools. Secondly, even within the individual aspects, the findings led to the situation where different approaches appeared plausible in explaining them. Thirdly, the complementary use of rationalist and constructivist research questions appears necessary in order to capture all the consequences of using OMC-like tools. Consequently, in order to provide guidance for the use of EIT with OMC-like tools, the subsequent matrix is proposed (see table 6.5). It divides the aspects of OMC-like governance into three different levels of analysis, each with a different research question. On these levels, different but equally suited theoretical approaches are suggested to the researcher in order to answer the specific research question (aspect of the OMC-like tool). These are then divided between more rationalist and more constructivist alternatives, depending on the responding theoretical starting point of the researcher. Based on Jupille's et al. (2003) modes of theoretical conversation the proposed matrix therefore considers the need for a *domain of application* approach as well as a *sequencing* approach. While certain domains, or in this case aspects of OMC-like tools (genesis and socialisation) clearly favour the explanations from rationalist or constructivist theories respectively, other aspects of OMC-like tools (functioning as well as national and European impact) can be explained equally well by (a combination of) rationalist and constructivist arguments. The rationalist constructivist dimension of this matrix is to show that different explanations are possible for the same level of inquiry and by taking both/all of the alternatives at this level into consideration, the result will be more comprehensive. Consequently, the use of constructivism and rationalism together allows the researcher to widen the research agenda.

Taking the theoretical analysis of this chapter into consideration, the conclusion chapter will now wrap up this thesis by reflecting on the different findings regarding the OMC-like tools in the education and training policy area.

Table 6.5: Matrix for the complementary use of European integration theories when examining OMC-like tools

Level (scope) and Research questions	Aspect of OMC-like tools	Most appropriate theoretical approaches	
		Rationalist explanations	**Constructivist explanations**
		More *Less*	*More*
1 Integration *Why does integration happen in this form?*	Genesis	LI NF	
2 Policy-Making *How is policy-making carried out?*	Functioning	MLG PN RC HI	PN SI
3 Impact (consequences of 1+2) *What are the consequences of this form of integration and policy-making?* **on the individual**	Socialisation		SI SC
on the national level	National Impact	Europeanisation	
on the European level	European integration	LI NF	SC

Source: Author

Explanatory note: Historical institutionalism (HI), Liberal Institutionalism (LI), Neofunctionalism (NF), Multi-level Governance (MLG), Policy Networks (PN), Rational Choice Institutionalism (RC), Social Constructivism (SC), Sociological Institutionalism (SI)

CONCLUSION

Introduction

This chapter will conclude the theoretical analysis of OMC-like tools in the E&T policy field. First it will briefly summarise the main findings of this thesis. Based on this, it will re-examine the research questions and see to what extent the findings have contributed to answering them. Subsequently, it will be evaluated if this thesis contributed to the better understanding of OMC-like forms of governance, by outlining its major achievements as well as its shortcomings. Finally, possible further work based on or related to this thesis will be suggested.

1. Summary of the main findings

The aim of this thesis was to examine the use of OMC-like tools in E&T as a test case for exploring the explanatory and analytical capacities of European integration theories. Therefore **Chapter one** began by introducing the reader to the open method of coordination, presenting its main characteristics and outlining its historical development. It became clear that the Lisbon summit, which officially coined the term OMC, had to be seen in a wider historical framework in order to comprehend the whole picture. The examination found that the characteristics of the OMC represent a third way between intergovernmentalism and supranationalism. However, the OMC is applied differently in the various policy areas depending on the time of creation and the involved actors. Therefore one has to speak not of one OMC process but rather of various processes. A first analysis of the relationship between the open method and the Community Method indicated that while there are significant differences between old and new forms of governance, such as the role of the European institutions, one cannot always draw a clear-cut line between them. The examination showed also that the OMC and the CM can be quite complementary rather than being a zero sum game and that the OMC is currently far from replacing the CM. This coexistence and cooperation between the OMC and the CM was then examined again when looking at the case study of the OMC in E&T. The analysis also looked at the reasons for the creation of the OMC,

finding that there were multiple causes such as the institutional redistribution of power, the balance between the social and economic dimension and the general move towards new forms of governance. However, one of the most influential causes for the creation of the OMC was finding a solution to competing visions on the speed and type of integration. This aspect would be revisited when looking at the case studies and later when applying theories of European integration to them.

This chapter also gave an overview on the major themes in the existing OMC related literature: OMC as a new mode of governance, legitimacy and democracy, impact on national policy-making and integration. Each of them focuses on different indicators when studying the OMC. Examining the literature identified also the strong correlation between the theoretical starting point of the analyst, the issues analysed, the questions asked and the expected results. Therefore the aspect of the OMC under investigation is dependent on what the academic believed to be the main cause for its creation, which then impacted on emphasising different promising characteristics of the OMC and which finally affected its evaluation. As a consequence one can broadly group some of the questions asked in relation to the OMC together, according to theoretical beliefs, such as rationalism or constructivism. The overview also presented the strengths and weaknesses of the different literatures on the individual themes (see table 1.1). It showed that a major shortcoming, shared by nearly the complete existing literature, was the lack of using existing theories on European integration in order to analyse the functioning of OMC-like tools and the form of integration caused by using them.

Chapter two looked at the purpose of theory in social science in general and integration theory in particular. It was outlined that there are clearly different purposes of theory in social science but some of the most important are: to inform the scientist about his or her own pre-assumptions about the world, making him or her see the starting points of the other theorists, as well as identifying developments in the research area. It was shown that theories differ on their ontology and epistemology and that one cannot compare and evaluate them on the same grounds. This chapter also analysed Kuhn's notion of paradigms and paradigm changes, which helped to understand changes in social sciences in general and in integration theory in particular. This chapter also gave an overview of how the study of European integration theory has differed and evolved over time, presented different classification of integration theories based on their focus

and scope, and identified three different phases of European integration theory to date, each with different dependent and independent variables. The examination also identified examples of assumed paradigm changes that occurred within integration theory, such as the move from integration to governance. Moreover, it has been argued that the relationship between the study of European integration and other fields of social sciences is a two-way street, where developments within one area can influence theoretical evolution in other fields and vice versa. Furthermore, the crucial relationship between the developments in the academic and in the 'real' world in advancing European integration theory has been outlined. Seeing the object of analysis, in this case the EU, as a chameleon, as proposed by Chryssochoou (2001: 15), helps in explaining the development of the understanding of sound theory in social science. As the object of analysis constantly changes, theories and their understanding have to be constantly updated, as they discover new elements, which were previously not considered. This overview was complemented, by outlining some of the main theories and theoretical approaches on European studies, namely neofunctionalism, intergovernmentalism, multi-level governance, policy networks, new institutionalism, social constructivism and the literature on Europeanisation. The theoretical approaches presented varied in their scope, assumptions and in their dependent variable. They lead to different results, as they were conceptualised at different time periods with different political realities, asking different questions, looking at different parts and using different tools. Nevertheless, each of them further enriched the study of the EU. After considering their strengths and weaknesses, the opinion was reached that no single theory can capture all aspects of European integration. Therefore instead of creating dichotomies, it should be accepted that different theories could exist next to each other and deepen the understanding of European integration. Sometimes, if their ontologies and epistemologies allow, they could even be used together in one framework.

Chapter three then presented the methodological structure of this thesis. The chapter started by outlining the research problem, the main research question and hypothesis, as well as the independent variables and some supporting questions. The chapter also showed the potential benefits of this study (which will be discussed in more detail later). Furthermore, the theoretical approach of this study was presented. This includes the notion that absolute objectivity is not possible and generalising across time and space is only limited possible, as values and behaviours, norms and ideologies change over time

and differ across space. Based on this epistemological position, the choice for using qualitative research was presented and justified. It was shown that the research strategy is based on two case studies: the OMC process in the field of education and training, and the framework of actions in the European Social Dialogue. Then the methods for data collection were outlined, which constitute mainly a combination of an in-depth review of the existing literature on the OMC as well as on European integration theory, an extensive analysis of primary sources, interviews and participatory observation. Thereafter the interview design for this study was outlined, including the choice of interviewees and the indicators used for constructing the interview questions. As the aim of this thesis was to see how European integration theories can be applied to OMC-like tools, the indicators focused on whether or not the use of OMC-like tools has increased integration, how it has done so and in which way different European integration theories explain this. Finally, the methodological challenges that this research was facing were outlined, which are mainly research ethics, independence of the researcher, as well as data reliability and potential biases, and different ways of dealing with them were proposed.

After setting out the theoretical background to this study and its methodological approach, it was then time to look at the practical application of OMC-like instruments by examining two case studies. The first case study was presented in **chapter four,** which showed the development of the OMC in the field of education and training as well as outlining the key elements of this process and its main actors. The nature of the OMC in E&T was identified as a flexible instrument based on an elite driven process. This flexibility was required because of the huge diversity of national systems, subsidiarity and sensitivity of the topic. The analysis showed that the creation of the open method in E&T was an incremental process, and while driven by the Commission, greatly dependent on the willingness of the Member States. They supported the use of the OMC in E&T for different reasons, some wanting to limit the EU's influence in this policy field, others wanting to extent it. While the Lisbon summit was also a continuation of earlier developments in the field of E&T policy, it was important to make the link between E&T and competitiveness, and giving a political mandate for further cooperation in E&T, thereby leading to a non-automatic spillover between these policy fields. The feedback from the interviews showed that there was clearly an impact at national and at European level from using the OMC as the basis for the cooperation

in E&T at EU level, arguing that the OMC presents an added value for the European level and the Member States alike, despite the fact that the impact varied between the Member States and across different aspects. Socialisation and the individual actor were identified as being very important in the learning process. It was also pointed out that other national and international developments contributed to the changes at national level and it is therefore not entirely possible to isolate the impact of the OMC. The discussion showed also that the use of the OMC clearly expanded the EU's activities in this policy field, as Member States are now willing to discuss topics in E&T at EU level which lie within their competences. While this clearly enhanced European integration, it did so not through the traditional way, using the Community Method, but in a new and alternative way with new and different roles for the European institutions.

In order to complete the picture regarding the use of OMC-like instruments, their application in the European Social Dialogue was also to be examined. **Chapter five** started by outlining the development of the European Social Dialogue, based on the findings from the interviews carried out with social partners at European and national level. Three phases were identified in this process, showing that social dialogue at European level is something rather innovative and dynamic. Following from there, the use of an OMC-like instrument in the European Social Dialogue, namely the framework of actions, was examined. The analysis looked in particular at why this tool was chosen, how it functioned and what results could be observed. The FoA was identified as a soft and flexible tool, relatively new to the European Social Dialogue, and based on a compromise between the expectations of the different social partners. It has impacted on the social partners' policy-making in E&T at European and national level, affecting the content of the E&T discussions, the structures of the social dialogue and the national E&T systems at large. The impact varied across the Member States and depended on their level of development E&T policy, the previous involvement in specific E&T issues, and the political support for change. The Lisbon strategy, together with the choice of policy instrument, made this impact possible in the first place. The Lisbon summit linked the economic and educational dimensions, thereby bringing the topic of E&T closer into the area of responsibility of the ESP. The nature of the tool, being flexible, respecting diversity and the subsidiarity principle, made the national level more willing to cooperate at European level on this issue. While certain improvements of the FoA were recommended, such as better dissemination and more responsibility at

national level, overall the actors involved saw the FoA as successful. The findings in regard to the creation, functioning and impact of the FoA are particularly intriguing when relating them to those of the interviews on the OMC in E&T.

Chapter six assessed firstly the similarities and differences between the results of the two case studies, looking at: the rationale for applying the OMC and the FoA to the education and training policy field, the way the OMC and FoA processes function, the ideational factors at work, the effect of using these instruments on the national level and the effect of using these instruments for European level integration. The comparison showed that the findings in relation to the OMC in E&T and the FoA are very similar. The tools were chosen based on the same rationale, function in a comparable way and have led to consequences which were very much alike. Secondly, based on this analysis, OMC-like tools were then examined regarding whether or not they fulfil some of the major claims of the OMC, namely being a more efficient and legitimate form of governance. While some of the promises, such as in regard to policy learning, seem to be justified, others do not, in particular the claim of being more legitimate. Thirdly, different European integration theories were used in order to see how they could explain the creation, use, and consequences of OMC-like forms of governance (see table 6.2 and 6.3). The result was that while no approach was able to explain all of the aspects of OMC-like tools, integration theories such as LI, NF and NI explain best the creation of the OMC, while governance theories provide better explanations when looking at its functioning. Sociological institutionalism and social constructivism do for obvious reasons better in explaining the socialisation aspect of the OMC than more rationalist theories. When looking at the impact of the OMC, the Europeanisation literature offers significant insight. When examining the OMC in relation to European integration LI, NF and social constructivism provide plausible explanations for some aspects, while struggling to explain this new form of integration. In order to grasp the full picture, it is necessary to combine the use of various European integration theories. In particular there is a need to supplement rational choice approaches with more constructivist thinking as the former do not look at all the pieces of the puzzle. This was outlined as part of a matrix for using different European integration theories in a complementary fashion, which proposed different theoretical approaches for different aspects of OMC-like tools, some based more on rationalist and others more on constructivist thinking (see table 6.4). The analysis has shown that European cooperation in E&T has been

significantly deepened through the use of the OMC and the FoA. However, this form of integration is different to previous forms of integration, and consequently the implications for theorising the European integration process need to be considered (see further research).

2. Revisiting the research question

The principal focus of this thesis was to examine how European integration theories explain the creation and use of the OMC, understand the spread of the OMC to more and more policy domains and its application by other actors (i.e. the European social partners in the European Social Dialogue). When reflecting on the main question of this research project, 'how do different theories of European integration explain the development and use of OMC type approaches in European policy-making and their role in the European integration process', one can identify three distinctive but intertwined issues: European integration, European policy-making and European integration theory. The results of this thesis must be seen in the light of each.

European integration in E&T policy

One of the supporting research questions for this thesis asked whether the use of OMC would lead to Europeanisation of the given policy area or keep it firmly under the control of the Member States. Here again it depends on how one defines Europeanisation. If we understand Europeanisation, as outlined before, as the evolving European system of governance having an effect on the political institutions, policies and political processes of the Member States, and also affecting identities and the cognitive component of politics, one can see that (a certain degree of) Europeanisation has happened in the E&T policy area. Chapters four and five have presented the argument that the OMC in E&T, as well as the FoA, have led to changes in European as well as national policy-making in E&T. Chapter four outlined in detail the OMC's contribution to the integration of the E&T policy area, as it created reform pressure, enhanced the capacity of Member States to learn from each other by providing structures and methods, made European policy-making more realistic, improved the cooperation between E&T ministers significantly, developed the relationship between

the Commissioner for E&T and the national ministers for E&T, led to discussions on these topics at national level, and all without transferring competences to the European level, thereby keeping MS (largely) in control. They, together with the Commission, made the OMC in E&T possible and are mainly in charge of its functioning. Similar results were found in the second case study. Chapter five showed that the use of OMC-like instruments has deepened the cooperation of the social partners in E&T at European level and impacted on different aspects of national E&T policy-making, while at the same time not infringing on the sovereignty of the national level. One intriguing aspect is that all of the players (a different finding from some of the literature on other OMC processes) seem to be happy with the use of the OMC, including those who want to accelerate the speed of integration and those who want to slow it down.[233] So this thesis confirms the argument that the OMC is able to serve diverse interests with respect to speed and nature of European integration.

When looking at the achievements of the OMC in E&T so far, there are different measuring bars (depending on the theoretical starting point). As outlined in chapter one, some academics pay particular attention to the use of benchmarks as part of the open method, and therefore reaching these benchmarks or not, would seem to be crucial for the evaluation of this tool. However, not reaching the benchmarks by 2010, as it is the case for the OMC in E&T, is not seen as a failure of the OMC in the eyes of policy-makers. The figures used as benchmarks were very ambitious and progress was reported in respect to achieving them. Additionally, the benchmarking figures themselves are less important than the agreement on establishing joint objectives at European level in such sensitive policy areas.

In this analysis the judgment of the OMC as a tool in E&T does not depend mainly on whether it contributed to the effectiveness and legitimacy of policy-making[234] but first of all whether it deepened cooperation in E&T at EU level, without transferring competences to the EU level and without making MS feel a loss of sovereignty. Cini (2001) argued that MS have in the past sometimes been hesitant to transfer further competences to the European level, even if it was in their interest, because of perceptions of sovereignty and autonomy loss. Here, the link to the Lisbon strategy,

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[233] The exception is the European Parliament, as discussed below.

which made the link between economic, employment and E&T issues more explicit, was very important for gaining support of the national level in order to deepen European cooperation in the E&T field, both in the case of the OMC and the FoA. So what about the future E&T policy? Due to the strong link between the OMC and the Lisbon strategy, the question arises as to what happens with the OMC processes when the strategy runs out in 2010. The best indicator for the success of this form of policy-making is that European and national policy-makers agree that they want to continue with the OMC in E&T even after 2010, as they find it useful. A reflection process on how to continue with the OMC in E&T has delivered its (first) results, where you can see a strong support for the OMC from all sides. While certain changes are proposed, in order to address some of the criticisms and shortcomings, there is no doubt about the continuation. The strategic objectives will be updated, working methods are supposed to be improved (including strengthening of the peer learning activities), the reporting exercise will be improved (making it more visible), and the benchmarks will be updated for the period to 2020 (European Commission 2008d). These proposals reflect the results of the interviews carried out as part of this thesis.

Although this thesis concentrated on the OMC in E&T, some of its findings can be used in order to make assumptions about OMC-like tools as instruments for integration more generally.[235] Based on the findings of this thesis, and the analysis of the literature on the various OMC processes, the question whether the OMC can fulfil the balancing act between continuing integration into more and more national policy areas without causing backlashes from the Member States, can be answered positively so far. When evaluating its success in overcoming the antagonism between further integration and leaving MS in control, one can see that all OMC processes have led to a significant deepening of policy cooperation at EU level in very sensitive policy fields, such as employment, social inclusion, E&T and pensions, all very close to the national identity of the Member States. This was of course a result of the approach chosen. Cini (2001) argued that there was a shift of approach in European policy-making over recent years from harmonisation towards mutual recognition. Now with the use of the OMC one can observe a new development and fine-tuning of this approach to the notion of

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[234] See discussion below.
[235] Assumptions for the OMC as a tool of governance will be discussed below.

'convergence' of policies.[236] As pointed out in chapters four and six the use of the OMC in E&T has led to a new form of integration which does not necessarily lead to the transfer of power from the national to the European level, but also does not function in a purely intergovernmental fashion, the main alternative so far when trying to have MS cooperate in European policies. Whether the OMC, as facilitator of this kind of integration, is only an intermediary tool until MS modify their attitude or if the OMC is a true replacement is hard to foretell. Independently of future developments, so far it achieved results which were not even imaginable 20 years ago.

In sum OMC-like tools led to further integration in three ways: across policy areas (i.e. from employment to E&T), across actors (from EU institutions to other non-governmental actors; and within policy areas (i.e. increasing the EU involvement in the policy-making process). These findings confirm the first hypothesis of this PhD thesis, namely that the OMC is a useful tool to enhance the European integration process (in the area of education and training policy), especially when discussing sensitive issues.

OMC-like tools as forms European policy-making

An important aspect of this thesis, which also led to the analysis of a second case study, was the hypothesis that other actors of the European policy-making process also used OMC-like governance tools for their own policy-making processes. Chapter five outlined the reasons, the functioning and the impact of using OMC-like tools in the European Social Dialogue and chapter six made a comparison between the OMC in E&T and the FoA. This showed that while being an OMC-like tool, the FoA also varied in its functioning from the OMC template. This variation was not bigger or smaller than between the various OMC processes in different EU policy areas. The FoA was adapted to the specific needs and interests of its users and the conditions in this policy area at European and national level. Exactly this flexibility to adapt is one of the reasons why OMC-like tools are becoming so popular.

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[236] Convergence is understood as the situation where national policies become more similar, as they are based on the same European objectives and concepts, but the national level still has the choice of how to achieve the objectives and integrate the European concepts into their existing structures, e.g. EQF.

The use of OMC-like tools by other actors of the European Union should not be surprising. These forms of governance are used not only in more and more policy areas of the EU, but also by an increasing amount of countries and international organisations. As outlined in the case study, the FoA was not a 'copy paste' exercise of the OMC in E&T by the social partners but rather a parallel development, which also influenced the construction of the OMC in E&T. However, the use of OMC-like governance by the EU institutions created a spillover when non-state actors were reflecting on how to design their new forms of governance. The will of non-state actors to apply OMC-like instruments indicates that the use of OMC-like forms of governance is a widespread phenomenon not limited to certain types of political entities or specific actors. Consequently, the spread of OMC-like tools not only to more and more policy areas of the EU, but also to other players, indicated that OMC-like tools are valuable forms of governance in their own right.

When we divide the EU governance forms between 'supranational' and 'intergovernmental', the former meaning that the EU institutions have a powerful position and the latter meaning that national governments remain in control (Cini 2001), one can truly claim that the OMC is a third way representing a middle ground between the two. Therefore one can argue that the use of OMC-type of governance has (substantial) consequences for the institutional balance of the EU. While intergovernmental institutions are in an even more privileged position than in other forms of governance, equally, the European Commission, a supranational institution, has a significant role within the OMC process. This role is at first sight (and maybe even at second) weaker than its traditional one, but the Commission managed to find and secure itself a crucial function. Cini (2001) argued that part of the explanation of why the Delors Commission was so successful, was because it provided ideas to a fragmented European Community. This role as 'idea-broker' was also stressed by many of the interviewees. Consequently the authority of the Commission in the OMC process is not based on legal competences but on expertise. On a balance sheet, which compares the role of the Commission in an OMC dominated policy and in a CM dominated policy, the result would be in favour of the CM. However, this comparison would not be adequate, as one needs to compare the role of the Commission in a specific policy area before and after the use of the OMC. Here one can see a clear strengthening of the Commissions position. At the same time it is true that this does not apply for the EP and

the ECJ. The EP in particular deplored its current role within the OMC in E&T (European Parliament Culture and Education Committee 2007). The EP also voiced concern about its role within some of the other OMC processes, and called on the Council and the Commission to open up opportunities for a real involvement of the European Parliament in the post-2010 Lisbon Strategy (European-Parliament 2006; 2007; 2008). A particularly strong attack on the use of soft law instruments was raised by the EP in an own initiative resolution, disputing the usefulness and desirability of 'soft law instruments' in general and considering "the open method of coordination to be legally dubious", and calling for a reflection on "how Parliament might become involved in the procedure" (European Parliament 2007: 6). So far the EP has not reacted to the Commission's communication 'an updated strategic framework for European cooperation in education and training' (European Commission 2008b), due to the termination of the last legislative period by the recent EP elections in June 2009. This discussion should be worth following up.

So while this form of governance is more supranational than before, it represents a (certain) move away from extending supranational policy-making. If the other supranational institutions are not better integrated into this form of policy-making, then the cooperation between this form of governance and other forms would be even more important, as the latter would keep the EP involved and could provide an additional legitimacy that is (currently) missing in the use of the OMC.

Another question asked at the beginning of this thesis was whether the OMC represents a valuable alternative or complementary mode of policy-making for further European integration. Chapter one outlined in detail the differences and similarities between the OMC and the CM, while chapter four identified the existence of a limited form of the CM in the field of E&T and analysed the practical coexistence and cooperation between the OMC and the CM. Based on the results from the interviews and also taking the literature on other OMC processes in other policy areas into account, one cannot see OMC-like tools as a replacement for governance forms based more on binding processes, but see it as a complementary mode of governance, enabling the cooperation in a specific policy field. In a follow-up, some elements could then be discussed in more traditional forms of governance. However, the OMC and the FoA cannot automatically

be seen as a first step for other forms of governance, as many of the issues they deal with are not (yet) possible to discuss in more traditional forms of EU governance.

Although the focus of this thesis was not to evaluate the OMC on its effectiveness and its legitimacy, it was worth looking at this aspect as well. The OMC is heralded in the literature often as a new and better form of governance. Chapter one and six outlined the theoretical and practical realities of this. While there is evidence that the OMC and the FoA led to substantial changes at national level and improved the added value of European policies for the national level, many of the claims that the OMC would improve legitimacy could not be confirmed. Therefore the notion of de Búrca (2003: 2) that "a new model of European constitutionalism may be emerging which is less top-down in nature than before and which is premised on a more participatory and contestatory conception of democracy," may be a bit premature, at least for the education and training policy area, but looking at similar feedback from other policy areas show that this E&T experience represents the norm. In the end one has to take a pragmatic approach. The OMC seems to be (at the moment) the best form of governance for European E&T policy because currently (and for the foreseeable future) this is the only acceptable form of governance which would lead to any noteworthy impact at European and national level. Whether or not OMC-style governance is a better form of governance for all policy areas is rather doubtful. There are certain policy areas where the use of the OMC is supposed to be more appropriate than in others. But what makes them more appropriate? Policy areas which have similar preconditions seem to favour an OMC-like governance style. They are generally policy areas which are still mainly in the hands of national governments (or even regional authorities), reflecting a lack of legal basis for EU involvement, the issues dealt with are considered to be sensitive, great national diversities prevail and generally a coordination leading to a convergence of policies is sufficient. Even for those policy areas where the OMC seems appropriate, the OMC template cannot be used in the same way but has to be adapted to the specific conditions of the particular policy area. As outlined above, OMC-like instruments are appropriate tools for deepening integration (where further integration is deemed necessary) without transferring competences to the EU level. Nevertheless, the appropriateness of OMC-like governance for a policy area might change one day, namely when the national level modifies its willingness to integrate the particular policy area in a more traditional way. Whether or not this type of policy-making can in the

long run result in more efficient and legitimate policy-making cannot be predicted at this stage. One has to agree that while certain shortcomings exist in all of the OMC processes, the OMC has the potential of being a better form of governance in respect of more legitimacy and more efficiency. However, the current applications of the OMC template do not reach this potential (yet) and some of its elements, such as increased actor involvement, need to be implemented more rigorously in order to reach this potential.

European integration theory

Another of the main research questions asked how OMC-like tools can be explained by theories of European integration. Right from the outset of this thesis it became obvious that no single European integration theory would suffice in explaining all of the independent variables (genesis, functioning, socialisation, impact and integration). The choice of such a variety of independent variables was made purposely, as each looks at a different stage in the process of OMC-like tools, asking different questions, some related more to rational choice, others more to constructivist research agendas and some to both. The second main hypothesis of this thesis proposed that as the OMC is mainly based on soft/informal procedures, more constructivist approaches are more likely to explain this phenomenon than rational choice approaches.

The results of applying European integration theories to the findings of the case studies showed the OMC is a phenomenon which does not fit easily into any existing EIT. While there is at best a limited legal base for EU involvement, leaving the decisions in the hands of the MS, the OMC gives at the same time the European level, in particular the Commission, a role as image and policy entrepreneur which is far more significant that in any intergovernmental form of governance. In order to understand the OMC, one needs to look at its creation, which saw some form of spillover from one policy area to another, even if this was not automatic, and the simultaneous attempts to deepen and restrict traditional EU integration. One could identify the use of networks in its functioning and the contribution from actors at different levels. The use of soft law instruments such as the OMC in E&T and the FoA have lead to changes at European

and national level, even without the 'shadow of hierarchy'. This can be explained through policy learning and socialisation.

The OMC is a phenomenon which, if it is to be understood in its entirety, requires the insights of different theoretical approaches, focusing on various aspects, such as integration, policy-making, impact (at European and national level). Therefore a combination of theoretical approaches needs to be applied when attempting to analyse such a wide range of issues. Table 6.4 summarised which theoretical approach can help best for the different issues. This study showed that OMC-like tools do not only require different theoretical approaches but also certain collaboration between rationalist and constructivist thinking. In his study on eastern enlargement Schimmelfennig (2001) argues that rationalism can explain the input into the decision for enlargement but not the output. The output can be explained by sociological institutionalism. When applied to the case studies of this thesis, one can see a similar situation where the reasons for the creation can be explained by theories grounded in rationalism, but when looking at the impact of the OMC, theoretical approaches that include some constructivist thinking need to be applied in order to complement the analysis of the whole picture. This is actually what is behind the 'constructivist turn' in European studies. This thesis outlined repeatedly that some authors deal with the rationalist-constructivist issue as an either/or approach. This was never the intention of mainstream social constructivists, as they believed that one could not rely exclusively on rational choice political science but also needed to include insights from sociological thinking (Wendt 1992). Trubek, Cottrell and Nance (2005: 17) argue that "there has as yet been effort to develop a synthetic approach that would allow scholars to deploy rationalist and constructivist insights simultaneously to deal with situations that call both for change and stability, flexibility and uniformity, change and constraint, and thus hard and soft law." As shown in chapter six, Jupille, Caporaso and Checkel (2003: 19), have put forward such a framework for promoting "four distinct modes of theoretical conversation": competitive testing, 'domain of application' approach, a 'sequencing' approach, and 'incorporation' or 'subsumption'. Some theorists, such as Zürn and Checkel (2005) explore the path of competitive testing in order to overcome the rationalist-constructivist divide, testing the explanatory power of one school (rationalism) on a research question (socialisation) of the other school (constructivism) and come to the conclusion that rationalist approaches can be applied to some of the new questions of social constructivism and produce valid

arguments. This thesis takes another approach by promoting a combination of 'domain of application' and a 'sequencing' approach in order to capture the full extent of OMC-like tools.

Chapter six showed that rational choice theories have some explanations for the use of OMC-like instruments. This makes the hypothesis only valid for some of the aspects of the OMC, as only some of the findings are explained better by constructivist theories, while others fit better with rational choice explanations. In other instances both approaches provide plausible arguments while focusing on different elements and therefore coming up with different explanations. Sometimes the combination of both a rational as well as a constructivist element only truly shows the whole picture. This was not expected when designing this research hypothesis. However, the expected need for a supplemental use of constructivist approaches has proven correct. Consequently, one can see that both ways of thinking reflect part of reality, and should be used together in order to capture all aspects. Therefore instead of creating dichotomies it should be accepted that different theories can exist beside each other and that bridge building needs to be pursued further in order to enrich the understanding of European integration (see further research). Sometimes, if their ontologies and epistemologies allow, they could even be used together in one framework. While promoting the idea of a framework approach for European integration theories, this framework should be seen rather as a flexible collaboration of theoretical approaches with varying scopes and functions than an attempt to built one grand overarching theory for European integration. OMC-like tools illustrate the need to return to the ambition of grand theories i.e. explaining the whole picture, without relying only on one theory but rather using various approaches in a complementary fashion. This thesis therefore proposed a matrix where various theoretical approaches are used together in order to complete the understanding of OMC-like governance (see table 6.5). In addition to using EIT in a complementary fashion, the field of European integration theory needs to open itself and incorporate the new forms of integration (created by OMC-like tools) into the different theoretical approaches.

As outlined earlier the appearance, use and consequences of OMC-like tools, did not and probably will not lead to the disappearance of other forms of governance used in the EU. One consequence would be that as the EU and its policy modes are so varied and

ever changing, different theories are needed to explain different forms of the EU. Moreover, the OMC is a mix of intergovernmentalism and supranationalism, representing a new and third way of policy-making. Therefore studying the OMC could contribute to overcoming the dichotomy between supranationalism and intergovernmentalism in the field of European studies. Consequently, European integration theories need to adapt to the possibility of EU policy-making methods which are neither purely intergovernmental nor fully supranational.

Furthermore, the OMC is an ideal case for an intra-disciplinary approach, as on can examine the OM from various aspects: legal (soft law vs. hard law), political analysis (old vs. new forms of governance; power distribution between institutional), economic, European integration theory (traditional integration vs. new forms of integration).

3. Evaluating the research

After looking at the responses to the research questions, it is appropriate to evaluate the findings of this thesis. When reflecting on the added value of this thesis a number of aspects deserve specific mention.

This thesis has in a number of ways carried out original work. It has added to the existing body of work on the OMC and contributed to the further understanding of the creation, functioning and impact of OMC-like forms of governance in the European Union. Part of its originality consisted in examining the application of OMC-like tools not only by the EU institutions, but also by other actors in the EU polity, namely the European social partners, and comparing them with each other. Thereby it also provided further insight into the developments of the European Social Dialogue. Additionally, it shed further light on the E&T policy field, an area which has so far been under-researched in relation to European integration. The focus on the E&T policy area was particularly suitable as it represents a core area of national competences and identity, with very diverse national structures, which are typically policy areas where this type of governance is applied. Moreover, it is a policy area where different forms of governance exist beside each other, and the findings added to a better understanding of the cooperation between them. It also brought further insight into one of the most recent

policy areas which applied OMC-like forms of governance, E&T, which is at the same time one of the most successful, in relation to deepening policy cooperation at EU level. More specifically it showed that the deliberations of the European institutions and the social partners were happening at the same time, which allowed for an appreciation of the mutual influence on each other, rather than seeing the one as a copy of the other. This thesis also addressed the under-application of EIT to the case of the OMC, which is a major shortcoming of the currently existing literature. An additional benefit was the use of the EIT not only for the OMC but also for the OMC-like tools in general, thereby extending the field of application of European integration theories. This extension could even go beyond the EU, as OMC-like governance is used also by international organisations and nation states alike.

As outlined earlier, the OMC could be analysed from many different perspectives, focusing on several of its characteristics and elements. No single thesis could hope to examine all of them. However, there are a number of elements worth mentioning which this thesis did not address or did not do so in sufficient detail. While acknowledging the use of OMC-like forms of governance outside the EU, at national and international level, this thesis concentrated on comparing different applications of this type of instrument by various EU actors, to the same policy area. Consequently, one of the shortcomings of this thesis includes the lack of an in-depth comparison of the use of the OMC in E&T with similar forms of governance outside the EU political arena in E&T policy. Furthermore, while outlining that there are various OMC processes used in EU policy areas, this thesis did not go into detail when analysing the specific differences between them. Furthermore, this research did not attempt a comprehensive analysis of tracing individual policy changes at national level to OMC related policy decisions. Additionally, as the focus of this thesis was integration and European integration theories in relation to the OMC, other elements that are often examined in the OMC literature, such as benchmarking governance, were neglected. Also while this thesis addressed the aspect of the legitimacy and effectiveness of the OMC, this could have been done in more detail or even be the main focus of a thesis itself. These can be starting points for possible follow-up work to this thesis (see below).

When evaluating the methodology used in this thesis, the results of the interviews confirmed the choice of a qualitatively based research approach. The data gathered gave

a more profound insight into the reasons for the creation as well as added value in the eyes of the users, which a quantitative research design would have not been able to achieve. The use of participatory observation was particularly useful, as it helped to identify key players to be interviewed as well as finding relevant issues to follow-up on in the interviews. The selection of interviewees proved to be very successful, as it reflected a balanced number of actors from the European, national and regional levels as well as different sides of the social partners, representing different roles in the OMC-like processes, namely those who were involved in the creation and those who are now responsible for the functioning and confronted with the impact. The full potential of this method was slightly reduced, as the researcher ceased to be a participatory observer before the end of the research project. However, at this moment in time the interviewing process had already started and after informing the interviewees about this thesis the added value of being a participatory observer would have been reduced anyway. The methodological challenges of this thesis have been avoided or dealt with adequately, by using the necessary safeguards as described in the methodology chapter. Contrary to earlier apprehensions, the interviewees were rather more open and willing to discuss this topic than if the researcher had been a stranger to them. There was also no difficulty regarding confidential information as no confidential documents were used and all interviewees were given the possibility of being quoted anonymously, which nobody made use of.

While this thesis brought further insight into various aspects of the academic work on the European Union, it also opened up additional avenues which deserve further attention.

4. Future research

Based on the findings of this thesis, but also taking its shortcomings into account, subsequent follow-up work seems necessary and promising, and the following research aspects being recommendable:

- *Comparing the OMC in E&T with other OMC types within the EU*

Future work could include placing the findings for the E&T policy area into a wider analysis of the use of OMC instruments within the different EU policy areas. As part of the interviews carried out for this thesis, some interesting comparisons were made between the OMC in E&T and other OMC processes, in particular in employment and in social inclusion, as some interviewees were previously involved with other OMC processes. While this empirical data is not enough on its own for a comparison, it forms a good basis for designing a more in-depth one.

- *Comparing the EU OMC governance forms with governance forms of other international organisations and countries*

As one of the shortcomings of this thesis includes the lack of an in-depth comparison of the use of the OMC in E&T with similar forms of governance for E&T policy at the international level, a further examination would be recommendable. In particular the OECD provides a good case, as it does significant work in the area of E&T policy which also impacts on the national level.[237] While being aware of the differences in nature between the OECD and the EU, further research could also include a comparative analysis of the use of the OMC in E&T in the European Union, with possible uses of OMC-like instruments in the E&T policy of other countries.[238]

- *Institutional balance and cooperation between forms of governance*

The findings showed that intergovernmental institutions (the Council) and executive institutions (the Commission) benefit from the use of the OMC, while the EP and the ECJ lose out. A follow-up investigation into whether or not this trend continues or if the EP will pursue its criticism on its role in the OMC, would be promising. Related to this is also the aspect of the cooperation between the OMC and the CM in the field of E&T. A subsequent study could look more in-depth at the complementarity between the OMC and the CM, where the EP is involved, and the extent to which this can balance the shortcomings of the OMC in respect to its legitimacy. This analysis could also address the issue of whether this would lead to a more efficient policy-making.

- *Carrying out more work on the social partners*

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[237] Similar work is being undertaking in relation to a comparison between OECD and EU benchmarking and peer review in general see Schäfer (2006) and Groenendijk (2009).

[238] For similar work in the area of social policy and a comparison with Canada see Wood (2009).

Since the use of the first framework of actions by the European social partners, this tool has been applied numerous times on different topics as part of the European Social Dialogue. Similar to subsequent work on the OMC, it seems promising to examine the other FoAs and see if the findings are comparable to the case study of this thesis. Also the relationship between soft tools and more legally binding tools, which are still used regularly in the SD, despite the increased use of FoA, appears worthy of further investigations.

- *Looking at the new E&T policy after 2010*

As the completion of this thesis coincided with the reflection process on the future of the OMC in E&T, further work should examine to which extent the OMC will be changed, in particular which elements will be strengthened or neglected, and if these changes have any influence on the effectiveness and legitimacy of the OMC.

- *Overcoming the rationalist-constructivist divide*

The thesis has argued that OMC-like tools need insights from rationalist as well as constructivist thinking in order to fully understand this form of governance. Therefore further theoretical work on OMC-like tools can enhance the understanding of how to benefit from the advantages of both schools of theories and overcoming false dichotomies.

- *Applying the theoretical findings of the case studies to other OMC-like tools*

This thesis argued that a combination of EIT would be needed in order to fully capture the entirety of the OMC process. It took the first step by proposing a matrix for the complementary use of different European integration theories for examining the creation, functioning and impact of OMC-like forms of governance, based on the findings in the case studies in the field of E&T. This matrix should now be further elaborated and tested in regards to the other OMC-like processes in the EU and could also serve as a template to gain further insight of the OMC-like tools of international organisations and states. In particular the avenue of bridge building between rationalist and constructivist explanations needs to be further pursued, as only by considering the questions of both it is possible to see the whole picture.

- *Comparing the use of the OMC with the possibility of enhanced cooperation*

While the interviewees did not see any alternative to the use of the OMC, theoretically the enhanced cooperation procedure could have been used instead. This thesis showed that while a deepened cooperation in E&T was the aim, the MS did not predefine the use of the OMC in E&T. Therefore it might be interesting to look at possible alternatives to the use of the OMC in E&T, such as the use of the flexibility procedure (enhanced cooperation), also when one takes current discussions on the use of enhanced cooperation in EU social policy into consideration.

- *Impact on integration process*

This thesis showed that the OMC-like tools in E&T have led to a new type of integration. This result should be followed-up by 1) seeing if this type of integration is sustainable and 2) whether other policy areas have similar developments. If this is the case, then in a third step European integration theories should be updated in order to integrate this new form of integration into their assumptions (if possible).

These are only a few ideas for further research on OMC-like tools, but on the basis of this thesis they seem to be worth further exploration. This shows that the thesis has contributed to an expanding research agenda, thereby succeeding in one of its main purposes.

ANNEXES

Annex 1: The list of interviewees and operational plan

I List of interviewees

The subsequent, people were pre-selected to be interviewed and are expected to make the following contribution to the research:

Name	Organisation and Position	Benefit, contribution
Mrs Perril Anderson	Danish national experts DG EAC European Commission	Giving a national and a European perspective on the creation and use as well as the national impact of the OMC in E&T
Mr Michele Aribaud	French national experts on E&T policy DG EAC European Commission Previously involved in the Rolling Agenda as one of the French representatives	Giving a national and a European perspective on the creation and use as well as the national impact of the OMC in E&T
Mrs Maria Helena Andre	Deputy Secretary General formally responsible for Education and training at ETUC	Potentially outlining the ETUC position for creating the FoA and the OMC
Mr Wilfried Boomgaert	Belgian regional Representative for Education and Training	Potentially outlining the national position for creating and using the OMC as well as the impact at national level
Mr Gordon Clark	Head of Unit DG EAC European Commission	In-depth knowledge of the development of EU E&T policy. Potentially outlining the Commission position for creating and using the OMC in education and training
Mr David Coyne	Director in DG EAC European Commission (previously) Responsible director for the OMC in E&T.	In-depth knowledge of the development of EU E&T policy. Potentially outlining the Commission position for creating and using the OMC in

		education and training.
Mr Denis Crowley	Special Advisor to Director General DG EAC and formally responsible for the SPC secretariat European Commission	As one of the veterans in the European Commission: potentially outlining the Commission position for creating and using the OMC in general and comparing the OMC in social protection with the one in education and training
Mr Joel Decaillon	Responsible for Education and training at ETUC	Potentially outlining the ETUC experience with the FoA
Mr Anders Hingel	Head of Unit DG EAC European Commission Responsible for EU indicators and benchmarks	In-depth knowledge of the development of EU E&T policy. Potentially outlining the Commission position for creating and using the OMC in education and training
Mr Peter Kreiml	Austrian Government Representative Education and Training	Potentially outlining the national position for creating and using the OMC as well as the impact at national level
Mr Petri Lempinin	Finnish trade union representative responsible for Education and Training	Potentially outlining the national trade union position for creating the FoA and evaluating its impacts
Mrs Therese de Liederkerke	Director for Social Affairs and Education in Business Europe	Potentially outlining the BusinessEurope position for creating the FoA
Mr Thomas Mayer	Austrian national Member of UEAPME responsible for education and training	Potentially outlining the national position for creating the FoA and evaluating its impacts
Mr Juan Mendez	Spanish national Member of BE responsible for education and training	Potentially outlining the national position for creating the FoA and evaluating its impacts
Mr Adam Pokorny	Head of Unit DG EAC European Commission	Potentially outlining the Commission position for using the OMC in education and training
Mr Michele Richonnier	Director in DG EAC European Commission	In-depth knowledge of the development of EU E&T policy. Potentially

		outlining the Commission position for creating and using the OMC in education and training
Mrs Jeanne Schmitt	Senior advisor for Social Affairs and Education in BusinessEurope	Potentially outlining the BusinessEurope position for creating the FoA and the use of the OMC in Education and Training and evaluating its impacts
Mrs Heiki Suomalainen	Chair of Education and Training Committee Business Europe and finish national representative	Potentially outlining the national position for creating the FoA and evaluating its impacts
Mr Michael Teutsch	DG EAC European Commission Responsible for reporting exercise.	Potentially outlining the Commission position for using the OMC in education and training
Mr Peter Thiele	German Government Representative Education and Training	Potentially outlining the national position for creating and using the OMC as well as the impact at national level
Mr Nikolas van der Pas	Director General DG Employment formally Director General of DG EAC European Commission	Potentially outlining the Commission position for creating and using the OMC in education and training
Mrs Liliane Volozinskis	Director for Social Affairs and Education in UEAPME	Potentially outlining the UEAPME position for creating the FoA and the OMC in Education and Training
Mr Paul Windey	Chair of the negotiations of the FoA on Gender Equality	He brings potentially a neutral perspective on the negotiation on a FoA. His experience with the social partners and EU politics in General make him a suitable candidate to compare FoA and OMC

II Choice of interviewees

The choice of potential interviewees is generally based on four dimensions:

1. Organisation
2. Experience

3. Position
4. Level

Organisation

The pool of potential candidates successfully covers the various groups, which are the European Commission and the Member States on the one side, and the employers' organisations and trade unions on the other, involved in the creation and utilisation of the OMC in E&T and the framework of actions respectively. Furthermore, there are a limited number of external observers which through their experience and function can shed additional light from a neutral perspective on the FoA and the OMC respectively.

Experience

The selected candidates were chosen for their significant experience and knowledge either on the creation, development, day-to-day operation and /or impact of the OMC in education and training, and the FoA respectively.

Position

This is an additional but crucial factor to the experience dimension. The position within their organisation is determining if and in which way a candidate can give valuable information. On the one hand if the position is to low he or she, while having a good technical knowledge of the policy area, would not know about the political and strategic decisions of the organisation. On the other hand, if the position were too high, the candidate would not know about the specificities of the policy area.

Level

The proposed interviewees represent a balanced selection from the European as well as from the national level, which includes a broad range of Member states. This has various advantages. The European level can give a more general and comprehensive overview while the national representatives can give a more detailed presentation of the effects and changes in their specific country.

Based on these criteria, the selected interviewees would complement each other as they could shed light on the creation of the OMC in education and training, or the impact at national level and add their specific perspectives of their organisation and their opinion

on the perspective of other actors. They also form a balance between European and national actors, from various Member States.

Timing of interviewees

Generally there are two types of potential interviewees, those located in Brussels and those based in the different Member States. Concerning the first group access is relative easy and an appointment can easily be changed if necessary. The candidates for the second group are more difficult to reach. However, part of the reason why they have been chosen as potential interviewees is that the researcher knows that he would sooner or later meet this people either in Brussels in conferences or committee meetings or in some conference organised in the different member states.

While the interviews in Brussels can be done within a month, the external interview would need anything between 3-6 months.

Timing of participatory observation

As many of the important meetings and events happened only periodically, it is important that he time frame for the participatory observation is rather broad. Therefore the timeframe January 2005- January 2008 was chosen. In order to provide supplementary and complementary information to the interviews, the data from the participatory observation will cover in addition to informal information on the creation and use of the OMC, also the general institutional and organisational setting, impressions, side activities and comments, informal conversations. The additional use of the participatory observation method is important to cross check with information gathered through interviews and substitute information which were not obtained in the interviews (because interviewee was not willing or able to talk about them or the interview was not given in the first place).

Annex 2: Questions on the OMC in E&T

1 Warm up

- Briefly outline the OMC process in E&T in your own words
- Could you single out the most significant element of OMC process in E&T?

2 Origins

- Why in your opinion was the OMC method applied in the field of education and training?
    - Why was not another form of governance such as the community method (EP, Council, Commission) chosen?
- Which actors were behind/supporting the creation of the OMC in education and training?
- Has the (good) experience of using the OMC in employment been influential on the decision to us it in Education and training?

3 Actors

- Which actors and institutions are mainly in charge in the OMC process in your opinion?
    - What is the role of the Commission in this process?
    - Is the activity/work of the EU Commission really only "supporting" national reforms or is it also promoting and leading them?
    - What is the role of the Education committee (council) in the OMC process and what is its relation to the ETCG.
- Who are the main supporters of the OMC?

4 Process and added value

- What is the added value of having European cooperation in Education and training in general?
- What is the specific added value of the OMC at European level in addition to national policies for Member states to participate in it?
- What is the *de facto* work division between Commission, Council Committees in preparing documents, guidelines, indicators, and benchmark?

- Do national governments include other actors in this process (social partners, civil society or regional authorities)?

- How is the relationship between the Member States? Do they start to work on a bilateral or multilateral basis together as part or as a follow-up of the work under the OMC? Did this lead to the creation of networks?

5 OMC in relation to European integration

- In your opinion did the OMC enhance or slow down the European integration process.

- Did the OMC in education and training lead to further transfer of competences, from the national to the European level or does it ensure that national governments stay in charge?

  o Where there any significant moments/events or was it more an incremental process?

  o Is the increase of policy output at European level an indicator for increased EU activity and a stronger role in E&T?

- Is the OMC replacing the community method or is it rather preparing the arrival of the community method to policy areas where the Member States are still mainly responsible for?

- Attitude of the regions in your country towards further European involvement, supportive or opposed?

- In your opinion what is the single most important issue the OMC contributes to?

- Does the enlargement to 25 and 27 member states make the use of OMC more necessary in future?

6 Impact

- Has there been any direct/visible impact at national level as a result from participating in the OMC at European level?

  o Can one distinguish between certain Member States, groups of Member States where the impact is more significant?

- Are there any other processes which have more impact on national policy making than the OMC?

- Do you feel that national policy making is becoming more similar as a result of the OMC?

- Do you think that Member States really learn something from each other?

- Did Member States manage to get national topics on the European agenda?

7 Discourse

- Do you feel you speak the same (working) 'language'/terminology?
  - Has the OMC contributed that these concepts from the European level are also being used in the national context of education and training policy-making?

- Do you think that some Member States play down or exaggerate the impact/influence of the OMC on their national policy making?

- Does the participation in the OMC impact on how the participants view each other and the policy issue

- Do national interests dominate the OMC process or are other factors influential?

8 Changes and developments

- How significant was the Lisbon Strategy for the development of Education and Training policy at European level??
  - How significant is the link to other topics?

- Did the Commission manage to use the OMC for its own interest which might vary from the original aims and objectives of the Member States for using the OMC in this policy area?

- In your opinion was the OMC successful?

- How will cooperation in Education and Training continue?

Annex 3: Questions on the framework of actions

1 Warm up

- Describe briefly in your own words the FoA process in education and training

2 Origin of the framework of actions (FoA)

- Why did the social partners decide to work on this issue in the first place?
- Why did your organisation support the creation of the FoA
    - What alternatives did you have?
- For an employer/ trade union what is the added value of the FoA?
- To which extend was the OMC a template for developing the FoA?
    - Why were no indicators and benchmarks used?

3 Open method of coordination

- Do you feel sufficiently involved in the OMC processes at national and European level, in particular the E&T OMC?

4 Process and added value

- What is the added value of having European cooperation in Education and training in general?
- What is the specific added value of the FoA at European level in addition to national policies?

5 FoA impact at national level

- What kind of consequences did the FoA have for the national social dialogue in your country?
    - Did it bring national social partners for the first time together on this topic?
- Was the FoA seriously discussed by SP in your country? Prompt: If not why not?
- To which extend did the FoA lead to policy changes and new activities at national level?
- Are there any other (European or national) processes which have more impact on national policy making than the FoA?

- Did your organisation on its own or together with the other social partners apply some of the good practices of the FoA and the follow-up reports?

- Was the availability of the FoA report only in English a limitation for the learning experience of other countries?

- Has there been any policy learning between national authorities and national social partners? Did the national social partner disseminate their work nationally and did the public authorities used some of it for their policy making?

- Do you feel that national policy making/the way the national social partners deal with this topic is becoming more similar as a result of the FoA?
    - If yes, On the content? On the procedural side? On the institutional side?
    - Why do you think this is the case?

6 Further cooperation at European level of social partners

- Are there certain topics more suitable for a FoA than others?
    - Which ones and why?

- Is the FoA replacing the use of framework agreements (voluntary or implemented as EU directives)?
    - If so why? Or would you rather see the FoA as a first step before using a framework agreement?

- Is it easier to extend the topics being used in the European Social Dialogue because the use of the FoA?
    - Or was it the case that more topics arrived in the European Social Dialogue and one had to find instruments to deal with them?

- To which extend has it given more competences to the European level rather than the national one?

- Does the enlargement to 25 and 27 member states make the use of FoAs more necessary in future? (Prompt: are national diversities so strong that Framework agreements would be less effective?)

- Do you see a difference between the national implementation of a framework agreement and a FoA?
    - How do you explain this?

7 Discourse

- Do you feel you speak the same (working) 'language'/terminology

- Do the participants understand the same things when talking about the various concepts?

    o Has the OMC contributed that these concepts from the European level are also being used in the national context of education and training policy-making?

- Do you think that some social partners play down or exaggerate the impact/influence of the FoA on their national policy making?

    o Why do you think this is the case?

- Does the participation in the FoA impact on how the participants view each other and the policy issue? Prompt: Does it lead to socialisation between the different representatives?

- Do national interests dominate the FoA process or are other factors influential?

    o Do national social partners change their interest as part of participating in the FoA?

- In your opinion how useful/important are the meetings between the different national social partners as part of the FoA process for the overall policy learning?

- Have there been any follow-up activities between different national social partners?

8 Development and continuation of the FoA

- Did the SPs in your country get more involved with the FoA over time?

- Did you discuss more sensitive issues over time?

- In your opinion was the FoA successful?

- Should the FoA be continued in the form it is but without a time limitation?

- Should it be continued in an adapted form?

    o together with national benchmarks?

- Should the FoA be replaced by a more legally binding instrument i.e. Framework agreement? EU directive?

9 Final

- In your opinion is there anything else I should look at as part of my studies??

- Is there anybody else you think would be specifically knowledgeable on this subject?

Annex 4: Treaty base for European education & training policy

EDUCATION, VOCATIONAL TRAINING AND YOUTH

Article 149

1. The Community shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity.

2. Community action shall be aimed at:

*   developing the European dimension in education, particularly through the teaching and dissemination of the languages of the Member States,

*   encouraging mobility of students and teachers, by encouraging inter alia, the academic recognition of diplomas and periods of study,

*   promoting cooperation between educational establishments

*   developing exchanges of information and experience on issues common to the education systems of the Member States,

*   encouraging the development of youth exchanges and of exchanges of socioeducational instructors

*   encouraging the development of distance education.

3. The Community and the Member States shall foster cooperation with third countries and the competent international organisations in the field of education, in particular the Council of Europe.

4. In order to contribute to the achievement of the objectives referred to in this Article, the Council:

*   acting in accordance with the procedure referred to in Article 251, after consulting the Economic and Social Committee and the Committee of the Regions, shall adopt

incentive measures, excluding any harmonisation of the laws and regulations of the Member States,

- acting by a qualified majority on a proposal from the Commission, shall adopt recommendations.

Article 150

1. The Community shall implement a vocational training policy which shall support and supplement the action of the Member States, while fully respecting the responsibility of the Member States for the content and organisation of vocational training.

2. Community action shall aim to:

- facilitate adaptation to industrial changes, in particular through vocational training and retraining,

- improve initial and continuing vocational training in order to facilitate vocational integration and reintegration into the labour market,

- facilitate access to vocational training and encourage mobility of instructors and trainees and particularly young people,

- stimulate cooperation on training between educational or training establishments and firms,

- develop exchanges of information and experience on issues common to the training systems of the Member States.

3. The Community and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of vocational training.

4. The Council, acting in accordance with the procedure referred to in Article 251 and after consulting the Economic and Social Committee and the Committee of the Regions, shall adopt measures to contribute to the achievement of the objectives referred to in this article, excluding any harmonisation of the laws and regulations of the Member States.

Annex 5: Treaty base of the European Social Dialogue

Article 138

1. The Commission shall have the task of promoting the consultation of management and labour at Community level and shall take any relevant measure to facilitate their dialogue by ensuring balanced support for the parties.

2. To this end, before submitting proposals in the social policy field, the Commission shall consult management and labour on the possible direction of Community action.

3. If, after such consultation, the Commission considers Community action advisable, it shall consult management and labour on the content of the envisaged proposal. Management and labour shall forward to the Commission an opinion or, where appropriate, a recommendation.

4. On the occasion of such consultation, management and labour may inform the Commission of their wish to initiate the process provided for in Article 139. The duration of the procedure shall not exceed nine months, unless the management and labour concerned and the Commission decide jointly to extend it.

Article 139

1. Should management and labour so desire, the dialogue between them at Community level may lead to contractual relations, including agreements.

2. Agreements concluded at Community level shall be implemented either in accordance with the procedures and practices specific to management and labour and the Member States or, in matters covered by Article 137, at the joint request of the signatory parties, by a Council decision on a proposal from the Commission.

The Council shall act by qualified majority, except where the agreement in question contains one or more provisions relating to one of the areas for which unanimity is required pursuant to Article 137(2). In that case, it shall act unanimously.

Annex 6: Framework of Actions for the Lifelong Development of Competencies and Qualifications

European Trade Union Confederation[*]
**Union of Industrial and Employers' Confederations of Europe –
UNICE/UEAPME**[**]
**European Centre of Enterprises with Public Participation and of Enterprises of
General Economic Interest**

14 March 2002

I./ CHALLENGES

1.   The 21st century is beginning with changes, the extent of which it is difficult to assess at present for enterprises and employees, as well as for society as a whole.

2.   New information and communication technologies represent one factor in speeding up trade flows. Markets globalise and simultaneously segment in order to retain increasingly mobile customers. Businesses will have to adapt their structures more and more quickly in order to remain competitive. The intensive use of team-work, flattening of hierarchies, devolved responsibilities, as well as greater multi-tasking are leading to the growth of learning organisations. This contrasts with the Taylorist work organisations, which still operate in a number of enterprises in Europe. Public service enterprises are confronted with the same challenges.

3.   The ability of organisations to identify key competencies, to mobilise them quickly, to recognise them and to encourage their development for all employees, represents the basis for new competitive strategies. This allows enterprises to keep in line with customer expectations and employees to improve their employability and career prospects.

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[*] The ETUC delegation includes representatives of the Eurocadres/CEC Liaison Committee
[**] UEAPME - European Association of Craft, Small and Medium-Sized Enterprises

4.   In the context of technological developments and of diversification of work relations and organisations, employees are confronted with greater mobility, internal and external to the enterprise, geographical and occupational, and to the need to maintain and improve competencies and qualifications levels.

5.   Against this background of rapid pace of change, the social partners at European level affirm the development of competencies and the acquisition of qualifications as major challenges of lifelong learning.

6.   The ageing population and the social expectations, which have resulted from higher levels of education of younger generations require a new way of approaching learning systems, ensuring that there are opportunities for all age groups – both women and men, skilled and unskilled – if significant increases in competencies and qualifications levels are to be achieved. Lifelong learning contributes to the development of an inclusive society and the promotion of equal opportunities.

II./ SOCIAL PARTNERS' APPROACH

7.   Whilst lifelong learning encompasses all learning activity undertaken throughout life, the focus of this initiative by the European social partners is to:

- make an effective and specific contribution to the realisation of lifelong learning in the context of the strategic objectives established at the European Councils of Lisbon and Feira on employment, social cohesion and competitiveness;
- give impetus so that the development of competencies and the acquisition of qualifications are perceived as a shared interest by both enterprises and employees in each Member State;
- affirm the joint responsibility of social partners at all levels with regard to competencies development and promote their cooperation;

- acknowledge the broader dimension of the challenge, which calls for a close concertation with public authorities as well as education and training institutions at all levels.

8.   In addition to social dialogue, the success of this initiative depends on:

- each enterprise making the development of its employees' competencies crucial for its success;
- each employee making her/his own competencies development crucial for the management of her/his working life;
- the State and local communities fostering learning opportunities in the interest of competitiveness and social cohesion.

9. The social partners call for the creation, within the institutional framework of each Member State, of conditions, which will further encourage the concerted development of competencies and qualifications, in addition to existing unilateral approaches to learning.

10. The lifelong development of competencies depends on the existence of a solid foundation[239], with which individuals are equipped during their initial education.

11. This solid foundation should be jointly defined and updated by the national education systems and the social partners. It is necessary to reflect further on the subject, in order to specify the content and the conditions needed for each young person to obtain this solid foundation. The social partners must be associated with this reflection.

III./ DEFINITIONS

12.   For the purpose of this initiative,

- "Competencies" are the knowledge, skills and know-how applied and mastered in a given work situation;

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[239] The following elements have been identified as forming part of the solid foundation: reading, writing, numeracy and at least a second language, problem-solving ability, creativity and teamwork, computing skills, ability to communicate, including in a multi-cultural context, and the ability to learn how to learn, etc.

- "Qualifications" are a formal expression of the vocational or professional abilities of the employee. They are recognised at the national or sectoral level.

IV./ FOUR PRIORITIES

13. The social partners assert the principle of shared responsibility of players with regard to four priorities and call for the intensification of dialogue and partnership at the appropriate levels. The social partners believe that the lifelong development of competencies depends on the implementation of the following four priorities:

- identification and anticipation of competencies and qualifications needs;
- recognition and validation of competencies and qualifications;
- information, support and guidance;
- resources.

1. IDENTIFY AND ANTICIPATE THE COMPETENCIES AND THE QUALIFICATIONS NEEDED

14. Identifying competencies and qualifications needs and anticipating their development represents a complex task given the numerous socio-economic factors, which must be taken into consideration, but it is imperative nevertheless. The social partners regard this identification and anticipation as taking place at two levels:

The enterprise level:

15. Identification of competencies at enterprise level must become a main axis of human resources policies covering all employees in enterprises and an issue for in-depth social dialogue:

- responsibility lies at the highest managerial level for deciding the overall competencies development plan necessary for the success of a company's business strategy;

- defining and answering competencies needs require the joint involvement of employers and employees;

- individual competencies development plans jointly elaborated by the employer and the employee are important to foster joint efforts to develop the employee's competencies;

- developing a learning environment is also important for success; professionals and managers play a crucial role in this respect.

The national and/or sectoral level:

16.   The collective analysis of competencies needs and of the development of vocational or professional qualifications is a priority in relation to what is at stake for:

- young people in the context of their career guidance and integration into working life;

- employees in the management of their careers and their capacity to remain in employment;

- job-seekers, in view of the developments on the labour market;

- companies, in terms of their competitiveness.

17.   In order to put this identification and anticipation into practice, the European social partners consider it necessary to:

- work in partnerships with education and training providers at all levels;

- develop networks to collect information and exchange experiences, including by making effective use of existing European instruments such as the European monitoring centre for change or Cedefop.

2. RECOGNISE AND VALIDATE COMPETENCIES AND QUALIFICATIONS

18.   The European social partners regard the recognition and validation of competencies as essential, in order that:

- each employee is aware of and encouraged to develop her/his competencies in the course of her/his occupational life;
- each enterprise has the tools to better identify and manage the competencies in the company.

19. The social partners consider it necessary to deepen dialogue with the aim of improving transparency and transferability, both for the employee and for the enterprise, in order to facilitate geographical and occupational mobility and to increase the efficiency of labour markets:

- by promoting the development of means of recognition and validation of competencies;
- by providing a system for transferable qualifications;
- by identifying the possible links and complementarities with recognised diplomas.

20. At European level, social partners will contribute to on going discussions on transparency and recognition of competencies and qualifications.

3. *INFORMING, SUPPORTING AND PROVIDING GUIDANCE*

21. In order that both employees and enterprises can pursue a strategy for competencies development, it is necessary:
- to enable each employee and each enterprise to access all the necessary information and advice;
- to provide SMEs with suitable information and to assist their managers through the creation of customised support.

With this aim in mind, the social partners call for:
- the development of facilities allowing employees and enterprises to be supported in their choices of learning, and to tailor the content according to competencies they have already developed, for example through a one-stop-shop facility in

Member States, including a database on lifelong learning possibilities and opportunities for career evaluation;

- these facilities to be easily accessible and relevant with regard to labour market developments.

22.   To promote a lifelong learning culture, both trade union and employer organisations have a key role to play in informing, supporting and advising their members and need to develop in house expertise to perform this role.

4.   *MOBILISING RESOURCES*

23.   Mobilising resources for the lifelong development of competencies is a key question, which cannot be regarded as depending exclusively on social partners. Other players have also an important role, notably:

- public authorities in order to promote labour market integration;
- the enterprise in order to develop its key competencies;
- the employee in order to play a part in her/his own development.

All players (enterprises, employees, public authorities, social partners) need to seek new and diversified sources of financing.

24.   As regards the social partners, they consider the lifelong development of competencies as a priority and assert the principle of shared responsibility for mobilising and optimising resources. The social partners want to promote co-investment and to encourage new ways of resourcing lifelong learning, through the effective and creative management of funding, time and human resources.

25.   They call upon the whole range of players in this effort and advocate that it should operate in the following directions:

- to promote exchanges between national social partners and public authorities within Member States, with the aim of ensuring that the taxation of enterprises and individuals encourages investment in competencies development activities;

- to direct the use of structural funds, and particularly the European Social Fund, towards giving a stronger encouragement to social partners to develop initiatives and innovations.

V./ ACTIONS AND FOLLOW-UP

26.   The member organisations of UNICE/UEAPME, CEEP and ETUC[240] will promote this framework in Member States at all appropriate levels taking account of national practices. Meetings can be organised at national level for presentation of this document. Given the interest of the matter under consideration, the social partners also decide to transmit this document to all interested players at European and national levels.

27.   The social partners will draw up an annual report on the national actions carried out on the four priorities identified.

28.   After three annual reports, the social partners will evaluate the impact on both companies and workers. This evaluation can lead to an update of the priorities identified. The ad hoc group on Education and Training will be entrusted with this evaluation, which will be presented in March 2006.

29.   When preparing the structured work programme of the social dialogue, the social partners will take account of this framework of actions.

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[240] The ETUC delegation includes representatives of the Eurocadres/CEC Liaison Committee

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