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*Europeanization of the regulatory
arrangements in the Central Eastern
Europe*

Presented by

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Europeanization of the regulatory arrangements
In the Central Eastern Europe
(Conceptualisation)

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Introduction

There is a growing number of studies examining the socio-political implications of European integration that are labelled under a fashionable term “*europization*”. However, despite the numerous attempts to conceptualize a phenomenon (or phenomena) of europization, it remains unclear what should be interpreted as europization.

In this paper I tried to avoid this long-lasting debate on conceptualisation of the europization as well as on usefulness of the term. However, in order to proceed further I have to follow already an established tradition and to present some considerations on conceptualisation of europization. Let’s consider this as a small step back that is necessary to make in order to move further on in research on europization and to escape possible log jam.

Hence, the task list is as follows:

1. First, in order to conceptualize europization, it is necessary to clarify what are europization phenomena by answering a set of questions about origins, nature, character and environment. Then the complex phenomena of europization may be divided into a number of separate simplified processes or implications. This also will help to avoid a danger of mixing the levels of analysis and associated explanatory variables.

2. Second task is to find out whether the europization in the candidate countries are the same phenomena as in the European Union and its member states; and then, to answer whether it is possible to apply the concept of europization in the analysis of europization in the Central Eastern Europe. Otherwise, it is essential to modify the concept or to develop a new one, which would be more suitable.

In order to accomplish this task the phenomena of europization in the candidate countries should be examined with the purpose of characterization.

3. Then, europization in the European Union and its member states should be compared with the related processes in the candidate countries. The significant differences between those two types of europizations may be decisive in explanation of particularities of europization in the Central Eastern Europe. If such differences are observable then the working hypothesis about the impact of determinant factors should be developed.

Discourse on Conceptualization of Europeanization

Already a classical and the most often cited definition of *Europeanization* is given in introduction to the collective volume edited by Caporaso, Green Cowles and Risse. This is “*the emergence and development at the European level of distinct structures of governance*, that is, of political, legal, and social institutions associated with political problem solving that formalize interactions among the actors, and of policy networks specializing in the creation of authoritative European rules” (Risse T., Green Cowles M., Caporaso J., 2001: 3).

However, in a wider academic literature a term Europeanization is related to the more diverse phenomena affected by on-going European integration:

- I. The adaptational pressure on the domestic politics and/or institutions, or even all the system of governance in the member states of the European Union. The adaptational pressure causes institutional change by adoption transplanted European modules. This is a so called top-down approach.
- II. The reactive attempts to bring domestic politics and modules on the European table by legitimizing them as European – A bottom up approach.
- III. The changes of party systems in the EU member states in a way that parties become concerned about European level.

Even more the concept of Europeanization is stretched in analysis of those diverse social phenomena:

- I. There are attempts *to measure the level of europeanization* by asking how much something europeanized is. Thus, europeanization is interpreted as a status, as measurable variable or characteristic of the *institutional change* at the domestic level (or at the European level). Though, it is difficult to say something more than constitution the pure fact of europeanization, which is already clear if europeanization occurred. Still, some studies develop the scale of degree of adaptation, assimilation, adoption, incorporation, etc.
- II. Then, there are studies investigating only *the mechanism of europeanization process*. The europeanization is interpreted as a process or a strategy with a definite vector and questions are raised about way it takes place, the transmission channels of europeanization, the actors involved, etc.
- III. Some studies try to explore the end-effect of europeanization, focusing on:
 - Effect of ongoing europeanization process.
 - Effect of changed (europeanized) structures.

To summarize, the variety of scholarship on europeanization may be grouped around the three main research topics:

- I. The first group of studies is concerned with explanation of *origins* of the europeanization phenomena.
- II. The second group combines analysis on the *outcome and impact* of europeanization at the national level, and seeks to explain the variety of adaptational patterns.
- III. While the third group investigates *the output* – the adaptational pressure, which invokes *reactive forces* towards the European Union and the process of European integration.

Hence, the complex phenomena that may be observable at several different levels of polity – micro, mezzo or macro – are conceptualised as europeanization. Therefore, it is not a rarity in the scholarship that the europeanization phenomena are explained by mixing levels of analysis and using an accidental set of explanatory variables.

However, if these processes or implications are examined independently, it is reasonable to make a one level analysis applying the explanatory variables that are appropriate for the particular level.

Conceptualisation of Europeanization

Even after a short review of academic literature one will note that a concept “europeanization” creates a lot of confusion in the academic discourses as it is used to name very different phenomena of different scale and different character. The chaos in the usage of term in scholarship makes not only difficult for scholars to develop a workable conceptualisation for analysis, but, even more importantly, to communicate and exchange the ideas among themselves.

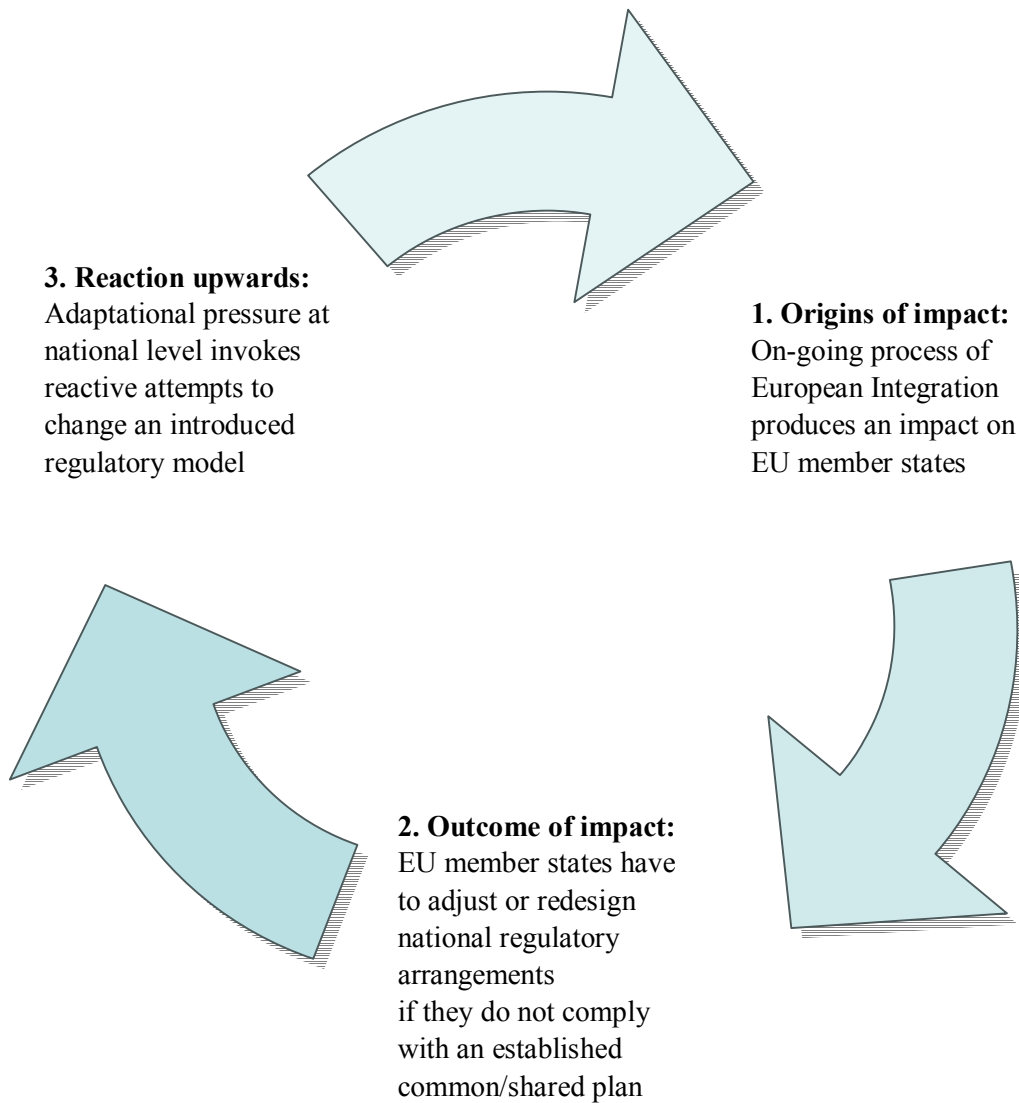
So, how to approach the europeanization phenomena (or, as Lithuanian say, “how to take a bull by horns”)?

Therefore I will seek to bring some light and order into the debate on conceptualisation by raising a number of questions about origins, nature, impact and environment of the europeanization phenomena, take it back to the basic principle, and then to suggest, - right, one more conceptualisation on europeanization.

The fundamental question about europeanization as socio-political phenomena may be organised in several sections:

1. *What are the origins and circumstances of occurrence of europeanization?* (What processes or social facts cause europeanization phenomena? When europeanization takes place and under which circumstances? What factors determine origination of europeanization?).
2. *What kind of social phenomena is europeanization?*
 - a. *Is it a process?* (How it works? Who are agents? What are the channels? What is the direction? What kind is its nature?)
 - b. *Is it an end result?* (What does it europeanize and to which extent? What intermediate factors influence extent of europeanization?)
3. *What is the impact of europeanization on other social phenomena?* (What are the consequences? Does it cause other phenomena? What kind)
4. *Where this social phenomenon occurs – only inside a system that produces it or also outside? In other words, is it endogenous or exogenous?*

Diagram 1. A Continuous Cycle of Europeanization process in the EU polity



This diagram shows the continuity of the europeanization phenomena and indicates the three stages in the process:

1. First stage explains the origins of the europeanization process – it results from the on-going process of European integration.

2. Second stage points to the outcome at national level from the impact of European Integration. The EU member states have to adjust their regulatory arrangements

according to the need of common regulatory policy in the area. At this stage the existent institutional resemblance creates an additional adaptational pressure.

3. Third stage reveals the reaction forces, resulting from adaptational pressure and change in distribution of resources for participating actors. Actors that are not satisfied with a new model of regulatory arrangements will seek to improve or alter it.

In this diagram europeanization starts as a macro top-down process, which goes into mezzo and micro level (a field of policy analysis), and afterwards turns to a bottom-up process connecting micro and macro levels. However, it may happen that a europeanization will start as a bottom-up process, when participating actors are not satisfied with the existent regulatory arrangements. Thus, the interpretation of a europeanization phenomenon as a cycle process in the closed system allows seeing its endogenous nature.

In addition, the cycle approach lets us to combine both a top-down and a bottom-up perspective on europeanization and interpret a phenomenon as a continuous process, evolving at micro, mezzo and macro levels. The every stage in the cycle diagram marks the different character of europeanization processes or implications happening at the particular level and clearly indicates possible appropriate explanatory variables.

The recent scholarship on *Europeanization* that seeks to explore how and under what conditions domestic structures are shaped by European forces to adapt, point out to a range of intervening factors that facilitate or impede structural change.

The basic premise shared in these studies is that “whether or not a country adjusts its institutional structure to Europe will depend on the presence or absence of mediating factors” (Risse T., Green Cowles M., Caporaso J., 2001: 2) as pressures to adapt to Europe will not necessarily result in the significant domestic change.

Thus, the variation in the degree to which domestic structural change occurred in response to adaptation pressures is explained by presence of these mediating factors (Börzel T.A. and Risse T., 2000; Green Cowles M. and Risse T., 2001):

- Multiple veto points in the domestic structure
- Facilitating formal institutions.
- Country’s organizational and policymaking cultures.
- Differential empowerment of domestic actors.
- Elite learning as a final mediating factor.

Though these factors are derived from two different explanatory approaches to institutions, rationalist and sociological, some authors succeeded to combine both.

However, are these findings also applicable in the research on institutional change in the former candidate states from the Central Eastern Europe?

Is the europeanization in the Central Eastern Europe, or, let's say, those processes related to the impact created by European integration, the same as in the member states of the European Union?

Is it possible to call the phenomena that occurred in the candidate states europeanization? In other words, was it the same phenomenon as in the European Union?

A number of questions about the origin, nature, impact and environment of europeanization raised at the beginning of this chapter may be helpful in comparing these two europeanizations: the one in the European Union with the other in the candidate countries of the Central Eastern Europe.

Examination of Europeanization process in the CEEC

Since Central Eastern European Countries became aspirant members for the European Union, many of regulatory arrangements were transplanted from the *Acquis Communautaire* or developed to conform to the requirements of participation in the common market of the European Union. In other words, regulatory arrangements in the candidate countries were europeanized.

Institutionalised europeanization

It seems that, in order to diminish possible rejection and to facilitate reception of the transplanted *Acquis*, the European Union (or if to be more precise – the European Commission) has created an entire mechanism for transplantation of the regulatory arrangements, including technical support and financial aid, as well as the monitoring and control system to supervise the process from the start of transplantation to the application of transplants in the new legal environment.

Moreover, regulatory transplantation and reception was not only assisted and supervised by the European Commission. A number of special institutions were established for the transfer of legal rules and proper organisational culture for their implementation and enforcement. So, not jus technical aspect of the legal rules was transplanted, but also their organisational environment, that is, the legal culture of interpretation and application of the European regulatory rules.

In short, the transplantation process of the European regulatory arrangements to the Central Eastern European Countries was:

- Guided, assisted and aided financially.
- Institutionalised, by establishing certain co-operation and monitoring procedures, institutions and supporting services.
- Supervised, monitored, controlled and periodically evaluated.

Coercive and Non-coercive europeanization

Thus, the European Union was able to limit the freedom of political choices of the national governments of the Central Eastern European Countries applying conditionality approach in the enlargement strategy.

On other hand, in many cases reception of the European legal transplants was facilitated by the *willingness* of the political elite of the candidate states to adjust the national legal systems to the European law, which was in many cases both more forward thinking and superior than national patchwork like law.

In addition, the successful application of the Community law would guarantee an entrance into the European Union together with a first group of candidates. Membership in the European Union was considered as the highest priority in the political agenda of all the Central Eastern European Countries.

However, the process europeanization in the Central Eastern Europe could also take place apart of the EU accession strategy applied by the European Commission. It probably was already taking place before a strategy was developed, and later, even during the accession period, some European like regulatory arrangements could be developed and applied by voluntarily made decisions, as a non-coercive action result.

The degrees of coerciveness

The coerciveness of Europeanization may be classified according to the requirements to adopt European rules:

- I. *Requirement to follow rule* – principles, goals and procedure are specified (a precise incorporation of the regulatory arrangement from the EU Acquis Communautaire to the national legal systems is obligatory).
- II. *Requirement to achieve certain policy goals*, but there is a freedom to choose the appropriate regulatory model.

- III. *Policy recommendations and guidelines* (there may be available some already developed regulatory models, as possible solutions, in the form of “ready to take” policy recommendations, guidelines, and available to copy from the EU member states: however, there is no requirement to follow).
- IV. *There is no requirement to adjust and an area is not regulated by the EU, though there is a certain regulatory practice carried out in the EU member states.* The governments of the candidate countries may find it useful to copy because of various reasons (proofed by time, best practice, development of closer relationship with certain countries, will to establish a certain type of welfare state, integrating certain economy areas (energy market, etc.).

However, it should be noted that the proposed classification according to the degree of the coerciveness of the requirements to comply does not allow in any circumstances to guess about the expected degree of europeanization (or adaptation), adaptational feasibility or institutional resistance.

Mainly a top-down process

The Europeanization in the acceding Central Eastern European Countries was mainly a top-down process. Non of the pre-existent regulatory practices of the Central Eastern European countries was europeanized, that is, transferred to the EU level or disseminated as an exemplarily model to the EU member states.

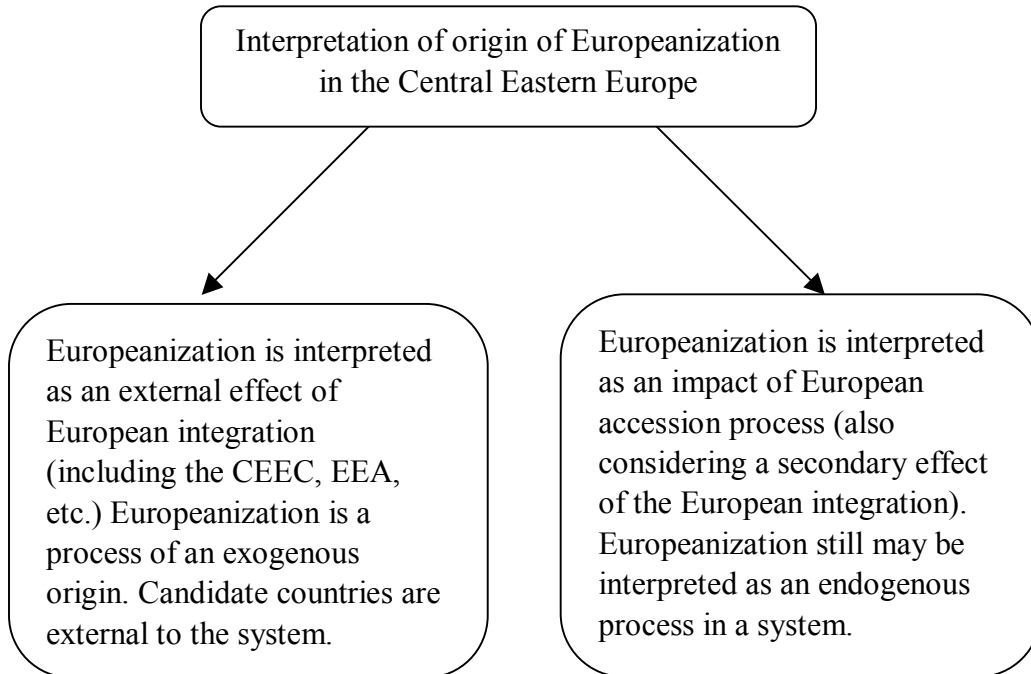
Nonetheless, the europeanization in the candidate countries should not be seen as only a top-down process, as it could also take an indirect form of a horizontal transfer. For example, regulation set up by the EU does not mean necessarily that it is performed at the EU level. It might be put into practice only at national level of the EU member states, for example, following the policy of decentralisation of regulation or implementing the principle of subsidiarity. However, in this case will be the same regulatory model or practice will be applied in every EU member state.

Another question is how successful was application of those numerous political and institutional measures developed by the European Union to assist and make smooth the progress of the legal transfer? And when, what were impediments and transplantation facilitating factors, if any?

Conceptualizing europeanization in the CEEC

The origin of Europeanization in the Central Eastern Europe

Diagram 1. Interpretation of origin of Europeanization in the Central Eastern Europe



As it is explained in this diagram there may be two ways of interpretation of origin of europeanization occurring in the Central Eastern European Countries:

- One way is to interpret the europeanization as an external effect of European Integration on surrounding environment, as in the case of EFTA and EEA countries. Then that would be an endogenous process. However, the candidate states were in special association relationship with the EU, which made them dependable from the EU. Therefore, considering them as external elements to the analysed system and europeanization process would be incorrect.
- Another suggestion is to specify the europeanization in the Central Eastern European Countries by interpreting it as a phenomenon resulting not from European integration directly, but from the candidates' accession process to

the European Union. In other words, the European integration, as a course of europeanization effect, should be replaced by the process of accession. However, it would be misleading to assume that European integration had the same impact on the candidate states as on the member states. Even if the European integration had the europeanization effect in the Central Eastern Europe, for example, before the accession, it was only secondary.

Europeanization in the context of accession and transformation

Having in mind the scale of the europeanization phenomena in the Central Eastern Europe, still, its importance should not be over emphasized. The europeanization does not necessarily result in convergence as convergence does not necessarily is the outcome of europeanization.

Moreover, in the case of the regulatory europeanization in the acceding countries of the Central Eastern Europe, institutional convergence was happening anyway as a result of overall state transformation and transition from former status.

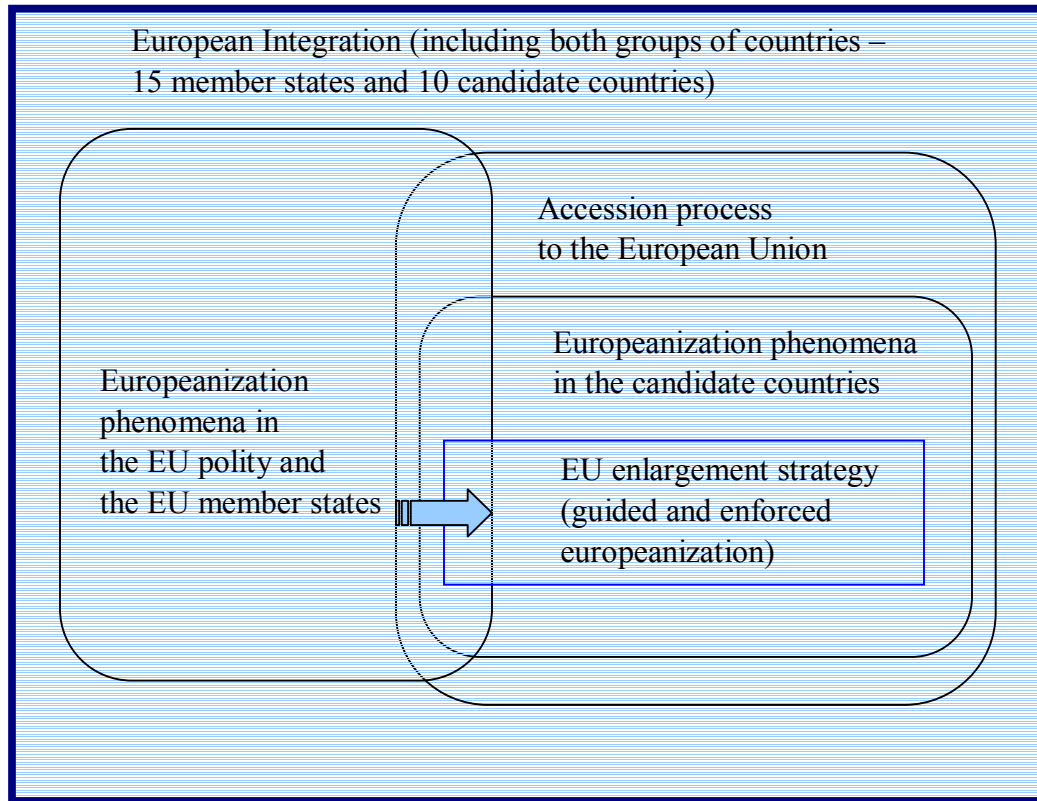
Therefore, the europeanization phenomena in the Central Eastern Europe should be analysed taking into account a number of interconnected processes:

- The EU accession process with preparations for the membership and subsequent start of negotiations on transitional periods with the EU,
- The overall transition process from socialist totalitarian state with a centrally planed economy to the modern welfare state with market economy (and accomplishment such tasks as development of administrative capabilities of the modern bureaucracy, creation the competitive market and providing satisfactory social security).
- Integration into global market economy.

In sum, europeanization in the Central Eastern European countries occurred not only during a specific conditioning process of accession to the European Union, but also in the context of overall process of establishing the modern welfare state with the globally open market economy.

The main observations are presented in a following diagram.

Diagram 2. Relationships between processes of European Integration, accession and Europeanization phenomena



The above presented diagram shows following processes and phenomena:

1. European Integration.

European Integration, as interpreted in this diagram, includes not only EU member states, but also the candidate countries. This broadened understanding of the European Integration is justified if to consider the forthcoming enlargement of the EU and the built-up close association relationship between the EU and the candidate countries. However, there is a clear difference between the EU member states and the candidate countries in their status and involvement into integration process.

2. Accession Process.

Accession process is a part of the broader process of the European Integration and implicates development of the institutionalized relationship between the EU and candidate countries.

3. Europeanization phenomena.

In diagram the europeanization phenomena is divided into two separate sections:

- one shows europeanization in the EU polity and its member states
- and other explains the europeanization phenomena in the candidate countries.

Both europeanizations have the same origin, but their place and time of occurrence is different. Moreover, europeanization in the candidate countries takes place during and in the context of other specific process, accession to the EU. The accession process, if not replaces original European Integration as a cause, greatly shapes the europeanization phenomena in the candidate countries.

4. EU enlargement strategy.

EU enlargement strategy is developed in the perspective of the accession process and produces a particular type of europeanization in the Central Eastern Europe. In short, EU enlargement strategy may be interpreted as a strategic policy of europeanization.

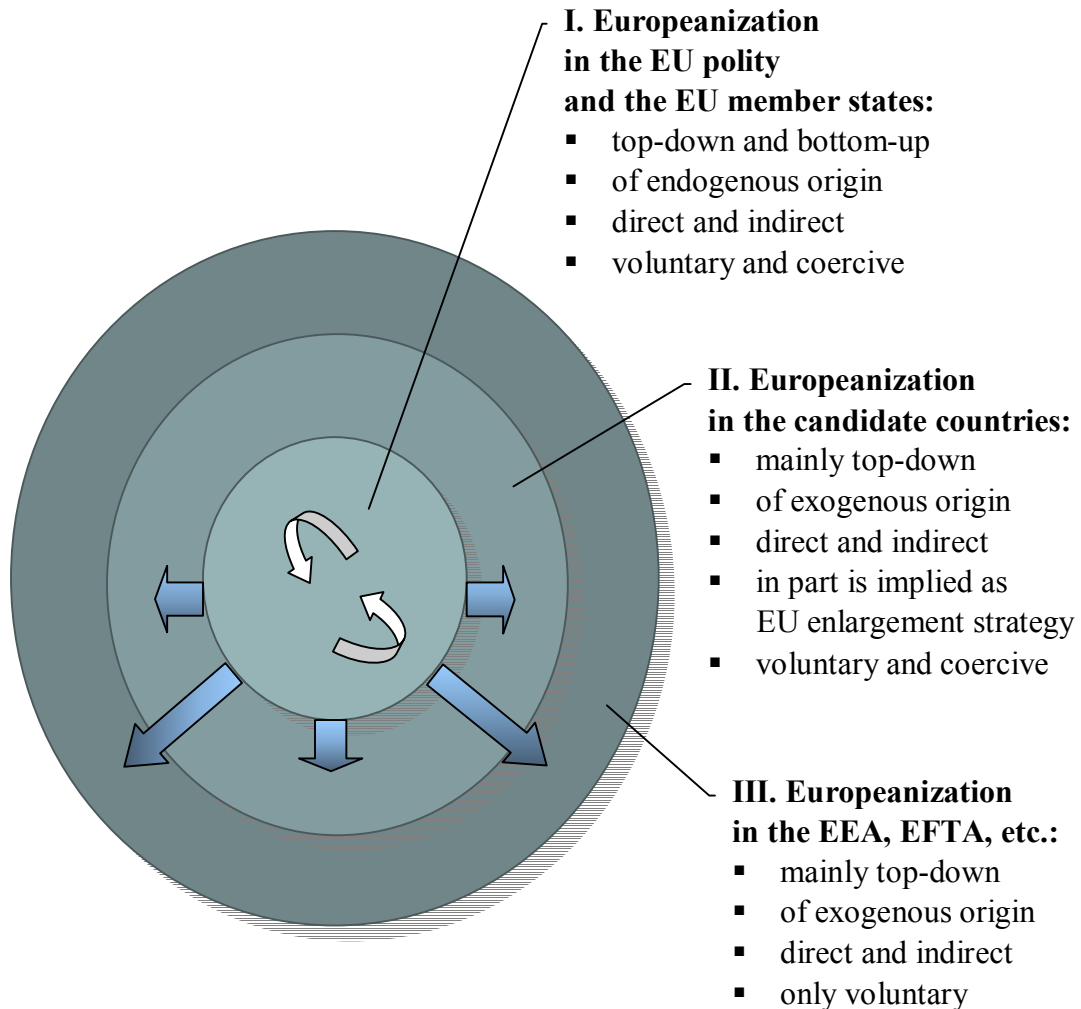
Comparing the europeanization phenomena

The europeanization phenomena in the EU polity and the EU member states may be compared to the similar europeanization processes in the Candidate Countries with the aim of finding out the main differences.

Different characteristics of europeanization may be decisive in designing the analysis and applying the right set of the explanatory variables. For example, in the explanation of coercive europeanization in the Central Eastern Europe that was occurred in the institutionalised environment, and with the active involvement of European Commission, may require a different variables or a different hierarchy of variables than explanation of non-coercive europeanization.

Thus, the hypothesis would be that processes with different qualitative characteristics should be differentiated from the complex europeanization phenomena that occurred in the Central Eastern Europe, and should be analysed applying separate sets of explanatory variables, whose importance differs from case to case.

Diagram 3. Europeanization phenomena compared



The diagram shows the diffusion rings of europeanization phenomena that are produced by on-going European Integration, where:

I.

The core symbolizes European Integration in the EU polity, where actors are directly involved in the integration process and are able to influence it.

Europeanization process may take both directions – top-down and bottom-up. In other words, EU member states have to adopt the laid down “European models”, but they also attempt to “europeanize” the domestic models by putting them on European level.

Europeanization as a process is cyclic and endogenous by its origin. Europeanization phenomena are produced in a system, by a system, and by its elements. When europeanization processes occur they affect and europeanize elements of the system, but at the same time, by invoking reactive forces, also affect the system.

Europeanization may happen directly and indirectly, as well as it may be a consequence of the coercive process or a voluntary decision of actors involved.

II.

The second circle symbolizes the European Integration interpreted as the accession process of candidate countries into the European Union. Actors participating in the accession process are not able significantly influence the accession process, and even less the European integration, a process in the core of a circle.

Europeanization process is mainly of top-down direction, as there are no attempts to “europeanize” domestic models by exporting them to the European Union. Therefore, differently from the europeanization in the core circle, it is not a cyclic process.

However, europeanization may be also horizontal, if it occurs by transferring European models or experience from individual EU member states, because of development of bilateral relationships or other similar reasons. It may happen directly, but also indirectly.

Europeanization is an exogenous process by its origin. The europeanization phenomena are produced by the system which is situated in the core circle. Because of the same reason partly europeanization is a consequence of the applied EU enlargement strategy towards the candidate countries. The EU enlargement strategy is based on so called “stick and banana” politics – it follows the conditionality approach, but also foresees a number of tools for facilitation of europeanization, such as financial assistance, creation of expertise sharing networks, establishing a special monitoring and control institutions and overall coordination of the harmonisation with the EU Acquis Communautaire process.

Notwithstanding, that europeanization in the accession countries is mainly a consequence of a coercive action, it also may happen as result of voluntary action. First of all, this may be the realisation of strategic goal to join the European Union and

political will of the governing elite, but also it may be result of a voluntary decision to apply certain European regulatory practises as proofed and “ready-to-apply” model.

III.

The third circle symbolizes the impact of the European Integration, which is going-on in the core circle and is extended to the second circle, on the third countries, mostly having some close trade or other relationships with the EU or its member states.

Europeanization is an exogenous process by its origin and mainly of top-down direction. However, differently from the europeanization in the candidate countries, this europeanization is a consequence only of voluntary decisions of recipient actors to adopt European regulatory models.

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