The Commission's Informal agenda-setting in the CFSP

Agenda leadership, coalition-building and community framing

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Abstract

This study contributes to the literature on informal governance by examining politics of

informal agenda-setting in the European Commission. As a 'hard case', the

paper examines how the European Commission exceed limited legal Treaty provisions in foreign

and security policy (CFSP). This system, where the Commission has come to play a more

prominent role than stipulated in the treaties, is interpreted as a normalization

of CFSP governance. Three complementary propositions on the informal agenda-setting role of

the Commission are developed: Agenda leadership (#1), coalition-building, (#2) and

community framing (#3). To illuminate these propositions, we examine their relevance across

three empirical cases: (i) EU's Maritime Security Strategy (EUMSS), (ii) EU's Arctic Policies, and

(iii) EU's naval mission against human smuggling in the Mediterranean, EU Sophia. These cases

suggest that informal agenda governance by the European Commission is mainly shaped by

agenda leadership in combination with EU level coalition-building, but also strengthened by

community framing.

Introduction

Studies have long argued that the agenda-setting stage of the policy processes leaves significant imprints on final legislative outcomes (e.g. Egeberg 2003; Self 1972). Agenda-setting is significant in the decision-making cycle since how public policies are framed subsequently shapes the alternatives that are eventually discussed and voted upon (Olsen 1983; Page and Jenkins 2005; Premfors 1989). This is particularly so in the European Union (EU), due to the unique *de jure* monopoly of agenda-setting enjoyed by the European Commission (Commission). This monopoly, however, is subject to debate in the literature due to an alleged declined role for the Commission in EU agenda-setting, that is, its role in shaping the policy attention of the EU broadly conceived (Bauer and Becker 2014; Bickerton and Hodson 2015; Deters and Falkner 2018; Kassim and Connolly 2018; Nugent and Rhinard 2016; Peterson 2017). Since the pioneering studies of Commission agenda-setting by Peters (1996), this study contributes to a nascent literature on the *informal* agenda-setting role of the Commission (Kleine 2014a, 2014b). Whereas the field of EU studies has been biased to the study of formal rules and EU institutions as mere instruments of the member-states (e.g. Hix 1998; Moravcsik 1998), informal rules and collective practices have been less studied (Adler and Pouliot 2011; Christensen and Piattoni 2003). This study follows the ´institutionalist turn´ in political science and EU studies by assuming that human behaviour and institutional dynamics

are also driven by informal rules and routines (e.g. March and Olsen 1989). In short, informal rules and practices fill-in and complement vacuums and gaps left open by incomplete formal rules and contracts. Informal governance does not take place in the absence of formal rules, but as complementary measures. As such, this study contributes to the literature on informal governance and informal politics, by which we mean policy processes that are not codified and publicly sanctioned (Christiansen *et al* 2003: 7). It makes an empirical contribution to this literature by exploring the policy area where the Commission formally enjoys its most limited agenda role - the Common Foreign and Security Policy (CFSP). Contrary to the "decline thesis", this study suggests that the Commission plays a more prominent agenda-setter role in the CFSP than stipulated in the treaties. Three complementary propositions on the informal agenda-setting role of the Commission are developed and explored across cases: Agenda leadership (#1), coalition-building (#2), and community framing (#3). Exploring the relevance of these roles across cases within the CFSP, we find that the Commission's informal agenda-setting role is exerted foremost through agenda leadership (#1) and coalition-building (#2), but also strengthened by community framing (#3).

The Commission's clout in EU decision-making originally stems from its *de jure* monopoly to initiate and formulate proposals for legal and non-legal acts (Eckert 2018; Ege *et al* 2018; Hooghe and Rauh 2017). Its authority and administrative capacity provides the Commission with a crucial gate-keeping role in the EU legislative process. Exception to this monopoly, however, has been in the CFSP, where the member-states have strived to hold the Commission on arm's length. Formally, the CFSP is similar to other intergovernmental

organizations where decisions are taken by unanimity, member-states have veto powers and

bureaucracies have none or very limited independent competences (Sjursen 2011).

Consequently, the Commission´s agenda-setting role in the CFSP has been legally curtailed by

not monopolizing the initiation of new policies or actions, not enjoying management functions,

and not legally guarding the treaties (Thym 2011). Already in 1964 Jean Siotis however

remarked that ´there exists a discrepancy between the institutional theory of the Communities,

and of the EEC in particular, and the administrative practice of the Commission´ (Siotis 1964:

249). Contemporary studies show how the Commission contributes to converge member-state

agendas in CFSP, how it shapes member-state´s bargaining processes within the Council, as well

as engaging in turf-battles with the Council, the European Parliament (EP), and the Court of

Justice in CFSP affairs (Adam *et al* 2018; Ege *et al* 2018; Egeberg and Trondal 2017; Fraussen *et

al* 2015, 2018; Maurer and Wolf 2018). The Commission's de facto *agenda-setting* role in the

CFSP, however, remains poorly understood in the existing literature. This study widens the

study of the Commission´s role and influence in the CFSP by examining *informal* agenda-setting

tools and processes. The study thus adds new knowledge to a mounting literature that

suggests that the Commission seems to be more influential in EU governance than its *de

jure* powers suggest (Blauberger and Weiss 2013; Dijkstra 2012; Riddervold 2016; Riddervold

and Rosén 2016; Kreppel and Otzas 2017: 1118; Riddervold and Trondal 2017; Schön-Quinlivan

forthcoming; Strikwerda 2017), and that EU governance is more flexible than formal rules and

incomplete contracts imply (Kleine 2014a: 5). From these studies we also know that the

Commission influences EU foreign policy making through informal means, we have knowledge

of some of the mechanisms by which it exerts such influence (Blauberger and Weiss 2013;

Dijkstra 2012; Riddervold 2016; Riddervold and Rosén 2016), and we know that the EEAS and the Commission cooperates behind the member-states' back in the domain (Riddervold and Trondal 2017). This study adds further nuance to this literature by specifying if and how the Commission's influence is linked to *informal aspects* of its *agenda-setting role* in CFSP. We are thus not interested in whether or not informal agenda-setting powers are more or less important than other informal means of influencing CFSP policies, but rather in whether the informal influencing of the agenda is a way in which the Commission affects policies in the domain, and if so, the mechanisms or ways in which the Commission influences the CFSP agenda. For this purpose, two questions guide the study: First, to what extent does the Commission affect agenda-setting in the CFSP beyond its limited Treaty powers? Second, what informal tools does the Commission employ to exercise its agenda-setting role?

The paper makes three contributions:

- First, the study defies a picture of a declining Commission ostensibly less able to 'call the tune' (Cram 1993) by showing that the Commission's informal agenda-setting role is substantial even in the policy area where its formal agenda-setting role is the most limited. This paper adds knowledge to existing studies of informal governance in the EU by examining the Commission's informal agenda-setting powers in the hard case of the CFSP[2]. Contrary to what one would expect given the largely intergovernmental nature of the CFSP, decisions made in the CFSP can be traced back to the Commission's ability to *informally shape the CFSP agenda*. The Commission substantially contributes in defining the EU´s long-term policies in the CFSP by collecting support for policy suggestions,

often in alliance with other EU actors such as the External Action Service and the High

Representative for foreign affairs (HR/VP). What is more, by linking policy suggestions to

neighbouring Community-policy areas, the Commission's CFSP agenda indirectly

influences agenda items also in adjacent policy areas.

- Second, we argue that the fact that the Commission's agenda-setting role cuts across

the CFSP and the Community structures suggests a ´normalization´ of CFSP governance,

whereby ´normalization´ entails that governance in the CFSP is largely similar to

governance processes in the Commission more broadly (Egeberg 2006; Kassim and

Connolly 2018; Riddervold and Rosén 2016; Riddervold and Trondal 2017; Wille 2013).

´Normalization´ thus also refers to CFSP governance being subject to ´better

coordination´ initiatives by which ordinary executive politics and 'ways of doing things´

in the Commission also applies to CFSP (Egerberg and Trondal 2016).

- Third, drawing on the existing literature on formal and informal agenda-setting, the

paper develops and applies a conceptual framework that can be applied to not only

tease out the Commission's, but also other actors' informal agenda-setting roles in the

CFSP and in the EU more broadly. In doing this, we also add more general lessons to the

institutionalist literature in political science.

The paper proceeds as follows. Drawing on an extensive literature on agenda-setting, part two

outlines an analytical framework to capture an actor's informal agenda-setting role. The

succeeding section introduces three empirical cases, methods and data. Part

three briefly sketches the Commission's *de jure* powers in CFSP, followed by an empirical study

of the Commission´s informal agenda-setting role across the three cases: EU's Maritime

Security Strategy (EUMSS), EU's Arctic Policies, and EU's naval mission against human smuggling

in the Mediterranean, EU Sophia. The final section sums up key observations and suggests

implications for the comparative study of informal governance in the EU generally and in the

domain of CFSP in particular.

A framework for analysis

This section outlines three complementary propositions on the informal agenda-setting role of

the Commission: Agenda leadership (#1), coalition-building, (#2) and

community framing (#3)*. In developing each proposition, we depart from three initial ideas

derived from contemporary studies of agenda-setting.

First, we share an understanding of agenda-setting influence as the ability to shape the policy

attention of institutions (Deters and Falkner 2018; Kleine 2014a; March and Olsen 1989; Peters

1996). Agenda-processes encompasses endless streams of *premises* from which choices

occasionally happen (Simon 1965). Agenda-setting thus include the ability to influence issue

prioritization of leaders, how these issues are interpreted and framed, what resources are

supplied to reach formal decisions, how these decisions are legitimized and justified, as well as

possible fed-back loops (Larsson and Trondal 2006; Page and Jenkins 2005; Olsen 2006).

Secondly, this study examines what factors that might contribute to shape the agenda *process*

(Kreppel and Otzas 2018). Specifically, to add to the existing literature, our interest is to

understand how *informal* mechanisms may circumvent legal restraints in the agenda

process, such as in the CFSP where the Commission legally enjoys a limited agenda-setting role. We are thus not interested in how much influence the Commission has for example compared to the member-states, but rather if it plays a role in agenda-setting and in particular the ways in which it exerts such a role. To capture the Commission's agenda-setting role in CFSP, this study thus examines agenda-setting as a continuous process that is inherently linked to what takes place at other stages of the policy process – stages at which we know bureaucracy tends to play a crucial role (Vibert 2007). Third, this study departs from a general institutionalist idea that 'institutions matter´, assuming that political and administrative life is contextualized and embedded into rules and routines (March and Olsen 1998; Stinchcombe 2001). Actors and organisations tend to find their place in given orders, and their roles are shaped by ´opportunities and constraints in the internal and external environment´ (Olsen 2009: 25). An institutional perspective on organizations (March and Olsen 1983; March and Olsen 2006) sees informal rule-following and identity-based behaviour as a primary logic in organizations and gives privilege to norms and ideas over actors' prior preferences and anticipated consequences when explaining human behaviour and decision-making processes. Institutionalization of organisations implies that they develop informal features and taken-for-granted routines and rules beyond the 'technical requirement of the task at hand' (Selznick 1966: 17). Hence, although formal structures and organisational rules matter for understanding policy-making processes and the influence of actors (Egeberg and Trondal 2018), an institutional perspective emphasizes the causal role of informal structures, habits and norms that emerge over time.

#1: Agenda leadership

The Commission may exert an informal agenda-setting role by influencing which policy proposals that reaches the CFSP agenda, and which policy proposals that fails to become an agenda item. Studies show how the Commission can influence Community policies by gate-keeping the EU agenda. According to Hartlapp and colleagues (2014), Commission lead Directorate-Generals (DGs) influence the amount, sequences, and timing of the EU agenda in Community policy areas. More generally, with public agendas constantly on the rise, agenda leadership is increasingly linked to the capacity to organize and structure the policy-making process. Agenda-leadership might be influenced by the availability to build administrative capacities (Bark and Bell 2019). The administrative capacities in the EU is largely situated in the Commission administration, even within CFSP. In complex governance situations, studies stress what is called the 'gate-keeping' (Deters and Falkner 2018; Peters 2019) or 'boundary policing' function of administrative bodies, highlighting those organisational structures whose main function is to *keep off* the government agenda issues which are difficult for the political system to handle (Easton 1979). Executive governance thus concerns organizing systematic attention to certain policy areas, societal conflicts, actors, solutions and consequences. Political and bureaucratic leaders are called upon to be organisational designers to structure the agenda gates that ultimately filter those policy proposals that are likely to reach the political agenda, and those items that are less likely to succeed (Egeberg and Trondal 2018; Hammond 1986; Olsen 1983). Although not previously explored in the CFSP, the Commission may thus exert an agenda-setting role by *acting as an agenda leader* (Hartlapp *et al* 2014). As argued by Schelling (1980: 111), agenda leadership rests on an actor's ability to construct a focal point on which

actors with different perspectives and interests can converge in situations with multiple possible outcomes. Agenda-setting leadership in the CFSP could thus be centred on the Commission (in collaboration with the EEAS) suggesting, drafting and negotiating coordinated policy proposals.

#2: Coalition-building

The Commission may exert an agenda role by building informal coalitions with selected allies and cooperate with other administrative actors outside the CFSP. The strategy of *coalition-building* highlights how the Commission may draw on existing rules and routines – or even the lack thereof – to influence agenda-setting by informal cooperating with selected actors (see Riddervold 2016). This is parallel to Deter and Falkner's (2020) concept of joint agenda-setting in which the Commission influences the CFSP agenda through cooperation with designated institutions. The concept of coalition-building however specifies how pre-established institutional rules and routines are likely to shape how such cooperation is likely to be established in the first place. This proposition thus rests on an organisational approach which advocate that different ways of organizing decision-making process and policy sub-systems is likely to yield different governing patterns and agenda roles (Egeberg and Trondal 2018). Organisational structures select which actors that are likely to be mobilized, the number of sequences involved, the access of external stakeholder groups, the role of political leaders and thus the leeway for majority rule, and so on (Egeberg and Trondal 2018; Egeberg 2006). Egeberg and Trondal (2009) show how the Commission´s sectoral organizational structure enable it to circumvent member-state governments and *directly* influence national

policy implementation at agency level. Similarly, the organisation of CFSP may allow the Commission to circumvent member-states and influence agenda-setting informally. In short, it is expected that agenda-setting through coalition-building may take two particular forms in the CFSP:

- *National-level coalition-building* is where the Commission informally collaborates directly with administrative bodies at the national level – such as national regulatory agencies - to shape member-state CFSP agendas (Egeberg and Trondal 2009).

- *EU-level coalition-building* is where the Commission informally and formally collaborates with other EU-level administrative bodies, foremost the EEAS, to shape the CFSP agenda at EU-level (Henokl and Trondal 2015; Riddervold 2016).[i]

#3: Community framing

The Commission may also exert an informal agenda-setting role by framing CFSP dossiers as Community relevant, creating expectations amongst member-states that the Commission *should* play the tune as the appropriate agenda-setter. This idea rests on the assumption that actors may influence policy-making outcomes discursively through community framing (Riddervold and Rosén 2016). #3 derives from the normative dimension of institutions, advocating how informal norms within organizations may shape institutional characters and provide frames of appropriate behaviour (March and Olsen 1998; Selznick 1992; Sztompka 1993). The ´institutionalist turn´ in political science advocates that institutions are more than formal structures and that the governing patterns unfolding within them are driven by rules of appropriate or exemplary behaviour, organized into rules (March and Olsen 1998). Following a

logic of appropriateness, ´practices and rules are embedded in structures of meaning and schemes of interpretation that explain and legitimize particular identities and the practices and rules associated with them´ (March and Olsen 1998: 948). Actors are seen as socialized humans with internalized 'patterns of behaviour and role expectations which characterize the groups in which they interact' (Alderson 2001: 416). The explanatory mechanism is that of matching actors' repertoires of identities and roles to specific institutional situations (ibid.) and characters (Selznick 1992). As a result, actors´ framing of a policy situations are likely to influence the mobilization of the Commission as an appropriate agenda-setter. Accordingly, it is expected that other actors involved in CFSP decision-making - such as the member-states – are likely to conceive of the Commission as an appropriate agenda-setter: If an agenda dossier is framed as cross-sectoral and linked to the Community level, a strong involvement of the Commission is likely to be considered appropriate. If a dossier, by contrast, is framed as intergovernmental, the appropriate role of the Commission's would be comparatively low.

Methods and data

The study examines the Commission's informal agenda-setting role in CFSP by comparatively exploring three cases of EU´s maritime foreign and security policies: (i) the EU's Maritime Security Strategy (EUMSS), (ii) the EU's Arctic Policies, and (iii) the EU's naval mission against human smuggling in the Mediterranean, EU Sophia. We chose these three cases because they together cover various aspects of the CFSP, from military missions (Sophia) to specific area policies (EU Arctic policies) to broad and comprehensive long-term strategies (EUMSS). Exploring these cases comparatively thus increases the likelihood that our findings are relevant

beyond our empirical studies. Our aim is not to explain the policy-decisions made in each case, but to illuminate the Commission's informal avenues as an agenda-setter. Being the broadest and most comprehensive of our cases we put most weight on the EUMSS in the analysis.

Beyond the concrete case-selection, maritime foreign and security policy is also a particularly relevant area to explore when the ambition is to tease out the Commission's informal agenda-setting role in the CFSP more broadly. First, maritime security is a least likely case of informal agenda-setting due to member-states' inherent reluctance to delegate authority to the Commission in the domain (Gulbransen 2013; Riddervold 2018). Second, maritime security is one of the fastest growing areas of the CFSP, militarily and politically, and thus important to study in order to understand governance in the CFSP more broadly (ibid. also Germond 2015). Lastly, having emerged during the last decade, maritime foreign and security policies provide an unique opportunity to trace the Commission's informal agenda-setting powers in CFSP policy-processes *over time*, with the EUMSS first being suggested in 2010 and adopted in 2014; the most important steps in Arctic policies taken in 2009 and 2014, and the EU's anti-smuggling operation Sophia being adopted in 2015 and prolonged several times until being replaced by a new mission in 2020.

To study the Commission's informal agenda-setting powers in these policy areas, various data have been collected. The study benefits from 29 in-depth and follow-up interviews conducted from 2010 to 2014 (regarding the EUMSS and the parallel EU Arctic policy process), and in 2017 (follow up on EUMSS and EU Arctic policies, and interviews on Sophia), from different sections

of the EEAS, various member-states, the Council Secretariat, and the Commission. All

informants were involved in different capacities in one or more of these policy decisions. To

trace agenda developments, one key informant was interviewed at three points in time, each

time registered as a new interviewee. To allow for triangulation, data moreover consist of

secondary literature on the policy making processes explored (in particular for the Sophia case);

official documents from EU web pages collected from 2010 to 2019, and lastly and serving only

as a background for the interviews; observation of some of the Commission's informal

discussions with member-states' representatives and EEAS staff in 2014.[1]

The Commission´s role as an informal agenda-setter in CFSP

This section first outlines the Commission *de jure* role in CFSP, and secondly examines

its *informal* agenda-setting role across our three cases: (i) EU's Maritime Security Strategy

(EUMSS), (ii) EU's Arctic Policies, and (iii) EU's naval mission against human smuggling in the

Mediterranean, EU Sophia.

The Commission's de jure role in CFSP

As the only exception, EU foreign and security policies continue to be ´subject to specific rules

and procedures' also after the removal of the pillar structure with the adoption of the Lisbon

Treaty in 2009, (Art. 24.1(2) TEU). General foreign and security principles and overall priorities

are set by the European Council, while the Council decides on common policies in the form of

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[1] This observation took place during various events such as 'the EU Maritime Day', was very informal and was not
recorded or transcribed.

joint actions (specifying common actions, including military and civilian mission) or common policies and positions, largely through unanimity.

In contrast to most other policy domains of the EU, the administrative capacities in CFSP largely reside within the EEAS. Accordingly, the Commission`s competences in the CFSP are thus constrained. Member-states are both the formal agenda-setters and decision-takers. The Commission, however, has the potential to influence CFSP policy through the Treaty requirement that the Commission and the HR, i.e. in practice the EEAS, 'shall cooperate' to ensure consistency between the CFSP and other EU policies (Art. 21). On this basis, although the Commission cannot suggest new legal acts singlehandedly, the Commission and the HR/EEAS may 'submit joint proposals to the Council' (Art. 22). Underlining the member-states´ ambition to keep the foreign and security policy domain under national control, any joint proposals, so-called 'Joint Proposals', are expected to be in line with priorities of the Council, and do not apply to the Common Security and Defence Policy (CSDP). In the CSDP, the Treaty stipulates that the EEAS and the Commission are not to cooperate, except if explicitly requested by the member-states.

EU´s Maritime Security Strategy (EUMSS)

The Council adopted its first conclusions on maritime security in April 2010 following an initiative by the then Spanish Presidency (Council 2010). Asking the High Representative to start working on a maritime strategy, the Council underlined that 'work will take place in the context of CFSP/CSDP', thus formally limiting the role of the supranational institutions including the

Commission (ibid.). In a next step, in December 2013, the European Council called for 'an EU

Maritime Security Strategy by June 2014' (European Council 2013: 4)— this time 'on the basis

of a joint Communication from the Commission and the EEAS, considering the opinions of the

member-states, and the subsequent elaboration of action plans to respond to maritime

challenges' (ibid.). The communication was published in March 2014 (Commission and EEAS

2014). The final EUMSS was unanimously adopted by the member-states at the General Affairs

Council (GAC) in June 2014. A detailed action plan was adopted by the Council later that same

year. Concrete policies and actions were subsequently followed up by the EEAS and the

Commission.

The Commission has strongly influenced the EUMSS and it has done so by drawing

on all three informal agenda-setting strategies set out in the analytical framework: Agenda

leadership (#1), coalition-building (#2) and community framing (#3). In particular, due to the

efforts by the Commission, the Maritime Strategy has developed from an initially military

focused strategy towards a broader cross-sectoral strategy. What is more, the Commission and

the EEAS have managed to keep the EUMSS *on* the agenda, notwithstanding at times strong

resistance from several member-states. Thus, although the member-states took the final

decision on adopting the EUMSS, this section suggests that its development has been strongly

influenced by the three strategies deployed in the Commission's informal actions.

First, in line with the *coalition-building proposition (#2)*, informal collaboration developed

between the Commission and the EEAS, largely owing to the (lack of) organisational structuring

of the CFSP. This was moreover key to both the adoption and content of the EUMSS.

The EUMSS was the first big CFSP process initiated after the Lisbon treaty (Commission and EEAS 2014). However, when the member-states in 2010 requested the Commission and the EEAS to explore 'the possible elaboration of a Security Strategy for the global maritime domain' (Council 2010), there was 'no proper road map leading to the strategy, no developed procedure' for how to follow up the member-states' requirement (Comm#2). Following informal discussions that were specified in an informal inter-institutional agreement from 2012, both EEAS and Commission staff subsequently decided to adopt what they considered as ´normal´ decision-making procedures (EEAS#1-3, Comm#1-5): 'The easiest and most practical way of doing this' was to adapt 'to the Commission's way of doing things' (EEAS#1, EEAS#3, Comm#4-5). This decision was taken at the administrative level in the Commission and the EEAS, and independently of member-state involvement. In practice, staff from the EEAS and the Commission developed the text, often sitting together in the same room (interviews 2010-2017). As a consequence of the inter-institutional agreement on adopting the Commission's working procedures, the Commission's agenda-setting role became much stronger than prescribes by the treaty.

Copying Commission procedures during the EUMSS process also had long-term consequences for the Commission's agenda-setting powers in the CFSP. According to the new procedures that were established between the EEAS and the Commission,

'Communications are not to be shared with the outside world, not even the member-states, before they are finished ... this is the way we do it now' (EEAS#3). 'Because you cannot keep doing these informal consultations, at some moment in time you need formal mechanisms, a formal structure, and that is what we have designed and created' (EEAS#1).

Moreover, this has since become a general and everyday decision-making procedure in the CFSP. An interviewee at the EEAS described this as follows:

'This was a process of discovery but also a process of opportunity' (EEAS#1).

'The EUMSS has created a new precedence for EEAS and Commission Joint Communications, on how the two are working together in CFSP matters' (EEAS#4/2).

Since Joint Communications form the basis for member-states' discussions and decisions on long-term developments in the CFSP, this has provided the Commission with a key role in agenda-setting. Indicative also of the Commission´s and the EEAS's roles as *agenda leaders (#1)*, they also largely controlled the member-states' involvement and influence on drafting texts in the agenda-setting phase. Moreover, the EEAS and the Commission tended to cooperate informally with member-states who shared their policy preferences, in particular with supportive member-states holding the rotating Presidency. Despite explicit requests from member-states to be more included (NatDel"11, interviews 2010-2017), member-state ambassadors were only involved in the discussion-making process *after* the Joint

Communication was published (Comm#2, EEAS#1, EEAS#3). In sum, this left the Commission

and the EEAS in the driving-seat when drafting the EUMSS proposals.

Through *community framing (#3),* the Commission also exerted a substantive role in shaping

the *content* of the policies eventually adopted and gradually implemented in the EUMSS. The

Commission *re*framed maritime security from being merely a security instrument under

the CFSP to become a broader cross-sectoral policy, in effect involving a number of policy

actions falling under Community competences. The Commission convinced both the EEAS and

the member-states that a cross-sectoral strategy was a more appropriate response to the EU's

maritime challenges than a narrower military strategy, as was first suggested by the Spanish

Presidency in 2010 (interviews 2010 to 2017; Riddervold and Rosèn 2016). First, the

Commission had to convince the EEAS to agree to its proposals on changing the scope and

content of the Joint Communication. As summed up by the EEAS, 'you can say now we have

reconsidered and have said well [...] our approach to maritime security needs to be

comprehensive. This rest attempt was not good enough' (EEAS#1, EEAS#2, EEAS#3). Second,

having successfully framed maritime security as a cross-sectoral policy domain, the Commission

acted as an appropriate policy expert in the field of maritime security. As a consequence, 11

Commission Directorate Generals (DGs) contributed substantively to different parts of the Joint

Communication, most of which was subsequently adopted by member-states in the

Council (Comm#2, #Comm#3, Comm#5, EEAS#1). According to interviewees in the Commission

and the EEAS, these suggestions were not questioned by other DGs or the EEAS but taken

directly into the Joint Communication because they were related to community policy areas in

which the different DGs enjoyed competences: When linked to a specific community area, the involved actors almost automatically accepted the DGs appropriate right to decide on the policy formulation (Comm#1-5, EEAS #1-3).

Reframing from a narrow security strategy to a cross-sectoral strategy also changed the decision-making process: Once the strategy became cross-sectoral, the EUMSS did not fit within the CFSP decision-making framework but could not ´move´ to the ordinary procedures due to the CFSP and not least CSDP elements. Instead, it was controlled by the Presidency and the adoption was moved to the General Affairs Council (interviews 2014). Due to the cross-sectoral policy frame, the Presidency activated the ´Friends of the Presidency group´, and, as a result, discussions were moved from the formal CFSP decision-making forums to an informal forum where the EEAS and the Commission were perceived as equal partners and was deemed the right to speak and to propose amendments (interviews 2014). As a consequently, this ´hybrid´ decision-making process provided the Commission with an opportunity to influence the final strategy.

In sum, the case of the EUMSS illuminates how *agenda leadership (#1), EU-level coalition-building* (#2) and *community framing* (#3) served to (re)shape both actor constellations and policy contents: The Commission, in cooperation with the EEAS and behind the back of most member-states', largely controlled the joint communication process and thus demarcated the foundations for member-states' discussions (#1) (#2). Moreover, by framing policy issues as

community relevant the Commission was accepted as a relevant and appropriate actor in maritime security (#3).

EU´s Arctic Policies

EU Arctic policies are less established under the CFSP. However, big steps have been taken in recent years and the Commission is key for understanding this development. Similar to the case of EUMSS, our data suggests that the Commission has exerted a substantive informal role on EU Arctic policies, in this case foremost through the mechanisms of EU-level coalition-building (#2) and agenda leadership (#1).

In line with the *coalition-building proposition* (#2), the collaboration that developed between the EEAS and the Commission in the case of EUMSS laid the basis for subsequent cooperation in Arctic policy-making. Before the establishment of the EEAS in 2010, the initiation of an EU Arctic policy can be traced back to the Commission: 'The EU begun to develop an Arctic Policy as a result of the European Commission acting as a policy entrepreneur to secure its own competence and relevance in the domains of foreign policy' (Østhagen 2011: 7). Initially, EU policies towards the Arctic go back to the adoption of a Northern Dimension policy in 2000, revised in 2006 (Council 2000). The first steps in the development of a distinct EU Arctic policy, however, did not emerge before 2008 when the EP adopted a resolution on Arctic governance and the Commission presented its first Communication on the Arctic. On this background, the EU foreign ministers adopted their very first Council Arctic Conclusions in 2009. These conclusions, however, remained vague and uncommitting. Most member-states either feared

too much Commission involvement in this CFSP domain, or they preferred not to provoke

Russia in an area perceived as strategically and economically important (Offerdal 2011). The

Commission, however, continued to push for an EU Arctic Policy (ibid.) in cooperation with the

EEAS. In particular, the Commission and the EEAS helped pushing the process forward, and

they wielded influence on common policies by proposing concrete actions in the form of two

Joint Communications. These communications were largely developed through the same type

of informal cooperation as described in the EUMSS process – in parallel to and largely involving

similar personnel (interviews in the Commission and the EEAS 2010-2017). As with the EUMSS

case, the Commission and the EEAS selectively cooperated with targeted member-states who

shared their preferences (ibid.). A first Joint Communication was prepared parallel to their

drafting of the EUMSS policy (see above) and presented in June 2012: 'Developing a European

Union Policy towards the Arctic Region: progress since 2008 and next steps' (Commission and

EEAS 2012), calling for the member-states to develop a distinct EU Arctic policy (Interviews

2010-2018). It took the member-states two years and one crisis in their neighbourhood (the

Ukraine crisis) to respond to their call for a coherent, targeted EU approach towards the Arctic

in June 2012 (EEAS and Commission 2012; Riddervold and Cross 2019). However, when they

did, it was on the basis of the Joint Communication already developed, and they did so by

asking the EEAS and the Commission to continue their joint effort to come up with a common

suggestion 'for the further development of an integrated and coherent Arctic Policy' (Council

2014: 3; Riddervold and Cross 2019). 'An integrated European Union Policy for the Arctic'

was published in April 2016 (Commission and EEAS 2016), succeeded by a Council Conclusion

in June that same year (Council 2016).

By drafting and endorsing these Communications and keeping it on the EU-agenda, the

Commission and EEAS together initiated the groundwork for an EU-level Arctic policy. Similar to

the EUMSS case, the Commission and the EEAS largely organized the process through coalition-

building, in effect circumventing ordinary CFSP procedures (#2). By presenting Joint

Communications that laid the ground for member-states' decisions in the Council, the

Commission and the EEAS also acted as agenda leaders (#1). By suggesting a broad cross-

sectoral Arctic policy that suggested the Commission as a relevant actor, the Commission

improved its own role in this policy domain.

Summing up the observations, the Commission exerted a substantive informal agenda-setting

role both in both the EUMSS and the EU Arctic policy cases. This was fostered by EU-level

coalition-building (#2) characterized by informal cooperation between the Commission and the

EEAS. The Commission also exercised agenda leadership (#1) by presenting Joint

Communications that formed the basis for Council decisions. Finally, in the EUMSS case the

Commission exerted a substantive role on the content of the EU's maritime security policies by

framing policies as community relevant (#3). As with all CFSP processes, the legal decision-

making powers lie with the member-states, who have to agree to new policies and actions

unanimously and who often do so in response to acute external events. Nevertheless, the

Commission together with the EEAS substantially laid the groundwork for EU policies both in

the EUMSS and the EU's Arctic policies. Member-states' discussions largely rested on the Joint

Communications issued by the Commission and EEAS', drafted in tandem outside direct involvement of member-states.

Operation EUNAVFOR (MED) Sophia

Although launched as part of the EU response to the 'migration' or 'refugee crisis', Operation Sophia was a pure naval mission. In preparing for such missions, the Commission's agenda-setting powers are particularly limited: The Treaties stipulate that the Commission are not to be involved in planning CSDP missions. Nonetheless, it was the HR/VP and her Commission staff who proposed Operation Sophia and very actively initiated the launch of a naval mission. This section thus suggests that the Commission´s role in Operation Sophia was driven by agenda leadership (#1) and coalition-building (#2).

To date, Sophia is one of the few actions the EU has agreed to conduct in the face of the migration crisis (interviews 2015-2018). Initially, several member-states, including big countries such as the UK and Germany strongly resisted the idea of launching any type of mission in response to the migration flows across the Mediterranean, fearing that this could serve as a pull factor for more migrants to set out for Europe (Bosilca 2017; Johansen 2020; Riddervold 2018). Following the so-called Lampedusa accident in 2015 where over 800 migrants lost their lives in a shipwreck outside the Italian Island of Lampedusa, EU leaders met ad-hoc to discuss possible EU responses to this clearly humanitarian crisis. However, although the member-states, when meeting, agreed that something had to be done in response to the increasing number of lost lives at sea, the detailed responses remained in the open during the meeting

(Bosilca 2017). In line with propositions #1 and #2, our own and other studies suggest that the HR/VP and her Commission staff, cooperating informally with certain member-states and the EEAS (proposition #2), initiated a policy response that member-states could decide on and codify in the Council. Rather than formally putting this on the table, or being suggested by one or more member-states, the Commission and the HR/VP initially *informally* launched and pushed the idea of launching a naval mission (Johansen 2020. Also see Riddervold 2018), a clearly illuminating the informal influence of the Commission and in this case also the HR/VP through informal agenda leadership (#1). Agreeing that the EU needed to 'mobilize all efforts at its disposal to prevent further loss of life at sea and to tackle the root causes of the human emergency' to increase the EU's 'presence at sea, to get the traffickers, to prevent illegal migration and to reinforce internal solidarity and responsibility' (European Council 2015), a naval mission was both deemed as a tangible and visible action to undertake in this situation and as a policy proposal that member-states would support. As summed up by Rear Admiral Credendino, the commander of Sophia in the Italian parliament: Before the Lampedusa accident, there ´extremely different opinions on the topic: there were the more interventionist, the less interventionist, and those who had other interests´ (Senato della Repubblica 2016). But following Lampedusa, member-states reached a consensus in less than a week based on a draft proposal jointly initiated by the EEAS and the Commission (ibid.), and ´the operation was launched in record time´ (ibid.).

Conclusions and outlooks

This study suggests that the Commission's *agenda-setting role* in the CFSP exceeds its Treaty-based legal powers due informal agenda-setting practices. In particular, its agenda-setting role is associated with informal patterns of coalition-building between the Commission and the EEAS and the HR/VP in the first phases of CFSP decision-making processes. By exploring three cases of EU maritime security policies, the study suggests that the EEAS and the Commission have developed an informal and relatively independent system of executive governance in the CFSP, largely beyond the influence of member-states and largely shaped by existing institutional resources and informal ways of doing things (also see Riddervold and Trondal 2017). The HR/VP and her Commission staff also influences decision-making processes by informal agenda-setting practices. The study also suggests that the ´nuts and bolts´ (Elster 1989) of these informal governance practices are not that different from everyday executive politics in the Commission, supporting a ´normalization thesis´ of EU governance (Wille 2013; Also see Riddervold and Rosén 2016). By successfully putting issues at the CFSP agenda that links to its own role in other Community policy domains, the Commission's practices might moreover have cascading integrative effects beyond the CFSP by cutting across the CFSP and the Community "pillars".

None of the cases examined in this study are characterized by intergovernmental agenda processes where the Commission's agenda role subordinate to member-states' bargaining. Instead, the Commission role in CFSP agenda-setting is characterized by tight collaboration with the EEAS and the HR/VP in the early stages of the decision-making processes. The three cases examined, moreover, suggest that this is mainly shaped by agenda leadership (#1) in

combination with EU-level coalition-building (#2), but also strengthened by community framing (#3). In line with proposition #2, a lack of complete institutional structures allows the Commission to exert a substantive agenda-setting role beyond its formal competences in all three cases. Second, in line with proposition #1, substantial aspects of the EUMSS and Arctic policy-process can be traced back to the joint efforts of the Commission and the EEAS to shape the CFSP agenda by drafting Joint Communications. The Sophia case moreover illustrates how the HR/VP and her Commission staff seized a focusing event (the migration crisis) and linked it to a particular policy suggestion that facilitated consensus among the member-states. Third, the EUMSS case shows how the Commission also informed the agenda-setting process and hence CFSP decision-making by framing policy problems and solutions as cross-sectoral (#3). The Commission thereby enabled issue-linkages between EUMSS and the Community "pillar", also referred to as venue-shopping (Jones and Baumgartner 2005) and arena-linking (Héritier and Farell 2004). This provided room of manoeuvre for the Commission and the EEAS to informally push own agendas.

What broader implications can be derived to the study of comparative European politics and Commission governance? While previous studies have shown that the Commission indeed influences CFSP decision through various mechanisms, including by cooperating with the EEAS, this paper has developed new insights of how this influence is linked to *informal* agenda-setting practices, thus adding new empirical and analytical knowledge. Analytically, the paper provides a framework of various informal agenda-setting mechanisms that can be applied in studies not only of the Commission but also of other actors in the CFSP and beyond. In this study, this

framework proved relevant to tease out the Commission's informal agenda-setting roles across different cases. Empirically, first, our findings support a growing literature suggesting that the CFSP is less intergovernmental than the formal treaties suggest, in practice having developed closer to a supranational system where the Commission exerts a strong agenda-setting role (Riddervold 2016; Sjursen 2011). We however add to this literature by specifying how this development is linked to *informal* agenda-setting, hence also further increasing our knowledge of the mechanisms by which the Commission exerts influence in the domain. Although the informal character of the Commission's agenda-setting role means that it will vary across cases, the consistency we find across our three very different cases suggests that this is also a broader pattern in the CFSP. Second, the study illustrates how pre-existing institutional structures might shape de facto agenda-setting influence, and thus how various EU actors may influence policy-making in situations characterized by underspecified or ambiguous legal ramifications and thus incomplete contracting. How the EEAS and the Commission collaborate in the CFSP remained largely underspecified in the Lisbon treaty, allowing them to develop a system of joint executive governance, indeed shaped by existing organisational formats and informal ways of doing things among them. Due to a lack of a pre-established rules and routines, the Commission and the EEAS were able to establish informal collaborative governance which allowed them to informally act outside the Community framework. In sum, the study demonstrates a more substantive agenda-setting role for the Commission than acknowledged in contemporary literature, and thus defies the picture of a declining Commission ostensibly less able to 'call the tune' (Cram 1993).

Notes

[1] One caveat is needed: Similar to most broad policy domains, the CFSP is not internally coherent. This policy domain is thus not perfectly intergovernmental as the High Representative serves as a Commissioner and even as a vise-President of the Commission. Moreover, as a Chair of the Foreign Policy Council, the Council has a full-time politician with a primary affiliation to the EU-level and not to the member-states.

[2] Since the High Representative is both the leader of the EEAS and a Vice President of the Commission, EU-level coalition-building is also characterized by a formal arrangement.

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