

“Coreper enlarged”

How enlargement affected the functioning of Coreper

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Abstract

Before enlargement, many experts expected that the functioning of most EU institutions would be severely affected by the accession of the ten new member states in 2004. Compared to these expectations, effects that actually occurred were relatively moderate. Especially in the Committee of Permanent Representatives enlargement took place smoothly and without major disturbances. However, some changes are noticeable. The paper analysis the way how enlargement influenced the functioning of Coreper. The analysis is based on 41 qualitative interviews with experts from the Council General Secretariat and from Permanent Representations from both ‘old’ and ‘new’ member states.

Key Words: *Council of Ministers, Coreper, Permanent Representations, Enlargement, Informality.*

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1. Introduction

On 1 May 2004, eight central and eastern European countries, along with Malta and Cyprus, joined the European Union. The biggest enlargement to date, the process of integrating the new member states challenged the functionality of the European Union's institutions. Large-scale changes were expected to occur within the different types of committees whose total number of representatives would increase by two-thirds, especially within the Council of the European Union and its preparatory bodies: the Committee of Permanent Representatives (Coreper) in its two manifestations, and the Council working groups. Several years before enlargement took place, it was feared that the candid atmosphere, which has repeatedly been identified as the *conditio sine qua non* for the smooth running of the decision-making process, as well as the feeling of mutual responsibility and the commitment to a higher—European—goal would be lost through the enlargement and its subsequent greater cultural and linguistic diversity. Indeed, Jeffrey Lewis asked in 2002,

‘Will Coreper continue to function the same in an EU of twenty-seven or more? ... Some believe [it] will lose its ability to synthesize the national and the European in such an unwieldy and heterogeneous grouping... Much will depend on how quickly and extensively new EU members become socialized to Coreper's normative environment.’ (Lewis 2002: 295)

Because of this belief, the existing structure of the Union was universally perceived to be incapable of integrating the ten—or twelve—eastern, central, and southern European candidate countries. Most scholars accepted the view, that the size of a group makes a difference and that ‘the smaller the circle of participants the better.’ (Puetter 2006, 24)² Experts agreed that in order to facilitate the transition, fundamental reforms would need to be introduced. According to the German Foreign Affairs Minister at the time, Joschka Fischer, reform was necessary to create the institutional preconditions for enlargement.³ International media

² See for a discussion of the argument based on Georg Simmel's views on groups size also: Puetter 2006: 24.

³ ‘Frankfurter Rundschau’ 1.12.2000: 4.

also confirmed the perception that without changes to the voting weights of governments, the size of the European Commission, and the extent of majority voting, the decision-making machinery designed for the six founder members back in 1957 will seize up. Consequently, in the time leading up to the Intergovernmental Conference in Nice in 2000, representatives from EU-member and -candidate countries, political scientists, and the public debate pointed to extensive and profound changes in the institutions, decision-making processes, and even some of the guiding principles of the European Union as the prerequisites for enlargement. The result was the signing of the Treaty of Nice on 8 December 2000. Only days later, however, the perception arose that Nice had been a failure, and that the Union was not yet fit for enlargement. Indeed, the then-president of the European Commission, Romani Prodi, feared that enlargement based on the Treaty of Nice would result in more frequent blockades in the Council,⁴ and most commentators agreed that ‘rejoicing over securing enlargement ... would be premature.’⁵ The final expectation was that the functioning of most EU institutions—but especially the Council—would be severely affected by the accession of the ten new member states in 2004. Despite the uncertainty of its ability to succeed, enlargement did proceed as outlined in the Treaty of Nice, and the European Union has been functioning with 25 member states for more than two years now.

Although there is a considerable amount of literature on the Council in general⁶ and on Coreper,⁷ a comprehensive or theory-based study on the effects of enlargement on formal and informal processes in Coreper is still missing.⁸ Theoretic assumptions and hypothesis could be drawn from research on epistemic communities, on deliberative modes of decision-making within the Council structure (Risse 2000), and – in a broader sense

⁴ ‘Süddeutsche Zeitung’ 13.12.2000: 1.

⁵ ‘Economist’ 11.12.2000: 15.

⁶ Westlake 2004; Hayes-Renshaw / Wallace 2006; Sherrington 2000; for the Council General Secretariat see Egger 1994.

⁷ Bostock 2002; Lewis 1998; De Zwaan 1995; Mentler 1996; Noel 1967.

⁸ For general studies on Treaty reform within the EU see the Special Issue of the Journal of European Public Policy 9 (1), 2002.

– from sociological and historical institutionalism or other approaches that emphasize the possibility of the emergence of common loyalties (Thelen 2004, 295; Christiansen 2001, 25; Wallace 2002, 328; Lewis 1998, 7; Beyers 1998, 3; Hayes-Renshaw / Lequesne / Mayor-Lopez 1989; Pag 1987)⁹ as well as from public policy analysis (Bennett / Howlett, 1992; Jenkins-Smith / Sabatier, 1993; for further literature see Puetter, 2006, 23f). Without repeating the arguments of these theoretic approaches in detail, a number of questions will be derived from them, that will help to structure the following paper. The general – and underlying – question is: how did enlargement affect the functioning of Coreper. The purpose of the paper is then to answer the questions: How did the new member states prepare for entrance and how did the EU itself prepare for enlargement? How do civil servants of old member states perceive the civil servants of new member states? How well integrated into Coreper and the Council working groups do the new civil servants feel? Has Coreper been able to preserve the *esprit de corps* for which it is known? What problems have developed? Are there any recognizable differences between old member states and new member states? Have any [new] cleavages arisen? Finally, the paper intends to develop a provisional evaluation of the efficiency and the functional capability of the preparatory bodies of the Council of the European Union with 25 members. The empirical findings of the paper show, that answers to some of these questions are quite counterintuitive: First, enlargement did at the same time contribute to a formalization of regular Coreper sessions and to an informalization of the whole decision-making process.¹⁰ Second, it also contributed to a strengthening of the supranational and ‘quasi-supranational’¹¹ actors within the Council to an extent that makes it relatively problematic to continue to describe the

⁹ The same view has already been expressed by Walter Hallstein, who saw ‘a great deal of psychological integration’ in Coreper (1969: 66). See for integrative effects of the committees on the Union as a whole the concepts developed by sociological institutionalists like Lewis 2000; 1998; for the concept of Committee governance and its effects see Christiansen / Kirchner 2000.

¹⁰ For a detailed conceptualization of informality within the European Union see Puetter, 2006: 9ff.

¹¹ Whereas the Commission can be described as a supranational actor within the Council and Coreper, the Presidency and the General Secretariat are better described as ‘quasi-supranational’ actors.

Council as an (purely) 'intergovernmental' body. And third, the new member states' representatives in Coreper and other Council Working Parties did extremely well in integrating and adapting to the methods used in Brussels and there is no evidence for deadlock, however, the administrations in their capitals did much less so. The focus of the discussion lies on the perceptions of the representatives themselves, and the conclusions of this paper are drawn from 6 e-mail interviews and 35 face-to-face, semi-structured, intensive interviews with members from Permanent Representations of 15 member states (six from new, nine from old), with members of the General Secretariat of the Council who regularly take part in Coreper or in Council working group sessions, and with officials from national ministries responsible for coordinating the instructions sent to the Permanent Representations.

2. Preparing for Enlargement

Before the ten candidate countries officially joined the European Union in May 2004, they underwent intensive preparation. The core element of the one-year process was their 'active observer status' in all European institutions. In this way, representatives of candidate states were actively involved in all negotiations within the Council, the Coreper, and the working groups. Moreover, although the observers did not have the right to vote, they were able to influence the negotiations by participating in discussions, delivering persuasive statements, and even alluding to future voting behaviors. In addition to active observer status, the Council itself and the (future) member states prepared for enlargement in several other ways. The General Secretariat of the Council invited new member states to special trainings and preparatory seminars, and it provided them with so-called 'guidebooks' of practical literature. Furthermore, candidate states themselves initiated bilateral contacts with existing member states to receive guidance on the functioning of the relationship between the Permanent Representation in Brussels and those coordinating instructions from the capital proper. For example, a representative of the Latvian Permanent Representation said,

‘before enlargement, there were many informal meetings between Latvia and Sweden... Latvia copied the structure Sweden uses to coordinate its instructions to its representative in Brussels, [and] this was a big success.’ (Int. 26, 107-108)

Other interviewees reported similar bilateral talks between candidate countries and member states, especially between countries with similar population sizes. (e.g. Int. 40) This dynamic in the learning process affected new member states positively in two ways. First, new member states were able both to acquaint themselves with and to take part in the formal and informal processes, structures, and functioning behaviors of the Council. Second, they were able to establish and put into practice the complicated patterns of interaction between the Brussels-based Permanent Representations and the government administrations in the capitals.

3. Formal Changes in Coreper

Officials from old member states confirmed that the meetings in Coreper and Council working groups have changed considerably. Meetings have become more difficult, more complex, and more time-consuming. Indeed, ‘there is more work to do now’ as a representative from the Finnish Permanent Representation put it. The task of the individual negotiator especially has become more difficult because ‘you can no longer rely on clear coalitions.’ (Int. 17, 41-42) Achieving either a majority or a blocking minority is more cumbersome and more labor-intensive simply because more delegations need to be convinced. Moreover, defining the ‘common interest’ in a more heterogeneous committee is more complicated. ‘One can say that the common denominator has become smaller. This is logical because the overall disparity has increased.’ (Int. 17, 41-42) Besides these more general changes, the pure fact that the meetings are now held with around 60 people (in comparison with around 40 people before enlargement) has required several practical changes. They can be divided into: changes in time management (1), changes in the Council’s language arrangements (2), changes in the number of delegates as a direct result of enlargement (3), and a more frequent use of the A-point procedure (4).

(1) All of those interviewed agreed that both Council working group and Coreper sessions tend to last longer than before enlargement. To avoid a work capacity overload, a series of procedural changes have been introduced and, in most groups, truly implemented. For example, there is a stricter limitation on negotiators's speaking time, and the usage of the lead speaker method—where member states with similar positions on a particular dossier appoint only one speaker for the group—is more common. Complete table rounds, in which every member states its position, have become rarer; in some working groups, they have become nonexistent.

(2) Through enlargement the language problem of the Council and its preparatory bodies has intensified. A comprehensive set of language rules for 20 official languages without indirect translations is no longer possible, and even with translations through a third language, there are still 38 necessary translations. Coreper has not been affected by this problem because of its 3-language policy, but in several Council working groups, especially those containing more capital-based representatives, and in the Council itself, whose meetings normally only discuss those texts which have been translated into each official language, the problem is apparent. One member of the Council Secretariat—which is responsible for both oral interpretation and written translations—reported that

‘there is quite a big problem with Maltese, which has too few translators. For the Maltese representatives, we have a special arrangement that only regulations have to be translated into Maltese immediately. It does not always work, however. We had the case that the Parliament did not translate a change request into Maltese. Consequently, Malta refused to accept the legal act.’ (Int. 22, 17-18)

(3) Due to the limitations of room-capacities in the Justus-Lipsius-Building, the last round of enlargement has led to the implementation of stricter rules on the number of participants from each delegation in the meetings. One civil servant from the German Permanent Representation reported,

‘it is much more packed in the room. That means that each delegation, even those who might have had numerous representatives before – and that applies particularly to Germany – is being represented by a fewer number of delegates in the meeting room now.’ (Int. 8, 35-36)

(4) Since it is much more difficult to enforce restrictions on speaking-time at the level of negotiations between Ministers than at the level of Coreper and the working groups, the organizational and procedural problems described above occur even more frequently in the Council. In order to avoid efficiency losses, the A-point-procedure seems to be used even more. It is difficult, however, to quantify the number of dossiers passed using the A-point-procedure due to the so-called ‘false A’ and ‘false B-points.’ (Westlake 2004: 38) Nevertheless, representatives in the Council Secretariat and in the Permanent Representations all reported an increase in the usage of the A-point-procedure even on important issues. (e.g. Int. 36 and 4)¹²

4. (Informal) Effects of Enlargement on the Functioning of Coreper

Partly as a consequence of these formal changes, we can distinguish four interrelated effects enlargement has had on the functioning of Coreper. First, there has been a clear formalization of the regular sessions (1).¹³ As a result, significant negotiations have been shifted from official meetings to more informal circumstances (2). Third, supranational and quasi-supranational actors—namely, the Commission, the Presidency and the General Secretariat of the Council—have gained more influence in the Council in that when new member states are not directly concerned with an issue, they tend to defer to the position held by the majority of delegations or that held by the Commission (3). Finally, a moderate weakening of Coreper’s notorious *esprit de corps* can be observed;

¹² Data is available only for certain periods. Hayes-Renshaw et al 2006 counts 411 decisions adopted as A-points in the Council and 215 as B-points in the last three months of the year 2004, c.f. Hayes-Renshaw et al 2006: 183.

¹³ However, Puetter points out to the fact, that in some areas, a certain informalization of regular sessions or even the creation of new informal working methods as a result of enlargement could be observed (Puetter 2006).

however, this may only be a temporary phenomenon caused by the simple fact that almost half of its members are relatively new to this body (4).

(1) The aforementioned changes in the formal processes of negotiations have resulted in a formalization of how the sessions are run: General political debates and discussions on topics not on the agenda occur less often, and complete table rounds—when they do take place—are held to a stricter timetable. Formal, written procedures have gained weight, and there is a greater need for the Presidency to lead sessions efficiently. Consequently, it is not clear to every negotiator which delegation defends which position, what motivations it has to do so, and what domestic pressure it is under. ‘You don’t know why a delegation holds a certain position, what their problem is, and if there could be other solutions to this problem,’ (Int. 20, 32-34) reported a civil servant from the Ministry of Foreign Affairs of an old member state. The Antici of a new member state described this tendency towards formalization of Coreper and Council working group sessions as an ‘OSCE-ization of the Council.’ He further articulated his philosophy by saying, ‘My golden rule is: only take the floor when you have something to add or when the issue in question is vital to your national interest.’ (Int. 13, 28-29)

(2) Along with the formalization of Coreper and working group sessions goes a second process, which at first glance appears quite antithetical: a great deal of substantial negotiations have shifted to the ‘couloirs’ (hallways), to telephone calls, and to informal meetings outside the Justus-Lipsius-Building. What does not fit into the corset of the tight, official meeting schedule, what escapes the formal debates, wanders more and more into semi-formal settings before, between, and after official sessions. The good relationships between representatives, and most importantly between the Anticis, help in this respect. Even ‘negotiations of substantial matters are being back-shifted to lobbies, chambers, and the capitals,’ (Int. 21, 30-31) according to a German civil servant in the Ministry of Foreign Affairs. In short, while enlargement has contributed to a formalization of the official meetings, it has also contributed to an informalization of the decision-making process as a whole.

(3) While the staffs in the Permanent Representations of the new member states quickly and efficiently became familiarized with the methods and processes of the Union, this was not always the case for the staff involved in the respective capitals. As a result, four interrelated consequences have been observed: the Brussels-based Permanent Representations and the administrations in the capitals do not always work together as a good team; negotiators are sometimes still receiving vague or inappropriate instructions, and representatives from new member states often cannot promote any position on a certain dossier or a specific question. In such cases, the delegation typically follows the position of the Presidency, the Commission or of the majority. In other cases, there has been a change from Permanent Representations merely following the instructions outlined by their capitals to Permanent Representations actually convincing their capitals of the agreements reached in Coreper. We will now look at these effects more closely. According to the Antici of a new member state,

‘people in the capital don’t have much first-hand experience with business in the Council. I guess our Brussels representation would be capable of representing national interest effectively, but the capital hasn’t developed equally fast.’ (Int. 34, 2-3)

While the old member states have had the chance to fine-tune the interaction between Brussels and their capitals over decades, to continually adjust, and to save ‘best practices’ in their institutional memory, the structures of new member states had to be built and implemented within a very short time. It is not surprising, therefore, that officials from new member states’ representations have observed, ‘of course capitals of old member states better understand the needs of their Brussels representatives.’ (Int. 34, 3-4) Civil servants who directly interact with EU institutions have undergone an intense process of adaptation and learning, whereas the ministries of the capitals have not. A Mertens-Counselor of a new member state expressed this asymmetry as follows: ‘I had to learn myself and then [had to] provide my team at the Representation, as well as the Ministries with explanations on how the procedures work.’ (Int. 41, 5-6 c.f. Int. 10, 69-70) Only through their presence in Brussels already could representatives get a feel for common

interests, acceptable compromises, and efficient procedures, which seem to be still somewhat unfamiliar to the civil servants back home. The vertically and horizontally networked arenas are arranged into four dimensions—the Brussels-Capital interaction; the complicated negotiation processes between the representatives of the 25 member states; the interactions between the Council, the Commission and the European Parliament; and, between the Council, Coreper, and working parties. New member states' administrations are not yet well-rehearsed in the practices of each.¹⁴ An official from the Austrian Permanent Representation said,

‘I have the feeling that they [the new member states] still have too few people who are able to deal with European issues. Partly, they get strung out when they see what an intensity of consultation we have here.’ (Int. 2, 10-12)

This deficit in the capitals's learning often results in members of Coreper or working groups from new member states having either imprecise or no instructions at all. (c.f. Int. 26) Many interviewees observed new member states' uncertainty on how to deal with instructions. Because old member states' representatives are more experienced, they are more confident in handling instructions from their capitals. In contrast, if specific issues are perceived as especially important, new members tend to abide by the positions listed in their instructions very closely, even when they are imprecise or inappropriate. In other cases, representatives from new member states often defer to the position recommended by the Presidency or the General Secretariat. ‘I think it is natural that old member states can deal ... with their capitals instructions better than new member states—whose domestic administrations are still ‘learning by doing.’’ (Int. 12, 4-5) The Deputy Permanent Representative of an old member state said,

“they are still working on [the coordination at home], and they tell me sometimes that they don't have instructions. This is simply because it is quite a

¹⁴ This corresponds with the assumption made by Stacey and Rittberger, that ‘if member state principals delegate authority to their own representatives at the supranational level (i.e. the Council's Secretariat and Working Groups), these representatives may create internal rules that – for efficiency and other motivations – may diverge from the principals' intentions' with the effect, that new informal rules ... militate in favor of small transfers of sovereignty.’ (2003: 876)

task and requires a lot of administrative resources to keep up with the pace of what is going on here in Brussels. I think that their instructions are not always in all cases fully operational.” (Int. 1, 20-22)

In turn, it becomes somewhat problematic for new member states to react ‘on the spot’ to changes during negotiations. As we have said, new member states—especially the small and very small ones—tend to align themselves with the position of the Presidency or the majority of states as long as the topic does not specifically concern their national interest. Indeed, a German representative in a working group, for example, observed that there are many delegations, especially those from new member states, who are more involved in the discussion when the topic is of specific or outstanding importance to their country, or when they are more clearly bound to specific instructions from their capitals.¹⁵ (Int. 20, 13-14) Otherwise, old member states generally each take the floor once per item on the agenda, while new member states intervene perhaps only once per session. (c.f. Int. 33) The tendency to defer to the recommended position has caused substantial institutional change. Due to enlargement, the proportion of small and very small member states has significantly risen. As a result, when new member states are lacking a clearly formulated national position and merely follow the proposal of the Commission or the compromise suggested by the Presidency, such initiatives have a higher chance of reaching a qualified majority than they would have had before the enlargement. In this way, the Presidency and the Commission have undoubtedly been strengthened within the Council’s architecture. Correspondingly, the single member has clearly been weakened. Although the practiced culture of compromise and consensus in working groups and Coreper decreases the power of this mechanism, it still gives the supranational and ‘quasi-supranational’ actors an option to apply pressure – which, again, constitutes a major institutional change.¹⁶ Although new member states take the floor less often when not directly

¹⁵ Another German civil servant who often works in Council working parties confirmed this observation, adding, however, that Polish negotiators actually ‘appear very self-confident.’ (Int. 21, 34-34)

¹⁶ At the same time ‘Presidency and Secretariat are more challenged by having to develop the big lines from a greater variety of inputs’ (Int. 17, 41-42) as stated by a civil servant in the German permanent representation

affected by an issue, many interviewees stated that when important national interests *are* involved, new member states tend to argue their position more fervently and sometimes less diplomatically. On the other hand, this too has changed. The practice of only promoting one's own national interest and trying to convince Coreper and working groups of the corresponding position is used less often.¹⁷ Right after enlargement,

'the new member states attempted to sell their capitals' instructions to other member states while the old ones tended more often to end up trying to sell the consensus that emerged from Coreper [back] to their capitals.' (Int. 34, 7-9)

Today, most representatives from new member states have come to the position that the

'real diplomatic challenge is not to convince your partners about your position but to convince your capital about other countries' positions in the interest of a compromise.' (Int. 39, 4-5)

(4) Most researchers find a culture of cooperation, intimacy and trust – the often mentioned *esprit de corps* – a characteristic feature of Coreper. And most researchers agree, that it is this specific atmosphere that helps Coreper to reach consensus.¹⁸ However, the fear that enlargement would lead to the corrosion of *esprit de corps* and that this would lead to an increased probability of conflict and deadlock proved unfounded. For the most part, Coreper and those working groups that are composed of representatives from the Permanent Representations have continued to be described as cooperative and friendly:

'There is still a lot of *esprit de corps* in Coreper. And the reason for this is that we know each other quite well, meeting regularly in the meeting room and sometimes in more unofficial circumstances as well. So there is some kind of

¹⁷ Whether this change is lasting can not be conclusively evaluated after two years of enlargement, of course.

¹⁸ See for the conceptualization of *esprit de corps* Lewis 2003; 1998; Puetter 2006; Checkel 2001; Sabatier 1993. See for the specific culture within Coreper as a precondition for a deliberative interaction style Puetter 2006; for the conceptualization of deliberation within international forums, c.f. Risse 2000.

familiarity and closeness, and it helps [in] dealing with the matters.’ (Int. 30, 31-34; c.f. Int. 5)¹⁹

The new members’ representatives also see themselves as well-integrated into Coreper: ‘We, the newcomers, just took over the existing spirit.’ (Int. 41, 2-3). The intrinsic principle to find compromise and even—if possible—consensus between the member states has not changed, and new members have quickly adapted to this concept. The Antici of a new member stated,

‘that it is possible to find compromise is actually a miracle. This is only possible due to the special spirit of the Council, the *esprit de corps*. You *feel* the necessity to compromise. Unless there are fundamental national interests directly and strongly affected, no one accepts a member state’s blockade.’ (Int. 13, 16-18)

One of the driving factors in the institutional culture of Coreper is the awareness that it is easier to reach a compromise in the working groups or in Coreper than on the level of the Ministers themselves. Indeed,

‘Permanent Representatives have a special feeling of responsibility for the EU. If *we* cannot find the solution, usually it is not possible for ministers in their limited time either. We know we have to minimize the problem. We do our best, and we always look for compromise and solution,’ (Int. 16, 22-23)

as the permanent representative of a new member state said. New representatives realized Coreper’s central position in the EU very quickly, as reflected in phrases such as ‘heart of the union,’ the ‘locus where things are decided,’ and ‘very special club.’ Such characteristics of Coreper were crucial for a smooth integration of the new members. The same counts for other groups within the Council as well. The Anticis and their spouses, for example, take a trip every six months to the country of the Presidency

¹⁹ The Mertens counselor from an old member state stated: ‘They [the new representatives] have stepped into the group of Mertens Counselors very well. But that is also partly due to the big family. You are accepted from the beginning on. People come, they are welcomed, they introduce themselves, we all directly talk and so you are in immediately. And they have that feeling, too. That is why they already get themselves involved quite well.’ (Int. 9, 21-22)

where, according to testimonies of several Anticis, close and amicable contacts are established. As stated by a Coreper Coordinator from the German Ministry of Foreign Affairs, ‘the Anticis are very intimate, they can talk very frankly with each other. New member states can’t deny this dynamic.’ (Int. 21, 18). Overall, most officials pointed to only a moderate weakening of Coreper’s *esprit de corps*. A new member state’s ambassador confirmed,

‘it is clear that older colleagues know each other better and especially know how to use the services of General Secretariat and Commission better. It is clear that they consult informally with each other more often than with us.’ (Int. 16, 5-6)

Nevertheless, this may only be a temporary circumstance, and considering that enlargement increased the members of the Committee by two thirds, the trustworthy atmosphere of Coreper has been maintained surprisingly well.

5. Cleavages between ‘Old’ and ‘New’ in Coreper

Despite this seemingly harmonious transition into a process of decision-making driven by the need for cooperation and consensus, new members have emphasized that integration into the EU bodies has not been an easy experience for many civil servants. Although there are no general patterns of separation between ‘new’ and ‘old’ member states, several subtle cleavages can be identified. For example, the necessity to consistently put national interests on the back burner was at first very difficult for many new members. That ‘the argument, ‘this is important for my country’ does not count,’ (Int. 26, 34-35) reminded many of the negotiators of the Soviet Union’s control during the Cold War. Some new members have been facing criticism from popular press in their home countries that what used to be Moscow is now Brussels and that national sovereignty is handed away too easily. In this regard, some representatives of old member states have a different vision ‘of what Europe really is.’ A Spanish official said:

‘New member states have a much more intergovernmental vision with less acceptance of supranational moves forward; they fight for small things as if they

... concern[ed] their sovereignty. That makes it difficult to handle them.' (Int. 32, 15-16)

It must be noted, however, that this difference in the perception of the *finalité* and guiding principles of the European Union in relation to national governments not only divides new from old but also raises questions within old and new.²⁰ Investigation into other cleavages revealed the following conflicts: between supporters of protectionism and those of free-trade; between net-payers and net-receiver countries; and, between states with large agricultural sectors and those without. In the latter two, new member states often find themselves on the same side of the conflict; however, no systematic line of division between new and old member states can be drawn (c.f. Hayes-Renshaw et. al., 2006). In the field of structural and financial politics, cleavages exist, but not purely between new and old member states. Rather, the division is between old member states that had net-receiver country status before enlargement took place and want to protect their share of EU funds and new member states (who are also net-receivers). Old net-payer countries, however, tend to support new net-receiver countries. (c.f. Int. 40, 10-11) The discussion has also been affected by the fact that some old net-receiver countries have become net-payer countries. France, for example, was a net-receiver country before the enlargement; now, it is a net-payer and promotes the interests of a paying nation. In the next financial period, Spain might also become a net-payer. Of course there are some similarities among the newcomers in terms of mutual historical experiences, cultural and linguistic relations, (c.f. Int. 40, 30-32) but this does not necessarily lead to *bloc-building* or formal arrangements among those countries. One interviewee admitted that certain arrangements exist in the field of foreign politics:

²⁰ In principle, indicators for measuring other such cleavages are problematic. A quantitative investigation of the voting results in the Council aiming at finding one more conflict lines faced several problems. First, only the results of votes that have finally been passed into a legal act are published. Second, the results give no insight into the course of the discussion that proceeded, and the culture of consensus and non-isolation of single delegations distort a view on how positions might differ systematically. Consequently, probably the best way to explore the possibility of persistent cleavages is through qualitative interviews with the representatives themselves.

‘some new member states feel a certain closeness to the United States due to their experience of independence after 1990. That leads to capitals forcing their representatives into instructions which do not really fit in here. We call those member states *‘the voice of America’*.’ (Int. 10, 69-70)

Similar situations can also sometimes be found in structural and financial politics, but except for these nuanced trade-offs in certain policy fields, the overarching trend appears to be mainly shifting coalitions and topic-oriented ad-hoc-coalitions. Tactical coordination among new member states to increase their assertiveness or among old member states does not, in general, take place. The final observation is the very fact that new members have only been participating for the last two years. ‘New member states have not trained the same techniques that we have practiced for 40 years.’ (Int. 32, 16-17) The tautological fact that new members *are new* is so dominant because ‘in Coreper, experience and institutional memory count a lot,’ as stressed by the ambassador of a new member state. He continued by summarizing the trouble all new member states are collectively facing:

‘lack of experience, not enough people in the institutions, not that well developed links to the inner corridors of the institutions, administrative capacity complications, and the fact that we are actually starting in new positions everywhere – in our countries, in the regions, in New York (UN, WTO) and Vienna (UN, OCSE, IAEA).’ (Int. 16, 9-10)

6. Changes in Voting -Behavior

Contrary to expectations, new member states have not caused a blockade of the Council.²¹ Moreover, the feared voting-chaos has not emerged. (c.f. Int. 2, 33-35) Although the number of pieces of legislation passed by the

²¹ Deadlock, blockade or at least major problems with decision-making procedures in the Council have been predicted by the majority of scholars and practitioners; see e.g. Hayes-Renshaw / Wallace 2003, 8. See for a comprehensive analysis of the voting-behavior within the Council before and after enlargement Hayes-Renshaw et al. 2006.

Council sank from an average of 93 legal acts per Presidency in the years between 1999 and 2003 to an average of 69 per Presidency after the enlargement;²² all interviewees universally reported that this was due not to enlargement but rather to an altered policy of the Commission to introduce fewer initiatives to the Council in order to avoid over-regulation. Furthermore, it is not the case that after the May 2004 enlargement, voting in the Council has become more divisive. Even though only 29% of the legislation passed by the Council formally requires a unanimous vote, about 90% is passed as such (2004: 89,1%; 2005: 90,2%). Consequently, the hypothesis that the new members would cause more dissent within the Council can clearly be disproved for the years 2004 and 2005. In addition, the percentage of legislation passed with abstention votes for 2004 and 2005 (8.3% and 9.8% of all acts, respectively) was also lower than that before enlargement. Thirdly, legislation passed with both abstention and dissenting votes from 2001 to 2003 was more than 16%; this figure was clearly under 16% in the last two years (c.f. Figure 1). Obviously the often cited consensus reflex is still working in the Council (c.f. Hayes-Renshaw et al, 2006, 183). To date, only ten times has a new member state voted against a decision that was passed.²³ In truth, criticism of voting behavior of the new member states could actually be directed toward that of old member states shortly before the enlargement. Statistics show that a striking amount of legislation was passed right before enlargement took place, assumingly because the decisions would have been harder to take once the new members were admitted. Between 1999 and 2005, the month of April shows the Council passing an average of 13 pieces of legislation. In April 2004, however, it passed 63—significantly more legislation than in any single month from 1999 on. By contrast, the month of May from 1999 to 2005 shows the Council passing an average of 18 pieces of legislation, and in May 2004—the month the new members arrived—only one (c.f. Figure 2). New members could not help but notice this as they had had observer status leading up to their entrance. The Antici of a new

²² These figures are based on the Monthly Summaries of Council Acts, which are publicly available.

²³ Lithuania four times; Malta three times; Poland twice, and the Czech Republic once. Six of the new member states have never voted against a decision that was passed.

member state expressed it this way: ‘Implicitly, a certain stigmatization can still be felt. For example, old Member states made arrangements before the enlargement that can hardly be changed now.’ (Int. 40, 30-32)

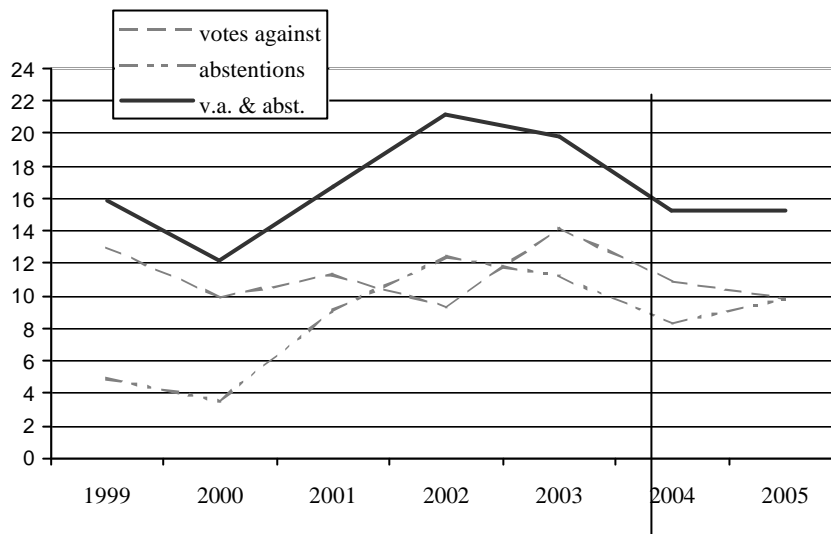


Figure 1: Percentage of Council Acts with votes against and abstentions; the line in 2004 symbolizes the accession of the 12 new Member States; Source: Monthly Summaries of Council Legal Acts.

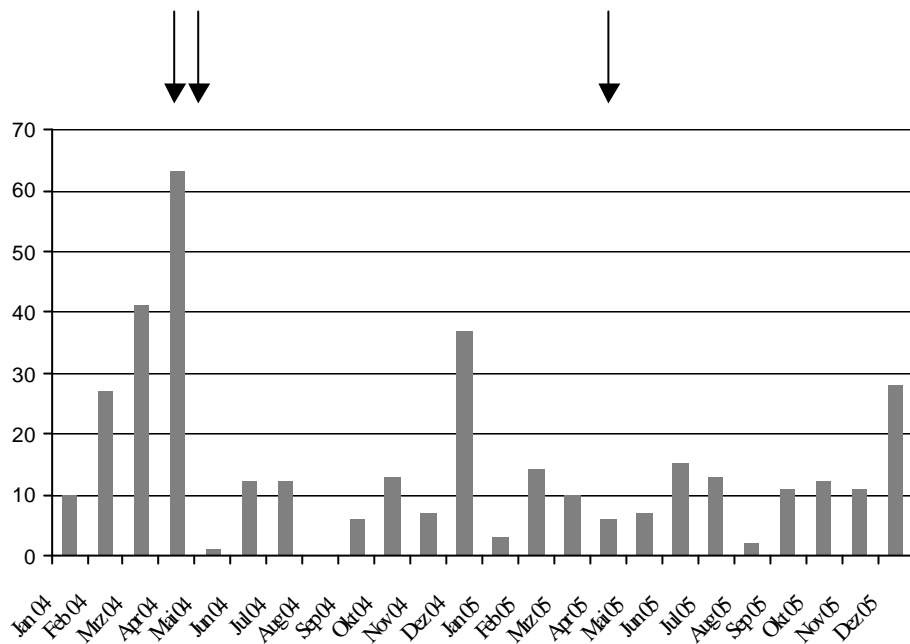


Figure 2: Council Acts passed between January 2003 and December 2005;
 Source: Monthly Summaries of Council Legal Acts.

Summary and Conclusion

This article has addressed questions regarding the effects the European Union’s most recent round of enlargement has had on the working practices and the functioning of the Committee of Permanent Representative. We would now like to offer a preliminary evaluation of the past two years: The *worst case scenario*, which many feared after Nice, did not occur. The European Union has not been completely blocked in its decision-making, and no insurmountable challenges have emerged. As difficult as the enlargement has been in many areas—within the European institutions and especially within Coreper—overall, it has been perceived by most actors within and around Coreper as a success. Obviously the Council is still ‘capable of adapting to many new situations over the years, often in innovative ways.’ (Hayes-Renshaw / Wallace

2003: 8) A representative from the Danish Permanent Representation put it this way:

‘Enlargement took place, and we think less and less in terms of *old* and *new* member states. This is, of course, a gradual process, but already now we see that it is more a question whether you are an old representative—in the sense of one who has been around for a long time—than whether you are from an old or a new member state. So, if you are a new representative from an old member state, you may be less integrated than if you are an old representative from a new member state.’ (Int. 1, 41-43)

Other interviewees confirmed that the enlargement—at least from the institutional point of view—‘functions surprisingly well.’ (Int. 36, 19-20) Indeed, there is even some evidence leading to the assumption that *because of* enlargement, Coreper and the working groups were forced to make procedures more efficient. Over and over, representatives of old member states emphasized that new member states make much effort in making sessions more efficient by backing off of topics that do not directly concern them and by being ready to accept new and more efficient processes right away. (c.f. Int. 1; 14; 17; 2; 30) The overall situation seems quite well caught by the words of a deputy Permanent Representative of an old member state:

‘The new member states are not standing on the breaks; however, I do not know if they are standing on the accelerator either. The decrease in tempo though—which you can see has emerged—from my point of view, is not caused by the new member states. There are other reasons for that, a number of reasons to the extent that the difficulties of enlargement are more due to the ability of old member states to ‘digest’ enlargement. It is not the ability of new member states to agree on new measures; it is more the old member states’ inability or ‘indigestion’ of enlargement. I think time will cure that, but that is the situation right now.’ (Int. 1, 45-48)

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