

Governing Europe: The Status and Networking Strategies of Finnish, Estonian and German Regions in Brussels

**Paper presented at the EUSA Tenth Biennial International Conference, Montreal,
Canada, May 17-May 19, 2007**

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INTRODUCTION

While older “grand theories” of European integration such as neo-functionalism¹ or intergovernmentalism² see the EU or the member-states governments in most powerful positions, new, mid-range concepts, such as multi-level governance (MLG) or structural constructivism, the theoretical foundations of this paper, assume that all three levels of the EU – the supranational, national and sub-national level - may be in powerful policy-making positions. Of much importance is the fact that all levels tend to be bound together in formal or informal networks. In addition, actors can also circumvent each other. Sub-national levels, for instance, have established liaison offices to communicate directly with EU institutions and even take part in decision-making procedures in those institutions, such as in the Council of Ministers. As a result, their interests are not necessarily channelled via the central state level anymore. However, as we will demonstrate in our paper, the status of sub-national levels and their ability to govern Europe depends on different sets of factors. The arguments are based on the results of our comparative study of the Federal Republic of Germany, one of the founding members of the EC, Finland, a unitary state that has joined the EU over a decade ago in 1995, and Estonia, one of the new member states. Historically, the EU has used and continues to be an important field to be targeted by German *Länder*, and especially their governments, which has led to the construction of stable institutional links to different Brussels’ institutions and a more powerful position compared with Finnish and Estonian representations. Structurally, sub-national levels have different access to information and policy formulation due to variations in their availability of resources, for instance finances and staff, to access Brussels institutions. Nonetheless,

¹ On neo-functionalism see a.o. Haas, E. (1964), Haas, E. (1964), Jachtenfuchs, M. & Kohler-Koch, B. (1996), Schmitter, C. (2004)

² An early influential state-centric analysis of EC integration was provided by Stanley Hoffmann in 1966. See Hoffmann, S. (1966), pp. 862-915. Another interesting intergovernmental accord of EU integration is provided by Milward, A. & Sørensen, V. (1994). The outstanding scholar applying intergovernmentalist methodology today is Andrew Moravcsik who developed the theory of liberal intergovernmentalism. See Moravcsik, A. (1991), Moravcsik, A. (1993) and Moravcsik, A. (1998).

small offices and those from smaller member states apply a number of different strategies to cope with disadvantaged positions, such as creation of office communities or strategically focussing on a few specific policy fields only instead of applying a more holistic approach.

The paper is structured in three parts. Part I is meant to shortly synthesize how integration theory deals with sub-national actors. In part II we will discuss history and institutionalisation of regional and local level representations in Brussels and reflect on such issues as relations to national level actors, core functions, resources and staffs and their career paths. In part III, we will highlight qualitative differences in strategic foci and networking strategies of regional and local EU offices by discussing such issues as cooperation and lobbying in EU institutions, differences between big and small/old and new member states, networking with other offices, current topics and most pressing problems.

The research data stems from 12 structured interviews³, with the topics sent in forehand to the interviewees. All four German interviews were conducted by telephone and took between 45 and 60 minutes each. The Finnish interviews consist of four telephone interviews; each interview took about 40 minutes and one personal interview. The Estonian data stems from one personal interview and one telephone interview, both lasting 45-60 minutes. Instead of conducting a comparative analysis we are interested in the status of different actors and their strategies to position their ideas in the policy-making and law-making procedures by focussing on positions of the actors that are involved in those processes every day.

I. Integration Theory and Sub-National Actors

Mainstream theories of European integration have neglected the study of regional and local aspects and phenomena of European integration. The MLG approach is one of the few theoretical approaches to analyse processes of EU integration focussing on the sub-national and local level. Introduced in 1993 by Gary Marks, the concept of MLG paved the way for analysing the position of sub-national level actors in EU governance. However, it overestimates the empowerment of sub-national actors and underestimates the role of super-ordinate levels of the public sector and their strategies to preserve their position in the EU multi-level game. Referring to earlier research by Pollack and Bache, Jordan claimed that MLG “greatly overstates the autonomy of sub national actors even in policy areas where one would expect it to perform quite well”⁴.

In some of our earlier studies, such as on the power positions of the Finnish regional councils in the national setting⁵ or as regards the status of local-level actors in new forms of governance⁶, we came to similar conclusions.

We share Andrew Jordan’s perspective who argued that to further conceptualise MLG, MLG “needs to be subject to a great deal more case-study testing before it can be adopted as a general account of how (parts of) the EU operate(s). The next phase of trying to understand ‘the nature of the beast’ might include testing whether or not a ‘harder’ case of

³ The appendix contains a list of interviewees and dates.

⁴ Jordan, A. (2001), p.201

⁵ Kettunen, P. & Kungla, T. (2005): ”Europeanization of Sub-National Governance in Unitary States: Estonia and Finland”, in *Regional and Federal Studies* Vol. 15, No. 3, 353-378, September 2005

⁶ Kull, M. (2007): ”The Local European Union - Multi-level Governance and the Community Initiative LEADER+ in Finland and Germany”, upcoming PhD thesis.

integration (i.e. one marked by ‘high’ politics, such as foreign or defence policy) corresponds to the predictions of MLG.”⁷

On the following pages, instead of looking at high politics, we will look at how sub-national actors from three countries position themselves in Brussels by utilising liaison offices. We are interested in the qualitative aspects, not so much in quantities. We are interested in the status of different actors and their strategies to position their ideas in the policy-making and law-making procedures. Our motivation is to contribute to a more nuanced picture of influence of regional and local government in EU policy-making and legislation. This will be achieved by interviewing and analysing the perspectives of the actors that are involved in those processes every day. This approach comes close to the structural constructivist camp, which is interested in finding answers to questions such as how and through what mechanisms and players the EU is constructed and shaped in everyday interactions. Structural constructivists are interested in the status and power potential of actors in the construction of the European political space.⁸ As they are interested in the detailed, the specificities of the fields, its structures and the agents within those and not only their general characteristics, the obvious, structural constructivists combine statistical analyses with in-depth interviews and participant observation for collecting data and thus link “habitus to the structure of the fields.”⁹ In their view, the European Union is a “multileveled and polycentric emerging political field”¹⁰. Focussing on the power relations within the EU and between its layers is to answer the fundamental question of “who gets what, when and how?”¹¹. Integration is understood as based on processes leading to the construction of the European political field, which is both a material and symbolic entity and composed of the supranational level, as well as national, regional and local units and Europe’s civil societies. This model that Kauppi has defined as a “variation of the multi-level governance model”¹² comes close to MLG ontology. However, we see one important difference between MLG and structural constructivism. This is the critical element employed in structural constructivism.

In our view, while MLG has made very important contributions to map and analyse the general structure of the EU polity that is EU, member states and sub-national levels, what Marks and Hooghe further elaborated in their discussion of type-1 MLG, in addition to functional units and networks of problem-solving, termed type-2 MLG¹³, structural constructivism zooms in on the agents to provide a better understanding of how the structures are constructed, by whom and where power is situated and with whom. This dimension should not be neglected if power is also perceived as something hidden and secret and not only as visible, institutionalised and officialised¹⁴.

⁷ Jordan, A. (2001), p.204

⁸ This approach to study European integration is quite popular in France, probably more than elsewhere. Niilo Kauppi’s “*Democracy, social resources and political power in the European Union*”⁸ has introduced the concept to a broader audience. See Kauppi, N. (2005).

⁹ Cf. Kauppi, N. (2002), p. 16

¹⁰ Ibid., p. 1

¹¹ Ibid., p. 24

¹² See Kauppi, N. (2003), p. 785

¹³ On the characteristics of type I and type II MLG see Hooghe, L. & Marks, G. (2003).

¹⁴ Ibid., p. 131

II. Regional and Local Level Representations in Brussels – History and Institutionalisation

After having discussed theoretical issues in terms of sub-national positions in the EU polity, in this part, we are going to shed some light on both historical aspect and current issues in the relations between regional and national level actors in the context of sub-national representation in Brussels. In a next step, we are going to discuss the offices' core functions and tasks after we have a closer look at the offices as such. Other issues we are interested in concern the staff and their career paths as well as differences in the availability of resources.

The first liaison offices in Brussels were established by the German Länder Saarland and jointly by Schleswig-Holstein and Hamburg in 1985. Today, there are over 250 regional representations established in Brussels. Access to information and “insufficient attention”¹⁵ by national level actors, the wish to actively influence decision-making and legislative processes dealing directly with EU institutions in particular as concerns Regional Policy and the structural funds, were central determinants to invest in setting up regional and local offices to access the different EU institutions.

In the meantime, many Länder (for instance Bayern, Baden-Württemberg, Niedersachsen) and other regions started second generation offices. This means they have increased staffs and moved to bigger and more prestigious facilities. Thus, the ongoing process of European integration is also mirrored in the size of the liaison offices. The assignments of tasks of the regional offices correspond to the position of the region in the domestic institutional structures. While the Free State of Bavaria, for instance, deals with almost all EU topics, there are other regions responsible for structural funding only.

The German Association of Towns and Municipalities opened its office in 1991. As regards other local government central organisations, the German County Association and the German Association of Cities and Towns have European offices as well as.

There are no other offices from local government Land associations despite those from Bayern, Baden-Württemberg and Sachsen¹⁶. According to an informant from the German Association of Towns and Municipalities¹⁷, cooperation among colleagues from those offices functions very well and they strengthen each other in their work.

Apart from very few exceptions, German cities have no offices in Brussels. As concerns other member states, this is quite different. However, many German cities have an EU office back at home as part of the administration.

The office of the Finnish Association of Local and Regional Authorities (Kuntaliitto) began already in the year 1992, prior to EU membership. In addition to this office there are a

¹⁵ Interview with Alexander Heichlinger, European Institute of Public Administration, published in *Regions and Cities of Europe* February 2006 No. 50.

¹⁶ The Office of Bavarian municipalities started 15 years ago and in early 2000, it founded an office community together with the association of Baden-Württemberg. According to one informant (interview 1, conducted 12.2.2007) there are no discussions in the local government Land associations to establish an office in Brussels. Individual members from some Land associations of the DStGB working in their Länder representations for instance from Nordrhein-Westfalen. Those are no independent offices. Furthermore, as part of the “the municipal family”, there is the Stuttgart Region European Office, a European Office of the Verband kommunaler Unternehmen (VKU - representing the interests of the local authority public utilities in Germany) and a European Office of the German savings Banks Association (Sparkassen und Giroverband).

¹⁷ Interview 3, conducted 22.2.2007

number of regional offices set up in Brussels, such as the Southeast Finland and St. Petersburg Region Brussels Office, East Finland EU-Office, Helsinki EU-Office, European North Lapland - Oulu EU-Office, South Finland EU-Office: Itä-Uusimaa, Häme and Päijät-Häme, Tampere Central Region EU-Office, West Finland European Office and the Turku-Southwest Finland European Office.

There are two regional offices from Estonia, one which represents the Association of Estonian Cities and the Association of Estonian Rural Municipalities, the other being the Tallinn EU Office. Tallinn started the office in 1999, before the enlargement and was supported by the Hanse Office.

II. 1. Relationships with the State

When the first regional offices established in Brussels in the mid-1980s, a number of national governments and permanent representations were irritated, disliked this move and even asked their national courts for advice. The elites in the national capitals feared their regions setting up offices in Brussels are aiming at conducting their own “foreign policies”. While there were some negative reactions by the German Federal Ministry of Foreign Affairs when the first offices started, nowadays Länder representations cooperate closely with the Permanent Representation of the Federal Republic. There are for instance joint work groups consisting of members of the liaisons offices and the German permanent representation¹⁸ and the German ambassador organises de-briefings after every European Council meeting or meetings of the Councils of Minister for the heads of the Länder offices. Many issues of cooperation with the Federal government are not covered in Brussels but mainly dealt with in the Berlin office of the Länder and often with focus on the Federal ministries, but as concerns specific questions also in Brussels¹⁹. Within the context of the German Presidency, there used to be informal council meetings within the Bavarian representation on topics of trade policy and traffic.

There are some little tensions as regards the relations between the Länder representations and the permanent representation of the Federation concerning terminology. The Länder offices (in German Büro) as they were named earlier, and partially still are named, call them increasingly representation (in German Vertretung). An interviewee elaborated “not everyone at Federal level likes (this). We do not want to touch the responsibilities in external relations. There is a clear assignment of tasks and the Federation has our full support. This dispute is mainly about the name and we don not want to start shaping German Foreign Policy.”²⁰

As regards the local level, there is no form of institutionalised cooperation between the permanent representation of Germany and local government associations, so far. There are some talks with the ambassador on those questions, who according to an informant²¹ would welcome if municipal representatives would participate in the de-briefings and information events on particular topics. While according to some interviewees²² the participation of

¹⁸ Within the joint work groups, heads of divisions (Fachreferent) of Länder and Federation meet each other or have joint information events with the EP or the Commission. This functions, according to one interviewee smoothly. Interview 4, conducted 23.2.2007

¹⁹ For instance in 2005 on Port Package II concerning the liberalisation of services in harbours. The Länder from Northern Germany did seek talks with the EP and the Commission together with the permanent representation to point at the worries.

²⁰ Interview 6, conducted 28.2.2007

²¹ Interview 1, conducted 12.2.2007

²² Interview 1, conducted 12.2.2007

municipal representations failed due to the opposition of some Länder representatives according to one interviewee “this is a myth that I also heard. It is not because of us, to put it like this.”²³ Hearing this issue for the first time, another interviewee from a Land representation was astonished since representatives of economic organisations attending those de-briefings.

As regards cooperation between the offices of the local government associations and the Länder representations, this has been described as very close and well-functioning. There is an exchange on specific topics at the working level and joint-events on topics that are important both for the Land and the municipal level, for instance on public procurement law. While the local government offices profit from the fact that the Länder liaison offices are bigger and have access to information that they do not have, the Land government may profit from the local government offices since they deal more intensively with a number of topics than the Länder representations do. One interviewee reported that the municipal level often addresses first to the Land governments and then the Land governments probably advance this position vis-à-vis the Federation (in addition to the local government associations’ lobbying activities in Brussels). As a result, “the way for a city or municipality into a Council document is very far”²⁴.

Scandinavian municipalities have a very strong if not stronger position in the national setting, which is also explained by the missing meso-level of administration. The Scandinavian associations are much better equipped with personnel than the German, not as concerns their Brussels offices but especially concerning their headquarters back home with a couple of hundred employees.²⁵ As a result, in some Nordic countries, the link to national EU politics is more advanced. The Danish association, for instance, is involved in regular briefings including all parliamentarians dealing with EU affairs, both from the Riksdagen and the EP.

The Finnish respondents painted a somewhat different picture. They shared the view that in the beginning, the offices had not been encouraged by the state actors, on the contrary. The Brussels embassy and the ministries back home had felt that there is no need for such offices as the necessary information is already gathered by the state actors. The offices experienced also that in the beginning there was suspicions by the state actors why these kinds of offices would be needed. However, during the years the relationships have improved. In one of the cases the respondent felt that there are conflicts also at current, as their goals had not been supported by the relevant ministry. A similar opinion was also formulated so that most of the activities, interaction between the EU and member states, are dominated by state actors, leaving the regions a secondary, minor role. Finally, the difference of views was also understood to depend on different perspectives, the state actors representing the whole country, the regional offices individual regions within the state. One of the interviewees elaborated that their office “was for the local needs and there were no direct connections to the national level”²⁶.

All in all, the relationships with state actors are not systematic. These are clearly not the principal organizations relevant for the regional offices, but occasional information is always valued as such. For the Finnish offices the interaction includes meetings with the

²³ Interview 4, conducted 23.2.2007

²⁴ Interview 6, conducted 28.2.2007. The office of the communal associations of Baden-Württemberg will address to the Minister President of the Land and ask him to plead for a stronger involvement of municipal representatives in the flow of information.

²⁵ The biggest German association is the *Städtetag* with roughly 100 if compared to roughly 80 million inhabitants

²⁶ Interview 12, conducted 3.4.2007

Finnish EU embassy, albeit only a few times a year. For the Kuntaliitto office relationships with the state actors are a little closer. There are neither mutual projects nor systematic meetings, but according to the agenda. The Kuntaliitto office however has a special role as it is seen to represent all the sub-national actors.

In the Estonian case the experience had been a more positive and the two respondents did not refer to similar negative attitudes as in the case of Finland. The relationships were seen as instrumental, serving the need for information. As one of interviewees formulated: “The regional offices (are) a sort of test areas or gateways for some experimental projects, which are not tolerated by or on behalf of the state”²⁷. In both cases, we see closer relationships, which can be explained by the smaller size of the country, and that the newly gained independence and fresh membership also unite the Estonian Brussels community more than is the case of Finland. To cite one of the respondents: “but what concerns the Brussels level we have to be together and Estonia is so little that we are not interested in such kinds of conflicts (interest, PK)”²⁸.

II. 2. The Offices and their Resources

The big Länder have better staffed offices and communication is more intense than the editing of information (e.g. first assessments in Brussels followed by accompanying functional evaluation of the colleagues back home). Primary customers are ministries, who provide instruction how the representations should act. In addition to ministries, there are close interactions with companies, especially SMEs, chambers of commerce or universities²⁹. In many cases individuals from those institutions contact people back home in Germany in the first place but increasingly also directly address the Brussels office with the “awareness you don’t have to like the EU but it could be important”³⁰.

The “clients” of the German Association of Towns and Municipalities are its member associations and behind them stand almost 13.000 German cities and municipalities. The office’s tasks are representing the interests of cities and municipalities in Brussels, Strasbourg and Berlin and to provide information, for instance on the work of the Commission or on legal developments underway. The association organises contacts, for instance to staff of the Commission or MEPs. It offers possibilities for local politicians to receive information in Brussels and on the spot. Visiting groups are coming, also those visiting MEPs. The association cooperates with political foundations, for instance in that way that they give talks on the subject of municipalities and cities in Europe. They target journalists and cooperate with other organisations to inform on the status of cities and municipalities in Europe.

The selected Finnish offices (5) represented both those maintained by regional councils and those maintained jointly by city, regional council and university. In the last case there had first been an effort to calculate the time according to the shares of the different organizations, however, now the system is more flexible as long as all three stake-holders get some benefit. In addition to the routine activities the offices also receive tasks from other organizations and citizens. Although in principle welcome these kinds of inquiries do

²⁷ Interview 5, conducted 26.02.2007

²⁸ Interview 2, conducted 13.2.2007

²⁹ In this context, not concrete support concerning single applications but strategically advising is provided, such as telling what kind of resources might be available for the project in question and to whom to talk to.

³⁰ Interview 6, conducted 28.2.2007

not always fit to the tight schedule of the staff. In one case the rather passive guidance from the home field was considered to be problematic, leading to “too much” of self-guidance of the office.

One of the Estonian offices described also the question of representation. As the office represented both the Estonian rural municipalities and the cities (the latter also often rural and small) the question was whether the interests of the two masters could crash. As the respondent formulated “Represents two associations: Association of Estonian Cities with 46 members (there are 33 cities but some municipalities near the cities chose to join this association. The Association of Cities has a bigger budget and provides more services.) and Association of Estonian Rural Municipalities with 157 members. Cities are stronger with two thirds of the population living in the cities and one third in rather small municipalities”³¹.

It seems that there have been debates on the resources but in all cases the respondents were not expecting major growth in resources. One of the respondents even stated that the financial resources were “quite balanced”³². The Estonian respondents on the other hand were also satisfied with the resources, as this was what they had, but at the same time suggested that the “The finances do not allow me to take anybody the Brussels style, which is known and which is normal, i.e. the only time you can talk to some high guy is to invite him out to eat during the day”³³. So, at the end of the day, sufficiency is a relative issue. As regards budgets and available resources, the informants from Länder representations said that they are sufficiently covered. The local government associations would like to see more personnel to support their work.

II. 3. The Core Functions and Tasks

For Länder representations the early detection of all issues that emerge at EU level and to report on those to the colleagues back home is highly important as is the intervention in decision-making processes as early as possible. While observation of policy- and law-making, lobbying to influence decision-making, networking with other regions and promoting the region play an important role, the first two points are the most important. In the context of observing policy- and law-making one interviewee perceived the role of the Land representation as an early warning system in that its staff tries, through established networks, to receive relevant information as early as possible and forward that information home. Furthermore, and in cooperation with the colleagues back home, positions are developed, which are fed into the legislative process. Of great help in this context is the Commission’s voluntary self-commitment to consider statements, i.e. to conduct impact assessments. Very important contacts in the decision-making phase are the MEPs from the home region, also if interests cannot be realised at the Commission level. As regards the Commission, networking with other regions is very important to find majorities for positions.

The representation of Bayern perceives itself also as a platform for the Bavarian Economy and Bavarian civil society. As regards the economy, big companies need the representation only in exceptional cases that means the representation is a contact particularly for SME that have neither the money, time nor the capacities to pay attention to Brussels all the time. The representation creates links, contacts and generates information for them. When asked

³¹ Interview 2, conducted 13.2.2007

³² Interview 12, conducted 3.4.2007

³³ Interview 5, conducted 26.02.2007

to evaluate things achieved and name issues to be improved, the interviewee from the representation of Bayern stressed that with the creation of the CoR and “among other things due to massive pressure of Bayern”³⁴, regions have been recognised as partners at the European institutions. Secondly, the principle of subsidiarity was perceived as a big success. Furthermore, there are concrete policies that have improved.³⁵ Another important topic is services of public interest and the fact that this can be still regulated locally, i.e. that there will be no EU framework law. By and large and as regards all issues that originate from the Commission and that have an effect on regional and local levels, the informant from Bayern perceived their achieved results as successful.

As regards negative aspects, Bayern and others very much regretted the constitutional treaty being on ice at the moment. In their view, it contains considerable possibilities to strengthen the regions, such as the subsidiarity early-warning system or the possibility of filing a suit at the ECJ in cases of violation of subsidiarity.

Key activities and main priority of the office of German Association of Towns and Municipalities is the active placement of municipal interests but also municipal expertise into political and most notably also legislative processes into European institutions. This is realised in connection with German sister associations and those from other European countries. Networking with other regions is an integral part of the process of interest representation. The second priority is the provision of information for cities and municipalities. Thus the function is in two directions, on the one hand bringing municipal issues to Europe and on the other hand bringing Europe to the municipalities. The latter means to inform Brussels institutions on what the municipalities expect, demand and what problems and difficulties they see.

The European office of three local government Land associations is quite small but, according to an informant from this institution, well established and part of the networks³⁶. One of its goals is to improve the Commission’s cognition of the municipalities in general and that the Commission consults and involves the municipalities much earlier than has been the case so far. To achieve this, the office follows, above all, law-making processes in municipal-relevant areas, such as public procurement law, state aid and subsidies law. European environmental law is very important, too and is gaining in importance as well as getting more comprehensive. Staffs of local government offices watch closely all areas of structural policy by going to the EP and events organised by other institutions. Most of them do not follow EU politics as a whole but focus on those fields that are assumed to be important for the communal associations. Another function with increasing intensity is lobbying. According to an interviewee, one reached “a point when it is not sufficient anymore to be only informed but (...) to place (...) interests in the law-making processes.”³⁷

As regards lobbying, two things are highly important. First, there is a very close coordination with all German Brussels-based communal representations, in order to speak with one voice. Second, the target groups are in many cases are the MEPs from the home region. The second target group are staffs from the Commission as the Commission has the right of initiative in the EU.

³⁴ Interview 4, conducted 23.2.2007

³⁵ One concrete example is funding for border regions. Furthermore, Bayern achieved that within the context of Objective-2 funding there will be an extra 75 million € the Austrians received even 100 million €

³⁶ Interview 1, conducted 12.2.2007

³⁷ Interview 1, conducted 12.2.2007

Another function, although not as important as following law-making and lobbying is consulting on funding possibilities.³⁸ Mayors or municipal civil servants directly approach the Brussels office outlining the ideas and asking what kind of resources might be available for a potential project. The office acts as mediator of contacts between representatives of the associations back home and European decision-makers (both EP and Commission). Civil servants have the possibility to come to Brussels and do a traineeship and a large number of groups of visitors are coming, too.

The Finnish offices see their role typically in lobbying rather than merely in finding information. However, in order to be able to influence, it's necessary to find information and to know what issues are being processed. From the interviewed Finnish respondents the Kuntaliitto office has a broader view, i.e. local and regional issues, while the other three offices seemed to focus more, albeit at times, on issues which bear a particular importance for the region in question. Thus for example for the Helsinki and Uusimaa office the urban questions are close-by, while for the Lapland office it was on the contrary the issues of sparsely populated areas which played a more important role. One of the offices had one person working specifically with information concerning the research programs, i.e. providing the home actors (universities) up-to-date information about the framework and other programs. When the office prefers to affect a decision-making or preparatory process, it is easier if one co-operates with other regional offices, from elsewhere of Europe. This indicates that the offices behave like lobbyists, not having a formal role in relation to policy work. Stable contacts with the Commission staff and contact with the EP are also helpful in obtaining information. This highlights the importance of personal, informal networks, a valuable asset in lobbying. An additional field of activity for the offices is providing information to the home region, or introducing domestic actors to the Brussels networks. Occasionally the regions are also invited to workgroups. In one case the office was represented by the regional manager. In the case of Kuntaliitto, the statements are often written by experts in Helsinki, rather than the office staff. One point is that there are always more actual issues. For example is the EP deals with relevant issues, the main concern is there. This also reflects the limited resources of the offices. They have to focus on the main issues. Finally, is there a division of labor between the offices? It seems that this is not the case. On the contrary the offices do not support this and may be inclined to guard their core tasks.

The Estonian experiences are very much the same. One interviewee formulated: "Observation of policy- and law-making and lobbying, networking is absolutely essential and I also promote our regions. My first task is to observe policy-making to get all the information. I also sit in all the meetings and express Estonian positions"³⁹. The other interviewee emphasized the importance of networking and the fact, that one cannot absorb all the information, it is very much about being the right time in the right place. "Highest priority is networking with other regions, promoting the region and using the chances that

³⁸ For instance in the case of the office of three local government Land associations, municipalities contact the office if they have specific ideas and would like to know whether there are some sources of funding available to realise those. The office offers counselling on programmes, for instance informing which programmes could be appropriate, arrange contacts to the Commission or national contact points. As regards some funding programmes that are much demanded, for instance town-twinning projects some further steps are taken. The offices may assist during the process of application drafting in that the drafts will be taken a close look at and ideas how to optimise those provided.

³⁹ Interview 2, conducted 13.2.2007

come in your way. Some things you cannot plan but you have to keep your eyes open for those chances”⁴⁰.

In evaluating their performance, one informant stressed that there is no finalité in the EU business and in the business of lobbying but the local government central associations succeeded in anchoring issues relevant for communes as a constant in European politics and legislation. This is the result of cooperation in networks such as in the Conseil de Communes et régions d’Europe (the European umbrella organisation in Brussels) or in the CoR. Communes and regions, subsidiarity, rights, function and impacts on integration by sub-national actors are topics on the EU agenda, which was different a decade ago. The constitutional treaty acknowledges and strengthens the rights of the municipalities and the regions within the European context. However, one interviewee⁴¹ critically remarked that the Commission has the right of initiative and should reflect more on municipal positions, take those more serious and should adhere more strongly to those principles laid down in the EC treaty, such as principle of subsidiarity and proportionality. According to the interviewee “a major problem is that the EU is to an increasing degree regulating even the smallest details which creates EU displeasure at municipal level”⁴². According to the same informant, the Commission should concentrate more on its core functions, those areas that need to be regulated by the EU. The communal level lacks understanding for more and more regulations made in Brussels that are perceived as not necessary as member states have functioning monitoring systems. For the municipal level it is substantial that municipal self-government is going to be anchored at the European level as well. Another remaining problem is how the dialogue with the local government central associations shall be structured. So far only the Commission dealt with this, while real structuration is not yet realised in the EP⁴³. Local government associations demand an explicit recognition, the dialogue, consultations and hearings. In their view, this has to be of higher weight if compared to the dialogue with associations that have sectoral and partial economic interests only. This is because “the involvement of the associations is also a form of participation of the citizens if one perceives the associations as a form of organised citizenry. We also fulfil public tasks, which others do not do, such as for the public weal. Local democracy and the municipality is a form of organised citizenry and we are different from others in that we are the result of general elections.”⁴⁴ The offices see their priorities somewhat differently. This is understandable, as the characteristics of the regions can vary. There were at the same time plenty of similarities. The offices, office-holders, follow-up EU decision making, be it in the Parliament, or in the Commission. The offices also shared their view, partly, on the important issues.

⁴⁰ Interview 5, conducted 26.02.2007

⁴¹ Interview 1, conducted 12.2.2007

⁴² One example the interviewee provided is if a civil servant working for the Commission tells us that contract awards of a financial volume starting from 10.000€ are potentially relevant for the internal market and it has to be examined whether there is a relevance for the internal market and whether there has to be a Europe-wide call for tenders then this leads to lack of understanding at municipal level. Interview 1, conducted 12.2.2007

⁴³ The Greenbook on Transparency is of importance in this context and for instance the idea that all accredited interest representations in Brussels shall be listed in a large and publicly accessible database. This is to demonstrate who they actually are, who is behind it, which structures, and above all, who finances with what resources which institution.

⁴⁴ Interview 3, conducted 22.2.2007

II. 4. Personnel

The representation of the Free State Bayern has a rather unique structure since each Bavarian Ministry is represented by a Spiegelreferent⁴⁵. Financially and staff-wise also the interviewee from the Hanse Office perceived the office as sufficiently or adequately equipped. There are eight heads of division, which are civil servants from the higher services from both Länder, in addition to two heads of the representation (one Hamburg and one Schleswig-Holstein). In addition there is a number of local employees⁴⁶ as well as interns and trainee lawyers. The office delimits the fulfilment of tasks on essential areas, as it perceived it being impossible to cover all policies.

Local government associations from all EU member states increasingly run office communities to create synergies and compensate for the small amount of personnel being sent to Brussels from the headquarters. Informants remarked that as a single person or even in cooperation with a few colleagues, one can not be fully represented in all specific topics, thus the creation of communities makes much sense. The office community of the European Offices of Baden-Württemberg, Bayern and Sachsen has a permanent staff of seven employees⁴⁷. As usual for almost all offices in Brussels, there are interns and trainees in the office community, 2-4 on the average. Due to the office community there is a very strong division of labour. The dossiers are divided among the partner, which means that each has the possibility to specialise and deal with one issue. Most informants who follow such strategies perceived this as win-win situation for all. The office community of the European Offices of Baden-Württemberg, Bayern and Sachsen has a sort of rapporteur and shadow-rapporteur to report in weekly meetings organised to exchange on all topics. A precondition for sharing of tasks “is trust in the office community and that you are able to step back if it is about taking credits for something you know that you had an important share in this project.”⁴⁸

The German Association of Towns and Municipalities takes part in an office community as well. Each of the EU office of local government central associations has two positions of higher public service. Colleagues in Berlin and Cologne headquarters also deal with EU affairs. With more staffs, the associations would intensify provision of information and propel networking and interest representation, above all focussed on MEPs and the experts from the Commission and the dialogue with them. This is not only done by the Brussels office but also by the respective experts from Germany, who have limited capacities as it is very cost-intensive to handle this from Berlin. As the financial situation of German municipalities is bad, this is also felt in the associations. Compared to trade associations they do not have the same scope as regards finances and personnel and as one interviewee put it “we critically remark that out of 13.000 cities and communities there are only 2 positions, compared to the EU offices of a mid-sized company and more than 10 positions.”⁴⁹

One problem, which is the same for all local government associations, is that they have to be generalists. Sometimes someone has to come from the national associations and the

⁴⁵ This means that from each ministry, one head of division is working in the representation. The interviewee from Bayern added that ideally would be two colleagues per resort but reflecting on the budgetary situation, this is hard to realise.

⁴⁶ Those work in the secretariat, event-management or as janitors.

⁴⁷ 4 are from Bayern, they bring in the largest share of resources while Baden-Württemberg and Sachsen have 1.5 positions each.

⁴⁸ Interview 1, conducted 12.2.2007

⁴⁹ Interview 3, conducted 22.2.2007

dialogue with the experts from home is perceived as very important but the capacity to open doors is with the staffs in Brussels.

The selected Finnish regional EU offices were all small, consisting of 1-3 persons, including trainees. Compared to other Scandinavian offices, they do not reach the same level. However, the resource question was not on the agenda in any of the cases. There had been occasional discussions but all in all, the activities had been modified to fit the limited personnel. The personnel in the offices were usually hired for 3 years at time, with possibilities to continue. In fact, as personal networks seemed to be a powerful asset of the persons, it would suggest that long time commitment would be valued by the employers. An additional viewpoint here is that the interviewed persons emphasized the importance of working in Brussels, and not from Finland. This had been tried by some, and in a similar way, constructing linkages between domestic regional actors and the Brussels networks was not successful.

In the Estonian case the small number of staff was considered more as a problem. One interviewee remarked that “it is only me, not sufficient and as a research by Tallinn University suggested also, there will be stagiaires supporting me in future, one or two”⁵⁰. The other interviewee also said that “more would be much welcome”⁵¹.

II.5. Career Paths

The work in a regional or local level representation much depends on the construction and maintenance of personal contacts. As one interviewee put it “this does not come over night. You can not simply go like a bull at gate and say, hello here I am. There is the social and functional dimension. I would say you need about a year to know how things go. If there is only half a year or a year until you leave, the loss of resources is quite high.”⁵² The functions of the offices reach very much into the informal sphere of policy-making as they do not have the right to sit at the table of the Council or in the EP. This requires the construction of a big network. For newcomers it can take 1.5 – 2 years to be part of those and being really operational. In the view of one informant, those offices that keep their staffs relatively long work much more successful than those with a high fluctuation of staff. Staffs in the representation of Bayern stay 5-6 years on the average. The positions are heads of division. When leaving back to the ministerial bureaucracy after 5 or 6 years they can climb up one step in the career ladder.

As regards Schleswig-Holstein, as a rule the time staffs stay in the office is unlimited and personnel leaves after a couple of years⁵³. As regards the other Land in the Hanse Office, Hamburg follows a rotation principle, which means that staffs cannot stay longer than four years. The background and motif is to bring in fresh blood to Brussels and bring back Brussels competence to the administration in Hamburg. According to one interviewee⁵⁴, one needs approximately 1 year to be into the policies and establish networks and then utilise those.

The fluctuation within the German local government central associations is relatively marginal if compared to other countries such as Finland. Remarking the shorter time that

⁵⁰ Interview 5, conducted 26.02.2007

⁵¹ Interview 2, conducted 13.2.2007

⁵² Interview 3, conducted 22.2.2007

⁵³ Personnel come and return to the ministerial administration.

⁵⁴ Interview 6, conducted 28.2.2007

Finnish colleagues spend in Brussels, many interviewees argued that this is similar in all other Scandinavian countries.⁵⁵ The argument in favour of short times and high fluctuations is that EU affairs become deeply anchored in the work of the association as many people share the “Brussels experience”. Furthermore, this experience is an important aspect of accumulating social capital and using Brussels as a stepping-stone for their career, be it in the national or European field. However, the loss this creates for the office in Brussels, such as loss of experience and networks, is immense.

Many informants argued that a time-span of two years in Brussels is too short, as a relatively long time is needed to orient in Brussels decision-making processes, perceived as very complex and more complicated than in many other national capitals.

In the Finnish case, there appeared to be some difference between the Kuntaliitto office and the others. For the first one, the staff used to both come from and return to the Kuntaliitto. This seemed to be a strategy ensuring that the useful knowledge and experience is brought back to Kuntaliitto after the Brussels stay. For the other offices it seemed more important to find persons who already were experienced with EU programs and international issues. For the Estonian offices there was still a limited experience in terms of time, so generalisations cannot be made, yet. One respondent also wanted to pinpoint that it is important to know well the home region: “The person representing the city or the region should have a background in this region and know the people in forehand”⁵⁶. The other respondent had a background as an international affairs secretary in a municipality.

III. Governing Europe - Qualitative Differences in Strategic Foci and Networking Strategies of EU Offices

On the following pages, we will discuss the different positions of offices that come from big and small as well as old and new member states, their strategic foci and networking strategies. We will also discuss with whom they cooperate and what EU institutions they target their lobbying activities at. Finally, we will take a close look at current topics and most pressing problems.

III. 1. Regional Offices and Differences between Small and Big / Old and New Member States

According to most interviewees, the German regional offices have a more prominent status in Brussels. The reasons are that they come from a big member state and have own legislative competences. One interviewee explained: “the Commission knows that and is more willing to listen to us and discuss with us than would be the case with other regions. In addition, other regions are differently represented, much smaller, different status and have fewer personnel.”⁵⁷ This results in different influence capabilities on political decisions and law-making processes, where German Länder have it easier if compared to other European regions without own legislative competence. There are also differences among the Länder, with small Länder often following cluster politics and not covering all

⁵⁵ According to one informant (Interview 3, conducted 22.2.2007), his Danish colleagues can apply for a third additional year but after that they have to return to Copenhagen.

⁵⁶ Interview 5, conducted 26.02.2007

⁵⁷ Interview 6, conducted 28.2.2007

fields. Bigger Land representations in contrast have more staff and thus different foci. In the point of view of one interviewee, the bigger Länder can and want appear quite differently but without an impact on the influence on political decisions. According to another informant, it is not so much about big and small but concerns more how federally structured the member states are and on what power positions the regions fill in the member states. Germany and Austria and to a certain extent now also England, especially Scotland, in addition to Italy and Spain with their strong autonomous regions have higher potentials to influence the national governments, which bring the issues to the Commission or the Council of Ministers. In Germany, the constitution lays down that the position of the Bundesrat⁵⁸ on all issues of EU politics has to be heard. According to one interviewee, “this is a small pressurising medium, especially since Bayern is very active in the Bundesrat as concerns EU affairs.”⁵⁹ As regards the principle of subsidiarity, German Länder have a high interest in its implementation and a close look that this is realised. This gives them some access to Brussels institutions. Finally and related, a very important topic is better regulation and reduction of bureaucracy and as in Germany Länder and municipalities are responsible for the implementation of EU law, the Länder also want to have a word here.

According to an interviewee from a local government association, there are differences between offices from large and small member states but as to the power of municipal representations in Brussels is concerned, it does not really matter whether it is from a small or big member state. Usually offices of local government central associations have 1-3 staffs and they are generalists. There are different dimension of how local government central associations are included at the national level, depending on the role and status of the municipal level in each member state. According to one interviewee, there is a North-South divide with relatively strong competences and structures in Northern Europe. If there are municipal competences there is an interest in EU affairs. The overall picture is very heterogeneous. Compared with other offices from Scandinavia, such as the Stockholm office with 10 employees, the Finnish offices are limited. This automatically means that there are fewer opportunities to follow the EU organizations. The respondents stated that it is a question of choosing. German offices are seen as forming the other end in terms of influence. This is mainly because of their organizational capacity and also because they are serving regions which have legislative tasks. For example the Helsinki office could, if considering its nature as the capital and metropolitan area, have 4-5 persons. If compared to the Kuntaliitto office, the Swedish and Danish office are bigger (in staff number) but the Norwegian and Icelandic (sic!) offices are smaller or similar to Finland. However, other factors are also important. It takes time to build the informal relationships, both for individuals and for the office (reputation). One of the Finnish respondents referred to the fact that “some of the old members are very familiar with the system and have good links”⁶⁰. At the same time “the new members are very interesting objects for the

⁵⁸ The *Bundesrat* is one of five permanent institutional organs of the Federal Republic of Germany. According to Article 51 Basic Law, “The Bundesrat shall consist of members of the Land governments, which appoint and recall them. (...) Each Land shall have at least three votes; Länder with more than two million inhabitants shall have four, Länder with more than six million inhabitants five, and Länder with more than seven million inhabitants six votes.” Article 23 Paragraph 2 of the Basic Law formulates the form of participation and involvement granted to the *Länder* “in matters concerning the European Union”. That is “through the Bundesrat”. The text continues with the obligation of the Federal Government, which “shall inform the Bundestag and the Bundesrat comprehensively and as quickly as possible.”

⁵⁹ Interview 4, conducted 23.2.2007

⁶⁰ Interview 12, conducted 3.4.2007

Commission people, who want them to be committed to the system as soon as possible”⁶¹. The Estonian perspective on this issue was the same, in other words, confirmed that also newcomers have chances, even better ones. “Differences are not in size. Some offices are too big and not flexible to follow the trends anymore”⁶². In any case, the new member states and their offices have to work through their way to the networks: “We think and we hope that we can make our voice much stronger and be more visible. Visibility is very important. You need colleagues of the region much more frequent and talk about important things even in coffee breaks.”⁶³

III.2. Cooperation with other EU offices

For Bayern, particularly regions that have legislative competences, a powerful position in their countries or that have strong federal structures are important. Thus, close cooperation takes place with the Austrian Länder or Scotland. In addition, there are also ad hoc selections of partners.

While cooperation with regions that also have much power in their state structure has advantages, the interviewee from one Land representation stressed that it cannot be reduced to that. If regions do not have legislative competence when drafting a statement, within a process of consultation or even before in the legislative process of the Commission, it is very valuable to have supra-regional networks. Including statements not only from Germany or one Land but if possible draft those together with other regions from other member states and those not being strong players in the national field has advantages for all. Concerning networking with other regions, the CoR provides an automatic network. The Baltic Sea region is one of the core foci for the Hanse Office and the interviewee from this office stressed their high interest in a close cooperation with Baltic partners, around 40 regional offices. Many offices from that area are located in or near one particular street (avenue Palmerston). Those offices “form” the Palmerston Group. Important is also the cooperation within the BSSSC. There is an intense cooperation between representations from Northern Germany, e.g. within the frame of Norddeutsche Zusammenarbeit (Northern German Cooperation), where representatives from those offices meet once a year to jointly evaluate the Commission’s Work programme from the perspective of Northern German interests. In addition to this form of Nordic cooperation, all German Länder set up joint working group as regards specialist departments (e.g. economics).

As regards local government offices, there exist on the one hand functional forms of cooperation between those offices depending on certain topics to be solved together. On the other hand there is cooperation based on the regional dimension, which means to work together as a “family” from a particular corner of Europe. Functional forms of cooperation are manifold, such as with the Finns concerning questions touching the social sector, where the Finns “are highly competent”⁶⁴. The German Association of Towns and Municipalities has a tradition and good cooperation with the French and even a formal partnership treaty with the Austrian association.

Much depends on the topics and on the individuals and also on which level networking takes place. An important institution for cooperation is the CoR and the Council of European Municipalities and Regions (CEMR). There are every two weeks meetings within ELANET, the European Local Authorities' Telematic Network, where all Brussels based

⁶¹ Interview 12, conducted 3.4.2007

⁶² Interview 5, conducted 26.02.2007

⁶³ Interview 2, conducted 13.2.2007

⁶⁴ Interview 3, conducted 22.2.2007

local offices meet to exchange information and to discuss actions concerning interest representation in the EP or Commission. Construction of networks takes also place in those fora but much depends also on personal contacts.

A typical form of activity of the Finnish regional offices is to build networks. After all, the claims or statements get more weight when there are 20 in stead of 1 office. Strangely this does not apply to the Finnish offices, which rather than co-operate with the other Finnish offices prefer to network with other European offices. What kind of similarities do they look for? The interaction can partly be based on merely personal relationships, but there is a good deal of rational searching of similarities, too. Urban, old industry, coastal, sparsely populated etc. can form the grounds for co-operation. The offices also can and usually have several issue-specific networks, some of which are more informal than others. Networking with the Commission staff was also mentioned. One of the respondents claimed that while some European offices openly build connections to their fellow countrymen in the Commission, the Finns are not using this method so much. However, it seems to be easier to contact a staff member if he or she comes from the same country. Finally, the Finnish offices do also have meetings, some 4 times a year. Although not closely sharing tasks, they do not compete with each other, as the respondents claimed to be the situation amongst some other offices.

The Estonian interviews further emphasize that there is not a one and only model of networking. One of the interviewees highlighted the importance of wide networking: “One dimension is Nordic but we are also on a very good, surprisingly across Europe, with the Regione Lombardia, we are working very close with the Barcelona and Valancia Offices, the Scotland House. Our world, and I am happy to say that, is not only the region but the whole of Europe”⁶⁵. For the other interviewee the home area was more important in that it mainly cooperates with partners from the Baltic Sea Region: “The Baltic Sea Region is small and we know each other much better. This is the number one priority”⁶⁶.

III.3. The Importance of EU institutions

The respondents were asked how often they contact the EU institutions and secondly, how important they perceive these institutions to be. For the Länder representations, the most important institution is the Commission and almost equally important also the EP, with the greatest potential to influence. As regards DGs, this is case specific. The importance of the Commission is perceived as being increased due to its “Better Regulation” strategy and its self-commitment to conduct impact assessments. This means that the Commission needs external expertises the Länder are glad to provide. The EP is very important, too and Länder representations focus on MEPs from their Land in the first place but also on others. The Council of Ministers is slightly less important, since due to the Bundesratsverfahren⁶⁷ in the Federal Republic issues that are important in that context are handled from home. The representations also have close contacts to the permanent representation of the Federal Republic and via this level into the council and COREPER. There are frequent contacts with the CoR, for instance the Bavarian Minister for European Affairs is head of the

⁶⁵ Interview 5, conducted 26.02.2007

⁶⁶ Interview 2, conducted 13.2.2007

⁶⁷ See Article 23 Basic Law referred to above.

German delegation. Another informant perceived the CoR not as important as Commission and EP but as a chance and transmitter to reach into the Commission.⁶⁸

In addition to those institutions, functional contacts, related to specific fields are sought to different institutions, such as chambers of commerce or universities, since according to one interviewee⁶⁹, when drafting statements for the Commission having others than public administration on board is of importance.

Most local government associations have more frequent cooperation with MEPs, which much depend on the stage of the legislative process and on the content. While in the beginning local government associations had no access to Council of Ministers, this slightly improved since the meetings are partially public. However, the relations have been still described as very much underdeveloped. The role of local government associations is solely that of an observer with no direct channels into the council. However, one strategy is to influence indirectly via the Land-governments, above all the Ministers for European Affairs. Important is also the CoR as the three German municipal members in the CoR are supported by the local government central associations. Furthermore, the CoR is preparing a network on monitoring subsidiarity, which means that cooperation with the CoR might be intensified in future.

Compared to the other two countries this study focuses on and to other member states, the German communal level is very much underrepresented in the CoR. 21 seats are filled by Länder delegates and only 3 by communes. For local government associations as well as many mayors and civil servants from municipal administrations, the current weighting of seats is absolutely inadequate. Ever since the CoR is operating, a higher profile of German municipalities has been demanded by local government associations. According to one interviewee, “this failed due to the resistance of the Länder. If former chancellor Helmut Kohl would not have put his foot down, we would not have received a single seat. The Länder demanded all 24 seats”⁷⁰. While a representative of a local government association reported that there is no political willingness at Länder level⁷¹, the representative of one Land said “if one is claiming a variety of regions in Europe then one cannot stop at the regional level, then one has to consider all levels”⁷². Interviewees were not aware of any tendencies on changing the composition of the German delegation to the CoR.⁷³ According to one informant⁷⁴, most important institutions are the Conseil de Communes et régions d’Europe (CCRE) as the European umbrella organisation in Brussels and the Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest (CEEP) in addition to the sister associations from Germany and the meetings of the ELANET network. Important, too is “Europe outside the EU”, the Council of Europe in Strasbourg and its Congress of Local and Regional Authorities. While those are in the shadow of the EU, important networking takes place here as well. Bilateral contacts to sister associations from other European countries are perceived as very important, too.

⁶⁸ For instance Schleswig-Holstein succeeded in demonstrating the necessity of a integrated maritime policy via the CoR into the Commission.

⁶⁹ Interview 6, conducted 28.2.2007

⁷⁰ Interview 3, conducted 22.2.2007

⁷¹ Interview 3, conducted 22.2.2007

⁷² Interview 4, conducted 23.2.2007

⁷³ This issue is determined by Germany. At EU level it is only decided how many members there will be per member state. There are a few requirements that they are elected delegates but whether they are from regional or local level, is not determined by the EC treaty or the statutes of the CoR.

⁷⁴ Interview 3, conducted 22.2.2007

According to one Finnish respondent, the importance depends on the decision-making process in questions and on the stage in the process. In other words, at early stages the Commission is important and when the process moves on to the EP then the EP becomes more important. In addition one function of the offices is to “guard the subsidiarity”, i.e. to keep an eye on the Commission that it will not regulate too many things. For the Kuntaliitto office the CoR is also one important actor, and the Kuntaliitto also provides the secretary for the Finnish delegates. One of the Finnish respondents was more focused on research issues and thus was most of the time in contact with the Commission, which the respondent felt was very co-operative. The issues vary: while the Baltic Sea is important to the Helsinki office, sparsely populated areas are more relevant for the Lappi-Oulu office. For all the offices questions such as cohesion policy, research, while environment or agriculture are only rarely dealt with. The importance varies also in terms of time. The Cohesion policy was more actual in 2006, but now when the budget frame is ready, other issues get more prominence.

For one Estonian interviewee the Commission had the highest priority, the CoR was also a “sort of the second home”⁷⁵. The question of whom to contact was already discussed earlier. However, the following lengthy citation reveals in a nice way to what extent the regional offices can rely on domestic actors, even in Brussels: “CoR number one priority as office coordinates Estonian delegation. Number two are Estonian MEPs. They are themselves very interested in cooperating with us. DG Regio and our Commissioner are the most important partners from the Commission. Try to find Estonians working in different DGs and develop contacts this way and cooperate with the DGs. ELER network is important. We don’t have direct contacts to the Council of Ministers more via the Estonian Permanent Representation where we express our positions”⁷⁶.

In sum, regional offices as any interest groups mainly deal with the Commission. This is also a rational strategy from the viewpoint of policy-making: the important choices are made in preparing the rules, or even, when deciding about the future agenda.

III.4. Topical Issues

The Constitutional Treaty is very high on the agenda of Bayern and related issues such as regulation, better legislation, impact assessment, deregulation and cutting red tape. Furthermore, energy policy, and as Bayern has automobile industry, the issue of CO₂ emissions is of importance. Staff-wise and in terms of its focus the representation resembles embassies of smaller member states.

The Hanse Office, which is smaller than that of Bayern, follows cluster politics. In addition and very important at the moment are energy and climate, in addition to integrated maritime policy (Greenbook by the Commission) and traffic, e.g. harbours and aviation, air traffic and –industry (Airbus) and bilateral trade relations between the EU and China (via Hamburg harbour).

The issue of immigration (legal and illegal) is of importance as far as the competencies of the Länder are concerned (Schengen and border control).

While interviewees from local government associations had problems to prioritise, their focus can be summarised to those issues relating to correlations of EU economic law and

⁷⁵ Interview 5, conducted 26.02.2007

⁷⁶ Interview 2, conducted 13.2.2007

the internal market with municipal economy and the communal provision of services. This means all issues that have an impact on Deseinsvorsorge⁷⁷ such as state aid law, antitrust and competition law, public procurement law and the service directive. Municipalities in Europe are concerned with the basic question of how the internal market and the provision of public utilities can be combined. In this context one interviewee argued “the intersections but also frictions between EU and municipal level are very huge”⁷⁸. Structural funding is another essential thematic field. Social policy is expected to become more significant for local players in Brussels. So far, the Community has only rudimentary competences. Another important field is environmental law (e.g. waste management, waste water etc.) and liberalisation, e.g. the future of waste management and wastewater management. Social policy is gaining in importance. Migration policy is important, too as integration of immigrants is taking place locally.

The Finnish offices have both regular tasks, guarding the interests of their home regions, and tasks which vary. The latter are often connected to the decision-making process in the EU institutions, the time-table of different programs and so forth. In 2007, for example the new program period of the Cohesion policy began. The relevant phases of this particular program from the viewpoint of Brussels were however earlier. Issues mentioned by the Finnish respondents were the interim control of the EU budget, the regionalization of the Lisbon strategy, the Baltic Sea strategy, the 7th research framework, and research and innovations in general, and the fourth Cohesion report. In addition there were a number of more other issues, more specific to some of the regions.

Likewise, in the Estonian case various issues, not surprisingly also covering e-government (Estonia active) fill the offices’ agenda. Furthermore, environment, transport and social issues are important and one of the offices is very active in the employer’s platform and deals with transparency⁷⁹. Innovation and innovative approaches in connection with the Lisbon Strategy are important for the Tallinn office.

III.5. What to Change and Improve

The interviewee from the representation of Bayern saw the biggest problems related to the Constitution, in particular as regards the institutions’ ability to make decisions. “We don’t want a lame EU, we want an efficient and operative EU.” The biggest practical problem according to him is better regulations, to find procedures to conduct impact assessment and to cut back bureaucracy. EU scepticism was another point of concern. According to one interviewee, Brussels is quite far away for many people. The colleagues back home in the ministries are tight with their daily routine and in addition, Brussels demands concrete prior to the publication of a Commission proposal and not to wait until the Bundesratsverfahren starts. Shuttlng between home and Brussels very important to show the colleagues back home how important Brussels is. This needs personal contacts.

One interviewee argued that much has been achieved but the core problem is that in all legislative processes that communal level is not to be disregarded⁸⁰. Another interviewee was particularly concerned about public procurement law and the future of inter-municipal

⁷⁷ There is no direct translation that captures the meaning of the term in German. Some use “essential public provision”.

⁷⁸ Interview 3, conducted 22.2.2007

⁷⁹ Interview 2, conducted 13.2.2007

⁸⁰ Interview 3, conducted 22.2.2007

cooperation. As he put it “we are filled with great sorrow that we have to observe that the Commission, and I would put it like this, also with rear cover by the ECJ, is constraining the possibilities of these inter-municipal cooperation to an increasing degree. We had a number of cases the EC treaty has been applied in such a way it is from our perspective not reasonable. There are forms of inter-municipal cooperation existing for several years and decades, e.g. communal special purpose associations. Those are suddenly subject to public procurement law. This caused at our level, among the municipalities a high degree of legal uncertainty even sheer uncertainty.”⁸¹ Interviewees and civil servants from Estonian, Finnish and German municipalities and beyond demand legal securities. The Commission may have, more or less unofficially, expressed its opinion on what, from its perception, is permissible, but according to many local players, there is a lack of clear legal regulations. The Estonian perspectives were quite similar in that they argued that position and opinions from local players need to be much more considered. One Finnish respondent added that it is foolish to have only one person hired for the office because in this case so much time and energy is demanded by the sheer paper work. Another respondent referred to the overload in paper work and to the time-scale, in other words, that there is much too little of time make the application once the call is open⁸². The first problem was also discussed with other Finnish respondents in connection to the size of the office.

While not asked in every interview, sometimes the Lisbon Strategy (LS) was touched upon in other questions. For one of the Finnish respondents the LS was more or less included by Framework program as the latter is for promoting regions, basing knowledge on regional basis and connecting regions with Europe. Another respondent pointed to the fact that 75% of the Cohesion funds should be directed into advancing the Lisbon strategy, and this was also the case in the home region of the respondent. The Lisbon strategy was seen to strengthen the role of regions and thus welcomed by the respondents. The Estonian respondents saw the LS about the same way. Critical views however were also put forwards as this Estonian respondent: “We also participate in the Regions for Economic Change Community Initiative. People are still trying to talk, to give some new oxygen into this corpse (LS) but I think that the body is almost dead”⁸³.

Finally there were some specific questions for each country. The Finnish respondents were asked firstly about the regional institutional structure and whether the somewhat unclear structures create confusion. The respondents admitted that it sometimes confuses to compare the regional arrangements in the EU countries as Finland represents a model of weak regional actors. As one of the respondents put it “You can have a number of definitions of the Finnish regions and regional actors”. Altogether for the Finnish respondents, for the Brussels offices, the fragmented regional governance was not a relevant question, as one of the interviewees formulated: “We work for the whole region, it is not important which organization gets the benefits”. The second question dealt with the tri-partition system. It appeared however that the principle can be interpreted in different ways. The definition which is familiar with the Regional Management Committees, i.e. having the representatives of state, local governments and interest groups, was replaced by a more general idea of openness and dialogue, in other words, a idea of state-sub-national-level dialogue. This as such was, not surprisingly, seen as a positive thing. At the same time the respondents were sceptical on the possibilities to promote wide-going dialogue and

⁸¹ Interview 3, conducted 22.2.2007

⁸² Interview 12, conducted 3.4.2007

⁸³ Interview 5, conducted 26.02.2007

claimed that the states and the Commission are not so full-hearted behind this principle of good governance.

The special questions for the Estonians were the following. Firstly the respondents were asked whether they would like to see a stronger role of regional and municipal actors in the future. The respondents welcomed this and anticipated that the role of the Estonian county governors would diminish and the power of regions and municipalities improve.

“Yes, this would be very nice because our regions are rather weak and don’t have a very good status in Estonia. We have a one level municipal system. Regional associations of municipalities are just like a NGO and it is very difficult if they have to defend their interests. It depends also on relations with the county governor who represents the interests of the Estonian state in the counties, while the regional associations of municipalities represent the municipalities’ interests”⁸⁴. The second question dealt with the tri-party system and the Estonians were also supports it since, as one of the interviewees perceived this model, “a particular Nordic one, (as) our future. It is also a question of human resources. There are not enough human resources in Estonia so we have to use every capacity (here civil society).”⁸⁵

Conclusions

Offices of the Länder are the regional power houses in Brussels. This is how they perceive themselves and how they are perceived by others. Their prominent position as concerns different influence capabilities on political decisions and law-making processes is based on their stronger position in the national setting and translated in higher number of staffs and financial resources invested in Brussels to cover a large number of fields. There are some differences also, with representations, such as that of Bayern having civil servants from each ministry in contrast to more modestly equipped ones.

In contrast, the institutional position of Finnish and Estonian offices is rather weak. The interviews reveal that the offices of these two countries quite much resemble interest groups, but are even weaker. This is because the resources and staffing of the offices is on a modest level. As both the countries in question have a rather state centered politico-administrative system, it is understandable that the regional offices are small. The explanation however has to be searched elsewhere as it is the regions, in the Finnish case, and the municipal associations and the capital city, in the Estonian case, which have originally established and maintain the offices. It seems likely that the home regions do not see the activity to bring along major benefits, it can maybe more accurately described as an additional information channel to EU. In order to illuminate this question further we should however also approach the users of the information, the home regions. Another aspect not so much focused in the interviews, is the way the state actors see these activities at current. Has for example Finland in the last 12 years or so moved on towards a system, which would allow the regions to play a stronger role, albeit a little, or is the role of the regions and their offices in Brussels marginal in the shadow of the “real” decision-making? As regards the relations between the regional as well as local offices and the national level, it is to say that when the first offices started to operate, there were some tensions. Nowadays and as far as the Länder representations are concerned, they cooperate closely

⁸⁴ Interview 2, conducted 13.2.2007

⁸⁵ Interview 2, conducted 13.2.2007

with the Permanent Representation of the Federal Republic, for instance institutionalised in joint work groups. There were some reports on tensions between the local government associations and the Länder level in the context of their involvement in de-briefings in the German Permanent Representation. The issue of local level representation in the CoR is perceived as problematic by most German local government associations. In the Finnish case, there were no pressing conflicts, because mostly information is collecting and distributed. However, one of the Finnish respondents also said that in some specific issues the state ministry had refused support. In addition there is a certain disappointment that regions are not seen as partners. As regards the relations between the Estonian offices and the central state, those are reported to be very good and very important.

While the German offices of the Länder are more institutionalized and probably more listened to by Brussels institutions, those actors we interviewed for this study also emphasised the importance of personal contacts and networks. Put differently, although the size and institutional status matters, this is a world where a skilful actor can build his or her own networks, can be at the right time in the right place, know the right people and so. After all, whether it is an embryonic idea, an initiative in the Commission, or a concrete legal process in the EP, individuals have to have good information sources to be there at the right time, letters of invitation are sent only seldom. It is not only institutions that matter but the very actors involved in the every day construction of Europe and the personal networks they built up. Related to this issue, it is important to highlight the amount of time spent in Brussels. The argument has been made that approximately 2 years are needed to built up personal networks and to become operational. In the case of Bayern, civil servants stay 5-6 years on the average. The position can be planned as advancing ones own career. Also the fluctuation within the German local government central associations is relatively marginal if compared to other countries such as Finland. The argument in favour of short times and high fluctuations is that a large number of staffs in the headquarters should have the “Brussels experience”.

As far as the power of local government representations in Brussels is concerned, the differences between small or big or old and new member states are more marginal. Usually, offices of local government central associations have 1-2 people and they are generalists. One strategy to cope with a small amount of staff is to focus and specialise in particular fields. Another approach is to create office communities to share information and create synergies. Networking with other regions, be it strategically focussed on a specific region, Europe-wide or more on an ad-hoc basis is another highly important strategy. The creation of networks is important for all sub-national representations. While there is a construction of networks of the strong, which means among regions that are also powerful players within their national setting, networking also follows other logics. One example would be a combination of strong and weak including other players outside public administration, too. This leads to another important aspect this study was addressing: the focus on EU institutions. For the Länder representations, the most important institution is the Commission and almost equally important also the EP, with the greatest potential to influence. Most German local government associations have more frequent cooperation with MEPs, which much depend on the stage of the legislative process and on the content. Finnish and Estonian interviewees focussed mainly on the Commission but also the CoR and the EP. Compared to these two countries and to other member states, the German communal level is very much underrepresented in the CoR.

The core function of all offices we focussed on is lobbying. For the German Länder, observation of policy- and law-making and lobbying to influence and intervene in decision-making processes as early as possible has highest priority. Local government associations seek to place municipal interests and municipal expertise into EU legislative processes and

pinpoint at shortcomings in EU legislation. There is also the dimension of representing the home region, especially as concerns the Estonian and Finnish cases. Another strategy is to act as a promoter of business and support the well-being of the home region, in the latter case this is determined by abilities of networking and finding information on sources for funding, a strategy the Finnish actors had developed much more than was the case with the other two countries we looked at.

Issues the offices are concerned with reached from fundamental treaty reforms, such as in the case of Bayern the Constitutional Treaty and related issues such as regulation, better legislation, impact assessment or deregulation, to more policy-specific or regional specific interests as in the case of Finnish offices. The Finnish offices for instance are guarding the interests of their home regions, and focus on tasks which vary, e.g. the cohesion policy. Local government associations and their offices are also focussing on issues relating to correlations and problems occurring in terms of liberalising the internal market and the communal provision of services, touching upon issues, such as state aid law, antitrust and competition law, public procurement law and the service directive. Related are also environmental law (e.g. waste management, waste water etc.) and its liberalisation, for example the future of waste management and wastewater management. Structural funding is another essential thematic field. Social policy is expected to become more significant in future. Transparency and e-government are also important fields.

To conclude, there were some attempts to strengthen the position of the municipal level in the system of EU MLG legally – for instance within Article 3b *Maastricht Treaty* or, if entering into force also the *Constitutional Treaty* - or by institutional reforms, for instance the creation of Regional Councils in Finland. However, as we have shown in our study, there are a number of issues in the local-level – supranational relations, local and regional level players from all over Europe are highly concerned about such as how the internal market and the provision of public utilities can be combined and local self-government, which is very advanced in Finland and Germany, may be safeguarded and anchored in EU treaties.

Furthermore, while local and regional actors found and established new forms of representation and co-operation with EU institutions, those new channels and institutions are not equally open and accessible for all. While some protagonists of the concept of MLG argue that a growing number of local- or regional level actors seek participation, this is - as we demonstrated - with varying success. Despite the fact that local-level actors take part in and establish new forms of representation and co-operation, those new channels and institutions are not equally open and accessible for all. Even if the quantity of actors in Brussels has increased this does not necessarily mean that all are included in the very decision-making process.

Linking our empirical findings to European integration theory, one conclusion is also that a grand theory is ill-suited especially as far as the theoretical frame of studying the local in a multi-levelled polity is concerned. In our view, a combination of MLG, to place the regional offices on a map, with other approaches, such as structural constructivism, to work out critical issues, was helpful to develop a proper theoretical frame for empirical reality.

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APPENDIX

Conducted Interviews

Interview-number	Interviewed Person	Date
1	Head of an EU office of three local government Land associations from a Land in Southern Germany	12.2.2007
2	Permanent Representative of the Association of Estonian Cities and the Association of Rural Municipalities of Estonia	13.2.2007
3	Staff member of the liaison office of the German Association of Towns and Municipalities (DStGB)	22.02.2007
4	Senior civil servant from the representation of the Land Bayern	23.2.2007
5	Head of the Tallinn EU Office	26.02.2007
6	Senior civil servant from the Hanse Office (Freie und Hansestadt Hamburg and Land Schleswig-Holstein)	28.2.2007
7	Staff of the office Association of Finnish Local and Regional Authorities (Kuntaliitto)	28.2.2007
8	Staff member of the office "EUROPEAN NORTH Lapland-Oulu"	7.2.2007
9	Staff member of the SOUTH FINLAND EU-OFFICE	14.2.2007
10	Staff member of the Helsinki EU Office	16.2.2007
11	Staff member of the East-Finland EU-Office	
12	Former staff member of Tampere Central Region EU-Office	3.4.2007