

Policies and Politics of the European Union

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Introduction

The European Union is an area of rapid development related both to internal reforms as well as external challenges. Sectoral policies spill over into new thematic areas and are the subjects of new regulations as well as growing institutionalization. On the other hand the politics of the EU are changing due to deepening integration and territorial enlargements as well as new external factors. Consequently the EU is in the process of permanent change, visible both in policies and politics.

The purpose of this volume is to analyze different examples and interrelations between EU policies and EU politics in various fields of study. This publication continues the research in the field of European integration conducted by the Faculty of Political Science and Journalism at the Adam Mickiewicz University together with partner universities and scholars from different European academic centers. It contains texts from nine authors representing five academic institutions from Armenia, Luxemburg, Norway and Poland.

The first group of contributions in the book presents three case studies. It is opened by Maciej Walkowski who investigates the introduction threats and opportunities of the Euro currency in Poland. Ekaterina Islentyeva presents the EU Competition Policy with a focus on the Commission's cooperation with the non-EU states. Robert Kmiecik analyzes how Polish local governments implement the EU's Regional Policy.

The next two texts examine the problem of Turkey and European integration. Lika Mkrtchyan looks at it from the Armenian perspective. Przemysław Osiewicz on the other hand discusses the phenomenon as both policy and politics.

Two further contributions suggest the Nordic Region as a source of inspiration for integration processes. Agnieszka Wójcicka compares Nordicization with Europeanization. Knut Erik Solem discusses the example of Norway in integration theory and community building in small states.

The last two contributions employ a wider perspective. Jarosław Jańczak tries to categorize reversed Europeanisation in the form of de-Europeanization and counter-Europeanization. Finally Piotr Tosiek presents comitology implementation of EU Policies.

The authors believe that the complete volume will serve as an important and refreshing contribution to contemporary European studies and due to its multinational and multidisciplinary character, will stimulate the European debate.

Maciej Walkowski

The Monetary Integration Process in Europe. An Analysis of Potential Threats and Opportunities Connected with the Introduction of the Euro in Poland

The European Union's Economic and Monetary Union, the common currency exchange and monetary policy, celebrated its tenth anniversary in January 2008. In 1999, 11 *EU Member States*, the euro started to be used in non-cash transactions.

According to the European Commission, the new Euro area involving 16 Member States since 1 January 2009, met expectations, bringing an unprecedented period of price stabilisation and low interest rates which still remain at a low level.

The United Kingdom and Denmark used the opt-out clauses negotiated in their accession treaties. Sweden, as a result of the negative outcome of her referendum, did not enter the ERM2 mechanism, and the next referendum was called for 2013 at the latest.

In the UK, chiefly identity reasons connected with national identity and strong bonds with the pound caused unwillingness of society and political parties to enter the Eurozone. The present global financial crisis, and also the recession in many European countries are the reasons that Denmark, Sweden and Iceland are considering joining common currency zone.

The new Member States (from the EU enlargements in 2004 and 2007) are obliged to enter EMU. Only the strongly sceptical Czech Republic is not going to do so soon. Therefore, the question is, why such a wide potential interest in participation in the European monetary integration project? What are the development opportunities that are seen by European states?

In December 1997, at the European Council summit in Luxembourg, the heads of European governments and states of the EU-15 decided to start the third stage of building Economic and Monetary Union (EMU) on 1 January 1998. The stage meant introduction – initially only in non-cash transactions – of a common European currency: the euro, and was definitely one of the most profound and important events in the history of modern Europe and the world.

Since that time, the euro – which can be issued solely by the independent European Central Bank (ECB) – gradually began replacing national currencies, firstly of the 11 states forming the so called Eurozone. The transition to the European single currency was completed at the beginning of 2002 leading to the start of a real monetary union in Europe. At that time the euro as the only self-reliant, rightful and offi-

cial tender of European Union was for the first time put into circulation in physical form. It was from an economic, and to some extent from a political point of view, the peak of the integration processes so far in Europe; the euro was to accelerate the integration of EU states, giving their economies many potential and real benefits¹.

Both on the macro and microeconomic levels, there are predictable and real benefits from creation of the Economic and Monetary Union, which was based on the theory of an Optimal Currency Area, developed by R. Mundell, R.J. McKinnon and P.B. Kenen. These are:

- From economic point of view, the euro has to limits permanently the risk of exchange rate fluctuations in mutual trade, which eliminates transaction costs in currency exchange for companies and consumers (savings of approx. 2% of the EU's GDP). As a result, there is lowering of economic activity costs, including costs of safeguarding against exchange rate risk (assessed savings of 13-18 billion euro annually). Therefore, the euro eliminates uncertainty of companies which is connected with assessment of their profitability on so called Euromarket.
- The euro eliminates indirect transaction costs connected with the national currencies exchange (commission costs – usually 2%) and gives an opportunity of wider than before participation in the large EU capital market. Currency union assumes unlimited freedom of capital turnover which in the absence of currency speculation element will not, *ex definitione*, cause disadvantageous exchange rate confusion.
- From an enterprise point of view, establishing one currency euro area enables the elimination of so called competitive currency depreciation, which artificially enhance price competitiveness in certain countries. As a result of this practice in the past, were demands in Europe to bring back protectionist trade barriers, lifted long before, in order to restrain imports from other Community countries. The possible expansion of protectionist trends could endanger the idea of free trade in the whole EU.
- In the euro area it is impossible to manipulate exchange rate in order to improve competitiveness of its own country artificially. The ECB, which is meant to be independent of any political pressure, is accountable for monetary and exchange rate policy.
- The euro area means much easier comparison of prices and salaries which encourages using market arbitration, increasing as a consequence efficiency of European production. The single currency common currency is to even out the level of prices of many goods sold within the area (aiming at their lowering) which is beneficial for consumers. By 1990 the prices differed, depending on the category of goods, by 20-30% on average. Price transparency (full price comparability) has to improve competition in some sectors, forcing less efficient companies to accelerate restructuring and increase effectiveness. Elimination of commission in cur-

¹ L. Oręziak, *Euro. Nowy pieniądz*, 2nd edition, revised and updated, Warszawa 2003, pp. 47 and 77-96; E. Jantón-Drozdowska, *Międzynarodowe Stosunki Gospodarcze*, Poznań 2004, pp. 136-138.

rency exchange has to become an essential element stimulating even faster growth of tourism and, profits related to it (it is particularly important in Poland, in the context of the 2012 European football championships taking place there).

- Euro area means elimination of exchange rate risk, and stronger growth of intra EC-trade, which is around 75% of EU Member States' foreign trade. The common currency acts as a stimulus on the development of the internal trade and international trade, definitely boosting the European market. After the introduction of the single currency, consumers and companies – despite some differences in regulations and tax systems – will have to treat the Eurozone as a whole. The euro also leads to improvement in market transparency, lowers entrance barriers, and improves its liquidity.
- The adoption of the euro has led to a substantial reduction of the risk of a currency crisis in Europe (the best positive example is Slovakia which was in ERM 2 in 2007, and a negative example is Poland, where the zloty was and still is in threat of speculative attacks of various hedge funds).
- The euro is the highest level of long-term macroeconomic stability and reliability in the opinion of foreign investors (better rating of a given economy according to important rating institutions such as Fitch, Moody's, Standard&Poors, A.T. Kearney; more favourable analyses of experts from various think-tanks, institutes and research foundations). The euro area also means greater capital and knowledge transfer to a given economy – and as a consequence more opportunities for realization in EU the model of “*knowledge-based economy*” and “*information society*”.
- The elimination of the exchange rate risk in the euro area means increasing acceptable, safe level of deficit on the current turnover account regarded as safe by foreign investors. (Balance of goods and services exchange, monetary transfers, income and other non-registered turnover are an element of balance of payment of a country. The more positive they are, the bigger the currency reserves of a country.) This results in an increase of foreign capital flow in the form of Foreign Direct Investment (FDI) and an increase of the investment rate in a given economy.
- The Eurozone has led to increase in competitiveness in financial sector which gives entrepreneurs an opportunity to choose more attractive bank offer as regards acquiring and depositing monetary assets.
- From a technical point of view, the introduction of the euro is a milestone in the budgetary policy of the European Union. The differences/variety of monetary parities have always been a difficult issue while deciding and managing the Community budget, e.g. in the CAP².

Thanks to all the above-mentioned elements, the payment turnover in the area is cheaper and less complicated, and the results of financial decisions more predictable. As a consequence of monetary union Member States become more competitive and from macroeconomic point of view more stable on international market, and their economies more effective in competition with American, Japanese, South

² *Ibidem.*

Korean markets, and countries defined by *The Economist* as the BRIC group (Brazil, Russia, India and China). Generally, in the opinion of the European Commission, the success of the EMU project gives quantifiable savings of tens of billions of euros annually³.

Eleven years of monetary integration in Europe have resulted in an improvement of competitiveness of the Community economy due to the expected lowering of inflation, interest rates and elimination of transaction costs:

- For more than ten years inflation in EU was on average 2%. In comparison, at the beginning of the 1990s the average was twice as high and in some countries of euro area, e.g. in Spain and Italy there was double-digit inflation (even more than 20%). Prices in Europe – which is worth noting – were relatively stable (inflation of 3-4%) even during global inflation in late 2007/early 2008 as a result of sudden increase in prices of fuels and food on world markets.
- In the euro area, long-term interest rates fell to a level below 4%, i.e. they were a half less in comparison with the level from the '90s. Before introduction of EMU the level of interest rates in some countries was in double digits. For many families the decrease of interest rates – leading to cheaper, more available loans – meant that for the first time they could afford to buy a house. For companies it meant better opportunities to accumulate capital and finance their investment plans which caused creation of record number of jobs. Thanks to evolving integration, better synchronisation and management, and larger flexibility of the European economy, since 1999, nearly 16 million jobs were created in the EU, compared to less than 12 million in the '90s and just over 2 million in the '80s. It had a role in the fall of the unemployment rate which was previously growing constantly since the beginning of the '80s, to the level of 7% in 2007 and 7.9% in 2008⁴.

As it is noticed by European Commission, there are other advantages which – although less visible for citizens – equally important:

- The average height of the state financial deficit – i.e. the surplus of budgetary expenses over revenue – fell to the level of 0.6% of GDP in 2007, while in the '80s and the '90s it was 4%. Such accumulation of deficit led to the growth of public debt in the long term and the allocation increasing resources for its repayment, including increasing the interest rate. In 1980, public debt for the whole present-day euro area was 35% and in the '90s over 75% of GDP. Hence Eurozone members accepted an anchor of their debt level – the deficit of public finance sector cannot exceed 3% of GDP. Individual states had to discipline their public finances to such an extent that deficit in euro area in 1999-2007 was extremely low – near zero. Only in 2003, as a result of the poor condition of the members' economies – there a slight exceeding of this barrier and deficit growth to the level of 3.1%. A de-

³ *Raport na temat pełnego uczestnictwa Rzeczypospolitej Polskiej w trzecim etapie Unii Gospodarczej i Walutowej*, Narodowy Bank Polski, Warszawa 2009.

⁴ *Ibidem*.

crease in deficit and public debt means better use of public resources and a lowering of general tax burden.

- European markets are better integrated, including in financial sector, which results in lower prices of goods and services for consumers. A good example are trans-border money transfers and cash withdrawals made by consumers, which are now treated as domestic and not international transactions.
- Countries in the Eurozone are also bound to respect restrictions on public debt, which cannot be higher than 60% of GDP. However, the entire euro area has never, at least until the time of current financial crisis, reached that level. In 1999, the debt of countries using the euro was 72% of GDP and in 2007 it fell to 66.4%⁵.

The evaluation of macroeconomic balance in the "Eurozone" is also positive in terms of foreign trade. In 1999-2007 the balance of current turnover was close to the balance, with a slight surplus trend. At that time, the United States had a deficit exceeding 4-5% of GDP. It was better in Japan and Sweden. Japan had on average a 3.3% surplus and Sweden, which is outside the euro area, nearly 6%. Despite a good balance, the participation of Eurozone countries in world exports (including export within the Eurozone) fell from 32.5% in 1999 to 29.6% in 2007. It still has the best position in the world, second are the United States – with 8.4% of world exports, but it also indicates that countries with low production costs have a more and more important role in international exchange.

During less than one decade euro has become the second most important world currency, after the US dollar. Countries of the euro area produce currently 17% of the aggregated global GDP (USA 22.3%, Japan 6.9%). Their share (including intra-Eurozone trade) is 29.6% of world trade. In official currency reserves the euro's share is estimated to be about 26%. Increasingly, the international importance of the euro gives safeguards against turmoil in the global economy and it partly compensated for the recent rapid increases of food and energy prices during 2006-7⁶.

The analysis of the European Commission basically overlaps with the expert analysis of the National Bank of Poland (NBP), presented e.g. in a regular and extremely interesting supplement to the "Rzeczpospolita" daily newspaper entitled "A Rational Path to the Euro".

According to the NBP, one of the goals and basic rules of monetary union in the EU is keeping inflation and state debt indicators under control. These factors are fundamentals for economic growth, although to secure it there are also other necessary conditions connected with economic competitiveness, proper qualifications of the workforce and transparent legal system.

During its first years, the Eurozone managed to achieve some success in this field. In the 1970s and the early '80s consumer prices in 12 countries of the Communities, which later formed euro area, were still growing by 10% on average. In some

⁵ *Ibidem*.

⁶ *Ibidem*. See also: *Too good to last. The euro-area economy*, "The Economist" May 17, 2008; *Danger ahead. Europe's economies*, "The Economist" February 16, 2008 and *The shrinking feeling. The euro-area economy*, "The Economist" August 16, 2008.

countries, such as Spain and Italy, annual inflation exceeded even 20%. In the late 1980s prices began to stabilize. From 1999 to 2007 inflation in the Eurozone reached historically low levels of approx. 2%. This level is considered by European Central Bank to be price stability⁷.

The factor which supported macroeconomic stability of Eurozone countries was also the improvement in fiscal policy quality. In the 1980s and at the beginning of the '90s average budget deficit was 4-5% of GDP. It led to quick increment of public debt. In 1980, the figure for the whole Eurozone was 35% of GDP, and in the first half of the '90s, it was more than 75% of GDP.

Hence the anchor of debt level accepted in euro area: the deficit of public finance sector cannot exceed 3% of GDP. Such restrictive limits brought some results. Single states had to discipline their public finances to such an extent that deficit in euro area in 1999-2007 was extremely low, around zero. Only in 2003, as a result of poor condition of Eurozone members' economies, there was noted slight exceeding of this barrier and deficit growth to the level of 3.1%⁸.

Relating to the problem of the structure of exports, it is worth noting that the countries of the area increased their share in the world trade in the group of high-tech goods. Despite this, in comparison with other developed countries, the Eurozone countries are characterised by a high specialization of goods with high labour input. The euro area as a whole, as data show, is characterised by macroeconomic stability compared with other developed countries. However, this does not exclude some development problems. At the beginning of the 2000s the increase of GDP in euro area was close to 4%. Recently, the countries of the area have been developing much more slowly, and in 2009 they entered a recession phase. Economists were afraid of growing inflationary pressure in the euro area. The downturn in the world economy, however, has resulted in inflation in 2009 in euro area being lower than planned⁹.

Despite concerns of sceptics, the common European currency has also become a strong international currency, being – as has been noted – second after the US dollar, the most popular currency in economic turnover.

However, around 45% of transactions are made in dollars and only 18% in euros. The US dollar dominates particularly in raw materials and mass market goods (most commodity exchanges quotations are given in USD).

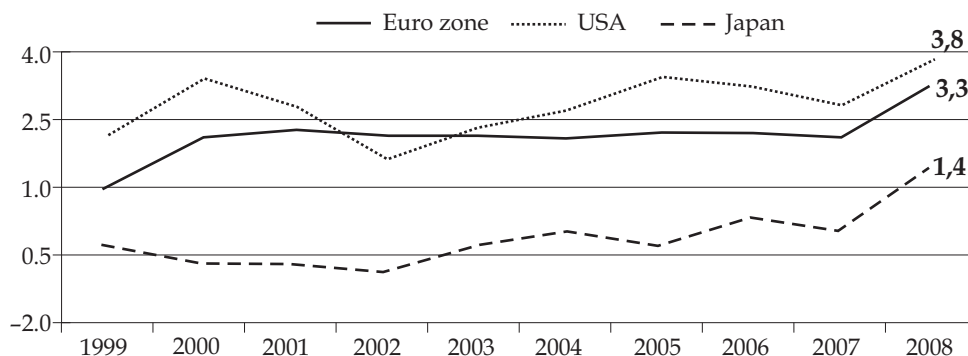
It is worth noting, however, that 50% of trade with third party countries is invoiced by the euro area in euro currency. There is also growing use of the euro as an element of foreign currency reserves. In 1999 reserves denominated in euro were 18% of all reserves in the world, but in time more countries, especially from the Eu-

⁷ *Strefa euro zapewnia stabilność*, "Rzeczpospolita", March 11, 2009.

⁸ *Ibidem*.

⁹ *Ibidem* and see also: L. Baj, *Złoty na razie zbyt chwiejny na ERM II*, "Gazeta Wyborcza", April 25-26, 2009; M. Konopczak, *Euro zwiększa wiarygodność*, "Rzeczpospolita", April 7, 2009; *Stabilność gospodarcza*, "Rzeczpospolita", April 7, 2009; *Tańsza konsumpcja i inwestycje*, "Rzeczpospolita", April 7, 2009.

Fig. 1. The level of inflation in the Eurozone compared to USA and Japan in 1999-2008



Source: Eurostat.

ropean Union, accumulated their reserves in euros (including Poland). As a result by the first half of 2007 Euro's share in the world resources was 25%¹⁰.

More and more debt securities are issued in euros. Currently they are 48% of the debt securities issued by all institutions in the world (1999 - 30%), pushing dollar securities to second place (36%). The situation is not as good for the euro, if we take into account securities issued outside given currency area (e.g. the euro area, the USA or the UK). In this aspect the euro is still behind the dollar (respectively 32 and 44% of share in issuing).

For any currency to gain an international importance, country or area which issues it has to fulfil some basic conditions. It has to have considerable economic potential expressed by the size of GDP, large share in world export and well developed, and hence, liquid financial markets. Euro area, thanks to the strength of economies of countries which form it fulfils all these conditions. In 2007 gross domestic product of euro area (analysed EU-15 countries) was 8.7 trillion euros which was 16.7% of world GDP. Only United States were better with 11.5 a trillion euros GDP and a more than 22% share in global aggregated GDP.

Member states of EMU have in turn an advantage as far as share in international trade is concerned. Together with domestic turnovers of euro area countries, 29.6% of world trade was in the euro area in 2007. Even after eliminating intra-EU trade, the euro area is still the biggest trading partner in the world (16.4% of share compared with 15.2% of the US)¹¹.

The size of the financial sector of euro area countries, Japan and the USA is comparable, however, there are noticeable differences in their specialization. The United States dominates in the stock exchange capitalization and market way of capital acquisition. In 2007 the capitalization of American stock exchanges was dou-

¹⁰ Euro, czyli ważna waluta międzynarodowa, "Rzeczpospolita", March 11, 2009.

¹¹ Ibidem.

ble that of euro area stock exchanges. The countries of the area also have an advantage in bank capital transfer.

The euro achieving a position of as an international currency is connected with various benefits. To a large extent it influenced the development and integration of financial markets in euro area. Joined by the common currency they may offer much wider offer of financial instruments, and their capitalization is increasing (bonds and shares markets, and banking sector assets). It attracts investors and borrowers. The introduction of euro resulted in creation of markets with potential comparable in some segments with dollar market.

As can be read in *Rzeczpospolita's* NBP supplement the euro has a visible influence on the international financial system, mostly in the closest neighbours of the euro area countries. Denmark, Sweden and the UK to a large extent use the euro as a foreign currency reserve, and as a means of certificates of deposit issue. New member states in the EU improve their reliability and stability thanks to the connection of their currencies with the euro.

A common currency, in place of many currencies, positively influences trade and direct investment (although here the influence is definitely smaller than on financial markets), expanding one currency area. Companies in the euro countries may develop their expansion on foreign markets since the euro, their own currency, became a global currency. These types of advantages were mostly experienced by those countries whose currencies previously played only a small role – e.g. Spain with pesetas, Portugal with escudos, Greece with drachma¹².

Table 1. Basic macroeconomic indicators of euro area countries compared with the USA and Japan

	Euro zone	USA	Japan	EU
Population (mln)	320	302	128	495
Global GDP share (%)	16.7	22.3	6.9	22.9
Global trade share*	16.4	15.2	6.6	21.9
Inflation (%)	2.1	2.8	0.1	2.4
Budget deficit (% of GDP)	0.6	3.0	2.4	0.9
Balance of payments in current accounts (% of GDP)	0.0	-5.1	4.8	-0.9

* excluding exchange within euro zone.

Euro zone – 15 states – before Slovakia's accession.

Source: Eurostat.

Poland, after her expected entrance into the euro area, should experience all the above mentioned benefits in the long-to-medium term. An increase in competitiveness, an intensification of trade exchange, an increase in investment, and a tighter

¹² *Ibidem*. See also: K. Kwapien, C. Wójcik, *Euro. Wspólna waluta europejska*, UKiE, Warszawa 2007.

integration of financial markets (and the other discussed elements), will in the long term transform into a faster pace of economic growth (an NBP report from 2009 estimates an aggregate increase in GDP of 7.5%, i.e. a bit more than 0.7% annually, in the first ten years!), an increase in employment, citizens' income (GDP per capita) and general welfare. What is important, the current turmoil on the world financial markets and the economic recession taking place in Poland's main trading partners, such as Germany, has temporarily slowed down the pace of achieving assumed benefits and threaten an increase of protectionism in Europe, but in the long term they do not contradict the wisdom of Polish participation in the "euro project" – this is demonstrated by the NBP report.

It should also be stressed that in the short-term perspective (the early stage of monetary integration) there are certain challenges, potential threats and costs for the Polish economy:

Firstly, there are concerns among Polish people as to the increase in prices of goods and services after joining euro area, in other words a significant increase in the cost of living. The experience of the euro states proves that the phenomenon took place, of course, (e.g. in Italy, Germany and Greece) but it had a speculative, selective and only temporary character, influencing inflation growth only slightly.

An effective potential antidote for this type of speculation in trade, most often incorrect rounding up of prices, is properly fast, e.g. with a year advance, may be giving prices in both currencies from – for example – a year in advance, in order to make customers used to the new values. It might also be a good idea/It might also be sensible – and popular to distribute widely among interested Polish people, cheap (probably Chinese-made) calculators, with the simple and only one function of calculating prices. It would also be a good idea to circulate booklets, brochures, and newspaper supplements on this topic, and to set up a special, clear and easily-navigated Website.

Secondly, there are fears among a part of the public relating to the loss of sovereignty by Poland in the area of autonomous monetary and exchange rate policies. Of course, there is a significant question how much the monetary and exchange rate policy of ECB will be adequate to Polish development needs in the future, but one needs to remember that first of all, we cede our sovereignty only for the time of our membership in EU (from which a country may withdraw according to an appropriate legal procedure... although in the history of the Communities nobody has done it), secondly, we are doing it to achieve particular economic, financial and political benefits, and not losses, which is a result of the very theory of international economic integration. Talking about the problem in a more jocular way, we might argue that the Polish zloty was at its most "sovereign" (i.e. not connected with any real currency system) during Communism times: and for this reason the Polish instead trusted the American "greenback" back then, rather than their own weak, but "sovereign", currency.

Thirdly, a problem is the date of joining Polish economy in the ERM 2 mechanism, within its frameworks deviation of a given currency from so called central

parity must not be higher than $\pm 15\%$ and keeping in it Polish zloty. It must be agreed that the current changeability of zloty exchange rate (even once a change in one day of c. 8-10 groszys¹³) is too high, for Poland to have entered in 2009. At the earliest, it seems we will be able to enter ERM 2 in 2010 or 2011, which means a predicted date of Polish participation in euro area around 2014 or 2015. This estimate assumes a positive condition of the Polish economy and fulfilling the Maastricht convergence criteria expressed by the EU's Economic and Finance Committee (ECOFIN).

Fourthly, it is also essential what convergence rate of zloty to euro will finally be used. An overvalued zloty, e.g. on the level of 3.20 PLN to the euro, would result in a slowing down the pace of economic growth. An undervalued zloty, e.g. on the level of 4.70 PLN to euro, would lead to a threat of an increase in inflation. We will therefore assume that the optimal solution is a convergence rate within 3.80-4.00 PLN to the euro, which should be aimed at by the NBP with the help of the government, if possible with the help of a new, agreed credit line from IMF from 2009 – from a so called Flexible Credit Line, worth US\$ 20.5 billion, to be used for the stabilization of the zloty rate.

Fifthly – this is particularly important – Poland might have a huge problem fulfilling on time some other criteria from Maastricht, e.g. the inflation rate (2.6% in Poland, with criterium of 0.67% according to the forecast of the European Commission from May 2009), the budget deficit (6.6% according to the same forecast) which might increase due to rising unemployment (11.2% in April 2009), expenses connected with countering a potential Polish recession, which are dangerously increasing public debt.

The Maastricht criteria allow for a budget deficit of the public sector on the level of 3%. As the government stated in August 2009, Poland will take into account the state of the budget, which has been modernised under the influence of the results of the global financial crisis. Poland, remembering the state of the budget, modernised under the influence of the global crisis results, and will have problems fulfilling the convergence criteria, making it impossible to fulfil the convergence criteria, making it impossible to enter ERM 2 earlier than in 2011.

Generally, it must be remembered that fulfilling the Maastricht convergence criteria should not be treated as a special kind of “sacrifice” from the citizens but an element of a rationally led economic policy. The reform of the public finance system in Poland, particularly regarding substantial decrease of so called stiff budget expenses, was very frequently discussed by economists L. Balcerowicz, L. Zienkowski, W. Orłowski, and S. Gomułka, mainly due to political reasons, has been done too slowly and has not been sufficiently effective¹⁴.

¹³ A “grosz” is a hundredth of a Polish zloty.

¹⁴ *Propagandowa wojna o euro nam szkodzi*, rozmowa z prof. Leszkiem Balcerowiczem, przeprowadzona przez D. Wielowieyską, “Gazeta Wyborcza”, February 26, 2009. See also: *Raport na temat pełnego uczestnictwa Rzeczypospolitej Polskiej w trzecim etapie Unii Gospodarczej i Walutowej. Eseje zagranicznych i polskich ekonomistów*, Narodowy Bank Polski, Warszawa 2009.

As an the expert of European Commission, J. Pisani-Ferry writes:

“Entering ERM II is a good solution to the crisis. Euro area countries should now give a signal that they support such attempts of Central European countries. There is not much economic rationale in keeping tightly to restrictive criteria by the countries of the Western Europe. Of course, one must look at the economic fundamentals of the candidates but it is not essential – without any flexibility – to use economically doubtful criteria. Let us take the inflation criterion [medium-year inflation must not be higher than average rate of medium-year inflation in the 3 EU countries with the lowest inflation plus 1.5%]. The crisis has shown that countries which are in the euro area are better protected from disturbances. It has also been proven that euro area has problems with interest rates. In Spain and Ireland, the interest rates used in euro area turned out to be too low and resulted in a boom in the real estate market. Hence the lesson has been learned: when a country with lower prices enters the euro area, prices start to go up and inflation increases. This factor, added to inadequately low interest rates – in the whole euro area – causes a macroeconomic lack of balance”¹⁵.

A sceptical attitude to the problem of a relatively quick, i.e. within a few years, entrance into the euro area is held by a fair number of economists, with A. Glapiński as the main proponent¹⁶. Some scientists and politicians supporting their views argue that Poland join the euro only when the level of our economic development comes close to the average of “euro area” countries (real convergence).

However, as Gomułka notes, the experience of recent years indicates that with the continuation of the latest development trends, GDP per capita in Poland and the EU as a whole will come closer together only after around thirty years. According to this renowned expert, one cannot be certain that Poland will ever approach the average level of development of the EU-15, measured by GDP per capita.

Moreover, if we take aggregated material wealth – and not GDP per capita – as a measure of development, the elimination of this distance to the EU-15, even with the continuation of current positive development trends, would take about 50 years for Poland, Gomułka concludes. Net benefits from the introduction of the euro are in his opinion bigger for less developed countries which can be more competitive, mainly due to low salaries and wages, but which lack “credibility capital” and financial capital limiting investment and technological progress¹⁷.

¹⁵ “*Niech was wpuszczą do euro*”, interview with Prof. Jean Pisani-Ferry, the director of BREUGEL – Brussels Laboratory of European and Global Economy – advisor to European Commission and lecturer in economics at Paris-Dauphine University, made by Konrad Niklewicz, “*Gazeta Wyborcza*”, April 29, 2009.

¹⁶ More see: *Do euro tak, byle nie za szybko*, interview with prof. Adam Glapiński, made by A. Nowakowska, “*Gazeta Wyborcza*”, March 5, 2009.

¹⁷ S. Gomułka, *Gospodarcza koniunktura może zweryfikować plany*, “*Rzeczpospolita*”, March 11, 2009. See also: *Biedni nie stracą na euro*, rozmowa z Joaquinem Almunia, komisarzem UE ds. gospodarczych i walutowych, przeprowadzona przez Dominikę Pszczółkowską, “*Gazeta Wyborcza*”, November 28, 2009.

Sixthly, one-time expenses must be expected from joining the euro, connected with printing banknotes, minting coins, changes in banking systems, training of employees, etc.

Seventhly, there is still the issue of the organization of a referendum on the euro in Poland, and possible referendum questions. If there is point asking the Polish people about entering the euro area, since this was decided in Accession Treaties, then the problem is the euro introduction date? If however, as the advocates of such a solution suggest, it could take place when Polish economy comes close in its stage of development to the EU-15 countries (real convergence), then according to various analyses, it would be possible only after 30-50 years. Currently, Poland is characterised by GDP per capita at 49% of an average in Eurozone countries, and the lowest income level in the EU can be found in Romania and Bulgaria – at 37-38% of the average¹⁸. But why wait so long if the first ten years of using the euro can effectively level the distance? There is still a dilemma: is there any point in asking the Polish people about such specialist and complex issues as monetary integration and its mechanisms which are – and should be – the domain of scientists, economic and financial specialists and politicians?

Table 2. Costs of introduction the euro

Intangible costs	Resignation from the independent monetary and exchange rate policy
	Limiting possibilities of using by central bank interest rates and exchange rates in order to moderate amplitudes of business cycle
	Possibility of occurrence of excessive fluctuation in production, employment and private consumption
Tangible costs	Costs of adjustment to euro IT systems and operational processes
	Costs of employees and business partners training
	Costs of adjustment of equipment in which cash is used
	Costs of loss by banks and other institutions of the part of their income from currency exchange transactions, securing transactions and international payments

Source: K. Kwapien, C. Wójcik, *Euro. Wspólna waluta europejska*, UKiE, Warszawa 2007.

Summing up, we must assume that using the euro brings much more profits and development opportunities, although to participate in the euro area a country has to be properly prepared on time. The Polish economy, and as a result citizens of our country will definitely not lose out in the long term from joining the euro. Quite the

¹⁸ *Raport na temat pełnego uczestnictwa Rzeczypospolitej Polskiej w trzecim etapie Unii Gospodarczej i Walutowej*, Narodowy Bank Polski, Warszawa 2009 and J. Wiśniewski, *Co nam przyniesie zmiana waluty*, "Rzeczpospolita", April 7, 2009; P. Kowalewski, *NBP: jest komisja do rozmów o ERM2*, "Rzeczpospolita", March 24, 2009; *Długie negocjacje w sprawie wejścia do ERM2*, "Rzeczpospolita", March 24, 2009; J. Bilski, *Nie bójmy się węża walutowego*, "Rzeczpospolita", March 24, 2009; A. Słojewska, *Większy deficyt, euro coraz dalej*, "Rzeczpospolita", May 5, 2009.

opposite – they will benefit, especially if we are ready in economic, financial, institutional, legal and mental aspects, so that in 2015 at the latest we become a Eurozone member.

Deepened monetary integration in Europe must be of necessity accompanied by other activities in the economic area. Starting other efforts to modernize economies of the euro area and improve its competitiveness, in continuation of the activities which started in 2005 “Lisbon Strategy”, especially with regard to the “knowledge-based economy” and “information society” should cause an additional development impulse and an increase in competitiveness of Eurozone countries.

Ekaterina Islentyeva

EU Commission's Cooperation with the non-EU Countries in the Field of the Competition Policy

In today's liberalised world the Community cannot be without an external dimension to its competition policy.

(COM(96)284 final 06.18.1996, p. 5)

Introduction

For the past two decades the Directorate General of the EU Commission for Competition (hereinafter referred to as the DG Competition) has been cooperating, indeed, very actively with the third countries' antitrust authorities¹ (hereinafter referred to as TCAA), especially by providing assistance to the countries taking the first steps towards the competition law and policy.

The EU Commission is constantly offering help to the countries developing their competition laws and policies, by being their advisor, serving as an example, and willing to be their partner in protecting fair competition all over the world. According to Commissioner Mario Monti²: "*EU Commission [is] the world's largest donor of development assistance*"³, and specifically in the competition policy field.

Such active cooperation in the field of competition law and policy between the EU and non-EU countries raises the questions of the reasons of this interaction and the synergy's mechanisms allowing to achieve mutual goals.

These two issues represent the essential core of the research. In order to address them properly the article is divided in two parts. The first part is devoted to the reasons of the existence of cooperation and the second part analyzes its mechanisms.

However, before the analysis itself, it seems necessary to make some comments about the expressions "competition policy" and "competition law" as these terms constitute the background of the research; thereby, in order to be highly precise it would be useful to define them first. Even if the two of them are inseparably connected they are not synonymous⁴.

¹ National agencies for the regulation of the competition on the national markets.

² The European Commissioner for Competition from 1999 until 2004.

³ *Capacity building and technical assistance*, Report prepared by the ICN Working Group on Capacity Building and Competition Policy Implementation, ICN 2nd Annual Conference, Mérida, Mexico, June 23-25, 2003. www.internationalcompetitionnetwork.org, 03.23.2009.

⁴ B. Sweeney, *Globalization of Competition Law and Policy: Some Aspects of the Interface Between Trade and Competition*, "Melbourne Journal of International Law", vol. 5, issue 2, 2004, [http://mjil.law.unimelb.edu.au/issues/archive/2004\(2\)/03Sweeney.pdf](http://mjil.law.unimelb.edu.au/issues/archive/2004(2)/03Sweeney.pdf), 05.25.2010.

Competition law is generally the law (the national law or the supra-national law such as the European competition law) that regulates private anti-competitive conduct which usually manifests as prohibitions on anti-competitive cartel activities, anti-competitive conduct by dominant firms, and mergers substantially reducing the competition⁵.

On the other hand, *competition policy* is a “much broader and less defined concept”⁶. It represents the rules and policies determining the condition of the competition within a state (or within a union of states such as the EU). Therefore, competition policy includes not only competition law, but also government (or supra-government) policy towards the implementation of the law⁷.

It should be noted that competition law is the foundation on which competition policy is built. Theoretically the third countries could adopt national competition laws in absolute conformity with the European competition law model but they cannot adopt the European competition policy just the way it is. Yet, if they have the legal basis akin to the European one they will have similar competition policies. Thereby, talking about taking over the basic rules of the European competition law, we should also mention taking over the essential characteristics of the European competition policy.

I. The reasons for the cooperation between the DG Competition and the TCAA

The first part of the research is dedicated to the analysis of the reasons for the existence of cooperation. What does the EU gain from the cooperation with the third countries antitrust authorities? Why do the third countries authorities agree to cooperate so closely with the EU? How do they benefit from it?

The answer to the first question is based on common sense and on Economics. If the competition laws and policies all over the world become similarly pro-European – the EU enterprises will have the same “rules of the game” in the non-EU markets and in the EU market which could make “the life much easier” for both the actors (enterprises) and for the regulators (antitrust authorities), especially in the light of the global character of the modern economy and the fact that the most effective enterprises are the multinational ones. The EU, having developed possibly the most rigorous multilateral competition policy regime in the world, has visions of extending this regime beyond its borders⁸, and this serves its own interests as well as the interests of its partners.

The answer to the second question is also quite evident. In view of more than 50-years’ experience of the EU Commission of the competition law’s enforcement

⁵ *Ibidem.*

⁶ *Ibidem.*

⁷ *Ibidem.*

⁸ U. Aydin, *Promote Competition: European Union and the Global Competition Order*, Presentation at the Biennial Conference of the EUSA, Los Angeles, CA, April 23-25, 2009, http://www.unc.edu/euce/eusa2009/papers/aydin_10H.pdf, 06.08.2010.

and the TCAA's lack of such experience, it is a logical consequence that the TCAA would like to learn from the more experienced partner, especially, when the partner is also willing to cooperate.

To illustrate more clearly this assumption we would like to use game theory. It will help us to build a simplified model representing the choices of the EU Commission and the TCAA in this particular case and outline their possible decisions.

The idea of this model was born after the study of a game-theoretic analysis on the impossibility of the more profound US-EU cooperation in the competition policy field (especially within the WTO) made by Doctor Anu Bradford, Harvard Law School⁹, who criticized Andrew T. Guzman¹⁰ for using the Prisoner's Dilemma as a model to imitate the behavior of the states concerning the possibility of international competition law's creation, Dr. Bradford proposed to use the Deadlock model and the Coordination Game with Distributional Consequences for this purpose. Being inspired by the ideas of Professor Guzman and Dr. Bradford we present our version of the game theory's use. In this case, it seems that the Pure Coordination Game (also known as a Pareto Coordination Game) can be used as model explaining the choices of the EU and the non-EU countries.

Figure 1.¹¹ Pure Coordination Game "EU-TCAA cooperation"¹²

		EU	
		Coordinate	Not to coordinate
TC ¹³	Coordinate	+5 - 2 = 3; +3 - 1 = 2	0; 0
	Not to coordinate	0; 0	-5 + 2 = -3; -3 + 1 = -2

Explanation to Figure 1¹⁴:

The benefit of coordination to the EU:

- (1) Same rules for the EU enterprises on the foreign markets as on the EU market;
- (2) Cooperation with the TC in cases of trans-national competition law's violations (mergers, restrictive business practices etc.);

⁹ A. Bradford, *International Antitrust Negotiations and the False Hope of the WTO*, "Harvard International Law Journal", vol. 48, no. 2, Summer 2007, pp. 383-439.

¹⁰ A. T. Guzman, *Antitrust and International Regulatory Federalism*, 76 "New York University Law Review" 1142, 2001, pp. 1156-58.

¹¹ Source: Author's own analysis.

¹² Legend: Two firms must simultaneously elect a technology to use for their compatible products. If the firms adopt different standards, few sales result. A common standard leads to higher sales. One technology is significantly preferred by consumers over the other. Thus, if the companies can standardize on the preferred technology, each obtains maximal profits. (<http://www.gametheory.net/dictionary/Games/ParetoCoordination.html>).

¹³ Third countries.

¹⁴ This model was developed during the year 2010, and it represents the first step towards economic analysis of the issue, new more accurate version shall be presented in the forthcoming PhD thesis *The Application of the EU Competition Law to the Third Countries' Enterprises* by Islentyeva E. (University of Luxembourg).

(3) Respect by the third countries' enterprises of EU competition law.

The benefit of coordination to the TC:

(1 + 1 = 2) Adoption/development of the competition law and policy. (As this benefit is extremely important it is equivalent to 2 points);

(3) TC learn from the EU experience;

(4) TC enterprises have the same rules on national markets as on the EU market;

(5) More effective struggle against trans-national competition law's violations.

The cost of coordination to the EU:

(1) Costs of providing the assistance.

The cost of coordination to the TC:

(1) Costs of the adoption/development of the competition law and policy;

(2) Law enforcement costs.

It is necessary to clarify that this model is absolutely hypothetical and represents the simplest situation of the cooperation between the EU Commission and the TCAA, but it shows us some permanent benefits and loses in the case of the cooperation, the points given to the costs and benefits do not represent their real value, they are used only as symbols.

According to this model in the case of the coordination (cooperation) the gain for the EU as well as for the third countries is bigger than in any other situations, thereby, the cooperation is a reasonable and economically justified choice.

However, the following question arises: why do the third countries choose the EU Competition policy as a model for their national competition policies and not the American one while the United States is the motherland of the competition law in the modern sense?

The EU and the US both represent strong economies and the long-term traditions of the competition law enforcement. They *"both spend more money on public enforcement than other jurisdiction, they spend the most on international networking and have the largest foreign technical assistance programs related to competition policy, they have a larger base of current and older cases and engage in substantial non-litigation policymaking activity, finally, the EU and the US are the largest economic markets on the planet. All this gives the EU and the US unequalled capacity to project their competition policy preferences beyond their own borders"*¹⁵.

Then what makes the third countries choose European competition law as a model-law for their national competition laws and not the American one?

The answer is also quite simple - there are much more countries in the world with the civil law system (which is compatible with the EU Competition model) than with the US one¹⁶.

For example, according to Nathan Bush¹⁷, specialist in Chinese law, the European agency-driven model of competition law would be more compatible with the

¹⁵ W. E. Kovacic, *Competition Policy in the European Union and the United States: Convergence or Divergence?*, 5th Annual Antitrust Conference, Washington, D.C., June 2, 2008.

¹⁶ *Ibidem*.

¹⁷ An associate in the Beijing office of O'Melveny & Myers LLP and a member of the firm's International Adversarial Practice Group.

Chinese civil law system than the judge-driven US approach¹⁸. The same is also true for Russia whose law system is a part of the continental law family and whose system of civil law was influenced significantly by the French and German civil law traditions.

Considering the compatibility of the European competition law with the law system of the third countries (which compatibility is better than with the American one), it should be noted that the EU model relies chiefly on elaboration by an administrative body (DG Competition) whose decisions are subject to judicial review. To some degree, the operations of the US Federal Trade Commission (hereinafter referred to as FTC) use the same model. But for the US system as a whole (including the operations of the FTC), the vast majority of the key decisions, such as measures to prevent the completion of a merger, cannot be taken without judicial approval. That is not common for the civil law countries. Of course, the judicial control in the EU is hardly absent, but it is generally less intrusive and immediate as it is in the US model¹⁹.

Historically the US and the EU have had very different competition policies. However, since the mid-1990s when the EU (EC) started to modernize the competition law enforcement system, the differences between the two jurisdictions have begun to dissipate²⁰. Nevertheless, the two systems still have a lot of differences, and if the EU is ready to cooperate with the US, learning from the American experience, the US is afraid to lose all the beneficial aspects of their well-balanced and time-proved system and is trying to preserve it the way it is.

It is interesting, though, that according to the research of W. E. Kovacic, former Chairman of the US FTC (2008-2009), "*most of the 80 or so jurisdictions that have approved new competition laws in the past 30 years have civil law systems. Their competition systems usually rely on an administrative enforcement model that resembles the EU regime. By comparison, only few civil law countries have established competition systems that use the adversarial prosecution model employed by the US Department of Justice. Because the EU institutional platform is much more compatible with the institutional arrangements in most civil law countries, many transition economies have an inclination to look first to the EU model in designing and implementing their competition systems. This condition means that EU norms, more than US norms, tend to be readily absorbed into the newer competition policy regimes*"²¹.

II. The basic patterns of cooperation

Having discussed the question of the existence of the cooperation between the EU Commission and the TCAA, and in order to have the whole picture of the interplay

¹⁸ N. Bush, *Chinese Competition Policy. It takes more than a law*, May-June 2005, <http://www.chinabusinessreview.com/public/0505/bush.html>, 03.06.2010.

¹⁹ *Ibidem*.

²⁰ H. Lee, *Influencing a Global Agenda: Implication of the Modernization of European Competition Law for the WTO*, "Erasmus Law and Economics Review", no. 2, June 2004, p. 112.

²¹ W. E. Kovacic, *Competition Policy in the European Union and the United States...*, *op. cit.*

between the EU Commission and the TCAA, the paths of this interaction should be described.

Usually, there are two common ways of the cooperating: bilateral or regional, and multilateral. The first way is the more obvious – the EU Commission within the framework of bilateral (regional) agreements provides the assistance to the third countries' antitrust authorities, or it could be also a mutual experience exchange, but in both cases they work tête-à-tête.

The regional agreements on competition between the EU and the third countries are the exceptions rather than the rules. The cooperation within the European Fair Trade Association represents one of the rare examples.

In the case of multilateral cooperation everything is not so clear. The interaction in the competition policy field on international level happens mostly within the international organisations such as the International Competition Network (hereinafter referred to as the ICN), the Organisation for Economic Co-operation and Development (hereinafter referred to as the OECD), the World Trade Organisation (hereinafter referred to as the WTO) and the United Nations Conference on Trade and Development (hereinafter referred to as the UNCTAD).

Thereby, it might be as well useful to analyze the EU Commission's cooperation with Russia and China as examples of the EU assistance to the third countries in the field of competition policy through bilateral cooperation. The exchange of the experience between the EU and the US will be also considered in the article as another example of bilateral cooperation. The study will be finished with the overview of the EU Commission's activity as a member of the international organisations such as the WTO, the ICN, the OECD and the UNCTAD.

a) Bilateral cooperation

Russia

The EU Commission made a significant contribution to a new Russian competition law adopted in 2006.

For the past decade the Federal Antimonopoly Service of Russian Federation (hereinafter referred to as FAS) has been cooperating very closely with the DG Competition in order to get Russian competition law closer to the EU one. The previous Russian competition law, very different from the European one, was creating difficulties for Russian enterprises exporting or importing their goods or services as they had too many different rules to comply with. The increased cooperation had led to the adoption of a new law, which was designed to change the situation.

The EU Commission has been providing the assistance in the development of the competition law and policy in Russia for many years (also within the framework of the projects TACIS and TAIEX).

The first one – the Technical Aid to the Commonwealth of Independent States was aimed to promote the transition to a market economy and to reinforce democ-

racy and the rule of law in the partner states in Eastern Europe and Central Asia between 2000 and 2006. The second one is the Technical Assistance and Information Exchange instrument managed by the Directorate General Enlargement of the EU Commission. TAIEX supports partner countries to approximate, apply and enforce the EU legislation.

Giving the recent examples of cooperation within the TAIEX project we could mention that the consultations on "Efficiency of the antimonopoly authority activity" were held in the FAS with the EU Commission on May 26-28, 2009²². The proposal to organize this seminar concerning this particular aspect was formulated by the DG Competition within the framework of the ICN annual conference 2008 (see below).

Nevertheless, the Russian FAS and the EU Commission cooperate not only within the framework of these projects but they interact as well in a simple bilateral way.

At the end of 2008 a mechanism of the EU-Russian Common Spaces has been created. This is a new instrument of cooperation between the EU and Russia, which is aimed to maintain the dialogue in the framework of four EU-Russian Common Spaces²³: the Common Economic Space, the Common Space of Freedom, Security and Justice, the Common Space on External Security and the Common Space on Research, Education, Culture. This mechanism gives the possibility to the various ministries, agencies and the Directorates Generals to participate in dialogues, to apply for a short-term involvement of experts, to do research, to organize different types of activities including numerous seminars, conferences, study tours, etc²⁴.

For example, within the framework of the EU-Russian Common Spaces in March 2010 the FAS and the EU Commission have started a new project on the prevention of corruption risks in the case of public preferences' provision in Russia²⁵.

According to the Report "EU-Russian Common Spaces Progress 2008" – "the parties create effective mechanism of informal dialogue of regular information exchange and cooperation in investigation cases of infringement of competition law with the trans-national effect"²⁶.

China

China is another example of the EU's successful promotion of the competition law all over the world.

The adoption of the first Chinese competition law in 2007, named the Chinese Anti-Monopoly Law (hereinafter referred to as the AML) became possible due to

²² Press-release of 01.06.2009 of Federal Antimonopoly Service of the Russian Federation (FAS), www.fas.gov.ru, 12.10.2009.

²³ http://ec.europa.eu/external_relations/russia/docs/commons_spaces_prog_report_2009_en.pdf, 06.08.2010.

²⁴ FAS Press-release of 05.03.2010, http://www.fas.gov.ru/fas-news/fas-news_29274.html, 06.08.2010.

²⁵ *Ibidem*.

²⁶ http://www.concurrences.com/rubrique.php3?id_rubrique=664&lang=en, 06.03.2010.

a substantial assistance of the EU Commission to the Chinese authorities. It was a long-awaited result of joint cooperation.

The declaration on the start of a dialogue on competition by the EU and China was signed on November 24, 2003. *“The Dialogue comes within the framework of the Joint Statement adopted at the EU-China Summit of 5 September 2001, in which competition policy was earmarked as one of the areas where the EU-China dialogue should be intensified”*.

On May 6, 2004 the Ministry of Commerce of China and the DG Competition reached an agreement on a structured dialogue on competition, and such parties signed *“Terms of Reference of the EU-China Competition Policy Dialogue”*.

The primary objectives of the Dialogue were to establish a permanent forum for consultation and transparency between the two sides, and to enhance the EU technical and capacity-building assistance to China regarding competition law²⁷.

As we could observe, the work of this mechanism was successful enough to allow the final adoption of the AML – first Chinese competition law.

Nevertheless, the providing of the assistance by the EU Commission to Chinese antitrust authorities has not stopped at this crucial positive point.

As a part of the ongoing cooperation on May 11-13, 2009 the EU-China Conference on Anti-Monopoly Law was organised in Dalian, China. It is hoped that this event will become biannual in order to continue the consultations between the authorities in charge of competition policy and enforcement in China and the EU.

The EU believes that the *“active bilateral cooperation between competition authorities is of unquestionable value: it makes more effective co-ordinated responses to anti-competitive practices, whether it is by avoiding conflicting conclusions in cross-border cases, or by having co-ordinated enforcement activities – for example on inspections or remedies. The EU has already developed this kind of cooperation with some mature jurisdictions around the world (US, Japan, Canada) and in doing thus their approaches to merger and antitrust issues have grown very similar. This is the kind of cooperation that the EU will like to develop with China”*²⁸.

Nevertheless, not all the problems are resolved in the relationship between the two markets. According to a study by the EU Commission, Europe exported *“€ 72 billion worth of goods to China in 2007 and this figure went up about 12% over the first 9 months of 2008 compared to the same period in 2007. Exports from the EU to China grew by 75% between 2003 and 2007”*²⁹. But EU businesses still have considerable problems have accessing the Chinese market. The barriers to trade in China are estimated to

²⁷ *EU to enhance competition policy co-op with China*, Xinhua, Updated: 2007-09-05 21:43, http://www.chinadaily.com.cn/china/2007-09/05/content_6083848.htm, EU, AmCham-China Welcome China's Anti-monopoly Law, Xinhua News Agency September 1, 2007, http://www.china.org.cn/international/opinion/2007-09/01/content_1222821.htm, 12.10.2009.

²⁸ *EU-China Trade Project*, EU-China Conference on Anti-Monopoly Law, May 11-13, 2009, Dalian, Liaoning Province, China. Conference documentation.

²⁹ *EU-China trade in facts and figures*, January 30, 2009, Brussels, MEMO/09/40, <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/09/40&format=HTML&aged=0&language=EN&guiLanguage=en>, 06.13.2010.

cost EU companies € 21 billion in lost trade opportunities every year. This figure represents one-fourth of the current EU exports to China³⁰.

However, it should be noted that two decades ago China and Europe traded almost nothing, and in 2007 EU companies invested € 7.1 billion in China (up from € 6.7 billion in 2006)³¹.

Thereby, the European interest in developing competition law in China is quite understandable, and even if some problems remain the same, the progress is very impressive (from no competition law to the adoption of the first one).

Obviously, the simple fact of the existence of the AML is not enough. The trade barriers for the EU companies are still very high.

It should be understood, that they are 3 common types of trade barriers: government (public) barriers, private barriers and hybrid (public-private) barriers³².

Government barriers (state monopolies, product and safety standards designed to exclude imports, etc.) represent the national competition policy and foreign companies cannot overcome it.

Competition laws in all countries usually prohibit private barriers (this is the case in China as well).

But the most dangerous barriers are the hybrid ones. They represent private barriers that are approved, encouraged or tolerated by the local government³³.

Speaking about China, we could mention that the country signed agreements to open its markets, since 2001 it has granted 22,000 telecoms licences in China and only 12 have gone to foreign companies. Obviously, the non-Chinese businesses could use more licences but for some reasons they were granted to them³⁴.

The protectionist traditions cannot be changed immediately. The official opening of markets, the adoption of the AML – are the first steps on the way toward the development of fair competition in China. The EU is willing to continue to cooperate with China on competition to help to create a real competition on Chinese markets. The European and Chinese competition authorities continue to work together.

In October 2007 after having supported the internship of two Chinese Officials from the Ministry of Commerce (hereinafter referred to as MOFCOM) at the DG Competition, the EU-China Trade Project once again facilitated an internship placement for a third MOFCOM official strongly involved in the drafting of the implementation and enforcement guidelines of China's Anti-Monopoly Law³⁵.

In 2009 the cooperation between the EU and China on competition matters was very intensive. Two Anti-Monopoly Law Weeks, EU-China Workshop on Merger

³⁰ *Ibidem*.

³¹ *Ibidem*.

³² B. Sweeney, *Globalization of Competition Law and Policy...*, *op. cit.*

³³ *Ibidem*.

³⁴ *EU-China trade in facts and figures*, January 30, 2009, Brussels, MEMO/09/40, <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/09/40&format=HTML&aged=0&language=EN&guiLanguage=en>, 13.06.2010.

³⁵ http://www.euchinawto.org/index.php?option=com_content&task=blogcategory&id=30&Itemid=54&lang=eeu, 13.06.2010.

Control Proceeding and EU-China Workshop on the Abuse of Dominant Market Position were organized in China with the assistance of the DG Competition³⁶.

The EU and China have made a significant progress in their relationship and are willing to cooperate in the future protecting the faire competition on their markets.

USA

The American partners of the DG Competition are the Department of Justice (hereinafter referred to as DoJ) and the Federal Trade Commission (hereinafter referred to as FTC). Principal elements of the cooperation between them are mutual information about enforcement activities (notifications), coordination of enforcement activities and exchange of non-confidential information³⁷.

The cooperation happens primarily on the basis of the 1991 Cooperation Agreement³⁸ and the 1998 Positive Comity Agreement³⁹. The parties may grant a waiver allowing the exchange of otherwise protected information. Under the rules of positive comity, one party may request the other party to remedy anti-competitive behaviour, which originates in its jurisdiction but still affects the requesting party. The Administrative Arrangement on Attendance⁴⁰ (hereinafter referred to as AAA) sets forth administrative arrangements between the competition authorities of the EU and the US concerning reciprocal attendance at certain stages of the procedures in individual cases, involving the application of their respective competition rules. The AAA is not a new agreement but an understanding how the administrative arrangements should be applied to the 1991 Agreement. In 2002, a set of Best Practices on Cooperation in Mergers Investigations⁴¹ that require approval on both sides of the Atlantic was agreed between the EU and the US antitrust authorities. These Best Practices are not legally binding but simply intend to set forth an advisory framework for interagency cooperation. They put in place a structured basis for cooperation in reviews of individual merger cases⁴².

The US, contrary to the EU, prefers to sign bilateral agreements on competition with their partners and to have non-binding international agreements rather than

³⁶ *Ibidem*.

³⁷ http://www.eurunion.org/eu/index.php?option=com_content&task=view&id=41&Itemid=48, 06.03.2010.

³⁸ Agreement between the Government of the United States of America and the Commission of the European Communities regarding the application of their competition laws – Exchange of interpretative letters with the Government of the United States of America, OJ L 95, April 27, 1995, pp. 47-52.

³⁹ Agreement between the European Communities and the Government of the United States of America on the application of positive comity principles in the enforcement of their competition laws, OJ L 173, June 18, 1998, pp. 28-31.

⁴⁰ See Report from the Commission. Report on Competition Policy 2009, Brussels, 03.06.2010, COM(2010)282 final.

⁴¹ US-EU Merger Working Group. Best Practices on Cooperation in Mergers Investigations, http://ec.europa.eu/competition/international/bilateral/eu_us.pdf, 06.10.2010.

⁴² <http://ec.europa.eu/competition/international/bilateral/usa.html>, 06.03.2010.

full-fledged international competition law. The US advocate also for an aggressive unilateralism in case of American competition law violation, which explains their opposition to binding international agreement which could constrained the use of unilateral sanctions by the US⁴³. The disagreement on this sensitive question is the stumbling-block in the EU-US cooperation on competition.

b) Multilateral cooperation

The EU is a true believer in international competition law and for the past two decades has been trying to promote the idea of the global competition rules within the framework of international organizations, especially, within the WTO.

WTO

Since the early 1990s the internationalization of competition policy has been a priority and a challenge for the EU Commission, and all these years the EU has been the most active and enthusiastic supporter of global competition policy initiative within the framework of the WTO⁴⁴.

It is necessary to note that today the WTO system does not contain any agreement on competition, but for the past 15 years there have been numerous efforts to change this fact and to create a global competition law⁴⁵.

In 1996, the WTO created a Working Group on the Interaction between Trade and Competition and in 2001, when the Doha Development Agenda was launched, it was decided that the competition policy would be included as a question for a further discussion. Unfortunately, no agreement on competition negotiations was reached at the WTO ministerial meeting at Cancun in 2003 and a subsequent WTO meeting in August 2004 decided not to pursue work on it in the Doha round. Thereby, all discussions on the interaction between trade and competition within the WTO are currently suspended⁴⁶.

Nevertheless, the EU continues to promote competition policy in the network of the WTO, being the most energetic proponent of an international competition regime. The success of the "export" of the EU Competition policy has inspired the EU and the other countries to explore similar possibilities within the WTO framework⁴⁷.

In 1996 Sir Leon Brittan and Karel Van Miert submitted a Communication from the Commission to the Council "Towards an International Framework of Competi-

⁴³ B. Sweeney, *Globalization of Competition Law and Policy...*, *op. cit.*

⁴⁴ U. Aydin, *Promote Competition...*, *op. cit.*

⁴⁵ B. Sweeney, *Globalization of Competition Law and Policy...*, *op. cit.*

⁴⁶ <http://ec.europa.eu/competition/international/multilateral/wto.html>, 06.03.2010.

⁴⁷ G. C. Hufbauer, J. Kim, *International Competition Policy and the WTO*, Peterson Institute for International Economics, April 11, 2008, <http://www.iee.com/publications/papers/print.cmf?researchid=930&doc=pub>, 25.01.2010.

tion Rules"⁴⁸. The concepts and proposals set out in this paper built on the report of the group experts established by Commissioner Van Miert in June 1994. The famous report, titled "Competition Policy in the New Trade Order: Strengthening International Cooperation and Rules", was published in July 1995.

The Communication explains why the adoption of international rules on competition should be considered by giving 4 main reasons: 1) multilateral rules would promote more equal condition of competition world-wide; 2) to avoid conflicts of law and jurisdiction between countries; 3) to increase the effectiveness and coherence of the European competition policy; 4) enhanced commitment to competition policy enforcement would strengthen the trading system along the lines of the legal system and market economies, of which competition law is a basic feature⁴⁹.

The WTO is the prime candidate for a framework of competition rules as it has a near universal membership⁵⁰.

The idea of the creation of an international competition law within the framework of the WTO is supported as well by Korea, Japan and Canada while the USA, as it was mentioned above, is strongly opposed to this initiative⁵¹.

Besides the reasons discussed earlier, the US authorities are also concerned that multilateral rules would be too interventionist, and that the occasion would be used to emasculate the American anti-dumping rules⁵². There is a great resistance amongst American competition authorities to any process that might change US competition standards⁵³.

Some developing states are also opposed to the binding multilateral agreement, disappointed at the failure of the WTO to deliver better access to developed markets and having fears that they would have more challenges than benefits⁵⁴.

Therefore, it seems that "*given the complexity of competition law and policy, there is only likely to be meaningful progress on a global competition agreement if the trade problem is sufficiently serious and existing arrangements are clearly inadequate*"⁵⁵.

ICN

The ICN, an American alternative to the European proposal of multilateral cooperation on competition, proposes for its members non-binding agreements and informal meetings. It was established in 2001, as a result of a recommendation made by enquiry by the US DoJ. It was fully supported by the EU Commission. The ICN is made up for domestic and international competition authorities. Unlike the OECD

⁴⁸ Brussels, 06.18.1996, COM(96) 284 final.

⁴⁹ *Ibidem*, pp. 3-4.

⁵⁰ *Ibidem*, p. 9.

⁵¹ *Ibidem*; B. Sweeney, *International Competition Law and Policy: a Work in Progress*, "Melbourne Journal of International Law", vol. 10, issue I, May 2009.

⁵² B. Sweeney, *International Competition Law and Policy...*, *op. cit.*

⁵³ B. Sweeney, *Globalization of Competition Law and Policy...*, *op. cit.* See J. Kein, *No monopoly on antitrust; It would be premature for the WTO to seek to enforce global competition rules*, "Financial Times", February 13, 1998, p. 20.

⁵⁴ B. Sweeney, *International Competition Law and Policy...*, *op. cit.*

⁵⁵ B. Sweeney, *Globalization of Competition Law and Policy...*, *op. cit.*

where competition is just one area of policy concern among many others, the ICN is dedicated only to competition policy matters⁵⁶.

The ICN has produced an impressive list of guidelines and best practices on pre-merger notification, merger regulation and conducting cartel investigation, but these guidelines and best practices are non-binding and member states are free to use them as they wish⁵⁷.

Even if the EU does not appreciate this approach, the Commission is a member of the ICN and the DG Competition takes an active part in the work of the organization.

For example, after the discussion between the heads of competition agencies in 2008 at the ICN annual conference it was decided to dedicate the next high-level event to the effectiveness of the competition agency. It was the DG Competition that offered to host such event and mostly organize it. The "Seminar on Competition Agency Effectiveness" took place on January 22-23, 2009 in Brussels with the participation of about 100 agencies' heads and senior staff⁵⁸, including the Russian FAS that continues to cooperate with the EU Commission and learn from it.

Also the EU encourages its other partner – China to apply for a membership in the ICN⁵⁹, while Russia is already a member of the network.

Therefore, even if the ICN is an American child the EU contributes greatly to its development, perhaps even more than its "parents".

OECD

The EU Commission takes also an active part in the bodies and activities of the OECD, such as the OECD Competition Committee (in its Competition Bureau and as a regular participant in its working parties), the Global Forum on Competition, which meets once a year with non-OECD countries, the OECD Joint Group on Trade and Competition and the Joint Group on Consumers and Competition⁶⁰.

OECD's Competition Committee works on competition law and policy and actively encourages decision-makers in government to tackle anti-competitive practices and regulations and promotes market-oriented reform throughout the world⁶¹.

However, the OECD has three main disadvantages according to the EU Commission: it does not have a track record of dealing with binding commitments and dispute settlement, it does not provide the disciplines on competition related measures (which are dealt within the WTO), and, importantly, it has a limited membership (only 30 countries while WTO has 193 members)⁶².

⁵⁶ B. Sweeney, *International Competition Law and Policy...*, *op. cit.*

⁵⁷ *Ibidem.*

⁵⁸ A. G. Inotai, S. Ryan, *Improving the effectiveness of competition agencies around the world – a summary of recent developments in the context of the International Competition Network*, Forthcoming in "Competition Policy Newsletter", no. 2, 2009.

⁵⁹ *EU-China Trade Project*, EU-China Conference on Anti-Monopoly Law, May 11-13, 2009, Dalian, Liaoning Province, China. Conference documentation.

⁶⁰ <http://ec.europa.eu/competition/international/multilateral/oecd.html>, 06.03.2010.

⁶¹ http://www.oecd.org/topic/0,3373,en_2649_37463_1_1_1_1_37463,00.html, 06.03.2010.

⁶² Brussels, 06.18.1996, COM(96) 284 final. p. 9.

UNCTAD

The UNCTAD – another international organization working on competition law and policy’s questions provides competition authorities from developing countries and economies in transition with a development-focused intergovernmental forum for addressing practical competition law and policy issues. The UNCTAD is a depository of international competition legislations, the Model Law on Competition and the United Nations Set of Principles on Competition. In 1980 within the UNCTAD was adopted a set of UN “*equitable principles and rules for controlling restrictive business practices*” (hereinafter referred to as the “UNCTAD set”)⁶³.

The European Commission is an active contributor to the UNCTAD, participating in UN Review Conference assessing the UNCTAD set (every five years) and Intergovernmental Group of Experts on Competition Law and Policy (every year)⁶⁴.

However, many of the same objections that apply to the OECD also apply to UNCTAD, such as the absence of a tradition of dealing with binding commitment and the lack of an overlap with competition-related trade disciplines⁶⁵.

Figure 2. International Cooperation on Competition between the EU and the non-EU countries

Bilateral (Regional)	Multilateral The EU truly believes in the necessity of the global competition law	
Bilateral agreement with non-EU countries (for example, with the USA, Russia, China, etc.). Regional (for example, EFTA)	WTO The EU would prefer to have an international binding agreement within the WTO Opponents: USA, several developing countries	ICN OECD UNCTAD: Non-binding international rules on competition

Conclusions

All issues concerned, we would like to highlight that the EU Commission has made remarkable efforts, more than any other competition authority, in promoting and developing competition law all over the world.

It is believed, with objective reasons, that the development in the field of competition policy will certainly be continued and the EU Competition policy will be a useful instrument in protecting the competition and the consumers’ interests within the EU borders and beyond them.

⁶³ <http://www.unctad.org/Templates/StartPage.asp?intItemID=2239&lang=1>, 10.06.2010.

⁶⁴ <http://ec.europa.eu/competition/international/multilateral/unctad.html>, 10.06.2010.

⁶⁵ Brussels, 18.06.1996, COM(96) 284 final. p. 9.

Robert Kmiecziak

Local Government in the Process of Implementation of the European Union's Regional Policy in Poland

Poland's political system is based on a broadly defined principle of decentralization. According to the administrative law, it denotes such a system, in which exist a larger number of independent power centers alongside one central one. They are independent of hierarchical subordination, yet represent interests of local and regional communities. The most characteristic exemplification of the decentralization process is a local government, which in our country arises from both a theory and practice of the European local government. While introduced in 1990, it did not require building from scratch. The legislator could take advantage of using the experiences from the pre-war Poland.

After World War II the local government in Poland functioned for a few years. However, in the wake of the ongoing petrification of a new, highly centralized system of power, its role was gradually marginalized. The legal basis for liquidation of the local government was the Act of 20 March on Local Organs of Unified State Authority¹. It led to a formal abolishment of the local government and rejection of, in accordance with the Soviet doctrine, a concept of local representational organs.

Local government, as defined by the theory and practice of democratic states, was eventually introduced by the Act of 8 March 1990 on the Local Government². It led to restitution of local power in Poland and, at the same time, it was the first step toward further local government reforms and, as a consequence, establishing county and voivodship local governments. On 1 January 1999, a three-level division of the country's territory was put in place: communities, counties, and, especially interesting to us, voivodships. That far-reaching decentralization resulted with creating a local government on all levels of administration. The local government reform, now encompassing voivodships, made a profound change because voivodships got subjectivity, situating their relations with central authorities on a partnership level. It may be seen without any doubt as the strengthening of the structure of state, in which a civic factor plays a significant role.

The first step on the way towards decentralization of competences on the regional level was the passing of the Act of 5 June 1998 on the Voivodship Local Government³.

¹ Dz. U. Nr 14, poz. 138.

² Dz. U. Nr 142, poz. 159.

³ Dz. U. Nr 91, poz. 576.

According to the that Act, residents of the voivodship create by law a regional local government community. It implies that a local government voivodship is a separate category of a local government, focused on prerogatives going significantly beyond a sphere of local operations. Therefore, voivodship, on the one hand, means a unit of regional local government. On the other hand, it is the biggest unit of the basic territorial division of the country in order to carry out public administration.

The defining of voivodship's development strategy is a considerable authority and includes such goals as:

- cultivation of Polishness; advancement and modeling of national, civic, and cultural consciousness of the residents;
- stimulation of economic activity;
- improvement of the level of competitiveness and innovativeness of voivodship's economy;
- preservation of cultural and natural environment that takes into consideration the needs of future generations;
- shaping and maintenance of the spatial order.

Tasks of the local government have a regional character, meaning that they concern the creation of conditions for sustainable regional development and carrying out the public services in the region. Furthermore, they are supposed, in collaboration with the government administration and thanks to the European Union's subsidies for structural funds, to create a regional policy.

A relatively broad scope of jurisdiction doesn't change the fact that a regional local government community doesn't constitute, in accordance with legal regulations, an autonomous voivodship. In fact, it upholds the unitary state principle. All voivodships (regions) have identical legal status and their areas are a territorial entirety. It's worth mentioning here that the state administration in the voivodship is also carried out by government represented by a voivode and his office. Thus, an administrative dualism existing in Poland resembles the French model.

The regional parliament (the voivodship parliament) and the voivodship board are organs of voivodship local government. The voivodship parliament is elected in general secret ballot for a term of four years. This is a legislative and control organ, when the board is the executive organ of voivodship. It comprises the voivodship marshal as its chairperson, the deputy chairperson and three members. The board executes the tasks of voivodship with the help of the Marshal's Office. The voivodship marshal is the head of the Office, supervisor of the office employees and the heads of the provincial local government units. He gradually becomes a central figure in regional administration. This thesis, despite maintaining dualism of public authorities in voivodship, seems, to be justified, given the rising role of local government in the implementation process of the regional policy, developed by the European Union.

The regional policy is a deliberate and intentional activity of the organs of public power aimed at regional development and meant as an optimal use of the regions' resources for a sustainable economic growth and growing competitiveness.

In the literature of subject, one may distinguish interregional and intraregional policies carried out by the organs of the national government *vis a vis* regions. While the latter is usually oriented towards regulating the interregional development ratio, the former is most often conducted by the organs of the local government authority in order to achieve their own goals, thanks to their own resources and at their own responsibility⁴.

The regional policy is currently one of the European Union's priority programs. It's mostly financed by structural funds.

In the years 2000-2006 a significant majority of resources, almost 94% of general financial expenditure, was allocated for structural funds. There were the following structural funds:

- European Regional Development Fund,
- ESF (European Social Fund),
- EAGGF (European Agricultural Guidance and Guarantee Fund),
- FIFG (Financial Instrument for Fisheries Guidance).

A supplemental instrument of structural policy is also, created by the Maastricht Treaty, the Cohesion Fund. The was introduced (originally only for the period 1994 until 1999) in order to help less developed countries (with GDP below 90% of the EU average) in integration with the economic center of the Union and to assist in preparations for monetary and economic union. Two kinds of investments can be financed by the means allotted for the Cohesion Fund: projects aimed to protect the environment and those for the development of the trans-European infrastructure. These undertakings can be financed up to 80-85% of public expenditure. In some cases (e.g., technical help and preparatory studies) even up to 100% can be financed. The Cohesion Fund has proven to be a very efficient instrument in endorsing regional policy, hence its existence was extended for a longer period of time⁵. The above-mentioned financial instruments were earmarked from 2000 to 2006 for implementation of the three goals of the structural policy.

Goal 1 was of the greatest importance. Within this framework help was directed especially to those regions, delayed in their social-economic development, where GDP was significantly below that of the EU average (below 75%) and the unemployment rate was the highest. Moreover, there were also planned specific solutions for areas characterized by exceptionally low population density and located peripherally. These applied mostly to northern regions of Finland and Sweden.

Goal 2 concerned strengthening social and economic transformation of regions going through a structural crisis. Under this goal help was provided to regions: urban,

⁴ R. Kmieciak, *Polityka regionalna Unii Europejskiej a proces globalizacji – zakres pojęć i wzajemne relacje*, [in:] *Wpływ globalizacji na procesy rozwojowe współczesnego świata*, ed. W. Malendowski, Poznań 2004, p. 82.

⁵ K. Button, E. Pentecost, *Regional Economic Performance within the Eurorean Union*, Edward Elgar Publishing, Inc. Cheltenham, UK-Northampton, MA, USA 1999, pp. 38-39; K. Kocińska, *Polityka regionalna w Polsce i w Unii Europejskiej*, Poznań 2009, pp. 53-54.

rural and those that are dependant on the development of fisheries, which didn't qualify for help under Goal 1.

Goal 3, the only horizontally oriented one, concerned adaptation and modernization of regional educational and training systems and employment. It meant that attention and means were focused on problems related to labor market modernization⁶.

The system of implementation of the European Union's regional policy characterized above included Poland after accession. It was a very serious challenge for our country due to a need for putting to use substantial financial means aimed at equalizing of socioeconomic potential of particular Polish regions and the extended Community. The proper organization of the absorption system of structural funds is a condition of the effective use of the financial help. At the same time, it tests Poland's credibility as a new partner of the more developed Old Continent's countries.

The first actions of the institutional character, aimed to coordinate a regional policy, were taken in the second half of the 1990s. The condition for their success was, among other, adaptation of both the country's territorial organization and the structure of local government in order to meet the European Union's standards. The reform authors, justifying the need for its implementation, stressed the fact that the Polish administrative system is based upon the dominance of the branch sector over the territorial arrangements. They pointed to extensive centralization of power and concentration of administrative authority at the central level. The lack of citizens' impact on state policy was also viewed as a problem. The creation of self-governmental counties and voivodships was considered a critical element of the decentralization reform.

The approval of the National Development Plan (NDP) and the Community Support Framework negotiated with the European Commission were seen as a key element of the accession process. The National Development Plan 2004-2006, which contained proposals for the actions and the use of the Community's help aimed to reduce socioeconomic disproportions between Poland and European Union countries, was accepted by the Council of Ministers (the cabinet) on January 14, 2003. Two months later the European Commission recognized it as an official document (a qualifiable document) to serve as a base for further negotiations. The negotiations kicked off on June 27, 2003 on the basis of the National Development Plan and the mandate prepared by the Commission. The agreement on allocation of fund sources was reached on July 31, 2003. As a result, the Community Support Framework was worked out. The appropriate document was accepted by the College of High Commissioners on December 10, 2003 first, and by the Council of Ministers on December 23, 2003 next.

The operational programs, relating to the National Development Plan, were the most important documents making the implementation of the Community Support

⁶ F. Bolle, I. Hartwig, P. Nicolaidis, *EU Structural Funds beyond Agenda 2000: Reform and Implications for Current and Future Member States*, Euroean Institute of Public Administration, Maastricht, the Netherlands 2000, pp. 34-35.

Framework possible. In other words, the Community Support Framework defined the directions and the amount of EU assistance in operational programs execution. Thus, above-mentioned programs comprised of priorities and operations, subsidized by structural funds. Operational programs were divided into the sector programs and the Integrated Operational Program of Regional Development, which was financed by two structural funds. The following programs were described in the Community Support Framework:

- SOP Improvement of the Competitiveness of Enterprises,
- SOP Human Resources Development,
- SOP Transport,
- SOP Restructurization and modernization of the food sector and development of rural areas,
- SOP Fishery and Fish Processing,
- Integrated Regional Operational Programme,
- OP Technical Assistance.

Altogether the European Union granted Poland 8.6 billion euros (approx. 32.8 billion zlotys) from structural funds and 4,178.8 billion euros through the Cohesion Fund.

As far as the subject of this presentation is concerned, the Integrated Regional Operational Programme played a key role as the biggest operational program in Poland. Its primary goal was *“create the conditions for the increase of competitiveness of the regions and prevention of the marginalization of some areas, in such a way as to enhance the long term economic development of the country”*.

The beneficiaries of the support were voivodship, county and commune local governments, associations and union of counties and communes, scientific institutions, labor market institution, agencies for regional development, entrepreneurship support institutions, and small and medium-size enterprises.

The projects carried out under the Integrated Regional Operational Programme were mostly financed by the European Regional Development Fund (2,530 million euros) and the European Social Fund (438 million euros). Due to the complementary principle, the state budget has to allot 346 million euros, units of the local government – 769 million euros, and the private sector – 46 million euros.

In the years 2004-2006, the Integrated Regional Operational Programme consisted of 4 priorities:

Priority I. Extension and modernization of infrastructure to strengthen competitiveness of regions – 59.38% of all means.

Priority II. Strengthening human resources in regions – 14.7 of all means.

Priority III. Local Development – 24.5% of all means.

Priority IV. Technical Assistance – 1.3% of all means of all means⁷.

⁷ Załącznik do rozporządzenia Ministra Gospodarki i Pracy z dnia 1 lipca 2004 r. w sprawie przyjęcia Zintegrowanego Programu Operacyjnego Rozwoju Regionalnego 2004-2006 (poz. 1745).

The question that emerges here is: how have the European funds been used under the National Development Plan 2004-2006. According to the newest data, the total amount of payments from programs' accounts since the programs started until November 2009 has reached the level of 34.9 billion zlotys (it equals 106.6% of allocations).

In the case of the Cohesion Fund the amount of payments received from the European Union was over 3.7 billion euros (65.3% of the available allocation).

When it comes to the Integrated Regional Operational Programme administered by the local government, over 13 thousand projects have been implemented and beneficiaries have received over 100% of the means (over 9 billion zlotys). It means that Poland will not lose money from this program. The gained experience is undoubtedly very important experience as well.

The years 2007-2013 are extremely important for Poland as far as the cohesion policy programming is concerned. In order to utilize both the structural funds and the Cohesion fund rationally, European Union prepared "The Community Strategic Guidelines" supporting the economic growth and employment. It is in line with the Council regulation of July 11, 2006 introducing general regulations regarding structural funds and the Cohesion Fund.

The transfer of operations from the Orientation and Agricultural Guarantee Fund and the Financial Instrument for Fisheries Guidance to the Common Agricultural Policy and the Common Fishery Policy meant their exclusion from the structural funds.

The second significant change is redefining the goals of structural policy. The following are the present goals:

Goal 1 – Convergence – is aimed at securing cohesion and convergence of the least developed regions. It is measured by the development of the transport infrastructure, environmental protection, development of innovation and labor market activation. This goal remains a high priority. There have been allotted 251 billion euros for its implementation (81% of all means).

Goal 2 – Competitiveness and Employment – oriented towards building the regional competitiveness and promoting employment. In order to meet this goal the resources are reserved for the richest EU countries. They are supposed to support the practical implementation of the Lisbon Strategy, meaning investment into modern technologies, proecological actions, education and new ways of fighting unemployment. There have been allotted 49 billion euros (16% of all means).

Goal 3 – European Territorial Cooperation – is directed at the execution of operations related to interregional and trans-border cooperation. There have allotted 8 billion euros (2.52%) for this goal⁸.

⁸ Rozporządzenie Rady (WE) nr 1083/2006 z dnia 11 lipca 2006 r. ustanawiające przepisy ogólne dotyczące Europejskiego Funduszu Rozwoju Regionalnego, Europejskiego Funduszu Społecznego oraz Funduszu Spójności oraz uchylające rozporządzenie (WE) nr 1084/2006, [in:] Dz. U. UE Nr L 210 z 31 lipca 2006 r.

Poland is the principal beneficiary of the EU Cohesion Policy. In order to get access to significant Union resources, Poland had to prepare the document complementary to the Community Support Framework: the National Strategic Reference Framework. The European Commission approved this document, of key importance to Poland's cohesion policy, on May 7, 2007. The strategic goal of the National Strategic Reference Framework is a creation of the conditions for the growth of competitiveness of the Polish economy based on knowledge and entrepreneurship assuring an increase in the employment and in the level of social, economic and territorial cohesion.

The total sum of financial resources engaged in the execution of the National Strategic Reference Framework in 2007-2013 will amount to 85.56 billion euros. 67.3 billion euros will come from the Community resources. Of that, 67% will come from structural funds, and the remaining 33% from the Cohesion Fund. Poland's co-financing is 15%⁹.

The above-mentioned resources will be expended through the following operational programs:

OP Infrastructure and Environment – 41.3% of all means (27.8 billion euros),
16 Regional Operational Programs – 23.8% of all means (15.6 billion euros),
OP Human Capital – 14.4% of all means (9.7 billion euros),
OP Innovative Economy – 12.3% of all means (8.3 billion euros),
OP Eastern Poland Development – 3.4% of all means (2.3 euros),
OP Technical Assistance – 0.8% of the total means (0.5 billion euros),
OP European Territorial Cooperation – (0.7 billion euros)¹⁰.

All above-mentioned operational programs were approved by the European Commission until the end of 2007. Executive institutions are in charge of appropriate execution of operational programs. At the national level, the minister for regional development is the executive institution of operational programs. In the case of regional operational programs it's the charge of voivodship boards, meaning self-governmental power.

It's worth mentioning that the draft of the regional operational program is prepared by the voivodship board in cooperation with the minister for regional development. The voivodship board resolution approve the regional operational program. All its investments are financed from the means, that come from the state budget or from foreign sources. The minister for regional development enters into an agreement (called the "voivodship contract") with the voivodship board on cofinancing regional operational programs from the state budget or from foreign sources, within the scope and on the terms defined by the Council of Ministers.

Local government plays an important role in the process of regional policy implementation in Poland. The process of power decentralization will continue, as

⁹ J. Babiak, *Wiedza i innowacyjność we współczesnej gospodarce*, [in:] *Fundusze Europejskie a innowacyjność polskiej gospodarki*, ed. J. Babiak, Warszawa 2008, p. 23.

¹⁰ J. W. Tkaczyński, R. Willa, M. Świstak, *Fundusze Unii Europejskiej 2007-2013 – cele, działania, środki*, Kraków 2008, p. 445.

many indicators suggest. Local government expect that more authority will be transferred to them with regard to investments and undertakings in the region. It's worth reminding that it was one of the elements of the election platform of the current government, which promised to limit the central administration power for the local government.

Lika Mkrtchyan

Armenia and Turkey: Historic Rivals or Modern Neighbors? Turkey's Way to Europe (Turkey's European Integration from Armenia's Perspective)

Relations between Armenia and Turkey have a long history of rivalry and friendship. But the fact of 1915 – the Genocide of the Armenian people in the Ottoman Empire – seems to be the core pain and sore of both nations, of course, from different viewpoints. For Armenia – to establish the historic truth, as 1.5 million of peaceful and unarmed population, including the Armenian intelligentsia of those times, children and women were massacred by Young Turks, and for Turkey – a ban on joining the European Union.

However, the issue of recognition of the Armenian Genocide, is not the main problem connected with Armenia that hinders Turkey's path to enter the Community. A far bigger problem is the closed border with a neighboring country, since an EU member is obliged to be in good neighborly relations with a country with which it has a common border. But the Turkish-Armenian border has been closed since 1993 – as a result of the war between Armenia and Azerbaijan over the Nagorno-Karabakh Republic (NKR). And since then, no diplomatic relations existed between these two countries.

Still, Turkey's desire to join the European Union remains strong, so much that it is even ready to spoil its brotherly relations with Azerbaijan and establish diplomatic relations with Armenia to make its way through towards the Eurozone.

Whether true or not, the first initiative was taken by Armenia, when Armenian President Serzh Sargsyan invited his Turkish colleague Abdullah Gül to Yerevan to watch the World Cup 2010 Turkey-Armenia (which ended 2:0) qualifying match in Yerevan on September 6, 2008. The political experts of both countries say that the initiative was planned long ago.

The fact itself that the Turkish President came to Armenia was very surprising and was much talked about all over the world, since the two countries haven't had any diplomatic relations for over 15 years, and suddenly the President of the country that initiated the closing of the border accepts the invitation "to watch football".

As a result of this meeting, the continuation of the "football diplomacy" was observed in 2009, when President Sargsyan paid a reciprocal visit to Turkey to watch another Turkey-Armenia football match in the Turkish city of Bursa on October 14, 2009.

It should be noted that the visit, which was estimated to be on a presidential level, took place four days after the historic agreement was signed by both countries with the mediation of Switzerland and with the presence of US Secretary of State Hillary Clinton, Russian Foreign Minister Sergey Lavrov and the EU High Representative of the Common Foreign and Security Policy Javier Solana.

On October 10, 2009, Foreign Ministers of Armenia and Turkey Eduard Nalbandyan and Ahmet Davudoğlu signed two protocols – “*on the establishment of diplomatic relations*” and “*on the development of bilateral relations*”.

As the BBC News reported, it took a long time for the Ministers to sign the protocols because of certain non-corresponding wordings¹.

According to these protocols, Armenia and Turkey are obliged to undertake the following steps in the relevant timing:

- To open the common border within two months after the entry into the force of the present Protocol (once adopted by the two parliaments);
- To establish a working group headed by the two Ministers of Foreign Affairs to prepare the working modalities of the intergovernmental commission and its sub-commissions (within two months);
- To organize the first meeting of the intergovernmental commission immediately after the adoption of the working modalities, etc.²

The signing of the protocols evoked actions of protest both in Armenia and Turkey, as well as in the Armenian Diaspora. Thousands of people went out on the streets of the capital, Yerevan, with posters against the protocol. Armenians are mostly concerned about the provision in the protocol to establish a historic commission to investigate the historic fact of the Armenian Genocide.

According to the protocols signed in October 2009, there should have been steps taken in January 2010, nevertheless, no move forward was observed till April 22, 2010, since the debates over the protocols are still going on, mostly in Armenia. However, political experts of Armenia actually believe that the real delay is in Turkey and the Turkish government; not the Armenian one seems to be delaying the process. The validity of the protocols had been verified and supported by the RA Court of Constitution with the verdict of corresponding the Constitution³.

Not tracking any action or step taken from Turkey, on April 22, 2010, just two days before the commemoration of the 95th anniversary of the Armenian Genocide (April 24), President Serzh Sargsyan suspended the ratification of the protocols by calling them back from the agenda of the Parliament.

This evoked a series of debates not only in Armenia and Turkey, but also in Europe and the US. The suspension of the ratification was approved of by most of the leading countries of the world.

¹ *Armenia and Turkey Normalize Ties*, “BBC News”, October 10, 2010.

² *Protocol on Development of Relations Between the Republic of Armenia and the Republic of Turkey*, “Switzerland”, October 10, 2009.

³ Public TV of Armenia, Lraber News Program, January 17, 2010.

“A year has passed since the Armenian-Turkish-Swiss joint statement on steps to normalize the relations between Armenia and Turkey. During this period, the two Protocols aimed at normalization of the relations have been publicized, discussed in the public domain, and signed. The documents have for quite a lengthy time now been in the parliaments of Armenia and Turkey, awaiting ratification. Armenia has all along demonstrated her commitment to the process of normalization of relations, to the point of including the Protocols in the agenda of the National Assembly. We have made clear to the whole world that our position is nothing but firmly constructive. We have stated that, if Turkey ratified the Protocols, as agreed, without preconditions and in a reasonable timeframe, failure by the Armenian Parliament to ratify them would be precluded”⁴.

Although the protocols do not directly say anything about it, however, the implication is apparent, *“The Republic of Armenia and the Republic of Turkey agree to implement a dialogue on the historical dimension with the aim to restore mutual confidence between the two nations, including an impartial scientific examination of the historical records and archives to define existing problems and formulate recommendations”⁵*. For Armenian people (both in and outside Armenia), to form a historical commission means to doubt about the fact of massacre of 1.5 million people. Although the real test will be how the commission is defined and what its authority will be based on. Individual surveys conducted in Yerevan proved that people are not well aware about the current situation or the upcoming connected with the reopening of the border. The main fear that predominates among the nation is the culture shock – having an open border, Armenians can easily travel to Historical Armenia (historic lands of Armenia currently in the territory of Turkey) and have a culture shock, seeing the monuments, churches and other evidences of Armenian heritage, now destroyed or “Turkishized”.

People are not against the opening of the border, however, because it is a positive thing for both neighbors to have an open border. The problem is mostly connected with the political aspects. As the fast development of the events resembles a game of three actors: Armenia wants recognition of the Genocide and open borders with a neighbor, which first of all is beneficial from the economic point of view, Turkey wants to go on with the refusal of the fact of the Armenian Genocide, but it needs diplomatic relations with Armenia to join the European Union, and the third actor, Azerbaijan does not want Turkey to normalize its relations with Armenia, since there still exists the frozen conflict over Nagorno-Karabakh. Azerbaijan is concerned with the change of Turkey’s attitude towards Armenia, as in 1993, an ally and supporter of Azerbaijan, Turkey closed the border with Armenia.

However, the opening of the border and the NKR conflict are not directly connected with each other, still it is always possible to find mutual ties, if it has to do with territories, war, security, economy and benefits.

⁴ Extract from the televised address of the Armenian President Serzh Sargsyan on April 22, 2010

⁵ *Ibidem*, Public TV of Armenia.

On December 17-20, 2009, at the initiative of the Eurasia Foundation, Turkish journalists from Akçam, CNN Turk, Cumhuriyet, Hürriyet, Milliyet, NTV and Sabah visited Armenia within the frameworks of mutual cooperation between Armenian and Turkish journalists⁶. According to Armenian specialists on Turkish philology, over 30 articles were published in Turkish newspapers concerning their visit to Armenia and, surprisingly, Armenian politicians were cited correctly, and no distortion of their speeches was tracked in the articles. Experts estimate this phenomenon as a positive step towards the freedom of speech in Turkey⁷.

But does it really mean that by one three-day visit, the Turkish press will become free and democratic? It was not long ago that famous Turkish writer Orhan Pamuk was sentenced to prison for “insulting the Turkish identity”, according to Article 301 of the Turkish Penal Code, when in his interview to Swiss “*Tagesanzeiger*” newspaper on February 28, 2005 he openly announced that “*Turks killed one million Armenians and 30.000 Kurds in 1915*”⁸. Despite the fact that he “dared” speak loudly about the Armenian Genocide and have spent in prison one year, Orhan Pamuk received a Nobel Prize for Literature. The response of the French “*L’Express*” news magazine to this event was the following, “*If the award can be understood as a punishment of Ankara’s policy, it should not obscure the fact that the author of the “My name is Red” is, above all, a great novelist*”⁹.

If the “destiny” of Orhan Pamuk was to be sentenced to prison for “insulting” the Turkish identity, the “karma” of Hrant Dink, the outstanding Armenian journalist, editor of the bilingual weekly newspaper “*Agos*” published in Armenian and Turkish in Turkey, was to be murdered in front of his office on January 19, 2007. Before the murder, he also suffered the charge of “insulting Turkishness”. However, he had been running the newspaper since 1996, trying to make it a bridge between the Armenian community in Turkey and the Turkish population. The main message of the newspaper was to establish a dialogue between the two nations. And despite his attempts to make a sort of “reconciliation” of two neighboring nations, he received a gunshot in the head. After his death, his son took the reign of the editorship of “*Agos*” and as many of the public actors who work and dedicate their energy to the establishment of communication between Armenians and Turks, is on trial with the same charge – “insulting Turkishness”.

The biggest French-language newspaper of the Armenian Community in France “*Les Nouvelles d’Arménie*” writes that the dialogue between Armenians and Turks

⁶ “*Rencontre entre la presse turque et arménienne*”, from the website of the magazine “*Les Nouvelles d’Arménie*” on December 18, 2009, http://www.armenews.com/article.php3?id_article=56918, 18.12.2009.

⁷ Թուրքիան ընկել է իր սարքած ծուղակը (Turkey caught in its own trap), published in the website of the Armenian online newspaper “*Tert*” on December 21, 2009, <http://tert.am/am/news/2009/12/21/shaqaryan/>, 21.12.2009.

⁸ *L’écrivain Orhan Pamuk à nouveau poursuivi pour avoir évoqué le génocide arménien*, from the website of the magazine “*Les Nouvelles d’Arménie*” on February 28, 2005, http://www.armenews.com/article.php3?id_article=16475, 28.02.2005.

⁹ *Un Nobel qui sent la poudre*, “*Par L’Express*”, publié le 19/10/2006, N 01722-2885.

was initiated a year after his death, which is an excellent manner to celebrate Hrant Dink's memory; as he was killed when the work of all his life had started to give fruits¹⁰.

In the article published in the Turkish Daily on October 8, 2005, immediately one day after being convicted under the same Article 301, Hrant Dink told the Associated Press, *"I am living together with Turks in this country. And I am in complete solidarity with them. I don't think I could live with an identity of having insulted them in this country"*¹¹.

On the day of the French vote, an article entitled *"Liberté, égalité, stupidité"* appeared in the Turkish newspaper *"Hürriyet"*, as nobody in France supports the candidacy of Turkey's accession to the Union, believes the French *"L'Express"*. At that time, presidential candidate Nicolas Sarkozy said that Ankara has to fulfill three conditions: abolish the notorious Article 301, reopen the closed border with Armenia, and establish an independent commission¹².

All in all, France plays a great role in Turkey's aspirations for European Integration. France, Germany, Austria and Netherlands are mostly against the country's accession. Mostly French President and German Chancellor bring forward preconditions or create situations for not letting Turkey join the Union. One of the vivid examples is the adoption of the bill by the French National Assembly by 106 votes on 19 on treating the denial of the Armenian Genocide a crime. If passed by the Senate the bill would turn into a law. *"The punishment to be issued for the denial of the Armenian genocide – set at a maximum of one year prison term and 45,000 Euros (£30,000) fine – is equal to the punishment already dealt under French law for the denial of the holocaust. To many states in the international community – in particular Turkey – this move aggressively counters an already problematic Turkish law, under which a writer may be prosecuted for the opposite: proposing that there were a set of atrocities in 1915 that the government should accept as "genocide""*¹³.

Experts and Turkey's adherents have been debating over the law, noting that the adoption of such a law suspends the freedom of expression thus prohibiting and putting a taboo on speaking openly about the Armenian Genocide. Some even compare the law with Article 301 of the Turkish Penal Code. However, French Member of the European Parliament (MEP) Patrick Gaubert responded to these critics, stating the following, *"Europe is a continent where freedom of speech is guaranteed in an extraordinary manner. But free speech ends when the memories of a people are abused and their feelings are suffering from lies"*¹⁴.

¹⁰ *Dialogue arméno-turc ou turco-arménien?*, "Les Nouvelles d'Arménie", février 2008, N 138, pp. 30-31.

¹¹ *Dink convicted of insulting Turkish identity*, "Turkish Daily News", October 8, 2005.

¹² *Turquie, La fracture arménienne*, "L'Express", N 01722-2886, October 26, 2006.

¹³ J. MacConalogue, *French against Turks: Talking about Armenian Genocide*, "The Brussels Journal", October 20, 2006, the article can be found on www.brusselsjournal.com.

¹⁴ *Ibidem*.

A case of the denial of the Armenian Genocide has been recently observed in a school in Nancy, France, when during a history class a 13-year old Turkish pupil Mustafa Doğan wrote in the examination paper that he did not recognize the “so-called” Armenian genocide (as the Turkish newspaper “Today’s Zaman” calls it) and added “*Even if it did happen, they deserved it*”¹⁵. After refusing to do an assignment – without using Turkish sources and Wikipedia to study the fact of the Armenian Genocide and recognize it – the student was expelled from the school for violating the French law. Though, the law has still been pending to be adopted by the Senate for three years, since October 2006.

It must be noted that the Turkish newspaper is always calling the Armenian Genocide “*the so-called Armenian genocide*” with a small letter, whereas in most countries of the world it is accepted to spell it with a big letter as the Holocaust.

Nevertheless, it should be mentioned that besides France, such countries as Argentina, Uruguay and Switzerland adopted laws on the punishment of the genocide denial.

In any case, the fact of the Armenian Genocide is recognized by many countries, especially by Lithuania, Uruguay, Russia, France, the lower house of the Parliament of Italy, the majority of the US states, the Parliaments of Greece, Cyprus, Argentina, Belgium, Wales, National Council of Switzerland, the House of Commons of Canada and the Sejm of Poland¹⁶.

And now going back to Armenia’s viewpoint on Turkey’s European integration, there are several points to be mentioned. There are various positive aspects of Turkey’s accession, which directly have to deal with security issues. First, in case if the country joins the Union, Armenia will have a *predictable neighbor*. What does it mean? For Armenia, the security issue is one of the topical ones, as being surrounded mostly by Muslim countries (and Georgia), it is not secured of unpredictable attacks, also having the problem of Nagorno-Karabakh.

When being in European Union, Turkey has to act according to the latter’s laws, and “*dance under its flute*”, which in its turn means no spontaneous actions, it cannot support Azerbaijan’s probable initiatives to use force to claim back the territories, and it itself cannot represent any threat. Besides, for Armenia, the security issue concerns the whole Caucasus and Europe. The questions raised in terms of security and foreign policy include whether Turkey will be a security asset or a security liability for the EU. Enlargement would bring EU borders all the way to the Middle East and Caucasus, which seems to be illicit for certain political actors in Europe. Similarly, border security and transnational flows is another point of concern¹⁷.

Second, if Turkey joins the EU, perhaps there would occur difficulties with goods turnover, as the import of goods from Turkey makes a big percentage. The

¹⁵ A. Ihsan Aydin, *Turkish student punished over Genocide denial in France*, “Turkish daily Today’s Zaman”, Paris, November 18, 2009.

¹⁶ Taken from the archives of the Armenian News Agency www.arka.am, 25.01.2010.

¹⁷ A. Toksabay Esen, *Absorption Capacity of the EU and Turkish Accession: Definitions and Comments*, “Tepav Policy Brief”, May 9, 2007, p. 4.

selling prices may significantly rise, since the customs clearance may also cost higher than now.

But in case if Turkey becomes a part of the European Union, Armenia will border a European country, which in its turn, will have benefits and disadvantages. The advantages will have a financial and geographical character, whereas the disadvantages will include the problem of obtaining a Schengen visa, if Turkey joins the Schengen zone.

Today, the visa problem is one of the priority ones in Armenia, and is much debated. And Turkey is a tourist attraction for Armenia. Especially in summer months, many Armenians prefer to travel to Turkey to spend their vacations on a seaside, spending relatively less money – no strict visa regime, no high prices for travelling.

Thus, let alone the “personal conflict” and the history, Turkey’s membership in the Union will have its pros and cons not only for Armenia, but also for the Union and Turkey itself.

Still, the acceptance of Turkey as a member in the structures of the United Europe seems to be one of the most important strategic decisions that the Union will have to make within the coming five or more years. It is likely that the decision will have major implications not only for the functioning of EU institutions, but also determine the nature of the Union – its identity and self-definition¹⁸.

Perhaps one of the key points that everybody is interested in is *How far can Europe go?* Till when and where can it expand? Is the concept of Europe only based on geography or there exist such notions as “political Europe”, “cultural Europe”, “religious Europe”?

The case of Turkey’s European Integration is probably one of the most prolonged ones in the history of the Union. It’s over 40 years since Turkey has been trying to join the European family.

After all the 25 members states reached an agreement, overcoming the oppositions of France, Austria and Germany, the membership negotiations with the European Union started on October 3, 2005 by adopting a framework for the candidate country – Turkey. The opposing countries were proposing Turkey to become a “privileged partner” instead of a “full member”, as the future full membership demanded/demands various aspects to be committed by Ankara to fulfill the criteria of membership known as *Copenhagen Criteria*. The agreement to grant Turkey a status of a country-negotiator has been reached after a series of pre-negotiations and the U.S. intervention.

France explains its opposition by the following main reason stating that Turkey cannot pretend to become an EU member, since evidently it is not a European country. Only 3% of its territory that make part of Europe from Bosphorus cannot be regarded as alibi. 700,000 km² of its territory is in Asia Minor and it shares common

¹⁸ A. K. Hanh, *Turkey’s Entry Bid Will Oblige the EU to Define Its Own Identity*, Fall 2004, pp. 23-24.

borders with Syria, Iraq and Azerbaijan. “Having Turkey in Europe means to displace the center of our gravity to the core of the most explosive territory on the planet”¹⁹.

Thus, apart from the territorial aspect, there is the formal part of the negotiations. In order to become a part of the European Union Turkey has to fulfill 35 chapters of *acquis communautaire*.

Since the official start of the membership negotiations Turkey has formally opened 11 out of 35 chapters obligatory for a candidate-country and fulfilled only one. Another interesting fact is that the negotiations over the science and research were opened and closed on the same day June 12, 2006. Does it mean that the standards of education fully correspond to the demands of Europe? In 2006 the European Council (mainly France, Germany, Austria and Cyprus) blocked eight chapters of accession negotiations, because Turkey refused to open the closed ports in Cyprus as an implementation of the Ankara Protocol, with the expectation of reviewing them again at the end of 2009.

What do we have now? Year – 2010, number of chapters – 35, number of chapters fulfilled – one, approximate deadline of the negotiations – year 2015. Thus, if it takes five years for Turkey to implement only one chapter, accordingly, it is not difficult to count how many years it will need to make the commitments of the *acquis*.

However, during the recent two years a slight move forward could have been observed on behalf of Turkey. Nevertheless, despite the efforts to draw closer to European standards, to amend its laws and to yield to pressures to establish diplomatic relations with its neighbors, Turkey does not seem to express the right interest of fulfilling these conditions.

On April 30, 2008, with 250 votes against 65 the Turkish Parliament adopted the law on amendments to Article 301 of the Criminal Code, which will help the country to enter the European Union. The amendment was the following instead existing “insulting Turkish identity” (Turkishness) to have “insulting the Turkish nation”²⁰.

Still, despite its euro-strivings, Turkey still goes on executing its Article 301. On June 17, 2008 Turkish editor, ipA Freedom to Publish Prize Laureate Raci Zarakolu was sentenced to five months in prison. The motive – to have published the book of British author George Jerjian on the Armenian Genocide. Ironically, two weeks before the sentence, Zarakolu was nominated ipA Freedom to Publish Prize Laureate by the International Publishers Association, which was to be held in Amsterdam in September.

Nevertheless, according to the European Commission’s October 2009 progress report the above-mentioned article is not used systematically any longer, still does not sufficiently guarantee freedom of speech in Turkey.

The Commission report observes positive development towards the Kurdish issue in political, cultural and economic field, including the right of the minority to have schools and broadcast time in their mother tongue.

¹⁹ *Le point de vue de...*, “Les Nouvelles d’Arménie”, Février 2005, p. 90.

²⁰ “Les Nouvelles d’Arménie”, juillet-août 2008, p. 32.

The “breaking of the ice” between Armenia and Turkey received positive welcomes of the European Commission’s progress report, as the softening of the relations (i.e. the opening of the border) was treated as a precondition for its membership, whilst the recognition of the Genocide is not one any longer.

Despite, all the “seeming” or “real” progress to fulfill the membership preconditions, the main “problematic” issues still remain on the agenda – the closed border with Armenia, the Cyprus issue, national minorities, freedom of speech, human rights. Year by year Turkey takes efforts to change its domestic policy and meet European commitments on the above-mentioned issues, however, the steps forward are so slow that no evident change is observed.

After two years of trying to establish normal diplomatic relations with Armenia, the Turkish government had not implemented the obligations by the due time, thus making Armenia suspend the protocols. If Turkey goes on fulfilling the membership criteria and obligations with this tempo, another 40 years of a “pending” status are guaranteed.

Przemysław Osiewicz

The European Union and its Attitude Towards Turkey's EU Membership Bid After 2005: Between Policy and Politics

Introduction

The EEC – Turkey relations began in 1963 when both sides signed an association agreement. Nevertheless, it took more than 40 years to open accession negotiations with Turkey. The negotiation process was officially initiated on 3 October 2005, however, Turkey was not given any guarantee that it would become an EU member state even if it fulfilled all criteria. It happened for the first time in the history of European integration. Although the EU officially supports the idea of membership for Turkey, a few influential EU member states would like to avoid such scenario. Such important actors as France and Germany are among them. Therefore it is a unique case which should be carefully and deeply analyzed. The main aim of this article will be to analyze interrelations between EU policy and EU politics with regard to Turkey in the period after October 2005. As regards the selected method, the article is based on document analysis.

There are many definitions of policy and politics. According to Edward Jenks, politics can be described as *“the business of Government: that is to say, the control and management of people living together in a society”* or as *“a process by which people make collective decisions and behavior within civil governments”*¹. Nowadays Michael E. Kraft and Scott R. Furlong define politics as *“exercise of power in society or in specific decisions over public policy. So politics is about power and influence in society as well as in the processes of policymaking within government”*².

As far as policy is concerned, it is a deliberate plan of action to guide decisions and achieve rational outcomes. It can also be defined as *“an instrument of governance, the decisions that direct public resources in one direction but not another. It is the outcome of the competition between ideas, interests, and ideologies that impels political system”*³. The policy cycle is one of available tools. According to Catherine Althus, Peter Bridgman and Glyn Davies, such cycle can be presented in eight phases, namely issue identification,

¹ E. Jenks, *A History of politics*, Harvard 1900, p. 1.

² M. E. Kraft, S. R. Furlong, *Public Policy: Politics, Analysis, and Alternatives*, Washington DC 2010, pp. 7-8.

³ C. Althus, P. Bridgman, G. Davies, *The Australian Policy Handbook*, Sydney 2007, p. 3.

policy analysis, policy instrument development, consultation, decision, implementation and evaluation⁴. In this article outcomes of EU policy towards Turkey are analyzed especially as far as decisions and their implementation are concerned.

EU – Turkey Accession Negotiations: Historical Background

Turkey has been associated with EEC/EU since 1963. *“The Treaty of Ankara anticipated a five-year preparatory phase (1964-1969), followed immediately by a twelve year transition period during which the customs union would come about and Turkish economic policy would converge towards that of the EEC. During a third phase further coordination would take place in the economic, fiscal and competition policy of both parties”*⁵. Philip Robins is of the opinion that *“from the outset Turkey’s ambitions in Europe have owed at least as much to the ideological orientation of the ruling elite as to more material motivations. The original application for an Association Agreement with the European Economic Community, as it was then, was in part prompted by the need for economic aid, in response to the poor conditions prevailing in the country. The EEC was minded to supply that assistance and even contemplate the admission of Turkey, for fear that the Soviet Union would otherwise seek to fill the gap”*⁶.

In 1987 Turkey applied for membership of the EC for the first time. *“It took more than two-and-a-half years for the European Commission to prepare its report on Turkey. When it was delivered on December 17, 1989, the opinion amounted to a recommendation that accession negotiations, with any country, not only with a problematic country such as Turkey, should not start before 1993”*⁷. In the opinion of Ersin Kalaycıoğlu, *“it took the EU two years to reject the Turkish application, yet the response of the EU was less than a full rejection. It reiterated that if Turkey were to meet conditions, which all other applicants had met earlier, Turkish membership would be possible. Hence, Turkey was considered as an eligible member, yet not an imminent one in the short-run”*⁸.

Undoubtedly, Turkey is the only state which had been waiting for an opening of accession negotiations with the European Union for more than 40 years. There were many reasons for that including the Copenhagen criteria and disputes with neighboring countries like Cyprus, Greece or Armenia⁹. Most of these problems have not

⁴ More see: *ibidem*, pp. 22-34.

⁵ W. Asbeek Brusse, R. T. Griffiths, *Good Intentions and Hidden Motives. Turkey-EU Relations in a Historical Perspective*, [in:] *Turkey and the EU Enlargement: Processes of Incorporation*, R. T. Griffiths, D. Özdemir (eds.), Istanbul 2004, pp. 18-19.

⁶ P. Robins, *Suits and Uniforms: Turkish Foreign Policy Since the Cold War*, London 2003, pp. 139-140.

⁷ A. Eralp, *Turkey and the European Union*, [in:] *The Future of Turkish Foreign Policy*, L. G. Martin, D. Keridis (eds.), Cambridge (MA) 2004, p. 69.

⁸ E. Kalaycıoğlu, *Turkish Dynamics: Bridge Across Troubled Lands*, Basingstoke 2005, p. 146.

⁹ A. Szymański, *Problems of Turkey on the Way to the EU and the Constitutional Reform*, [in:] *Negotiations of the EU Candidate Countries*, J. Adamowski, K. A. Wojtaszczyk (eds.), Warszawa 2001, p. 197.

been solved yet. Nevertheless, the EU decided to change its attitude and negotiate with Turkey in order to encourage the Turkish authorities to pursue political, legal and economic reforms as well as to settle the Cyprus question or the Kurdish question. Besides, most of EU leaders realized that it would be in the EU's interest to accept Turkey as a member state due to its geopolitical location, influence on the EU's energy security, vast internal market or cheap labor force. On October 3, 2005 the talks were officially initiated, however, it was clear from the very beginning that it will take years to complete the whole process. What is more, it was underlined that the negotiations were an open-ended process and Turkey was not given any guarantee concerning its accession as well as a full EU membership. After five years of talks Turkey is not closer to the EU despite official reports and declarations, namely the official EU policy. On the contrary, both in Turkey and in some EU member states there are more and more politicians who are very sceptical about the Turkish participation in European integration especially in Germany and France (politics).

Policy: EU's Official Position on Turkey's EU Membership

In October 2004 the European Commission issued a recommendation on Turkey's progress towards accession. In this document the Commission stated: "*For major periods of European history, Turkey has been an important factor of European politics. Turkey is a member of all important other European organizations and has since the Second World War played an important role in contributing to the shaping of European policies*"¹⁰. Such information was directed at all opponents of further enlargement process, especially those who did not want to open accession negotiations with Turkey due to cultural or historical differences between Turkey and other European states. What is more important, the Commission recommended opening of the accession negotiations with Turkey: "*In view of the overall progress of reforms attained and provided that Turkey brings into force the outstanding legislation mentioned in paragraph 1, the Commission considers that Turkey sufficiently fulfils the political criteria and recommends that accession negotiations be opened*"¹¹.

On the basis of the above recommendation, the European Council decided to open accession negotiations with Turkey, however, the negotiation framework of October 3, 2005 is less optimistic as regards the Turkish accession, although "*the shared objective of the negotiations is accession*"¹². According to this document EU – Turkey accession talks are open-ended accession negotiations. No date was specified as far as the Turkish accession is concerned. For this reason the whole process can last 10 years or even more. Some analysts claim that Turkey may become a full

¹⁰ *Communication from the Commission to the Council and the European Parliament: Recommendation of the European Commission on Turkey's Progress Towards Accession of 6 October 2004*, COM(2004) 656 final.

¹¹ *Ibidem*.

¹² *Negotiation Framework*, Luxembourg, October 3, 2005.

EU member in 2023 in order to mark the 100th anniversary of the Republic of Turkey, although this task seems to be very hard to complete. The EU asserted that everything will be up to “*the Union’s capacity to absorb Turkey*”¹³. As regards the theme of the talks, there are 35 negotiation chapters, but since 2005 Turkey has managed to close negotiations only within one of them. One chapter within five years is rather an unsatisfactory outcome.

This open-ended negotiation process is one of the reasons why a full EU membership for Turkey is not guaranteed, however, it remains the only official aim of the talks. Official EU documents do not refer to any alternative scenario like a privileged partnership. The EU policy focuses on promises and opportunities. There is no guarantee that Turkey will join the EU even if it meets all criteria, however, the EU encourages Turkish authorities to continue with political, economic, social and legal reforms. Between 2005-2009 almost all Commission reports concerning Turkey’s progress on its way to the EU were positive. Only the report of 2006 was slightly negative, because some EU member states tried to combine EU – Turkey accession negotiations with the Cyprus question¹⁴.

In the Commission communication of October 14, 2009, namely in the 2009-2010 Strategy Paper, one can read that “*Turkey has continued to express its commitment to the EU accession process. Positive steps have been taken in the areas of the judiciary reform strategy and action plan, civil military relations and cultural rights. [...] Turkey plays a key role in regional security and the promotion of dialogue between civilizations. [...] Turkey continues to sufficiently fulfill the political criteria. [...] Turkey continued improving its ability to take on the obligations of membership*”¹⁵. The message is clear, although the Commission also points out that “*efforts need to continue to pursue alignment in areas such as environment, state aid, social policy and employment, company law, public procurement, food safety, veterinary and phytosanitary policies and free movement of services*”¹⁶. Nevertheless, it does not change the fact that the EU encourages Turkey to continue accession negotiations and that the EU, at least officially, wants Turkey to become an EU member state in the future. Besides, the EU highlights advantages connected with Turkey’s membership. In this case the EU policy is more promises orientated.

Politics: the EU and Key Members States in Action

Although officially the EU will support Turkey on its way to full membership if it meets all given criteria, there are more and more suggestions concerning other forms of cooperation, for example, a privileged partnership promoted by German

¹³ *Ibidem*.

¹⁴ See: *Commission Staff Working Document: Turkey 2006 Progress Report, Brussels, 8 November 2006*, COM (2006) 649.

¹⁵ *Communication from the Commission to the European Parliament and the Council of 14 October 2009: Enlargement Strategy and Main Challenges 2009-2010*, COM(2009) 533.

¹⁶ *Ibidem*.

Chancellor Angela Merkel. Many European leaders exert considerable diplomatic pressure on the Turkish government to accept additional conditions like a comprehensive settlement of the Cyprus question. Some Turkish scholars have already realized that it may be an endless process. According to Suna Kili, "the Turkish people have become disillusioned about EU's attitude towards Turkey. Some Turkish scholars contend the following: You [Turkey] fulfill the political criteria, then they [the EU] say let us see their implementation; you say we completed the points which were deficient, then they bring forth the question of Southeastern Turkey or the Armenian claims; you say we prepared a new package of reform laws, they then bring forth the question of Cyprus; further they question the role of the army in Turkish society. This is an endless list. Some claim that the West is out to get all it can from Turkey before Turkey becomes more developed and before it gets stronger. It is also claimed that behind all this is the continual desire of the West to bring Turkey under its hegemony"¹⁷.

Undoubtedly, the Cyprus dispute is one of the main obstacles on the Turkish way to EU membership. The EU refers to the Cyprus dispute in its documents, although a peaceful settlement does not constitute a formal condition. After the 2004 EU summit, Turkey found itself in a real dilemma as it needed on the one hand to maintain its commitment to the Turkish Cypriot state, and on the other hand to recognize the Republic of Cyprus in some way¹⁸. "Since Turkey has not complied with the requirements of the additional protocol, the eight chapters related to the Customs Union are not opened. These chapters are: free movement of goods (chapter 3), right of establishment and freedom to provide service (chapter 9), financial services (chapter 11), agriculture and rural development (chapter 13), fisheries (chapter 14), transport policy (chapter 29), customs union and external relations (chapter 30). Thus, the Council decided in December 2006 to punish Turkey and Turkey's accession process has been partially suspended"¹⁹.

Undoubtedly, the unsettled Cyprus dispute complicates the EU – Turkey accession negotiations. Eight out of thirty five chapters have remained blocked since December 2006. "Ankara, in principle, objects to EU pressure in resolving the Cyprus issue. During the November 2006 World Economic Forum in Istanbul, Turkey's chief EU negotiator, Ali Babacan, said the situation was analogous to a court case in which the prosecutor and judge were the same person; namely, the EU. Any resolution must occur through the United Nations"²⁰. Yet there is a chance that the EU will provide the Turkish Cypriots with a direct trade regulation thanks to the Lisbon Treaty. Now other members states do not have to take the Greek Cypriot point of view into account. As a consequence, Turkey will let Greek Cypriot planes land in its airports and will open its ports for ships registered in the Republic of Cyprus. Such a step should be sufficient in order to open negotiations in the framework of those eight chapters blocked in December 2006.

¹⁷ S. Kili, *The Atatürk Revolution: A Paradigm of Modernization*, Istanbul 2008, pp. 319-320.

¹⁸ C. Dodd, *Disaccord on Cyprus: the UN Plan and After*, op. cit., p. 48.

¹⁹ Ö. C. Vardan, *Turkey-EU Relations and Democracy in Turkey: Problems and Prospects*, "Turkish Policy Quarterly", vol. 8, no. 1, 2009, p. 53.

²⁰ *The Report. Turkey 2008*, Oxford Business Group, Oxford 2008, p. 13.

Although a comprehensive solution of the Cyprus question does not constitute a formal condition of EU membership for Turkey, in practice the dispute remains the main obstacle and the European Commission puts pressure on the AKP government. It is obvious that the EU seeks a political solution primarily on the basis of its direct contacts with governments of Turkey and the Republic of Cyprus. In this case Turkey can be seen as a representative or an advocate of the Turkish Cypriot community at European/regional level. Such phenomenon can be observed in reports dealing with Turkey's progress on its way to the EU:

- *“The Turkish government has on several occasions confirmed its support for efforts to find a comprehensive settlement of the Cyprus problem through the continuation of the United Nations Secretary-General’s mission of good offices and the negotiations on the basis of his proposals. In the course of the enhanced political dialogue with Turkey, and at the EC-Turkey Association Council in April 2003, shortly after the breakdown of talks under UN auspices in The Hague, the Turkish government expressed the hope to see a settlement before May 2004”*²¹;
- *“The Turkish government has stated on several occasions that it remains committed to a comprehensive settlement in line with the plan presented by the UN Secretary General. On 29 July 2005, Turkey signed the Additional Protocol adapting the EC Turkey Association Agreement to the accession of 10 new countries on 1 May 2004. At the same time, Turkey issued a declaration stating that signature of the Additional Protocol did not amount to recognition of the Republic of Cyprus. On 21 September, the EU adopted a counter declaration indicating that Turkey’s declaration was unilateral, did not form part of the Protocol and had no legal effect on Turkey’s obligations under the Protocol. The EU declaration stressed that recognition of all Member States was a necessary component of the accession process”*²²;
- *“The Turkish government has continued to express its commitment to a comprehensive settlement of the Cyprus problem under the auspices of the United Nations. It welcomed the start of full-fledged negotiations in September between the leaders of the two Cypriot communities under the Good Offices Mission of the UN Secretary General. Turkey needs to take concrete steps to contribute to a favourable climate for a comprehensive settlement. Since the Council’s decision of December 2006, Turkey has made no progress towards fully implementing the Additional Protocol”*²³.

Some European leaders, like Nicholas Sarkozy or Angela Merkel, focus on obstacles and threats. Declarations concerning a pre-accession referendum in France are the best examples of such politics. What is more, a few key EU politicians are against Turkish membership, although in this case they should remain impartial. It is not a secret that even President of the European Council Herman Van Rompuy is against such enlargement. *“Doubts about whether such a predominantly Muslim coun-*

²¹ 2003 Regular Report on Turkey’s Progress Towards Turkish Accession, p. 41.

²² Turkey 2005 Progress Report, Brussels, November 9, 2005, SEC (2005) 1426, p. 40.

²³ Turkey 2008 Progress Report Accompanying the Communication from the Commission to the European Parliament and the Council ‘Enlargement Strategy and Main Challenges 2008-2009, Brussels, 5.11.2008, SEC (2008) 2699, p. 28.

try could find a place in Europe were raised most forcefully by Valéry Giscard d'Estaing, the former French President who chaired the group that drafted a possible new constitution for the EU. Turkey is a country close to Europe, an important country, he said. But it is not a European country"²⁴.

Among states which officially support EU membership for Turkey are: the UK, Poland, Denmark, Italy, Spain, Sweden, Portugal, Greece (with reservations), the Czech Republic, Hungary, Latvia, Lithuania, Estonia. Yet there are EU member states which are officially against the membership for Turkey. These are Austria, France, Germany, Cyprus and Luxembourg. What are the main reasons for Turkey's full participation in European integration? Many scholars mention that Turkey is a bridge between civilizations, namely between Europe and the Middle East. President of Turkey Abdullah Gül emphasized in 2009: "Our accession to the EU is a project of not only regional, but also global significance. As a member of the EU, Turkey will contribute to enhancing global stability, as well as promoting the very values that are embraced by the EU. Turkey and the EU have shared interests on a multitude of areas, in which Turkey's accession will enhance the EU's influence"²⁵. Ann Dismorr points out that "to perceive Turkey as a firewall against the crises and violence in the Middle East is wishful thinking. Instead Turkey would strengthen Europe along on eof its vulnerable outer borders. In addition, it would enhance the EU's role in the Black Sea and the eastern parts of the Mediterranean, both of key strategic interest to the European Union, which in Turkey would gain a partner with increasing clout and credentials in international relations"²⁶.

Besides, Turkey has a vast internal market and very high economic potential. Last but not least, Turkey contributes to international security thanks to its membership in NATO. It can also become the biggest energy hub in the world thanks to existing as well as planned gas and oil pipelines. Energy security of the European Union may soon depend on Turkey especially in terms of diversification of gas supplies, otherwise Europe will be dependent on Russian gas²⁷.

Turkey's political opponents have their arguments against a full EU membership for Turkey. Some of them point out that its population is too numerous. Thanks to that Turkey could dominate EU institutions²⁸. There are also serious doubts concerning democracy in Turkey. They arose especially after the 2007 constitutional crisis when the ruling AKP party was in competition with the military.

Besides, some politicians fear that Turkish immigrants would come to West Europe and take advantage of easier access to labour market in countries like France, Germany or the Netherlands. Among other obstacles are cultural differences especially those concerning key values determined by Islam in Turkey and Christianity

²⁴ H. Pope, N. Pope, *Turkey Unveiled: A History of Modern Turkey*, New York 2004, p. 364.

²⁵ *The Report: Turkey 2009*, Oxford 2009, p. 23.

²⁶ A. Dismorr, *Turkey Decoded*, London 2008, p. 210.

²⁷ See more: B. Nowak, *Energy Policy of the European Union. Chosen Legal and Political Aspects and Their Implications for Poland*, Warszawa 2009.

²⁸ More about long run demographic dynamics in Turkey see: N. B. Gültekin, K. Yilmaz, *The Turkish Economy Before the EU Accession Talks*, [in:] *The EU and Turkey. A Glittering Prize or a Millstone?*, M. Lake (ed.), London 2005, pp. 70-71.

in EU member states. However, according to M. Hakan Yavuz, “the great paradox of Turkish politics over the last few years has been that the champion of integration with the EU and the consolidation of secular liberal democracy has been the formerly Islamist AKP and the main opponents have been the ostensibly Westernizing Kemalists. The AKP realized that fulfilling the Copenhagen criteria for EU accession provided the best guarantee for civilian control of the military, freedom of religion, and even a peaceful settlement of the Kurdish question”²⁹.

Soon after 2002, when AKP came to power, there were fears concerning the revival of Islam in Turkey. Nowadays nothing indicates that Turkish democracy or secularism are under threat. However, according to Ersin Kalaycıoğlu, “it is thus ironic that European ambivalence about Turkey joining the EU weakens the process of consolidating democracy and the rule of law in Turkey. For example, in October 2003, the leader of the Christian Democratic party (CDU) in Germany made it very clear that the size of Turkey and the relative poverty of the country are intimidating factors explaining that Germany has spent all its resources in eastern Germany and Eastern Europe and could not sponsor Turkish membership in the EU”³⁰. Germany can count on support of France. Soon after his election in 2007 President Nicolas Sarkozy declared that he was staunchly opposed to Turkey’s accession to the EU. He has instead proposed a Mediterranean Union for Turkey and its neighbours. What’s more, “French Secretary of State for European Affairs Jean-Pierre Jouyet has not ruled out a French veto of further entry talks”³¹. The President of France can count on the German chancellor as far as EU-Turkey accession negotiations are concerned. In 2009 Angela Merkel met Nicolas Sarkozy in Berlin. After the meeting they issued a statement in which they stated: “Our general disposition is that Turkey should be given an EU partner status, however, it should not become a member”³².

Other sceptics pay attention to political cleavages in Turkey, terrorism, relatively very low GDP per capita if compared with GDP of EU members in Western Europe, borders with Iraq and Iran as well as unsettled disputes with neighbouring countries like Greece or Armenia³³. As regards the Turkish economy, Ann Dismorr claims that Turkey is “a vibrant market economy, priding itself on being the fastest growing economy among the Organization for Economic Cooperation and Development (OECD)” which “was globally only surpassed by China. In 2007, Turkey ranked as the 17th largest economy in the world”³⁴. Nevertheless, it does not change the fact that there is a big economic gap between Turks and most of EU citizens especially in Western Europe. In 2009 GDP per capita (PPP) in Turkey was 12,476 USD while in Luxembourg it

²⁹ M. H. Yavuz, *Secularism and Muslim Democracy in Turkey*, Cambridge 2009, p. 265.

³⁰ E. Kalaycıoğlu, *Turkish Dynamics: Bridge Across Troubled Lands*, op. cit., p. 187.

³¹ Sarkozy Tackles Turkey Question During Diplomatic Tour, <http://www.dw-world.de/dw/article/0,,2557936,00.html> (12.06.2010).

³² Angela Merkel and Nicolas Sarkozy Against Turkey’s EU Membership, <http://www.aysor.am/en/news/2009/05/11/sarkmerkturq/?sw> (4.06.2010).

³³ More about fears of opponents of Turkey’s EU membership see: P. Anderson, *Nach Atatürk: Die Türken, ihr Staat und Europa*, Berlin 2009, pp. 97-104.

³⁴ A. Dismorr, *Turkey Decoded*, op. cit., p. 211.

was 78,395 USD, in the Netherlands 39,938 USD, Germany 34,212 USD or in France 33,679 USD. Even in the so-called new member states this indicator is higher except for Bulgaria and Romania. In Poland it was 18,072 USD, Slovakia 21,245 USD and the Czech Republic 24,093 USD³⁵.

Conclusions

As far as the current accession talks between the EU and Turkey are concerned, it is noticeable that the official EU policy and politics are not convergent. Firstly, the official EU policy towards EU membership for Turkey is more promises orientated. If Turkey meets the criteria given in various EU documents, it will become a full member state. On the contrary, EU politics is more obstacles orientated. Politicians representing various influential member states like France or Germany do not seem to see the progress made by the Turkish government. They put stress on obstacles and potential threats. Even if Turkey met all given criteria, its membership would not be guaranteed.

Secondly, the official EU policy towards Turkey focuses on future EU's interests while EU politics, dominated by the most influential members states, tend to represent interests of particular actors or, more precisely, of a few member states including key players as Germany or France.

Thirdly, EU policy places emphasis on opportunities as well as potential political and economic advantages for the EU. In this context the Turkish membership is presented as a chance. At the same time EU politics is rather threats orientated. Political leaders tend to underline that the EU would face many problems if it accepted Turkey as a member state.

³⁵ Source: *World Economic Outlook Database April 2010*, International Monetary Fund 2010.

Agnieszka Wójcicka

Sweden and Poland. Nordicization versus Europeanization Processes

Introduction

This article¹ focuses on the processes of Nordicization and Europeanization. The aim is to depict their evolution and mutual influence, through a comparison between paths of Sweden and Poland towards accession into the European Union. The thesis is that the concepts of Europe and *Norden* complement each other and influence each other to such an extent that the Europeanization of *Norden* triggers the Nordicization of Europe.

The cases of the Swedish and Polish as models of Europeanization through accession into the European Union are analyzed through perspective of their origins, goals, and results, from the theoretical perspective of social constructivism, neo-Gramscism, neo-functionalism, intergovernmentalism or the theory of fusion. The goals of these two models are to be presented through the primordial, instrumental, and constructivist approaches. Bearing in mind Georg Jellinek's tripartite definition of the state – territory, power, and citizens/people² it is clear that the process of Europeanization is, in each country, influenced by the specific territorial or geopolitical dimensions and the power relations, namely the political parties agendas and the situation of the economic sector, as well as by the role of the people, who were called to express themselves in referenda. Therefore, the origins, goals and results of the Swedish and Polish models of EU accession are to be viewed through the analysis of the position of their respective political parties, covering all the political spectrum, and through the particular outcome of the accession referendum in each country.

The analysis of both countries as case studies reveals a certain division between the idea of “Western” and “Eastern” Europeanization. Sweden represents, to a certain extent, the “Western” way of Europeanization³ in which Nordicization has

¹ This article is the outcome of the project that was implemented with the support of Iceland, Liechtenstein and Norway through the funding from the European Economic Area Financial Mechanism and the Norwegian Financial Mechanism within the Scholarship and Training Fund.

² J. Kostrubiec, *Typy historyczne państwa Georga Jellinka*, [in:] *Idee jako źródło instytucji politycznych i prawnych*, L. Dubela (ed.), Lublin 2003, pp. 429-451.

³ Although Sweden is not an old member state, she can be included in the definition of Western Europeanization because before accession in 1995 she was – despite a policy of neutrality

a relevant impact, and Poland the “Eastern” path. If treated as open-structures, that is not static but dynamic, these two models of Europeanization stress various values that can complement each other – this is why the fact of Europeanization of *Norden* as Nordicization of Europe can be highlighted.

Defining the concepts of Europeanization and Nordicization

The notions of change, fluidity, and flexibility of the social phenomena, provided by the theoretical perspective of social constructivism help reveal Europeanization and Nordicization as dynamic, ever-ongoing processes. The future of Europe, as well as *Norden*, is still a valid discussion, therefore the notions of Europeanization and Nordicization are themselves evolving, as some new elements are added and some lose their importance.

It is difficult to find a stable meaning or a shared definition of Europeanization. Some authors⁴ use this term as a synonym for “European integration” and as a reference to the impact of EU rules on domestic change. Helen Wallace⁵ has coined the phrase “EU-ization” to stress more accurately this specific influence. The complexity of Europeanization brings also notions of “Europeanization West”⁶ (concerning old member states) and “Europeanization East”⁷ (regarding the Central and Eastern European Countries – CEECs) that differ significantly but share also commonalities.

Attempts to measure the dynamics of Europeanization are also often unclear. This can be a result of the fact that there are the certain limitations in the European integration theories, neo-functionalism and intergovernmentalism⁸) which in this

– actively involved in international activities regarding an economic nature. Without requiring Sweden to accept full membership status, she attempted to secure a close economic relation with the then European Community (EC) and take advantage of the Single European Market being built. So, according to a distinction of three categories of states taking part in Europeanization (see more: *European Integration and National Adaptations. A Theoretical Inquiry*, H. Mouritzen, O. Wæver, H. Wiberg (eds.), New York 1996, p. 3): insiders (EU members), would-be insiders and outsiders, paradoxically, Sweden was more of an insider without full membership before accession in 1995.

⁴ *Transforming Europe: Europeanization and Domestic Change*, M. G. Cowles, J. A. Caporaso, T. Risse (eds.), Ithaca 2001, p. 180.

⁵ *The Europeanization of Central and Eastern Europe*, F. Schimmelfennig, U. Sedelmeier (eds.), Ithaca-London 2005, p. 1.

⁶ A. Héritier, *Europeanization Research East and West: a Comparative Assessment*, [in:] *The Europeanization of Central...*, op. cit., p. 199.

⁷ *Ibidem*.

⁸ Neo-functionalism stresses that the integration begins with economic problems which – in order to be tackled – are raised to the supranational level. The notions of economic, political and cultivated “spill-over(s)” are essential to mark the further integration. According to Andreas Bieler there are the two major shortcomings of neo-functionalism. First is based on “the notion of spill-over which implies an inevitable, teleological process of further integration along

dynamics have the role of doctrine. Some authors⁹, in order to overcome the shortcomings of these theories, propose to combine them to explain European integration. It turns to be artificial, however, since these are opposed approaches. That is why Andreas Bieler suggests a neo-Gramscian alternative which is considered to be particularly useful because it treats the state – as well as the international system and human nature itself – “not as unchanging substances but as continuing creation of new forms”¹⁰. A. Bieler introduced the notion of “the integral state” which implies that states cannot be treated as unitary actors but as structures within and through which social forces operate¹¹. Hence the explanation of structural change (here Europeanization) requires a theory which “does not take institutions and social and power relations for granted [...]”¹².

Europeanization, for the sake of this article, is to be purposefully narrowed down to the Swedish and Polish models of EU accession. There is the awareness that Europeanization processes occur on different levels and that domestic perspective is not being prioritized. The process of Europeanization can be either EU-driven or domestically driven¹³. It is a kind of synergy – since the states are not the only actors that create this phenomenon. The definition of Europeanization by Johan Olsen¹⁴ is being adapted. It represents the institutionalism-ridden perspective and the impact of the neo-Gramscian alternative that is being added to it.

As for Nordicization (Swedish: *nordisering*), the term is, in analogy to the term Europeanization, most often used as an equivalent of the Nordic integration and cooperation processes within the Nordic Council, the Nordic Council of Ministers or Council of the Baltic Sea States, the European Free Trade Association (EFTA), the

an objective economic rationality”. Second regards the explanation of European integration through “an emphasis on the internal dynamics of European politics”. See more: A. Bieler, *Globalization and Enlargement of the European Union. Austrian and Swedish Social Forces in the Struggle over Membership*, London–New York 2000, p. 6. These shortcomings do not allow considering structural changes as globalization or the end of Cold War. On the other hand, inter-governmentalism is the state-centric approach neglecting ideas and transnational actors as independent forces behind the integration – as for instance – the interests groups or transnational corporations (TNCs). Moreover, it gives priority of international security and military capacities over economic issues.

⁹ See more: T. Pedersen, *European Union and EFTA Countries: Enlargement and Integration*, London–New York 1994; L. Miles, *Sweden, Security and Accession to the European Union*, School of Economics and International Studies/University of Humberside: Occasional Papers in Nordic Studies, 1995.

¹⁰ R. W. Cox, *Social Forces, States and World Orders: Beyond International Relations Theory*, “Millennium: Journal of International Studies”, vol. 10, no. 2, 1981, p. 132.

¹¹ A. Bieler, *Globalization and Enlargement...*, *op. cit.*, p. 12.

¹² R. W. Cox, *Social Forces...*, *op. cit.*, p. 129.

¹³ *The Europeanization of Central...*, *op. cit.*, p. 8.

¹⁴ J. Olsen focuses on the institutional dynamics and the political order emerging in Europe. Firstly, it's important to solve **what** is changing; secondly, **how** Europeanization takes place; and thirdly, **why** certain European change takes place. See more: J. P. Olsen, *The many faces...*, *op. cit.*, pp. 922-925.

European Economic Area (EEA) agreement. Therefore, all the conditions needed for defining the concept of Europeanization are to be kept in mind in case of Nordicism as well. In order to define this notion it is necessary to distinguish it from terms such as: *Norden*, Nordicism (Swedish: *nordiskhet*), Nordicism, Gothicism, Scandinavism, the Northern dimension or Balticism.

The terms and problems that are to be described below have different connotation in *Norden* and in Europe¹⁵. *Norden* is considered to be the Swedish equivalent of the concept which embraces the Nordic states. In geographical and historical terms it refers to the periphery of the European continent. Historically, European culture is the opposition to what is considered the “pagan” or “northern”. Stereotypical patterns of characteristics of *Norden* are: “non-intellectualism” and the “non-scientific” approach (German: *Unwissenschaftlichkeit*¹⁶), in opposition to the philosophical tradition of Continental Europe and Latin cultural heritage. Moreover, *Norden* functions, especially within the Nordic Region, as a construct representing non-European, non-Catholic, anti-Latin, anti-imperialist and anti-colonial principles, not exploitative but based on peace and social-democratic values¹⁷. This results in the establishment of the phenomenon of demarcation of *Norden* and Continental Europe according to which Scandinavia as the progressive, liberal and Protestant states is opposed to the capitalist, conservative, Catholic, and historically colonial Europe (the theory of “four Cs” introduced by Lars Trägårdh¹⁸).

Nordicism (Swedish: *nordiskhet*) can be divided into six phases. At first, according to Olof Rudbeck at the turn of the 17th/18th century, this ideology was a trial of proving a political, moral supremacy and superiority of the Northern Europe’s civilization (especially of Sweden). Secondly, in Sweden of the 18th century, Nordicism was the state ideology of Gothicism, according to which Sweden was regarded as a great power state. Gothicism as the past ideology of absolute power was externally oriented. Thirdly, in the 19th century, universalization of the Nordic ideology took place. From the 19th century, Scandinavism was an ideology internally aimed – with an emphasis on the sense of community creation. So inevitably, the Swedish design of Nordicism could be regarded as an important subcategory of the *Norden* concept. Fourthly, in the 19th century the construction of Nordicism was based on the moral and axiological supremacy. Additionally, the concept of racial superiority was incorporated into Nordicism in the 20th century; and finally, the idea of Scandinavian welfare state model in the 21st century. At the turn of 20th and 21st centuries the return of traditional, political concept of *Norden*, which accepts international cooperation but rejects political integration (taking into consideration the crisis of nation-states) could be observed.

¹⁵ See more: A. Wójcicka, *Europa i Norden: pojęcia uzupełniające się czy pozostające w konflikcie?*, [in:] *50 lat i co dalej? Europa i Unia Europejska między integracją a atomizacją*, Z. Czachór (ed.), Poznań 2007, pp. 147-165.

¹⁶ M. Klinge, *Fińska tradycja. Eseje o strukturach i tożsamości Północy*, Wrocław 2006, p. 25.

¹⁷ L. Trägårdh, *Sweden and EU*, [in:] *European Integration and National Identity: the Challenge of the Nordic States*, L. Hansen, O. Waever (eds.), London 2002, p. 154.

¹⁸ *Ibidem*.

Nordicism, being an outcome of the Nordicization process (Swedish: *nordisering*), often functions as a kind of subcategory of European or universal (e.g. Christian) identity and as the so-called “nationalism” of the Nordic cooperation (term used by Bernard Piotrowski¹⁹). Nordicism is the only one out of the 19th century national movements that is currently ongoing, while Pan-Germanism, panitalianism or Slavism are now merely historical phenomena.

The difference between the definitions of Balticism and Nordicism stress that politically and economically, Balticism can be assumed as a weaker movement than Nordicism. There is a lack of common features and elements that could support the idea of the “absorption” of Nordicism by Balticism. On the other hand, it can be stated that the traditional concept of Nordicism is being replaced by the Balticism because the Baltic Region is the larger area in territorial/geographical terms. There is even the approach of Pertti Joenniemi²⁰, justifying that after 1991, Nordicism became Balticism and that is why the extension of the Scandinavian Northern Europe by the Baltic Europe can be observed.

The commonalities and differences between the processes of Nordicization and Europeanization are succinctly presented in the following table.

Table 1. Nordicization versus Europeanization

Process of change/ the difference markers	Nordicization	Europeanization
1	2	3
Origins	Economic and cultural discussion platform.	Mainly economical reasons of integration.
Actors and main organizations/ institutions	<ul style="list-style-type: none"> – Nordic countries; – The Baltic Sea Region; – Nordic Council, Nordic Council of Ministers, Council of the Baltic Sea States; – Associated actors, nonmembers²¹. 	<ul style="list-style-type: none"> – The Western, Central, and Northern European countries – the member states; – The non-European states, institutions cooperating/being associated with EU; – The future-members, associated actors, nonmembers; – European Union; – NATO.
Functions/ agenda	<ul style="list-style-type: none"> – Economic and cultural discussion platform without the significant executive power/impact on international politics; – The lack of supranational power. 	<ul style="list-style-type: none"> – Nowadays political, military or cultural cooperation besides economic; – Fully institutionalized with a great impact on international politics; – The supranational power.

¹⁹ B. Piotrowski, *Integracja Skandynawii. Od Rady Nordyckiej do wspólnoty europejskiej*, Poznań 2006, p. 6.

²⁰ S. Jervell, *A Report from Europe Northern Periphery*, [in:] *The Baltic Sea Area a Region in the Making*, M. Kuuk, S. Jervell, P. Joenniemi (eds.), Oslo 1992, p. 191.

²¹ There is an impact of EFTA-states (the European Free Trade Association) and states which signed the European Economic Area (EEA) agreement.

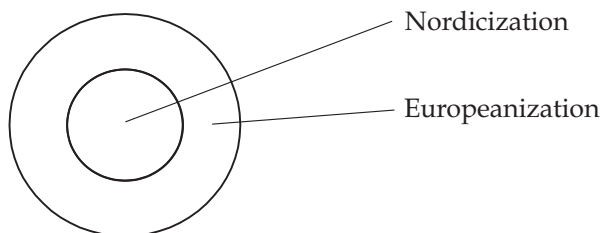
1	2	3
Impact put on building of international order	Nordicization processes co-function within the network of Europeanization processes/essential component of Europeanization.	The great impact put on building of international order - EU as the crucial actor which creates the fundament of the contemporary international order next to USA, Russia or China.

Source: Author's own analysis.

The role of Nordicization in the context of Europeanization can be analyzed through three different approaches, graphically represented in the three diagrams bellow.

Diagram no. 1 stresses the domination of Europeanization and includes Nordicization as its component therefore the Table 1. showing the "difference markers" of Nordicization and Europeanization notions could rationalize the Diagram 1.

Diagram 1. Nordicization as a subcategory of Europeanization



Source: Author's own analysis.

The thesis of absorption of Nordicization by Europeanization can be supported by analyzing the roles played by the Nordic Council, the Nordic Council of Ministers and the EU in Scandinavia and in Europe. Firstly, there are different origins that triggered Nordicization and Europeanization processes. The goal of European integration was to improve the economic situation of post-war Europe. Nowadays the agenda of the EU, besides economic, concerns also political, military or cultural cooperation towards the rule of "ever closer union" with an impact of federal approach or confederation idea of "Europe of Homelands". The European cooperation is also fully institutionalized. On the other hand, the Nordic Council and the Nordic Council of Ministers²² is an intergovernmental forum for cooperation between the Nordic countries. It was established following World War II and its first concrete result was the introduction in 1952 of a common labor market and free movement across borders without passports for the countries' citizens. Nowadays, it is still an economic and cultural discussion platform with a great emphasis put on environmental or educational issues. It does not have the significant executive power that can influence the international politics and the level of institutionalization is not as

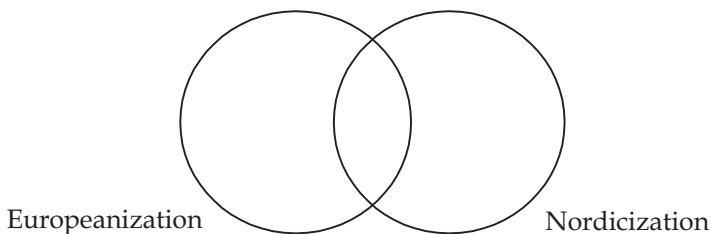
²² Nordic Council, <http://www.norden.org/en>, 11.09.2009.

advanced as in case of the EU. Nordic cooperation institutions lack supranational power; its measures are non-binding and methods informal in comparison with those of the EU. That is why the impact of Nordic organization on political integration is minimal²³ and the economic dimension of Nordic cooperation is not one of the main goals of the long-term unification or one of its successful results. Moreover, an integrative dysfunctionality can be observed in Scandinavia²⁴ because of the fact that the EU took over the most important functions of Nordic integration. Furthermore, there is a weakening of the role of the EU's Northern Dimension being observed because of lack of agreement among Nordic states on issues of EU membership (Denmark, Finland and Sweden as EU members), the EMU entrance (Denmark opt-out from the EMU and Sweden not joining ERM II) or NATO accession (Denmark, Norway and Iceland are NATO members).

Secondly, Europeanization includes more actors than Nordicization and is geographically more spread. Moreover, it can be assumed that Nordicization processes co-function within the network of Europeanization processes and are the essential component of Europeanization (especially when Iceland and Norway make a decision about EU accession or if the cooperation within EFTA-states and those which signed EEA agreement is to be taken into consideration). So, Europeanization has a greater impact put on the building of international order than Nordicization. The EU is the crucial actor which creates the fundament of the contemporary international order next to USA, Russia or China.

Diagram 2. highlights that the two processes differ significantly but also have some features in common. It could be justified by underlining the distinctiveness the Swedish and Polish model of EU integration and by stressing the commonalities of these two models. It could be also rationalized by the fact that Sweden takes part in Europeanization as well as in Nordicization processes as well as Poland (being a member of The Council of the Baltic Sea States and of the EU) – if Balticism is to be included into definition of Nordicization.

**Diagram 2. Commonalities and differences
of Europeanization and Nordicization processes**



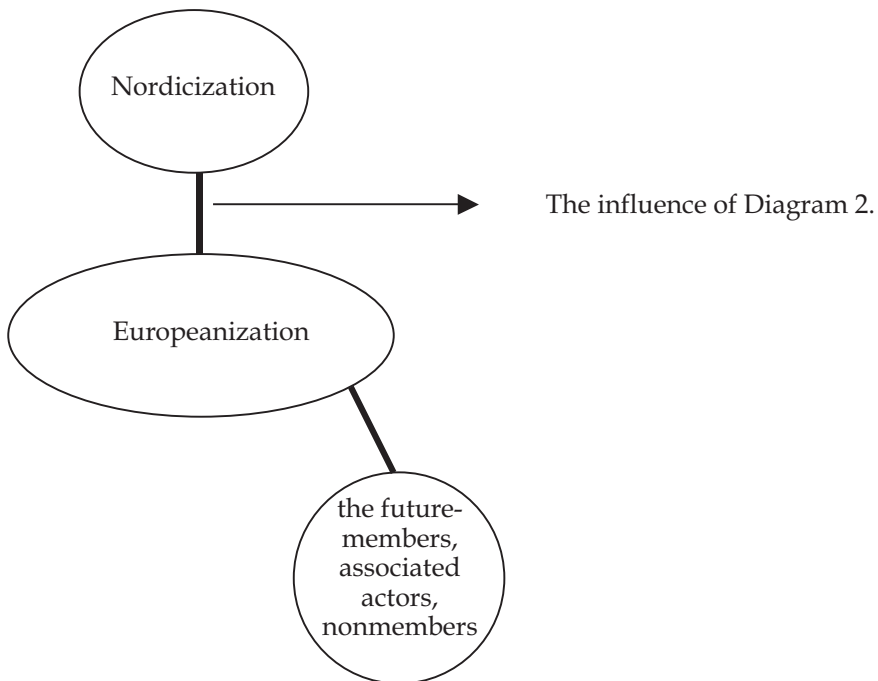
Source: Author's own analysis.

²³ E. Solem, *The Nordic Council and Scandinavian Integration*, New York 1977, p. 15.

²⁴ *Ibidem*, p. 16.

Finally, Diagram 3. exposes the roles and mutual interference of each process with the important influence of the future EU member states, European but also non-European states, associated actors or nonmembers. In that sense, diagram no. 2 could be included into diagram no. 3. Europeanization itself is indeed a broader concept than the domestic effect of European integration and reveals a non-EU-centric notion of "Europe". This graph could represent the most realistic approach to answering the question of the extent to which the processes of Europeanization of *Norden* and the Nordicization of Europe can be observed.

Diagram 3. The mutual interference of Europeanization and Nordicization with an impact of the future EU member states, associated actors or nonmembers



Source: Author's own analysis.

The Swedish model of integration with European Union

There are specific terms in the literature to describe the Swedish approach towards EU accession: reluctant European²⁵ rejecting notions of supranationalism,

²⁵ See more: T. Miljan, *The Reluctant Europeans*, London 1977; L. Miles, *Sweden and European Integration*, Ashgate-Aldershot 1997; S. Gstöhl, *Reluctant Europeans: Norway, Sweden and Switzerland in the Process of Integration*, Boulder-London 2002.

“federer-skeptic”²⁶ stressing the skepticism towards the vision of federal Europe and stronger political bonds created within the EU or “one of the more problematic members of the Union”²⁷. There is also the “4 C’s theory”, introduced by L. Trägårdh²⁸ to explain the phenomenon of Swedish demarcation from continental Europe²⁹. However, this juxtaposition is nowadays seen as obsolete by some authors who propose, for example, the theory of fusion – “by which national and community actors increasingly merge resources in joint institutions and complex procedures”³⁰. The fusion theory by Lee Miles³¹ offers an approach within which the author argues that the Swedish policy-making is fast becoming fused with the EU and has become further supranationally-oriented. That is why it is necessary to distinguish the Swedish pre-1995 (pre-accession) and post-1995 (post-accession) models of integration with the EU.

The several issues that influenced the Swedish model of integration with the EU can be assumed to be origins of this model. First of all, the particular Swedish way of modernization influenced the road of Sweden towards membership in the EU. Thanks to the moderate and peaceful modernization, Sweden became one of the most developed and technically advanced states in the world. This can be one of the reasons why European integration was not a goal of Swedish foreign policy until the economic crises in 1990s. So called “welfare nationalism”³² (manifesting the superiority complex of Sweden and the Swedish system over the other ones) created the basis for the Swedish pattern of modernization.

Furthermore, the idea of consensual/deliberative³³ and integrative democracy³⁴ that creates a fundament of the social democratic welfare state³⁵ – has a great impact on the Swedish model of integration with the EU. It explains the rejection of supranationalism and decision-making processes in the EU based on majority rule but hardly ever on consensus.

²⁶ See more: L. Miles, *Sweden in the European Union: changing expectations?*, “Journal of European Integration”, vol. 23, 2001, pp. 303-333; L. Miles, *Fusing with Europe? Sweden in the European Union*, Ashgate-Aldershot 2005, p. 2.

²⁷ See more: R. Lindahl, *Swedish Public Opinion and the EU*, [in:] *Sweden and European Union Evaluated*, L. Miles (ed.), London 2000, pp. 98-124; L. Miles, *Sweden in the European...*, op. cit., pp. 303-333.

²⁸ L. Trägårdh, *Sweden and EU...*, op. cit., p. 154.

²⁹ See more: A. Wójcicka, *Skandynawskie a europejskie wartości – analiza porównawcza*, [in:] *Europa XXI wieku. Perspektywy i uwarunkowania rozwoju*, M. Musiał-Karg (ed.), Poznań 2007, pp. 77-83.

³⁰ W. Wessels, *Nice Results: the Millennium IGC in the EU’s Evolution*, “Journal of Common Market Studies”, vol. 39, 2001, p. 199.

³¹ L. Miles, *Fusing with Europe?...*, op. cit., p. 3 and 28.

³² R. Johansson, *The Construction of Swedishness*, [in:] *The Swedish Success Story?*, K. Almqvist, K. Glans (eds.), Stockholm 2003, p. 117.

³³ *The Consensual Democracies?*, N. Elder, A. Thomas, D. Arter (eds.), Oxford 1988.

³⁴ T. Tilton, *The Political Theory of Swedish Social Democracy*, Oxford 1991.

³⁵ *Modern Welfare States: Scandinavian Politics and Policy in Global Age*, E. S. Einhorn, J. Logue, (eds.), Westport 2003.

In addition, the success of social liberalism/state-oriented liberalism/welfare capitalism³⁶/successful corporate market economy or the Swedish Middle Way³⁷ and the popularity of social-democratic solutions created distance and fear towards rising popularity of neo-liberalism within uniting Europe³⁸. The role of the Swedish Social Democratic Party (SAP) and its hegemonic position in the government (with minor exceptions e.g. in 1991-1994 or since 2006) is also crucial. During the period of social democratic governments a new definition of state was gradually introduced. It is based on the “*folkhem*”³⁹ metaphor (Swedish: the people’s home) and “*lagom*” (Swedish: moderation), the concept of solidarity, consensus and universality of the values of peace⁴⁰.

And, finally, the Swedish policy of neutrality (Swedish: *alliansfrihet*⁴¹) lead since 1815 affected the Swedish accession road. It was issued as a key factor that was incompatible with joining the EU. Even though it does not have a clear legal status and there were certain deviations from a neutrality policy – especially during the Second World War – it can be claimed that *alliansfrihet* is more an “ideological” component of the Swedish political identity than the hard core of foreign policy and in a consequence it is somehow the external dimension of the Middle Way, influencing not only the Swedish domestic but also foreign affairs.

These elements justify the Swedish reluctance towards membership in the EU. It can be stated that such achievements as its mature consensual and integrative democracy, the social democratic welfare state, the Middle Way supported by the ideology of welfare nationalism, and commitments resulting from neutrality policy, kept Sweden out of the EU until 1995 because the balance of disadvantages of EU membership predominated over advantages.

The main goals of the Swedish model of EU accession are to be analyzed through the perspective of primordial, instrumental and constructivist approaches⁴². These perspectives are influential towards each other. The primordialist perception is to

³⁶ G. Esping-Andersen, *The Three Worlds of Welfare Capitalism*, Cambridge 1990.

³⁷ M. Childs, *The Middle Way*, Yale 1936.

³⁸ A. Bieler, *Globalization and enlargement...*, *op. cit.*, p. 163.

³⁹ B. Stråth, *Myth and Memory in the Construction of Community: Historical Patterns in Europe and Beyond*, Stockholm 2000.

⁴⁰ It was established particularly during the era of the Prime Minister Per Albin Hansson (1932-1936 and 1936-1946) and it has still its impact on the contemporary Swedish domestic and foreign affairs.

⁴¹ See more: S. Åström, *Swedish Neutrality*, [in:] *The Committed Neutral – Sweden’s Foreign Policy*, B. Sundelius (ed.), Stockholm 1989; M. af Malmberg, *Neutrality and State-building in Sweden*, Houndsmills–Basingstoke–Hampshire–New York 2001; B. Stråth, *Neutrality as Self-awareness*, [in:] *The Swedish Success Story?*, K. Almqvist, K. Glans (eds.), Stockholm 2003; K. Wahlbäck, *The Roots of Swedish Neutrality*, Stockholm 1986.

⁴² The interference of these three approaches is shown through the stands of the main political parties before accession as well as accession referendums outcomes. These approaches are transferred to understanding of the goals of EU membership on the basis of ethnicity perceptions used in: *The International Spread of Ethnic Conflict*, D. A. Lake, D. Rotchild (eds.), Princeton 1998, pp. 5-6.

focus on integration with the EU which is treated as something fixed, inherited or inevitable. The goals of EU membership are to be a natural result of “spill-over” effect. Therefore, the primordial perspective can show the neo-functionalism of understanding of European integration. The instrumental approach can explain that the goals of integration with EU that stress economic gains being used as a state’s tool. Instrumentalism supports the idea of the neo-functionalism economic “spill-over” as well as it can justify intergovernmental understanding of European integration – the state-centric approach neglecting ideas and transnational actors (the interests groups or transnational corporations – TNCs) as independent forces behind the integration. Finally, the constructivist perspective is to focus on goals of integration with the EU which have their origins in social interactions. This approach can be supported by the neo-Gramscian understanding of European integration.

The “primordial” goals of the Swedish EU accession can be understood in terms of the necessity of membership once integration becomes inevitable. It can be assumed that the Swedish political elites – after the geopolitical regime and security changes that resulted from the end of the Cold War and dismantling of the USSR – were becoming aware that European integration could be a “natural” step to be taken. Lee Miles⁴³ enlists essential factors which influenced such a huge shift of attitude towards the EU in Sweden. The most important are: the frustration of Swedish elites that resulted from the ongoing EEA process; increased attractiveness of full membership in the EC due to the limitations of any of the proposed alternatives (EFTA, EEA, Nordic cooperation); major external changes in Eastern Europe with vital effects on European security and, consequently, on the neutrality doctrine in Sweden; and – the most crucial according to L. Miles⁴⁴ – the deep economic recession in Sweden during 1990s. These factors influenced the “primordial” goals of the Swedish model of EU integration and justify the “spill-over” effect. This perspective can show in particular, the neo-functionalism understanding of European integration.

The “instrumental” goals of the Swedish EU accession are also immensely influenced by the factors described above and mainly used as the social-democratic state’s tool. The instrumental perspective of accession goals stresses the neo-functionalism economic “spill-over” as well as it justifies intergovernmental understanding of European integration (the state-centric approach neglecting other actors – especially transnational). The most crucial goal was to secure a close economic relation with the then European Community (EC) in order to obtain the economic

⁴³ L. Miles, *Sweden and European Integration*, Aldershot-Brookfield-Ashgate 1997, pp. 180-182. Given by: T. R. Szymczyński, *The Public Debate and the Attitude of Sweden and Poland Regarding EU Membership*, [in:] *Sweden and Poland from a European Perspective*, Y. Choe, B. Hassler, S. Zyborowicz (eds.), Stockholm 2003, pp. 69-70; T. R. Szymczyński, *Negocjowanie granic: od “dwunastki” do “piętnastki”*. *Rozszerzenie Północnej Unii Europejskiej (1995)*. Austria, Szwecja, Finlandia w UE, Poznań 2009, pp. 64-65.

⁴⁴ L. Miles, *Sweden and European...*, *op. cit.*, pp. 180-182.

benefits of full EU membership⁴⁵. This aim became valuable, despite the paradox⁴⁶ of the Swedish economic relation with the EC without a full membership, because of the limitations of such alternatives as: EFTA, EEA, Nordic cooperation and because of economic recession in Sweden during 1990s. Moreover, regional motives began to underpin the attraction of full EU membership in order to strengthen the “Northern dimension” within the EU.

The concept of social change constitutes the background for the “constructivist” goals of the Swedish EU membership. Many new circumstances for Sweden – internal as well as external – were brought about during the 1990s, and these post-1989 changes in Central and Eastern Europe altered the preconditions for Sweden’s traditional EC policy. It also resulted in the evolution of political stands concerning the neutrality policy and its compatibility with EU membership. According to Magnus Jerneck who used Charles Hermann’s model of foreign policy change⁴⁷, Swedish policy-makers moved during three phases from an adjustment change to an international reorientation⁴⁸. The first one taking place in 1984/85-1987 represented the adjustment change – a period of renewed Swedish interest in the EC. The second phase – a period of 1987/88-1990 could be summed up as a moving from program change towards problem/goal change. It resulted in the acceptance of the EEA in 1992. The third phase in 1990-1992 could be assumed to be a movement from a problem/goal change to an international orientation change, a consequence of which was SAP’s decision to apply for full membership in October 1990, with the added effect of the neutrality policy losing its severe significance. On the other hand, Jakob Gustavsson proposes a different approach to policy change as a result of a three-step procedure. Firstly, the significance of sources (domestic and international factors) that are secondly, mediated by individual decision makers who act thirdly, within the decision making-process (to use C. Hermann’s terminology: adjustment change, program change, problem/goal change and international orientation change)⁴⁹. J. Gustavsson’s model stresses the actors-driven role on the second stage. He points out that the altered perspective of (then) Prime Minister Ingvar Carlsson ensured that the premier became a driving force for change (J. Gustavsson’s second stage of foreign policy change). It led I. Carlsson to establish cooperation with (then) minister of finance, Allan Larsson, to introduce the policy change (J. Gustavsson’s third

⁴⁵ A. Bieler, *Globalization and enlargement...*, *op. cit.*, p. 87; L. Miles, *Sweden and European...*, *op. cit.*, pp. 223-224.

⁴⁶ J. Waite, *The Swedish Paradox: EEC and Neutrality*, “*Journal of Common Market Studies*”, vol. 12, 1973, pp. 319-336.

⁴⁷ C. F. Hermann, *Who Makes Foreign Policy Decisions and How: an Empirical Inquiry*, “*International Studies Quarterly*”, vol. 33, 1989, pp. 361-387; C. F. Hermann, *Changing Course: When Government Choose to Redirect Foreign Policy*, “*International Studies Quarterly*”, vol. 34, 2000, pp. 3-21.

⁴⁸ M. Jerneck, *Sweden – the Reluctant European?*, [in:] *The Nordic Countries and EC*, T. Tiilikainen, I. Damgaard Peterson (eds.), Copenhagen 1993, pp. 28-30.

⁴⁹ J. Gustavsson, *The Politics of Foreign Policy Change: Explaining the Swedish Reorientation on the EC Membership*, Lund 1998.

stage of foreign policy change). Moreover, according to J. Gustavsson, the Swedish reorientation policy was not an example of a C. Herman-style international orientation change (as M. Jerneck proposes) but a problem/goal change because the discussion of the Swedish EU membership was changed from a political to an economic issue⁵⁰. That is why the instrumental approach towards the EU accession goal is so crucial.

Furthermore, in relation to the “constructivist” goals of EU accession – the Swedish state cannot be treated as a unitary actor. Therefore, as A. Bieler points out as a contrast to intergovernmental approach towards EU integration, “*application to the EU was not the inevitable result of economic necessity, but the outcome of an open-ended struggle «interaction» between different social forces*”⁵¹. This debate, in favor of closer cooperation, but not EU membership – oscillated between certain issues as: the failure of Keynesian way in France in 1981-1983; the emergence of “Eurocapitalism” (which involved a greater degree of international trade union cooperation, providing the necessary balance for a concentration of transnational capital). Thirdly, the issues of pollution, employment and peace would require international solutions-cooperation. Finally, a need for the further development of the social dimension of the Internal Market appeared⁵².

Therefore it can be seen that the different goals of the Swedish EU accession interfere with each of these three approaches (primordialism, instrumentalism and constructivism), while at the same time, complementing each other. The debate outlined above can be better clarified through an analysis of the stands of political parties before accession (pre-1995) and the outcome of the accession referendum. Two of seven parties represented in the Swedish parliament (*Riksdag*) were against EU membership.

The Left Party (*Vänsterpartiet*) stressed that the EU is becoming a superstate and that is why is not able to deal with unemployment, divisions within social classes or the democracy deficit. *Vänsterpartiet* arguments stressed the instrumental goals of the Swedish model of EU accession which regarded the incompatibility of EU membership with the Swedish welfare state or policy of neutrality. Similarly, the second party that opposed EU accession – the Greens (*Miljöpartiet de Gröna*) – highlighted that the EU represented the opposing values to theirs, issued in the program as: decentralization, environmental issues and peace.

The other five were in favor but had different approaches towards EU membership. The Social Democrats (*Socialdemokraterna*, SAP) changed that approach in the early 1990s in order to face the European integration process and the main changes taking place on the international stage (constructivist approach towards the goals of EU accession) as well as the severe economic crisis taking place in Sweden in the 1990s (instrumental perspective). There was also a need to fix the gap between the

⁵⁰ L. Miles, *Fusing with Europe?...*, op. cit., p. 6.

⁵¹ A. Bieler, *Globalization and enlargement...*, op. cit., p. 53.

⁵² *Ibidem*, p. 71.

political elite and its electorate. This party underlined the intergovernmental level of integration with an exception for environmental policy.

The Centre Party (*Centerpartiet*) was in favor of accession but in opposition to the common currency policy and accepted the SAP position that membership was incompatible with neutrality policy. *Centerpartiet*, representing environmental and agricultural interests, stressed the instrumental approach towards the goals of EU accession. Similarly, the Christian Democrats (*Kristdemokraterna*) were for accession but argued for stronger control of the market by political instruments and more influential position of the European People's Party.

As for the Conservatives (*Moderaterna samlingspartiet*), they were among the strongest supporters of EU membership. The Liberals (*Folkpartiet*) represented the positive attitude towards the EU and supranational arrangements resulting even in the European Constitution. At that time these parties stressed the goal of EU accession, by means of elements of all three approaches: primordialism, instrumentalism, and constructivism. Both parties highlighted that the Swedish EU membership was the inevitable effect of spill-over (primordial approach) and could secure the economic future (instrumental perspective). As for the constructivist perception, both parties stressed the change in the European security environment and that neutrality policy should evolve towards compatibility with EU membership.

The referendum on EU membership that took place in November 1994 reflected the discussion held in *Riksdag*. There was a slight majority of "yes" votes – 52.27% opposed to "no" votes of 46.83%. The turnout was high – resulting in 83.3%⁵³. Such outcome was influenced by the general election taking place in September 1994 (the victory of SAP). Lee Miles⁵⁴ points out that it could have been influenced in three ways by: a general consensus among the major political parties regarding domestic issues such as budget deficit, the level of the national debt, and rising unemployment; the parties which opposed EU membership were successful during elections and those which were pro-EU suffered. What is more, as Tomasz R. Szymczyński⁵⁵ stresses, chances of a positive outcome of the referendum grew in 1990s – especially when SAP lost elections in 1991 and the four parties of the centre-right coalition (the Centre Party, People's Party, Moderate Party, and Christian Democrats) formed a government. But in 1994 SAP returned to power and that could have justified the growing popularity of anti-EU parties and marginal majority of pro-EU votes in the referendum in comparison with those who remained against.

The Polish model of integration with European Union

The Polish model of EU accession can be divided into four periods: 1988-1989/1990s (the establishment of diplomatic relations between Poland and the European Eco-

⁵³ L. Miles, *Sweden and European...*, *op. cit.*, p. 251.

⁵⁴ *Ibidem*, p. 245.

⁵⁵ T. R. Szymczyński, *The Public Debate...*, *op. cit.*, p. 77.

conomic Community – the Round table talks/the first democratic parliamentary and presidential elections), pre-1998 (before the accession negotiations were commenced on 31st of March 1998⁵⁶), pre-2004 (before the EU accession) and post-2004 (Poland as a new EU member state).

The numerous issues that influenced the Polish model of integration with the EU can be assumed to be origins of this model. These can be external and internal factors. Firstly, Poland's geopolitical situation, between – most importantly – Germany to the west and Russia to the east, was crucial and severe in its outcomes. It is still nowadays due to the fact that since 2004, Poland's eastern boundary has been the external border of the EU. This placement on the map resulted in the establishment of Polish messianism, which flourished mainly in the 19th century between the Polish history of uprisings, and as a result had an impact on the Polish model of integration with the EU. It can be stated that the romantic messianism of Poland prepared the foundation for of a key role of the Catholic Church before and after Polish EU accession.

It can be acknowledged that the Polish historical heritage has had a great impact on the Polish model of EU accession. It resulted – most importantly – in the shadow cast by the partitions era of 1772-1795 (which saw Poland absented from the political map for a period of one hundred and twenty-three years – 1795-1918). The post-partition reintegration and the resurrection of an independent Poland was a dramatic and severe task. A subsequent partition of September 1939 (the Ribbentrop-Mołotow Pact) could not be prevented. The period after World War II influenced the Polish model of EU accession most relevantly. Poland was under the control of the Soviet Union for forty-five years during the Cold War (1945-1990).

Another factor that affected the Polish model of EU accession was so-called “false modernization”⁵⁷. In contrast to the Swedish peaceful/mild way of modernization, Poland underwent modernization forced by industrialization based on heavy industry-orientation, which made an impact on the post-communist economic transformation.

There are the internal factors that triggered the integration process with EU after the bipolar world order finished. Crucial to the political, economic, and social transition were the significant role of the Solidarność movement, the Round Table talks in 1989⁵⁸ and the first free parliamentary and presidential elections in the 1990s⁵⁹. As for the external factors – the end of ideological confrontation between the East and the West resulted in the dissolution of such structures as: the Council for Mutual

⁵⁶ Accession negotiations. Poland on the road to the European Union, Warsaw: Government Plenipotentiary for Poland's Accession Negotiations to the European Union, Chancellery of the Prime Minister Republic of Poland, 2000, pp. 9-10.

⁵⁷ P. Sztompka, *Socjologia zmian...*, op. cit., p. 132.

⁵⁸ See more: S. Parzymies, *Stosunki międzynarodowe w Europie 1945-1999*, Warszawa 1999, p. 155.

⁵⁹ See more: G. W. Kołodko, *A Two-thirds of Success. Poland's Post-communist Transformation 1989-2009*, “Communist and Post-Communist Studies”, vol. 42, 2009, pp. 325-327.

Economic Aid, Warsaw Pact or superpower state of USSR. Moreover, the unification of Germany was an essential contributing factor.

The main goals of the Polish model of EU accession are to be analyzed through the perspective of primordial, instrumental and constructivist approaches which are influential towards each other. The “primordial” goals show that it was vital and crucial for Poland to enter the EU after the major changes of the post-1990 period. It became a strategic goal of the Polish foreign policy, together with entering the NATO structures. There were no specific factors that influenced the emergence of the “primordial” goals – as in case of Sweden (the limitations of any of the proposed alternatives such as the EFTA, EEA, Nordic cooperation or the economic regression). In the case of Poland it could be assumed that it was a fundamental and obvious decision.

The instrumental perspective of the main goals of the Polish accession stresses that it was not economic security, but the ensuring of future military security which was more essential. After the Soviet Union and all the structures of the Eastern bloc were dismantled in 1991, Poland was placed in a kind of security “vacuum”. The idea of collective security became an aim.

The concept of social change constitutes the background for the “constructivist” goals of the Polish EU membership. Many new circumstances for Poland – internal as well as external – were brought by the 1990s and these post-1989 changes to the Eastern bloc. In contrast to Sweden, the changes affected Poland directly and she was a very important subject/actor undergoing transformation. In the Polish case, both C. Hermann and J. Gustavsson’s models of foreign policy change could be applicable but with respective differences of purpose for said policy changes. The Swedish policy-makers moved through three phases from an adjustment change to an international reorientation due to the “cost-effective measures” which appeared in the 1990s.

In order to show what/who influenced the Polish model of EU accession according to the second stage of J. Gustavsson’s model of policy change, certain individual decision makers should be enlisted, such as Lech Wałęsa – the first presidency of the Republic of Poland; Leszek Balcerowicz who introduced the economic “shock therapy” remedy⁶⁰ in the 1990s; and post-communist and pro-EU politician Aleksander Kwaśniewski – President of the Republic of Poland in 1995 and in 2000.

Just as it can be seen in the case of Sweden’s EU accession, the different goals of the Polish EU accession interfere with each of these three approaches (primordialism, instrumentalism and constructivism), while at the same time, complement each other. It can be better clarified though the analysis of the stands of political parties before accession (pre-2004) and the accession referendum outcome. The largest political parties represented in the Polish parliament (*Sejm*) were for EU membership⁶¹. The

⁶⁰ See more: J. Bieleśiak, *Poland*, [in:] *Eastern Europe. Politics, Culture, and Society since 1939*, S. P. Ramet (ed.), Bloomington-Indianapolis 1998, p. 145.

⁶¹ E. Skotnicka-Illasiewicz, *Integracja europejska jako ós podziału sceny politycznej*, [in:] *Polityka i Sejm. Formułowanie się elity politycznej*, W. Wesołowski, B. Post (eds.), Warszawa 1998, pp. 93-94.

Unia Wolności (Freedom Union, UW) was considered to be most in favor of integration, representing a socially liberal and pro-free market course, along with the *Sojusz Lewicy Demokratycznej* (Democratic Left Alliance, SLD), with their communist roots. In the case of the *Unia Pracy* (Labor Union, UP) the pro-accession shift could be observed as a result of their having formed a coalition with the SLD. The AWS (Solidarity Election Action) presented various approach to EU matters. The Polish Peasant Party (PSL) was favorable at the declarative level and reserved at the practical one. The *Platforma Obywatelska* (Civic Platform, PO), which emerged from liberal fractions of UW and AWS, was very positive towards integration. On the other hand, it is essential to mention the euroskeptical parties which appeared in *Sejm*, such as: the right-wing *Liga Polskich Rodzin* (the League of Polish Families, LPR) with its infamous leader Roman Giertych and the populist *Samobrona* (the Self-defense) with its controversial leader Andrzej Lepper. They were not in the government before the EU accession but their anti-EU arguments remained vivid.

There is also a need to point out the significant role of the Catholic Church – as a social force – in the Polish model of EU integration. It strengthened its position after the fall of communism and took an oppositional role towards EU integration. It became a platform for a populist discussion neglecting the anti-discrimination laws. The strong position of the Catholic Church was built on a reputation of anti-communist underground opposition. That is why the shift towards populism and the “reintroduction”⁶² of the Catholic Church of such kind as took place after the fall of communism influenced the Polish model of accession.

In general, the Polish political parties in *Sejm* at that time represented all three approaches towards the goals of EU accession, with great importance placed upon the instrumental perspective since the integration was considered to be beneficial for security and the national economy. The constructivist approach towards goals was also particularly stressed because the integration consequences for geopolitics were seen as beneficial.

The outcome of referendum on Polish European Union membership held in 2003 and ratification of the Treaty of Accession 2003 (Athens’s Treaty) by Poland supported the fact that the largest parties in *Sejm* were for EU membership. According to Polish official results, 58.85% of the population voted and 77.45% of them answered “yes” while 22.55% answered “no”⁶³. So, contrary to the Swedish model, there was a bigger pro-EU majority. It signifies that the goals of the Polish model of accession differed from those of the Swedish – with Poland focused mostly on the ideological choice of “joining democratic and liberal West” and the assurance of political, economic and military security.

⁶² D. O. Huseby, *The Catholic Church and the Europeanization process – an Empirical Analysis of EU Democratic Conditionality and Anti-discrimination Protection in Post-communist Poland and Croatia*, Trondheim 2009, p. 3.

⁶³ Wyniki referendum europejskiego ogłoszone przez Państwową Komisję Wyborczą, <http://referendum.pkw.gov.pl/sww/kraj/indexA.html>, 19.10.2009.

The Swedish and Polish European integration paths. The comparative analysis

The comparison of the Swedish and Polish accession roads is challenging and difficult because of the essential differences between these two states regarding historical, geopolitical, political, economic, social and cultural issues. That is why the methodological question arises – whether these two states can be comparable. They can, since there is a common level of comparison: the EU accession path. The main differences of the Swedish and Polish model are now going to be outlined, followed by the similarities⁶⁴.

The differences regarding the historical and geopolitical background (1) of Sweden and Poland are crucial for the distinction of the accession roads taken. The different modernization paths taken by these states are to be the most influential for the Swedish and Polish EU accession roads. Sweden, as a Nordic country on the Scandinavian Peninsula in Northern Europe, was a great power state mainly in 16th century, a neutral state since 1815 – during both World Wars until nowadays – underwent peaceful modernization and became a successful welfare state in 20th century. On the contrary, Poland, as a country in Central Europe bordered – most importantly – by Germany to the west and Russia to the east, was absent from the political map for one hundred and twenty-three years (1795-1918) due to partitions, with a short interwar period of a semi-democratic system, and under control of the Soviet Union for a further forty-five years during the Cold War (1945-1990). Poland, in contrast to the Swedish peaceful/mild modernization, underwent so called “false modernization”⁶⁵ forced by industrialization based on heavy industry-orientation. These facts stress the varying approaches towards the notions of sovereignty or independence that exist between the Swedish and Polish citizens, as well as the obviously different starting situations (2) of these countries when the process of their respective EU accession negotiations began. Poland was undergoing a transition to a democratic political system and a transformation into market economy in the 1990s while the EU accession negotiations started in 1998. During the Cold War the EU membership could not be an issue for Poland which was functioning as a satellite state within the Eastern Bloc under the “iron curtain”. That is why, only after the main democratic changes triggered by the Round Table negotiations in 1989, could NATO and EU membership become the strategic and long term goals of the Polish foreign policy. Although Sweden became an EU member relatively late – in 1995 – it was a matter of her choice. The negotiations could have been started much earlier than in 1970. What is more, pre-member Sweden had a close economic relation with the EU through OECD, EFTA or EEA. So, there are simply different

⁶⁴ This comparison is based on A. Héritier distinction of Europeanization West and East. Dissimilarities are numbered from 1 to 10 and similarities from 1 which is divided into 1a and 1b category. See more: A. Héritier, *Europeanization Research East and West: a Comparative Assessment*, [in:] *The Europeanization of Central...*, *op. cit.*

⁶⁵ P. Sztompka, *Socjologia zmian...*, *op. cit.*, p. 132.

reasons for the EU accession (3) of these two states. In Sweden it was mainly about fixing the future economic security, in Poland it was the ideological choice of “joining democratic and liberal West” and the assurance of political, economic and military security – with an emphasis put on military security.

In addition, there was the different impact and role of political parties and interest groups that shaped the EU accessions debate (4). Poland underwent profound system transformation in the 1990s, with the debate about the European integration process proving insufficient until the actual accession in 2004. Hence, in the case of Poland, the important sources of direct influence on this debate can be narrowed to political parties and interests groups⁶⁶. In Sweden the level of discussion was sufficient and consensus could be observed among the main political parties – especially after 1990. What is more, one main difference concerns the significant role and position of the Catholic Church within the debate in Poland, while the Church of Sweden (until 2000 it held the position of state church) did not play such a role.

It can also be an issue that the different international relations dynamics took place while the Swedish and Polish EU accession took place (5). Sweden became a member of EU on 1st of January 1995 as a result of the fourth enlargement of the European Community together with Finland and Austria (the Third Wave of Enlargement and the Second Northern Enlargement⁶⁷). It was the first enlargement of EU after Maastricht Treaty came into force on 1st of November 1993 and this treaty led to the creation of the Euro and created the pillar structure of the European Union. It is important because these were profound changes, and for Sweden – the “federo-skeptic” state – the EC pillar was more difficult to accept than the other two pillars, they being intergovernmental policy areas. Moreover, Sweden joined the EU after the Cold War finished, the conclusion of which resulted in a new geopolitical, political, and economic or security reality. It could be stressed as having been helpful in making the decision about EU accession. On the other hand, Poland joined EU in 2004 during the discussion of the Treaty of Nice that came into force on 1st of February 2003⁶⁸. This enlargement was known as an Eastern one, and has been in action until the present⁶⁹. Moreover, the international relations conditions were very much different than those in 1995. It was the reality of post-Kosovo War, the NATO bombing of Yugoslavia in 1999, and post-9/11 or the Iraq War (which began in 2003). The Polish EU accession took place during the time when the reality of international relations was more complex and more challenging than the circumstances during the Swedish EU accession.

⁶⁶ T. R. Szymczyński, *The Public Debate...*, *op. cit.*, p. 64.

⁶⁷ *Ibidem*, p. 63.

⁶⁸ It regarded changing of the vote weighting in the Council, the European Union being endowed with a legal personality or argument on the pillar structure of EU.

⁶⁹ Estonia, Poland, Czech Republic, Slovenia, Hungary and Cyprus as the first six candidate states has been defined as – the Group of Luxembourg. *Negocjowanie granic od "UE-15" do "UE-27". Rozszerzenie Wschodnie Unii Europejskiej część pierwsza – Grupa Luksemburska (2004). Estonia, Polska, Republika Czeska, Słowenia, Węgry, Cypr w UE*, T. R. Szymczyński (ed.), Poznań 2009, p. 8.

There is also the essential difference of the course of accession negotiations (6) – as Adrienne Héritier calls it – the different “shadow of accession negotiations”⁷⁰. In Europeanization East the pressure is put on applicants to take on EU policy outputs – e.g. entire *acquis* without any “if and buts” with an exception of transition periods that allow certain delays in the application of the *acquis*. In the case of Poland the accession was better in any terms than no accession. Sweden, controversially, didn’t join the Exchange Rate Mechanism II (ERM II) of the European Monetary System and is a member state with a derogation from the third stage of the EMU, but is not exempted from participation⁷¹ (Denmark and Great Britain, in contrast, negotiated an “opt-out” position from the EMU). There is also a kind of a “threat” of being excluded from membership in the case of Europeanization East, while Europeanization West is linked with relatively mild sanctions.

Furthermore, in Europeanization East there is a focus on the wide scope of policies opposed to the narrow focus (7) in Europeanization West. During accession negotiations in Poland there was an attempt to encompass the entire *acquis* or sector e.g. agricultural sector, structural policy, environmental or social policy while in Sweden the impact was put mainly on narrow policy areas or certain individual issues.

Additionally, there is a difference in types of policy demands (8). There is a greater importance of institutional expectations in Europeanization East opposed to the rarity of institutional requirements in Europeanization West. EU policy demands directed at Poland included those to change national political, administrative, and judicial structures – to accept the institutional *acquis* such as the institutionalization of human rights, and the introduction of administrative or environmental policy reforms. In Europeanization West such explicit demands for institutional reform are only made under exceptional circumstances⁷².

Another difference can be identified with regard to the smoothness or difficulty of the EU policy implementation process (9). This may be linked to the wide or narrow policy scope. A broad scope does not reveal the analytical problem-type features. Implementation process is more difficult in Europeanization East and smoother in Europeanization West due to better legal transparency and more advanced functions of the political or legal institutions. That is why there is the relative frequency of routine implementation controls in Europeanization East, as opposed to the relative infrequency in Europeanization West⁷³.

The difference regarding the process features can be also an issue. A. Héritier underlines the fact that Europeanization West is a two-way street with changing member states functioning as policy initiators, whereas Europeanization East is more of a one-way street where the new member states seem to have taken few policy initia-

⁷⁰ A. Héritier, *Europeanization Research...*, *op. cit.*, p. 204.

⁷¹ U. Söderström, *Re-Evaluating Swedish Membership in EMU: Evidence from an Estimated Model*, “Sveriges Riksbank Working Paper Series”, no. 227, 2008, p. 1; http://www.riksbank.se/upload/Dokument_riksbank/WP227W.pdf, 1.09.2010.

⁷² A. Héritier, *Europeanization Research...*, *op. cit.*, p. 206.

⁷³ *Ibidem*.

tives (10). A two-way street symbolizes the mutual interaction (regarding the influence or even proposition of policies) between member states and EU institutions – especially European Commission.

On the other hand, there are also similarities between the Swedish and Polish models of EU integration. The mechanisms explaining adjustment or non-adjustment are basically the same (1). The aim of ensuring the future of economic security is predominately the issue in both states and the advantages that come from the participation in the Single European Market are being highlighted (1a). Moreover, the purposes of denying membership are similar (1b). The arguments raised mainly by the far-right, right-wing and populist or green parties in both states are comparable. The rise of populism during the period of negotiations preceding EU membership can be observed in Sweden as in Poland. The arguments such as: the loss of national identity and values, the excessive influence of foreign investments on national economies, the fear of annihilation of the small households or the pollution of the environment can be enlisted during the both states' accession paths.

Conclusions. Europeanization of Norden, Nordicization of Europe?

Both the Swedish and Polish paths towards EU accession brought specific results of its models of integration. The act of Swedish accession to the EU resulted in, firstly, the fact that despite the issue that it is based on notions of: 4 C's theory, welfare nationalism, peaceful modernization, consensual democracy, integrative democracy, social democratic welfare state, the Middle Way, committed neutrality, reluctant European identity and "federo-skepticism", the specific conditions were created for this EU member state to be active in economic as well as in the security common EU area. Secondly, this basis is resulting in Swedish policy-making to be fast fused with the EU and further supranationally-oriented. It can be assumed that the Swedish foreign policy became gradually "de-Swedicized" and "re-Europeanized" (the stand of Mikael af Malmberg⁷⁴). In contrast, Bo Stråth⁷⁵ points out that the phenomenon of "de-Swedicization" is more a cosmopolitan ideology than the phenomenon of Europeanization. On the other hand, despite Sweden's participation in European integration there is still a kind of Sweden's refusal observed – to be placed at the core of the ongoing integration process. The tradition of alternative forms of association (within Nordic Council, Nordic Council of Ministers or between EFTA states) is still valid.

The main results of the Polish model of EU accession stress that it is successful although that it is based on the "heritage" of partitions, Polish messianism, "false modernization", outcomes of inter-war period, World War I and II, the "iron curtain" and the Cold War/bipolarity, communism, the post-communist transition

⁷⁴ M. af Malmberg, *Europe's Wars and the Swedification of Peace*, [in:] *The Swedish Success...*, *op. cit.*, p. 146.

⁷⁵ B. Stråth, *Myth and Memory...*, *op. cit.*, p. 376.

– with certain inevitable young democracy problems. It was the fulfillment of the ideological goal of joining the democratic and liberal West as well as Euro-Atlantic structures – NATO in 1999. The motivation towards EU accession was very strong. Poland as an essential geopolitical actor in Europe (a kind of “wedge” between Germany and Russia) assumes its place in Europe – unlike the Nordic countries which are still “reluctant” Europeans and represent non-European, non-Catholic, anti-Latin, anti-imperialist and anti-colonial principles, not exploitative but based on peace and social-democratic values. So, on the one hand, Poland’s accession road was much harder than Sweden’s one, but once being a member state, Poland has a greater impact on Europeanization, because she quickly became one of the core EU member states (i.e. creates the Eastern external border of the EU). At the same time as Sweden does not have the same commitment towards Europeanization process. Moreover, it can be stated that the Polish model is a Christianity-oriented one and seeks for Catholic values to be stressed at a supranational level – in European legal acts (e.g. in the European Constitution). Finally, Lee Miles’ theory of fusion can be applicable to the Polish model of EU accession, however there is no argument for a significant shift from the severe skepticism to the fusion with the EU and becoming further supranationally-oriented – as in the Swedish case.

Analyzing more general aspects of Nordicization and Europeanization processes, it can be assumed that the phenomena of Europeanization of *Norden* and Nordicization of Europe can be observed. Both the Swedish and Polish integration models can highlight this issue. Europeanization of the tasks and aims of the Nordic Council and the development of the new forms of its activity could be observed nowadays. This is indicating the process of shaping a “new” Nordic collective consciousness – where, on the other hand, the common Nordic values are still a priority. For instance, thanks to the Nordic countries’ membership (especially Sweden) in the EU, such political principles or values are highlighted as: peaceful coexistence, sustainable development, federo-skepticism, democratic and humanistic concepts of society, the way of decision-making based on consensus, respect for the principles of regional, community law and social solidarity, the debate about democratic transparency, access to information in the EU or the gender equality and the respect for the minorities.

Knut Erik Solem

Democracy, Integration Theory and Community-building in Small States: The Case of Norway

Background and Definitions

Regional political integration theory is the study of certain types of transnational relations and policy-making on the regional level. The questions which it raises are inevitably about cause and effects, which it tries to answer by identifying who the real political actors are as well as – to the extent possible – explaining their behavior. For these reasons, regional political integration theory is a rich, varied, difficult but important sub-field of International Relations and International Politics. Hence, a comparative perspective is most helpful for further understanding of both system and processes.

This paper is a “think piece”. In addition to some direct practical political experiences obtained internationally by the present author, the paper draws from and updates earlier work from a case study of one such region – that of Scandinavia. Consequently, the paper makes some theoretical and practical conclusions in terms of relevance for the theory of political integration and community building in general for other regions, where possible learning experiences may apply.

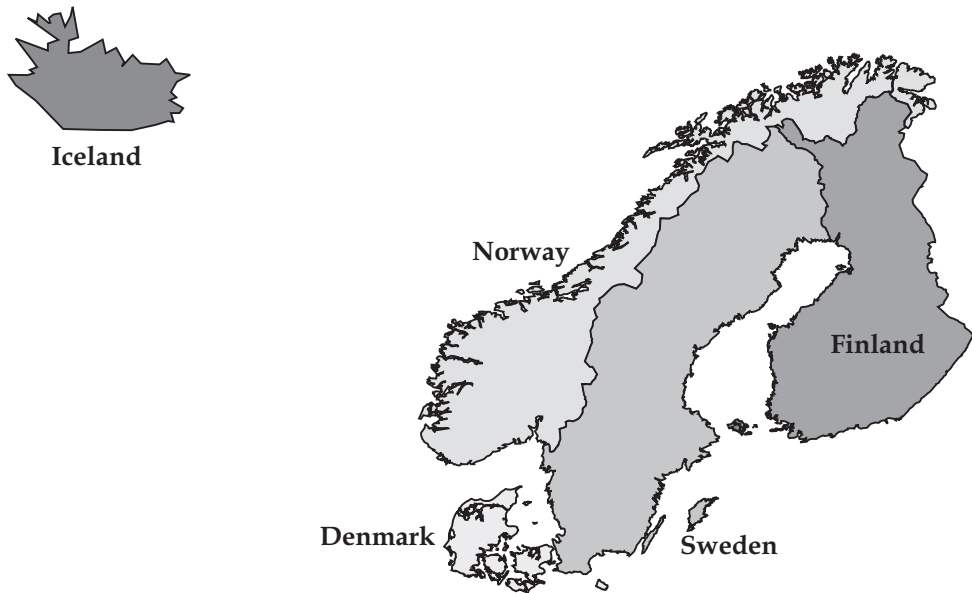
There are both facts and fiction within integration theory as well as to the information pertaining to the Scandinavian community. The paper tries to identify some of these, as well as indicate how they may be sorted out and – if need be – resolved.

While I had chosen the term “Scandinavian Community”, I was really concerned about the Nordic states, i.e. Norway, Sweden, Denmark, Finland and Iceland. Scandinavia *proper* consists only of the former three countries. Increasingly areas as the Åland and the Færø Islands are also including themselves in this grouping. The term “Nordic” community was precluded, as its psycho-linguistic connotations are with Northern Europe (or Northern states) per se, and it takes in some factors and concerns which were not germane to and beyond the scope of this inquiry.

In an earlier book published by Praeger Press¹ (New York and London) I addressed the problems and opportunities facing the Nordic Council, the by then (possibly also now) most prominent intergovernmental organization representing these countries’ collaborative efforts at co-ordination and – I argued – potential re-

¹ E. Solem, *The Nordic Council and Scandinavian Integration*, Praeger Special Studies in International Politics and Government, Praeger Publishers, New York-London 1977.

Map 1. The Nordic Countries



Source: The Nordic Council and Council of Ministers.

gional integration². The book was largely based on research work which I had carried out as a Canada Council doctoral fellow at Oxford University under the thesis supervision of Uwe Kitzinger at Nuffield College.

My field area of research was, put more precisely, structural and functional problems and opportunities of regional political integration. I was very fortunate to be working with Uwe Kitzinger, whose achievements in this early field of research were well known. He had carried out initial work on German electoral politics and, after that, a major study on European political and economic integration as well as books on these topics, which were subsequently translated into several languages, including Japanese. Kitzinger's perhaps best known book, *The Challenge of the Common Market*³ was an early pioneering work in this field which set directions for further research and indicated trends. The same applies to his subsequent book on *The Politics and Economics of European Integration: Britain, Europe and the United States*⁴. Later on Uwe Kitzinger became the Deputy to Sir Christopher Soames of the Commission for the European Communities in Brussels, the "foreign minister" of the then EEC (now EU), from where he continued to provide me with much additional insight of practical nature into politico-economic problems of regional integration.

² *Ibidem*.

³ U. Kitzinger, *The Challenge of the Common Market*, Basil Blackwell, U.K. 1961.

⁴ U. Kitzinger, *Politics and Economics of European Integration: Britain, Europe and the United States*, Praeger Publishers, New York 1963.

The time spent at Oxford and Brussels with Uwe Kitzinger as well as in Scandinavia during several annual meetings with the Nordic Council was of course most useful. I was also lucky enough to be able to publish some of my early findings, hence making them known to colleagues elsewhere, and to other interested parties, including Scandinavian parliamentarians and civil servants with whom one could often have very interesting and useful exchanges of views ("reality checks"). It also helped, I think, that I had tried to be as specific and direct as possible, that I had hitched my theoretical framework (all scholars need one) to an already existing case study – that of Scandinavian regional integration – and to a de-facto set of political institutions; and that I furthermore had tried to spell out some quite specific questions whose answer I sought.

I shall now present in a nutshell some of the main findings and implications (practical as well as theoretical), then take this case-study a bit further indicating possible general relevance concerning Scandinavian political development and – integration in particular. The topic of immediate concern is the Nordic countries and their intra-Scandinavian relationships. When discussing what causes or creates foreign policy it seems no longer sufficient to look at the international system by itself. Nor is it enough to concentrate, as some still do, on foreign policy as a sort of *direct* continuation of domestic policy making. Some 'neologisms' have been coined to cover these two – to my mind – fallacious ways of exclusively viewing foreign policy making, not to be invoked here. However, there now exists a third way of approaching the subject of regional political integration and community building, for the sake of simplicity termed "regionalism". The word is so common, yet precious, that it has almost been lost in a sea of neologisms. When using the word "region" or "regional" I wish to trace the term back to its original meaning, expressed in terms of allegiances and aspirations, which are seen as clearly as possible in the form of institutions and processes both. This remains the essential point of departure in the present inquiry.

My first "hunch" was that regional integration theory, as initially expressed was somewhat inadequate, possibly seriously so, if applied to the Scandinavian case. Partly, I felt, it was made up of several key concepts which were rather poorly defined and analyzed throughout much of the literature. Key concepts which I had in mind were (1) unification and integration, (2) political community, and (3) supra-nationality. At times, the two former concepts were used interchangeably with "regionalism" (misused) or 'trans-nationalism' or 'co-operation'. After having covered the theoretical framework as completely as necessary, and after the right amount of exposure, exchanges of views and interactions with colleagues whom I respected and anticipated learning from, I set about investigating empirically my Scandinavian case. At this stage I had not really had to dip very deeply into the rich and varied political fabric which would verify or defeat my various hunches. It did, however, mean closer scrutiny of the primary sources; it also meant interviewing the major political actors once they had been identified and, to the fullest practical extent, 'interacting' with them, within their own quarters. This meant participating

in four regular and one extra-ordinary Nordic Council session as “scientific observer”. This enabled me to keep a fairly close watch on what went on: from ideas and concepts, to the early initiation of projects; working sessions at the Council, formulation and passing of their resolutions, to feed-back and reporting on previous actions. It was an interesting but time-consuming exercise, as it meant having a busy, almost constant interaction with several key Nordic Council members among Scandinavian parliamentarians, as well as sitting through long Council sessions and participating in late post-session meetings.

Patience and caution paid off. Members of the Council (i.e. parliamentarians), ministers and several high ranking officials gave me their full support and co-operation. To a considerable extent they provided answers beyond what I had asked for, so I consider myself lucky in this respect. Some of them became good friends, and have remained so, including the past multitalented Helge Seip, President of the Council of Minister, with whom I stayed privately during the extra-ordinary Nordic Council session in Stockholm. I also got to know well two of the major driving forces in Scandinavian co-operation, Gustav Petren of Sweden and Frantz Wendt of Denmark, who had kept their eyes on everything going on in this field of endeavor since the first feeble beginnings of organized Nordic collaboration.

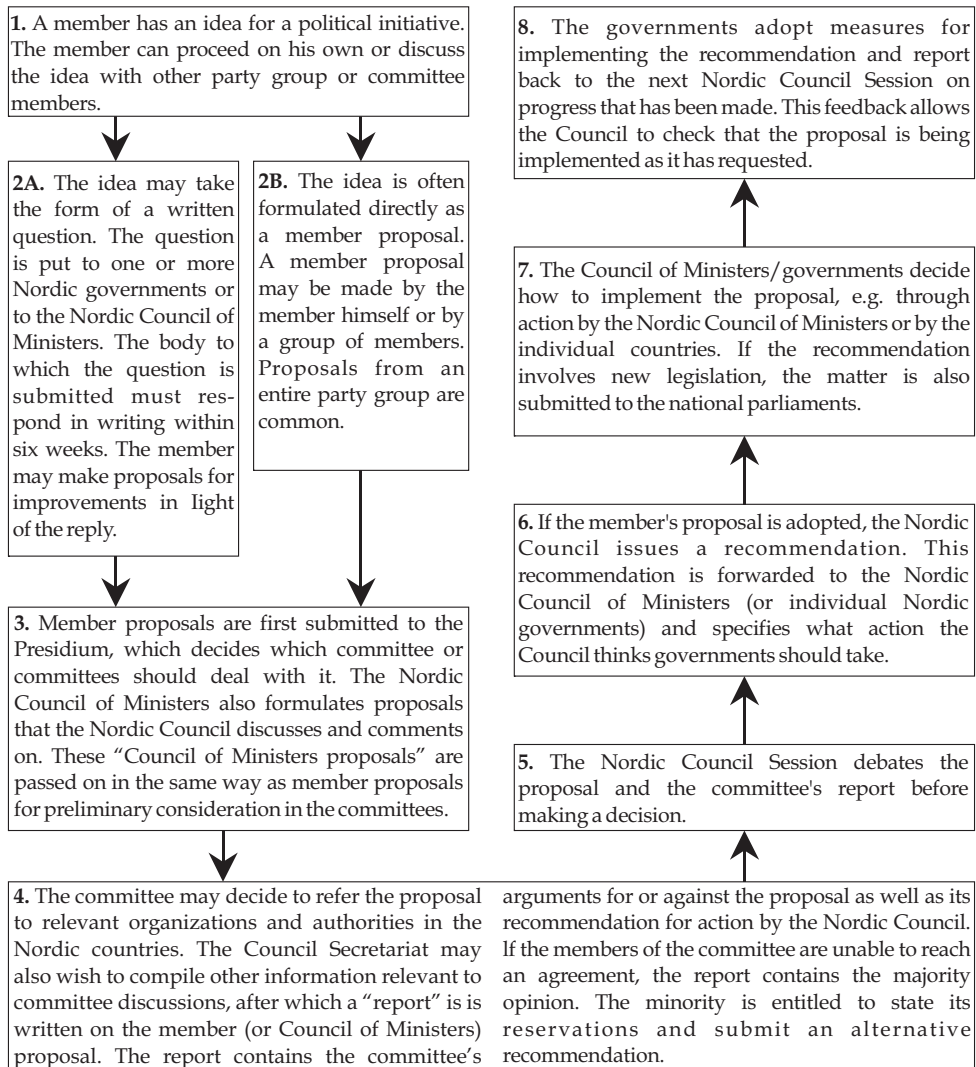
In addition to zeroing in on the Nordic Council I had also paid some attention to private groups – such as the Norden Associations – as a potential and (as it turned out) early de facto driving force in Scandinavian regional integration. This organization, founded by private individuals was established to promote, maintain and strengthen cultural ties among the Nordic people. It still has several branches throughout the region and is active in the Nordic countries. It was set up in Denmark, Sweden and Norway in 1919; in Iceland in 1922, and in Finland in 1924. The Åland and Færø Islands are by now also represented in the Council.

Turning now directly to the Nordic Council. In a formal sense, the Council itself is a purely consultative organization, consisting of parliamentarians and members of the governments of the Nordic states, which are Denmark, Norway, Sweden, Finland and Iceland. Article 1 of its statutes defines the Nordic Council as an organ for consultation between the Danish Rigsdag, the Icelandic Althing, the Norwegian Storting, the Swedish Riksdag, and the Finnish Riksdag, together with the governments of these countries with reference to questions concerning co-operation between the countries, or between some of them. This means that for a matter to be raised in the Nordic Council, it is sufficient for it to be of interest to two of the countries involved. There is no limitation on the kinds of questions that may be discussed and dealt with. The statutes were deliberately formulated in indefinite terms.

Questions are raised and matters introduced in the Nordic Council by the governments and, more often, by the parliamentary members. Outsiders may also submit proposals, but only through the council members. Nonmembers and interest groups who wish to introduce a matter in the council are encouraged to do so. However, they must act through some members of the national delegations to the council or through a government.

The Nordic Council continues to work on a series of problems falling within the following main categories: economic matters, legal questions, communications, social issues and cultural affairs. Matters may be submitted by the governments in the form of government motions. They may also be introduced as individual motions, by several (or single) parliamentarians who have been elected to the council. There is a large number of minor but far from insignificant issues introduced on a regular issues, to which I prefer to use the term micro-integrative steps.

**Scheme 1. From Idea to Result:
An outline of the procedures followed by the Nordic Council**



Source: The Nordic Council and Council of Ministers.

Findings

So much for background, methodology, working methods and design as well as general preparation; this naturally included several years' massive study and specialized courses. I have left out any details about the questionnaire designs and results, as well as the summaries of personal depth interviews carried out with several key political operators. Hence, let us turn directly to some of the results of my study. I had formulated my research direction concerning the Scandinavian case in the form of several hypotheses, each with an alternative hypothesis and one single 'hunch' tacked on. Since "science proceeds by the death of beautiful hypotheses", mine were deliberately cast in a non-verifiable form. The hypotheses were as follow:

1: H-O – Recommendations dealing with non-controversial issues have little or no effect on regional political integration.

H-1 – Micro – or low – level integration is a major and perhaps necessary factor favoring unification.

2: H-O – Since the working methods of the Nordic Council are informal and its measures are not binding upon the members; the impact of the organization on regional political integration is minimal.

H-1 – For some dimensions of integration, the less such formalized institutions as binding guidelines and timetables, rules of conduct, and penalty clauses are applied, the greater is the actual chance of successful long-term integration.

3: H-O – The Nordic Council does not play an active or important role in the regional integration process in Scandinavia since it has no supra-national powers of decisionmaking.

H-1: – The approach used by the Nordic Council, since it involves several levels of action other than that of economics, is in fact conducive to a welcomed long-term integration.

4: H-O: – In the Scandinavian case unification remains a poorly articulated and somewhat ambiguous goal that may therefore be difficult to achieve.

H-1: – This ambiguity is maintained, deliberately or not, for national, local or party reasons, although it may serve otherwise useful purposes.

An hypothesis does not have to require proof unless it becomes part of a theory. It will be seen that the main hypotheses all have alternative or supportive hypotheses. H-3 and H-4 are part hypotheses, part hunches.

At the other 'end' of the study, so to say, after detailed analysis, including interviews, questionnaires and direct participation as 'scientific observer' in several Nordic Council sessions, my main conclusions to the above posed queries were that micro-integration was in fact of essential importance to long-term welcomed integrative measures. Hypotheses 1, 2 and 3 were therefore defeated, as they did not stand up to scrutiny. The very informality and at times deliberate choice of seemingly non-controversial topics for consideration by the Nordic Council in an ad hoc but persistent fashion was in fact the recipe for the subsequent success of the Council in gradually achieving its aims.

More important perhaps, the case study proved that supra-nationality, which so far had been assumed to be prerequisite for any type of *real* integration to be initiated and maintained, was not really of necessity required. This is in fact a major finding and deserves to be of critical importance to a fuller understanding of regional political integration and community building.

Instead, lack of binding clauses, tight time-tables, penalty regulations and detailed rules of conduct and the like, informality seemed to be a critical variable for achieving goals. This finding also flies in the face of much regional integration theory. In all fairness, it should be stated that by now some integration theorists have retreated somewhat from their earlier somewhat untenable positions, and that many of their views have been modified somewhat. A major omission in earlier integration theory, deliberate or not, had been the downplaying of key elements of the political community from a conceptual point of view. This concept had been badly elaborated and was therefore in need of major revision. Through my findings I could demonstrate the applicability of the Deutschean notion of "mutually predictive behavior" as it was applied in the Scandinavian case. To quote:

"The kind of sense of community that is relevant for integration, and therefore for our study, turned out to be rather a matter of mutual sympathy and loyalties; of 'we feeling'; trust and mutual consideration, of mutuallv predictive behavior and of cooperative action in accordance with it"⁵.

This is a key element of a political community which is successful once applied, but in fact essential to any kind of regional political integration, long-term welcomed unification. The case study also demonstrated that relatively powerful short-run devices in "key" dimensions, such as economics, do not necessarily generate general support. Furthermore, tight schemes superimposed upon political reality in different political settings may only last to the crucial point where national self interest is affected, hence the spirit of co-operation may cease.

The study also unearthed additional findings of interest. There had been, and continued to be, an almost cyclical process of 'top-dog under-dog' mentality among the different national groupings. By and large the Norwegians and the Finns were 'under-dogs' according to themselves, possibly also in a short-term historical perspective, whereas the Danish and Swedish components of this regional political community were considered 'top-dogs' by themselves as well as by other groups. This of course is interesting finding from the point of view that it could tend to increase the process of feeling that 'familiarity breeds suspicion' (if not contempt).

The study in its preliminary phase also found that all types of over-simplifications had been made regarding similarities and differences among the Scandinavians by several outside (as well as inside) scholars and observers. Upon closer examination and in the light of empirical evidence such oversimplification broke down. Essential factors remained the complex of free relations and gradualist pro-

⁵ K. Deutsch, *Political Community and the North Atlantic Area: International Organization in the Light of Historical Experience*, Princeton University Press, Princeton, N.J., US, 1957.

cesses bringing with them 'mini-goals' to be achieved in a very pragmatic way. This point will be returned to later on.

The Scandinavian states constitute a stable union also according to Amitai Etzioni, and further elaborated by me. They were, in a sense, more than that. They were on the way to becoming an "*integrated, non-amalgamated, pluralistic security community*" according to Karl Deutsch. The most important modifications had to be introduced when external systems were taken into consideration. Scandinavian integration seems not to be capable of developing on its own in the economic sphere, which has traditionally been considered a particularly important dimension of regional political integration. Several attempts at creating an economic union in Scandinavia in the post World War Two period have all failed. The role of U.K. and other European Community (EC) countries were too important for the Scandinavian states, and for Denmark in particular as witnessed by her relatively early entry into the (then) European Community (EC). Of some early significance was the Swedish neutrality policy, which had prevented that country from even considering the option of full membership of EC. The Swedish policy of neutrality was developed for political and strategic reasons. Full membership in the EC would have meant actively placing the Swedish economy under the partial, and even potentially, full direction and influence of a group of states which could be considered a bloc; hence this would really violate the principles of Swedish neutrality, as perceived at the time. The political content of the stated aim of European integration as pursued by the (then) EC would, in Swedish eyes, interfere with her right of self-determination and Sweden's form of social and economic planning.

Returning to the Nordic Council for a moment, the case study demonstrated in some detail what the impact of the Council's activities have been in its various sectors of activity. i.e. the economic, legal, cultural communicational as well as social sectors in terms of the number of recommendations passed and implemented, the number still being considered (for how long and why the delay?) and the few which had been turned down (and on what basis?). Both the working methods and internal processes were studied closely. It was found that one particularly useful aspect of the credibility of the Nordic Council is the fact that full political representation is guaranteed as a matter of regular practice. To this extent the Nordic Council compared favorably with, for example, the Council of Europe and – prior to that – with the Parliament of Europe. Furthermore, it turned out to be particularly fortunate that there were a close contact between the parliamentarian members (elected to the Council via their representation) and the Ministers. With the increased formalization of politics this close, useful interaction may now be breaking down, only to be substituted by more formality and subsequent bureaucratization. This will no doubt prove to be a pity. A few high ranking officials from different Nordic capitals, who had spent a major part of their working life dealing with Council matters, and with whom I discussed this, share this concern.

I had found that the support base of the Nordic Council was broad and the perception of the aims of the Council diffuse, even as the participating members were

concerned. This, of course, is both good and bad. A certain amount of ambiguity about what an organization is supposed to achieve in terms of details and specifics is sometimes helpful. This is so insofar as it contributes towards the creation and maintenance of a wider support base than would probably otherwise have been the case, were the aims to be set out very precisely and in great details at the outset. It is in fact difficult to know exactly what will be achieved before any organization has been operating for a certain period of time. In the case of institutions that are intended to integrate or unify politically, the difficulty is correspondingly increased. This is seen quite clearly in the case of the EEC/EC/EU. This particular organization has been qualitatively different from other organizations in as much as it (theoretically) has a built in time dimension for change as the Treaty of Rome is implemented. This is not the case with the Nordic Council, in which no supra-national elements exist.

Now, this ambiguity may become a hindrance when the aims of the organization are questioned, or at a time when little agreement about the nature of these aims exists among principal political decision-makers. The goals of an organization depend upon the motivations and expectations of the people whose interests depend on, or are touched by, the functioning of that same organization. To be more specific, it is no good for, say Sweden or Denmark, to express publicly a desire for greater Scandinavian unity and integration, through the Nordic Council or in any other forum, if at the same time one or both of these countries pursue policies which are seen to be exceedingly nationalistic in nature and design. I have documented several such cases of the Scandinavian version of 'dualism'. Whereas it could perhaps be answered that this has to do with the distance between political ideals and political reality it is somehow faulty as a full answer to the question. A lack of consistency between ideals and practice could quite conceivably, and possibly seriously, jeopardize the credibility of such ideals, as well as that of their official 'spokespersons', while complicate further attempts at soundly based regional collaboration and integration. Even more importantly, it may have the sinister effect of eating away at the network of small, mutually dependencies, and it might seriously affect the mutually successful prediction of behavior that is required for successful longer term integration.

A possible solution to the problem posed above, and one of the main recommendations of the study was that greater power be given to the Nordic Council, possibly even some limited form of supra-nationality. Other recommendations were a firmer implementation of the then Helsinki Treaty, an increased politicization of the Norden Association, and in particular of the Confederacy of the Norden Associations. The final recommendation from the study and its findings, which were those of a single academic alone, was the necessity of incorporating certain specific aims within the program of some political party or within a combination of parties. This may yet to come.

The first and the last proposal may, at the time, have been seen to be most far-reaching. Needless to say, they were not immediately implemented by the gov-

ernments. However some of the other proposals will likely receive a new, closer look. Some of the already existing instruments of collaboration and co-ordination of policies deserve this faith. Quite possibly this could come about *via* pressures of increased accountability. Some pressures may also be carried out due to financial considerations. Whereas the Nordic Council machinery is not really very large compared to, say, the Council of Europe or some of the other regional organizations, it is nevertheless quite formidable. Regrettably, there is often a fair amount of needless formalization and the creation of bureaucratic structures, This meet very few needs of regional political integration, and through it the aims and aspiration of the Nordic publics.

Future developments

At the earlier parts of this study the case study had turned to the Treaty of Rome in order to make a comparison of the results of the Nordic Council (Le. de-facto Scandinavian regional integration) with those of the much larger and well-known EC. Looking at the original Article 3 of the Treaty of Rome in considerable detail the case study concluded that, at the time, the Scandinavian countries appeared to be more integrated, even economically, than any other group of independent states in the world. By examining such a central and important area as the labor market, I found that the Scandinavians had achieved a real community. They had – at that stage – in fact gone further than the stage called for by the Treaty of Rome. The same applied for the area of social policy and legislation. As for the field of legal harmonization, the Scandinavian countries had gone further than the EC, insofar that they had at the time achieved a unitary system of laws covering sales, agreements, part payments, debts, insurance, commissions, trade agents, commercial travelers, powers of attorney, bills of exchange, cheques, patents and life insurance. In patent legislation, integration had reached the point at which a joint Scandinavian authority for patent laws had been planned. Other areas in which intensive coordination was being carried out were: company legislation, marine laws, laws of pattern, arbitration law, and laws covering employees' rights to their inventions. In addition, the Scandinavian community had common rules for important parts of public laws, family law, law of due process, and punishment. In these fields the results of Scandinavian integration compared favorably with those of EC integration. In fact in some of these 'sub-fields' it might take the better part of a generation for the EC to reach the level that had already been achieved by the Scandinavians.

Now, in particular, the following features were conspicuously missing in Scandinavian regional integration: a common customs union or common tariffs; a common trade policy regarding third countries; a common agricultural policy; and co-ordination of economic policies. These are considerable drawbacks to work with if the goal is – as it was claimed – successful political integration of these countries.

On the other hand, the important fact is that several impressive results had been achieved *without* the element of supranationality. It would seem that neither a customs union nor a common trade policy towards third countries could be possible without the introduction of supranationality in some form. A joint agricultural policy or a fisheries policy would also hardly be achievable unless an element of supranationality was to be introduced. The same may also apply to any efficient co-ordination of economic policies. This may be where the main problem lies, which is that of bringing about integration in major administrative offices. Alternatively, the issue could be approached by sensible and realistic solutions of regional problems, either as they occur but preferably well in advance. There is sufficiently advanced and useful machinery available in Scandinavia to make proper foresight, forecasting and planning possible.

As far as regional political integration is concerned, two processes of roughly equal importance are necessary. There is a need for people to stop thinking in exclusively national terms and to start thinking in regional terms. This change may come about by pressures for a more "rational" utilization of resources, or by the industrial and economic demands of regionalism, as these express themselves concurrently on different levels. However, it will also have to be helped by processes of learning and adaptation. In this respect micro-integration is, as I have shown, an essential concept for successful implementation for the policy of regional political integration.

Finally, there may be an ultimate need to make inroads into the power and authority of the more 'traditional' national administrations. One way would be through the institution of some sort of the EC/EU Commission type of machinery or organization, as this was *originally conceived*, based upon the pre-existing web of integration in Scandinavia. Alternatively – or concurrently the result could be brought about through some sort of a mass movement or a broadly based type of political allegiance involving particular party program sections that call for the required changes. Needless to say the latter methods seem – at least at this stage – to be idealistic. However, the basis for successful long term regional political integration in Scandinavia for most if not all sectors. More than that, integration has already been achieved in several important fields and procedures have been adopted that in many ways and on a longer term could be considered superior to what has been achieved elsewhere. There are clearly lessons to be learned for experiments of regional political integration which could be applied elsewhere in the world.

In an important sense, much of Scandinavian regional integration is determined, as it will continue to be, from an evolutionary and gradualist point of view. Pragmatism has been useful in the steps taken so far. A problem could be that the Scandinavian approach to regional political integration may not – in the short run – be quite pragmatic enough.

In terms of active micro-integration as a stepping stone to long term welcomed regional integration, the Nordics have been successful.

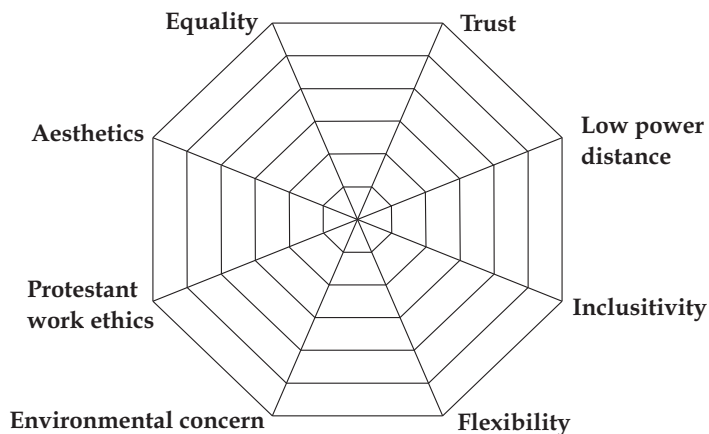
Cooperation within narrow fields brings increased competence

In a number of fields Nordic cooperation has shown itself capable of fulfilling the demand for Nordic benefit through a co-ordinated use of the joint resources of the countries. The cooperation may well have forwarded the Nordic countries' ability to set up undertakings in these fields. The cultivated plants of today are high performers but sensitive. The narrower their genetic background is, the greater is the risk of diseases with disastrous consequences. This was not the fate of the seed our forefathers used. The yields may not have been so good, but on the other hand they could survive much better. In order to discover the reasons forth is, researchers need to go back to examine older types of plants.

The answer may be found in the Swedish village of Alnarp, 10 km outside Lund. The Nordic Gene Bank was set up in 1979. From 1984 it has been located at the University of Agricultural Sciences in Alnarp. It houses a collection of over 30,000 different species. The plants contain the DNA, the genetic information, with the key to the plants' composition. The Gene Bank also functions as a living museum, where plants no longer cultivated are preserved. The material, with all its documented gene variations, is available to scholars from various institutions and enterprises for crop development but also to botanical gardens and open air museums. The Gene Bank attracts great interest from all over the world.

Almost all the Nordic region is within the same climate zone, and this makes for an excellent base for cooperation. To ensure the material is not lost the Gene Bank has set up safety stores in Svalbard. It is situated in a mine 300 meters underground, protected by the eternal permafrost. In 1984 the Nordic Gene Bank Farm Animals was set up in As, Norway. It preserves and utilizes the genetic resources found in Nordic farm animals.

Scheme 2. Nordic Values



Source: *Mandag Morgen*, 2004.

Table 1. Nordic Countries in top 10

Competitiveness	Technology	Creativity
1. <i>Finland</i>	1. Singapore	1. <i>Finland</i>
2. USA	2. <i>Iceland</i>	2. <i>Norway</i>
3. <i>Sweden</i>	3. <i>Finland</i>	3. <i>Sweden</i>
4. <i>Denmark</i>	4. <i>Denmark</i>	4. <i>Denmark</i>
5. Taiwan	5. USA	5. The Netherlands
6. Singapore	6. <i>Sweden</i>	6. Switzerland
7. Switzerland	7. Hong Kong	7. Germany
8. <i>Iceland</i>	8. Japan	8. France
9. <i>Norway</i>	9. Switzerland	9. United Kingdom
10. Australia	10. Canada	10. Luxembourg

Sources: *World Competitiveness Index, 2004* and *Networked Readiness Index, 2005*. The criteria measured include framework conditions and use of IT.

Table 2. Women's Status in Society

Countries ranked: 58

1. Sweden
2. Norway
3. Iceland
4. Denmark
5. Finland

Source: *World Economic Forum* (composite index covering indicators of economic participation, economic opportunity, political empowerment, educational attainment and health).

Table 3. Low Corruption in the Nordic Countries

1. Finland
2. New Zealand
3. Denmark
4. Iceland
5. Singapore
6. Sweden
7. Switzerland
8. Norway
9. Australia
10. The Netherlands

NOTE: 1 = lowest degree of corruption.

Source: Ditto.

Kyrre Svarva's assistance with the graphics in this chapter is greatly appreciated.

Jarosław Jańczak

De-Europeanization and Counter-Europeanization as Reversed Europeanization. In Search of Categorization

1. Introduction

Acceleration of the European integration process in the last decades has led to increasing interest in mechanisms determining its pace and shape. A linear approach, characterized by one-direction developments, was the main approach for functional and neofunctional schools considering the *spill over* mechanism as the most convincing explanation for integration logic. This perspective was then undermined by more realistically oriented scholars, also concentrating on integration defeats. This resulted in the *spill around* and *spill back* models that – by also including unsuccessful elements – explained the process much more completely.

In a very similar way the concept of Europeanization was proposed, explaining how the European Union's beliefs, solutions and norms are planted at the national level. Further contributions have put into question the Europeanization process as a one-way phenomenon. However this seems to be much more rare approach. As Eduard Soler i Lecha marks investigating the reasons of such a situation, "*little attention has been paid to the process of «de-Europeanization»*" despite the fact, that "*Europeanization process can be followed by a de-Europeanization phases*"¹. He points to two reasons for this situation: the exceptional character of de-Europeanization in comparison to Europeanization mainstream and the tendency among scholars to stress successes in a project that is (usually) supported by them. Some researchers, however, treat Europeanization and de-Europeanization as two sides of the same process, labelling it (not necessarily intentionally) as (de)Europeanization². Even recognizing the non linear character of Europeanization, the *reverse process* is hardly categorized, usually named (and used) as de-Europeanization. This, notwithstanding, does not seem to be sufficient as forms and patterns of the reverse process differ significantly.

The aim of this article is to define and categorize the phenomenon of the reverse process of Europeanization. The main question addressed here is why Europea-

¹ E. Soler i Lecha, *Turkey's reluctant involvement in ESDP: Europeanisation as a round trip*, Second Global International Studies Conference (WISC) Ljubljana, July 23-26, 2008, p. 2.

² R. Amiya-Nakada, *From the 'Rescue of the Nation State' to the Emergence of European Spaces*, paper presented during at the EUIJ-Kansai Workshop on "New Research Horizons of the History of European Integration", May 10, 2008 in Toyonaka (Osaka), pp. 3-10.

nization is not of a linear character? The main thesis claims that reversed process results either from context factors or actor-actor interaction. Analyses will concentrate on the European Union (EU) and nation states as the most important players supplemented by sub-national actors creating state's policies.

This article develops already published works of the author, using parts and arguments of them to explain the presented phenomena³.

2. Europeanization

In order to define a reversed process, the initial process must be described. Despite the fact that many authors have been working on Europeanization, there has been no widely accepted definition of this process. Johan Olsen distinguishes five ways of understanding Europeanization: "*changes in external territorial boundaries; governance institutions developed at the supranational level; influencing and imposing supranational at the sub-national and national levels; exporting governance procedure and policy specific for EU beyond EU borders; and a project of a political nature aimed at intensifying the unification of the EU*"⁴. All of them link Europeanization with the European Union and assume a change going into "*more European*" character. As the main interest of this article is the relationships between the EU and nation states, the meaning of Europeanization will be narrowed and will follow Roberta Ladrech, who defines it as a process where "*EC political and economic dynamics [become a] part of the organizational logic of national politics and policy-making*"⁵. Similarly Johan Olsen, points out that Europeanization "*[...] implies adapting national and subnational systems of governance to a European political center and European-wide norms*"⁶. Change defined by adaptation to the EU standards seems to be the most important determinant of this process. Additionally two actors shall be recognized: *Europeanizationee* – the subject of Europeanization that is a state (with regard to the objects of Europeanization – polity, politics and policies as they are built by norms and ideas, institutions and other actors⁷) absorbing ideas and adapting them to the set level, and *Europeanizationeer* – the EU being a source of change and setting the level. *Europeanizationee* may be differentiated into four categories: EU member states, candidate states, neighbouring states and other states (Figure 1). Different Europeanization tools may be applied in each of the types and consequently different efficiencies may be achieved.

³ J. Jańczak, *Przeciweruropeizacja jako kategoria badawcza w studiach nad procesami integracji europejskiej*, [in:] *Europeizacja – mechanizmy, wymiary, efekty*, A. Paczeński, R. Riedel (eds.), Wydawnictwo Adam Marszałek, Oslo-Toruń-Wrocław 2010, pp. 93-105.

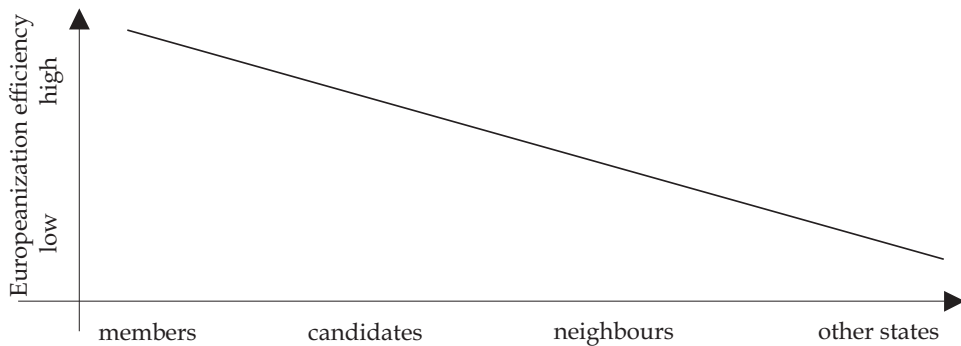
⁴ K. E. Howell, *Developing Conceptualisations of Europeanization: Synthesising Methodological Approaches*, Queen's Papers on Europeanization, no. 3, 2004, p. 8.

⁵ R. Ladrech, *The Europeanization of Domestic Politics and Institutions: The Case of France*, "European Journal of Common Market Studies", no. 1, 1994, pp. 69-88.

⁶ J. P. Olsen, *The Many Faces of Europeanization*, ARENA Working Papers, WP 01/2, p. 3.

⁷ J. Jańczak, *Przeciweruropeizacja jako...*, *op. cit.*, pp. 95-96.

Figure 1. Europeanization



Source: Author's concept.

In the case of member states, Europeanization results from both legal norms transference as well as social-constructivist understood changes in identity. This process seems to be the *easiest one* due to the legal-institutional character of the EU's mechanisms and high level of interrelations.

Candidate states are exposed to a conditionality mechanism – in order to be accepted to the European club they have to fulfil specific conditions – adjust elements of their own systems to the EU standards. Europeanization is often then of external character. Its efficiency is relatively high, but mainly due to the *stick and carrot* mechanism. Additionally it might mean only imitation of the original solutions, as the ideas originating from the European centers do not necessarily meet local conditions⁸.

Neighbouring states are exposed to Europeanization by policies addressed to them (e.g. European Neighbourhood Policy). In case of less developed neighbours (compared to the EU average) there are some elements following the conditionality mechanism, however much weaker than in the case of candidates (as much less is offered to them). More developed states in the neighbourhood are usually bound by various agreements imitating full membership and consequently stimulating Europeanization (e.g. Norway, Iceland, Switzerland).

Other states are a subject of bilateral relations and Europeanization is limited here to the persuasion in given fields, e.g. human rights protection, environmental problems and democracy promotion.

3. Reverses in Europeanization

Eduard Soler i Lecha defines de-Europeanization “as a process in which previous impetus to converge with EU norms and the willingness to get involved in EU policies slows down and can even take an opposite direction. The most radical form of de-Europeanization

⁸ *Transformation of Ideas on a Periphery*, J. Kanerva, K. Palonen (eds.), Helsinki 1987, p. 9.

would imply that [...] country, not only decides to stop complying the EU *acquis* and stops any reform in that direction but e.g. even uses its assets in order to hamper the elections"⁹. He claims that one reason domestic actors can overturn the Europeanization process, among others, is when costs are too high compared to gains¹⁰. Similarly this article's author claims in his previous works that counter-Europeanization is the "influence of territorial and systemic contexts [...], that results in reverse (slowing down, stopping or regress) of European transformation of a system"¹¹.

Two names are applied here: de-Europeanization and counter-Europeanization. Their usage suggests a very similar meaning containing three possible scenarios (slow down, stop or going back) and assumes that both may result from similar sources. It will be claimed however in this article, that for analytical purposes, differentiation of both concepts is justified because of their meaning and the mechanisms behind it.

Systematization of de-Europeanization and counter-Europeanization requires first of all defining both concepts. It is intended then first, to investigate the semantic character of both words and then to interpret them in the field of Europeanization.

De-Europeanization and counter-Europeanization are grammatically built on the basis of the already described concept of Europeanization and prefixes changing its meaning. Both prefixes, *de-* and *counter-*, play a semantic role based on reversal of the original state/process. However their meaning is different. *De-* is "used to indicate privation, removal, and separation"¹². It indicates that something is "opposite (deindustrialization = becoming less industrial)", and at the same time "removed (debone the fish = remove its bones) or reduced (the government have devalued the currency)"¹³. *Counter-*, on the other hand, is used as "contrary to the right course; in the reverse or opposite direction" in the meaning of "in opposition or response to"¹⁴. It means then "done or given as a reaction to something, especially to oppose it (e.g. counteract = to reduce or prevent the bad effect of something, by doing something that has the opposite effect)"¹⁵.

De- implies then that specific state was achieved/existing in the given field and concentrates on its erosion. In political science it has been recently used to describe e.g. erosion of Russian and Soviet systems in Central and Eastern Europe: de-Russification¹⁶ and de-Sovietisation¹⁷. *Counter-* focuses on reaction and its direction opposing specific action. Political scientists apply it e.g. in studying revolutions

⁹ E. Soler i Lecha, *Turkey's reluctant involvement...*, *op. cit.*, pp. 2-3.

¹⁰ *Ibidem*, pp. 4, 10.

¹¹ J. Jańczak, *Przeciwoeuropeizacja jako kategoria...*, *op. cit.*, p. 97.

¹² *The Random House Dictionary of the English Language. Second Edition*, New York 1987, p. 551.

¹³ *Longman Dictionary of Contemporary English*.

¹⁴ *The Random House Dictionary of...*, *op. cit.*, p. 461.

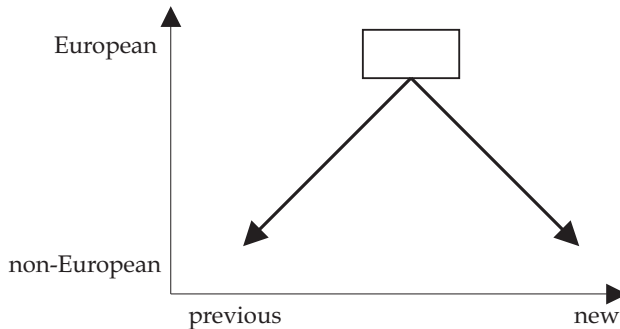
¹⁵ *Longman Dictionary of...*, *op. cit.*

¹⁶ S. Bychkov Green, *Language of Lullabies: The Russification and De-Russification of the Baltic States*, "Michigan Journal of International Law", vol. 19, no. 219, 1997.

¹⁷ E. Rindzeviciute, *From Authoritarian to Democratic Cultural Policy: Making Sense of De-Sovietisation in Lithuania after 1990*, "The Nordic Journal of Cultural Policy", vol. 12, no. 1, 2009.

as counter-revolutions¹⁸. The semantic meaning of de-Europeanization (Figure 2) stresses then reduction of Europeanization (often to the previously existing state, sometimes to the new one) as a process and expresses transformation from an already existing European level towards non-(less-)European.

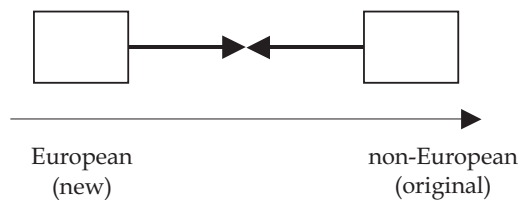
Figure 2. De-Europeanization



Source: Author's concept.

The semantic meaning of counter-Europeanization (Figure 3) underlines reaction to Europeanization as a form of interaction. Here there is a tension not only between European and non-European norms and values but also between the original and new solutions.

Figure 3. Counter-Europeanization



Source: Author's concept.

Consequently, the earlier concept assumes that the erosion is caused by a set of factors, the second claims that there are actors acting and actors reacting – opposing the first ones. Additionally, the first of the schemes is two-dimensional as de-Europeanization – being a process – requires time. The second is one-dimensional, reaction does not analyze changes in time.

In the case of reversed Europeanization both prefixes approach the problem differently.

¹⁸ F. Morrow, *Revolution and counter-revolution in Spain, including The civil war in Spain*, Pathfinder Press, New York 1974.

4. De-Europeanization

De-Europeanization concentrates on becoming less European, reducing the already achieved/existing level. Sometimes it is used in a non-EU context: it is considered as a process affecting non-European states with European roots and cultural-political heritage (however not resulting from the EU led Europeanization but from previous developments). For example “*Argentina, through the MERCISUR project for regional integration, established new relationships with the peripheral countries of South America, particularly with Chile, Uruguay and Brazil. In this way, Argentina was taking part in ‘a process of Latin-Americanisation’ [and] de-Europeanization*”¹⁹. Latin-Americanization then is a manifestation of de-Europeanization – removal of European identity elements in favour of the new, regional ones. This approach however – as not related to the European integration process – will be skipped in further discussions.

In the case of EU related erosion of the already achieved/existing state of issues, de-Europeanization may be observed in various fields. Here the central question then is how the reduction is manifested and what factors model its shape? It will be claimed that several forms may be observed: refocusing, customization, priority re-setting and withdrawal.

4.1. Refocusing

Refocusing is a manifestation of the *softest* reduction of an already achieved level. It is visible in a situation where the already achieved public interest in the European integration is reduced and replaced either by the old agenda or the new topics. This is visible e.g. in mass media. As field studies prove, de-Europeanization of the public sphere is considered as a contradiction to the “*normative assumption that political and economic European integration should be accompanied by increasing media attention for other European countries*”²⁰, and empirically it is visible in the decreasing interest of national media of some EU members in other European states and the EU.

Refocusing is visible especially in the EU member states and intensifies in post-accession periods.

4.2. Customization

The second manifestation of de-Europeanisation is customization²¹. It is based on adjusting the Union to its own needs, making it more useful from the national point

¹⁹ P. González Bernaldo, F. Jedlicki, *Representations of Europe among Argentine migrants in Spain*, Visions of Europe in the World, EuroBroadMap, Work Package 3: Migrants and Borders, Draft version – 30th March 2009, p. 6.

²⁰ C. Brantner, A. Dietrich, F. Saurwein, *Europeanisation of National Public Spheres: Empirical Evidence from Austria*, Draft version 1.0 prepared for presentation at the First European Communication Conference 24-26 November 2005, Amsterdam, p. 24.

²¹ H. Ojanen, *How to Customise Your Union: Finland and the “Northern Dimension of the EU”*, “Northern Dimension Yearbook”, 1999, pp. 13-14.

of view by its own constructive propositions. Territorially it may be expressed e.g. by proposing dimensions to the Common Foreign and Security Policy and in this way making the Union more northern²², eastern²³ or southern²⁴. In the case of system influence, it is based on penetration of the EU with norms, values and solutions of a given state and consequently *X-ization* of the EU instead of Europeanization of state X is specific field. Nordization of the European alcohol approach could be given as an example here²⁵.

Customization is usually the case of member states, however some attempts may be already identified during the accession negotiation phase. It brings the solutions back partly to the previously existing state, partly however introducing new ones.

4.3. Priority resetting

Priority resetting affects states that after successes in Europeanizing specific fields are going back to the previous solutions or prefer the new alternatives over the European ones. It results from the fact that initial enthusiasm was not supplemented by expected gains or costs incurred proved to be too high. Consequently new priorities, reducing the previous European ones, are set and implemented.

De-Europeanization in this manifestation does not have to be limited to one field, it may be a more general tendency. Germany is, according to some researchers, in the process of de-Europeanization²⁶, visible especially in the post-Kohl period²⁷. It is understood as a "*process of change which is most significantly marked by changing German decisions and policies as well as change in Germany's Europeanized identity in such a way that state interests are accorded precedence over (state-transcending) 'European' interests*"²⁸. In the case of new member states, priority resetting may result from imitation when a conditionality mechanism is applied. When the *stick* is no longer there, return to the previous solutions is visible.

²² W. Wessels, *Introduction: The Northern Dimension as a challenging task*, [in:] *Programme on the Northern Dimension of the CFSP*, G. Bonvicini, T. Vaahtoranta, W. Wessels (eds), Helsinki 2000.

²³ M. Łapczyński, *The European Union's Eastern Partnership: Chances and Perspectives*, "Caucasian Review of International Affairs", vol. 3(2), Spring 2009.

²⁴ A. Lorca, *The Mediterranean Union: A Union in Search of a Project*, Working Paper, no. 13, 2008.

²⁵ P. Kurzer, *Can Scandinavian member States play a leadership role in the EU? The case of alcohol control policy*, "Scandinavian Studies", Fall 2002.

²⁶ P. Buras, "Europa uda się wspólnie". *Zmiany w niemieckiej polityce europejskiej a rola Niemiec w Unii Europejskiej*, "Polski Przegląd Dyplomatyczny", no. 1, 2007, pp. 36-38.

²⁷ W. E. Paterson, *Does Germany Still Have a European Vocation?*, "European Research Working Paper Series, University of Birmingham", no. 15, 2006, p. 17.

²⁸ G. Hellmann, *Lamed Power: Germany and European Integration*, [in:] *Germany's EU Policy on Asylum and Defence. De-Europeanization by Default?*, G. Hellmann (ed.), Houndmills, Basingstoke 2006, pp. 166.

In sectoral policies de-Europeanization is described as “*impossible in highly EU institutionalised areas, like trade policy*”²⁹, but occurring in the less organised areas such as Common Foreign and Security policy, where e.g. some of the members prefer to support the United States than to continue backing the EU’s position on specific international issues.

De-Europeanization does not have to affect only member states of the EU. Sometimes candidates are for a long time – such as Turkey – adopting European solutions but the *carrot* (membership) is still not offered³⁰. This leads to disappointment and looking for alternatives (Turkey as a bridge between the West and the East, Turkey as a Middle East power, etc.). Also neighboring states may experience reduction as the priorities change. Post-Orange-Revolution Ukraine introduced several democratic reforms. Unrequited aspirations for opening the European window led to the pro-Russian camp’s return to power and redefinition of political aims resulting in a decrease of some of the already achieved solutions.

4.4. Withdrawal

The most far-reaching example of de-Europeanization as a reduction of already reached solutions is withdrawal from the EU. It might be visible in leaving the Community (for example as Greenland decided to do in 1986³¹) or not entering after negotiating and signing the accession treaty (e.g. Norway that two times, after reaching compromise on entry conditions, stayed outside as the result of referenda³², finally participating in some forms of the European integration such as the Schengen zone or European Economic Area). Some sectoral withdrawals are also presently discussed, e.g. leaving the Eurozone and reintroducing their previous currency (debate in Slovakia).

Reduction refers in this example again to the member states and candidates.

4.5. Towards a de-Europeanization model

De-Europeanization, understood as erosion of an already achieved/existing level (in the process of Europeanization), affects mainly those states where the EU influences have been the strongest: members and candidates. In two other categories it is much less observable. It is manifested in at least the four described ways, where the most se-

²⁹ G. Escribano, A. Lorca, *The Ups and Downs of Europeanisation in External Relations: Insights from the Spanish Experience*, “Perceptions”, Winter 2004-2005, p. 156.

³⁰ H. Hubel, *The EU’s Three-level game in dealing with Neighbours*, “European Foreign Affairs Review”, no. 9, 2004, p. 358.

³¹ S. Berglund, *Prison or Voluntary Cooperation? The Possibility of Withdrawal from the European Union*, “Scandinavian Political Studies”, vol. 29, no. 2, 2006, pp. 156-160.

³² T. Bjørklund, *The Three Nordic 1994 Referenda Concerning Membership in the EU*, “Cooperation and Conflict”, vol. 31, no. 1, 1996.

rious – withdrawal – is the least frequent one. Reduction brings the given field back to the previous solutions or proposes new ones, still alternatives to the EU propositions.

When trying to answer the question of factors modelling de-Europeanization two explanations may be proposed:

De-Europeanisation happens *by-default*³³. This approach stresses its character as a not-intentionally led project (that then does not follow realistic perspective), but rather a consequence of changing contextual factors. Erosion is the outcome of new conditions.

An alternative approach would concentrate on initiators as those who give impetus to the destruction process. This perspective leads directly to the counter-Europeanization concept.

5. Counter-Europeanization

Counter-Europeanization focuses on the reactions of some actors that intend to oppose/reverse the experienced process. *Counter-Europeanizationers* means actors who react and oppose the Europeanization process. Who counteracts? At least three types of players may be enumerated: inter-system, inter-European and external³⁴.

5.1. Inter-system actors

Inter-system actors are visible especially among the EU member states, candidate states and – much less – neighbouring and other states. In the group of member states and candidate states, Euro-skeptically³⁵ oriented institutional and non-institutional actors dominate. They might be governments, political parties³⁶, churches, interest groups, social groups and even individuals. Euro-skepticism is usually driven by political and social cleavages expressing modernist – anti-modernist divisions (mainly Central European members³⁷ and candidates) or deepening – weakening of integration (mainly Northern members³⁸ but also developed neighbours).

The earlier idea based on the assumption shared by parts of society and elites is that local, original order is in fact much better than the new one coming from the European centers. Counter-Europeanization was then expressed e.g. in a negative campaign before accession referenda or slowing down ratification of the Lisbon

³³ G. Hellmann, R. Baumann, M. Boesche, B. Herborth, W. Wagner, *De-Europeanization by Default? Germany's EU Policy in Defense and Asylum*, "Foreign Policy Analysis", no. 1, 2005, p. 150.

³⁴ J. Jańczak, *Przeciw europeizacji jako kategoria...*, *op. cit.*, pp. 104-105.

³⁵ T. Beichelt, *Euro-Scepticism in the New Member States*, "Comparative European Politics", vol. 2, no. 1, 2004.

³⁶ V. A. Schmidt, *Democracy in Europe: the EU and national politics*, Oxford 2006, p. 216.

³⁷ M. Deborah, E. D. Stevick, *Europeanization in the 'other' Europe: writing the nation into 'Europe' education in Slovakia and Estonia*, "Journal of Curriculum Studies", vol. 41, no. 2, 2009.

³⁸ T. Tiilikainen, *Europe and Finland. Defining the Political Identity of Finland in Western Europe*, Aldershot/Hants 1998.

treaty. Sometimes a specific solution is implemented but without *real understanding*, only imitating the original idea³⁹.

The latter reacts to the sovereignty losses that is one of the main values in the northern political culture⁴⁰. Additionally, in the case of candidate states, one more phenomenon might be found: the already mentioned reaction to the unsatisfying pace of negotiation. As the example of Turkey proves a too long and difficult entry to the EU, together with the lack of realistic membership perspective might result in a tendency of counter proposals – regional integration around other norms, values and solutions – offered by disappointed actors.

In the case of neighboring and other states internal actors, their reaction results from local specifics and often competition towards the EU. In neighboring states representing a higher level of development than the EU standards, the model is similar to the member states. In case of the other sub-categories, very often opposition towards everything that originates from Europe is considered as rooted in European colonialism and anti-colonial movements. European influences are then on the one hand weak due to lack of effective Europeanization tools, and on the other are structurally opposed because of existing legacies. The changing global order, with the diminishing role of Europe additionally encourages and strengthens the reaction of internal actors, who became heirs of a long lasting local tradition of resistance.

5.2. Inter-European actors

A traditional division of actors influencing specific processes would contain internal (inter-system) and external players. However the EU as a political unit as well as European integration as a process has led to a situation where except from those two, additional, inter-European actors shall be enumerated. They combine external (from the perspective of the member state) and internal (belonging to the European inner-space) elements. As examples Euro-skeptic factions of the European Parliament shall be mentioned as well as pan-European Euro-skeptic political parties that stand for seats in Euro-elections, e.g. Libertas⁴¹. They are *counter-Europeanizationers* using Europeanized circumstances of the EU's political system.

5.3. External actors

External actors dominate among the neighboring states (those representing a lower level of development than the EU) as well as the other states. They are usually states

³⁹ G. Dimitrova, *The limits of Europeanization: Hegemony and its misuse in the political field of Bulgaria*, "Southeast European and Black Sea Studies", vol. 2, no. 2, 2002.

⁴⁰ T. Tiilikainen, *Europe and Finland. Defining the Political Identity of Finland in Western Europe*, Aldershot/Hants 1998.

⁴¹ P. Manow, *National Vote Intention and European Voting Behavior, 1979-2004 Second Order Election Effects, Election Timing, Government Approval and the Europeanization of European Elections*, "MPIfG Discussion Paper", no. 11, 2005.

or non-state actors (often representing states' interests however). They usually oppose Europeanization in some other territories that are considered by them as their influence or interest zones. They are motivated either by interests or by ideology. Very often those zones correspond with the civilizational divisions in Huntingtonian meaning⁴². In case of neighbors, Eastern European and North African states shall be enumerated. They belong accordingly to the Orthodox and Muslim civilizations (considered as the original ones) with different than European norms, values and solutions. The EU competes there with Moscow or Teheran that try to strengthen counter-Europeanization movements with the help of both direct assistance and indirect influences (religious movements, language policy, activity of various organizations, etc.). Europeanization is seen then as a manifestation of European imperialism and conflict with non-European civilizations, with the battlefield on the territory of the EU neighboring states, belonging originally to non-EU space.

In case of other states where external actors dominate, Asian and African ones shall be mentioned. Russian and Chinese involvement offers states of both regions alternative solutions, usually supported with investment/aid instruments. Especially the economic expansion of China into Africa, which is not limited by political constraints, contradicts European demands for democratization that preconditions financial aid. This results in African states preferring Chinese investors and the Chinese government is considered as an easier (one that does not require changes but often even maintains local autocratic solutions) and more effective partner, especially compared to the difficult EU. Additionally, change is not necessary so original solutions norms and values might be preserved.

Other states and external actors examples could again be analyzed as a manifestation of the changing global order. Europe (as part of the Western World) is no longer the leading power worldwide. The polycentric model is also reflected in the fact that European influences are opposed in different parts of the globe by other emerging powers with growing aspirations and potential enabling them to implement those aspirations.

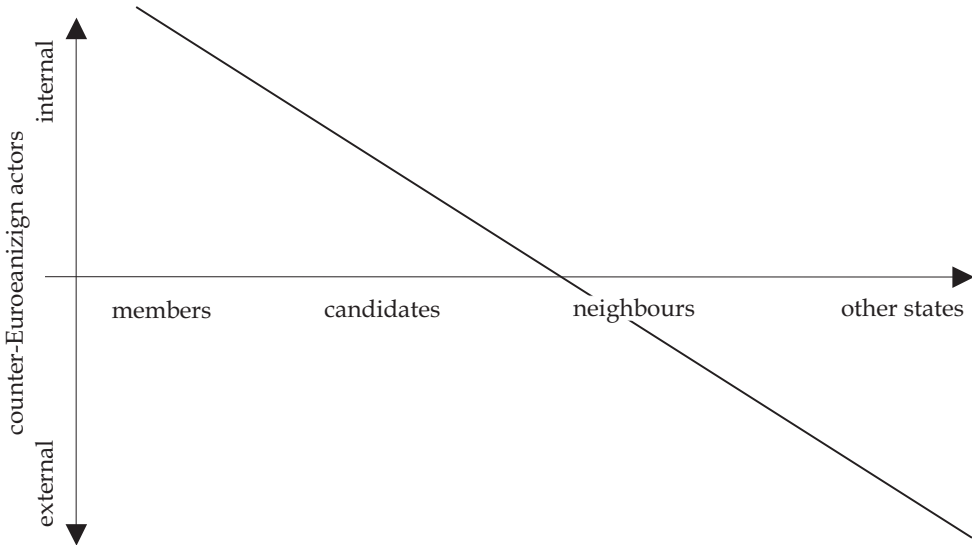
5.4. Towards a counter-Europeanization model

Summarizing the presented categorization, it might be stated that analysis of negative reaction to Europeanization from the point of view of reacting actors leads to their differentiation into internal and external ones (Figure 4).

Internally driven counter-Europeanization dominates in the member states and candidates as well as neighbors partly. External actors oppose Europeanization in EU neighbor states as well as other states.

⁴² S. P. Huntington, *Zderzenie cywilizacji*, Warszawa 1997.

Figure 4. Internal and external counter-Europeanization



Source: Author's concept presented in: J. Jańczak, *Przeciwoeuropeizacja jako kategoria badawcza w studiach nad procesami integracji europejskiej*, [in:] *Europeizacja – mechanizmy, wymiary, efekty*, A. Paczeński, R. Riedel (eds.), Wydawnictwo Adam Marszałek, Oslo–Toruń–Wrocław 2010, p. 105.

6. Conclusions

Approaching Europeanization as a non-linear phenomenon leads to differentiation of the reversed process into de-Europeanization and counter-Europeanization. While the former focuses on erosion (in the given context), the latter stresses interaction (between actors Europeanizing and opposing Europeanization). De-Europeanization then is much more visible among the member states and candidates, where Europeanization has reached a specific level. Counter-Europeanization on the other hand is also similarly visible in neighboring and other states, however their sources differ and may come from inside and outside. Internal reaction dominates again among the EU member states, candidates and partly neighbors, external reaction is relevant in neighbors and other states.

The systematization of reaction to Europeanization presented in this text does not end the debate and requires further research. One of the most important elements for further investigation seems to be the interrelation between counter-Europeanization and de-Europeanization.

Piotr Tosiek

Comitology Implementation of EU Policies - Democratic Intergovernmentalism?

Comitology relates to a committee-based model of policy implementation. As such, it influences the very concept of the European Union as constitutional construction. The nature of this political process points to the problem of the EU's democratic deficit; and in doing so, it fosters dispute among supporters of various EU visions. At the same time, comitology is suggestive of the central role played by member states in the EU institutional system, and in this respect it is generally perceived to be a democratic phenomenon. This contribution offers a brief explanation of comitology procedures, an elaboration of its legal dimension after the reforms introduced by the Treaty of Lisbon¹, as well as an evaluation of comitology in respect of theories of integration and theories of democracy, and then draws some conclusions and points to the need for further research.

Comitology is defined as the existence and activity of special committees supervising the exercise of implementing powers conferred on the Commission². Comitology committees act on the basis of legal norms that are found both in primary and secondary law and, in fact, they take part in the creation of *tertiary* law³. Types of comitology procedures are settled in the general Council Decision regulating the functioning of implementing committees (Comitology Decision)⁴. There are four main variants: advisory procedure, management procedure, regulatory procedure

¹ *Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007*, O. J. C 306, 17.12.2007, pp. 1-271.

² Cf. S. Douglas-Scott, *Constitutional Law of the European Union*, London 2002, p. 66; A. E. Töller, *Komitologie. Theoretische Bedeutung und praktische Funktionsweise von Durchführungsausschüssen der Europäischen Union am Beispiel der Umweltpolitik*, Opladen 2002, p. 15; C. Neuhold, *Das Europäische Parlament im Rechtsetzungsprozess der Europäischen Union. Demokratische Kontrollmöglichkeiten im Hinblick auf die Durchführungsbefugnisse der Europäischen Kommission*, Frankfurt am Main 2001, p. 105.

³ Cf. G. Haibach, *Separation and Delegation of Legislative Powers: a Comparative Analysis*, [in:] *Delegated Legislation and the Role of Committees in the EC*, M. Andenas, A. Türk (eds.), The Hague-London-Boston 2000, p. 66.

⁴ *Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission*, O. J. L 184, 17.07.1999, pp. 23-26, amended by *Council Decision 2006/512/EC of 17 July 2006 amending Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission*, O. J. L 200, 22.07.2006, pp. 11-13.

cedure and regulatory procedure with scrutiny. All committees consist of officials (medium and lower-level civil servants) appointed by the governments of member states. The meetings are presided over by a representative of the Commission. Other interest groups sometimes take part in meetings, but they do not have voting rights.

Comitology procedures of all types are initiated by the presentation of a draft implementing measure by the Commission. The committee gives its opinion regarding the draft. The validity of the opinion is determined by the variant of procedure. In an advisory procedure the committee gives a non-binding opinion, while in a management procedure a negative opinion results in the transferring of implementing powers from the Commission to the Council. In a much more complicated regulatory procedure not only a negative but also the lack of opinion is a reason for transfer. The last and most sophisticated variant introduced in July 2006 – a regulatory procedure with scrutiny – provides for obligatory control of committee opinions by legislative bodies: the European Parliament and the Council⁵. In practice mixed types of committees can also be found: various elements of the same problem are decided by the same committee according to different procedures.

1. Legal Background of Comitology

From the legal point of view, comitology should be analyzed with respect to its legal bases deriving from EU primary and secondary law, as well as its influence upon the broader structure. Before entry into force of the Treaty of Lisbon the legal basis for comitology could be found in Art. 202 3rd indent TEC: “[the Council shall] confer on the Commission, in the acts which the Council adopts, powers for the implementation of the rules which the Council lays down. The Council may impose certain requirements in respect of the exercise of these powers. The Council may also reserve the right, in specific cases, to exercise directly implementing powers itself. The procedures referred to above must be consonant with principles and rules to be laid down in advance by the Council, acting unanimously on a proposal from the Commission and after obtaining the opinion of the European Parliament”.

A very important element is the linkage between comitology and the system of the sources of law. In the pre-Lisbon era differences in the sphere of various categories of EU law were not obvious; and indeed, a clear border between basic and implementing acts was disputed. Reforms of the new treaty have changed that situation and also touched comitology indirectly.

In this respect Articles 290 and 291 TFEU are of the utmost importance. These provisions replace Art. 202 3rd indent TEC. Art. 290 TFEU states that “a legislative act may delegate to the Commission the power to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act”. These constitute “delegated acts”. The special conditions under which such delegation is

⁵ First empirical findings show that the European Parliament does not exercise its powers in this respect properly. Cf. A. Hardacre, M. Damen, *The European Parliament and Comitology: PRAC in Practice*, “Eipascope”, no. 1, 2009, pp. 17-18.

subject are laid down. They are as follows: “(a) the European Parliament or the Council may decide to revoke the delegation; (b) the delegated act may enter into force only if no objection has been expressed by the European Parliament or the Council within a period set by the legislative act”.

In Art. 291 TFEU a second new category of legal acts is introduced. This article states that generally “Member States shall adopt all measures of national law necessary to implement legally binding Union acts”. However, “where uniform conditions for implementing legally binding Union acts are needed, those acts shall confer implementing powers on the Commission, or, in duly justified specific cases and in the cases provided for in Articles 24 and 26 of the Treaty on European Union [Common Foreign and Security Policy], on the Council”. In case of conferral “the European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall lay down in advance the rules and general principles concerning mechanisms for control by Member States of the Commission’s exercise of implementing powers”. These new acts constitute *implementing acts*.

Other reforms of the system of sources of law are also crucial for practical decision-making in the European Union. A formal distinction between legislative and non-legislative acts (Art. 289 TFEU), planned many years ago and postponed for some time, was eventually proclaimed. This amendment, now passed, may create a reason for many problems.

Firstly, the category of legislative acts is distinguished in formal context. Legislative acts are constituted by regulations, directives and decisions adopted in one of three ways: in an ordinary legislative procedure, in a special legislative procedure or in a specific procedure provided for in Art. 289.4 TFEU. It has to be underlined that in provisions relating directly to legislative acts there are no references to the content of these acts. Their essential scope can be identified by a *contrario* reasoning, resulting from analysis of non-legislative acts.

Secondly, a category of delegated acts is defined in both formal and essential ways, relating not only to their procedure but also to their content. Delegated acts may not relate to individual problems but at the same time may not refer to essential elements of legislative acts, which is further underlined in the last sentence of Art. 290.1 TFEU. It has to be predicted that, in spite of the settled case-law, a definitive line between the essence of legislative and non-legislative (including delegated) acts will be difficult to find.

In the legal literature delegated acts are often equaled to *quasi-legislative* acts. Such a definition is based on a distinction concerning two further instruments: *sensu stricto* legislative acts that must be adopted in a legislative procedure and *sensu stricto* implementing acts. In the latter case the European Parliament, as legislative body, may not have the right of scrutiny (delegated acts are therefore defined as acts of *general application*)⁶.

⁶ G. Schusterschitz, S. Kotz, *The Comitology Reform of 2006. Increasing the Powers of the European Parliament without Changing the Treaties*, “European Constitutional Law Review”, no. 3, 2007, pp. 80-81.

Thirdly, implementing acts are defined mainly in formal context. It should be stressed that implementing powers are explicitly transferred to the member states. Only if uniform conditions of implementation of legally binding acts are needed are the powers conferred on the Commission or the Council. The Commission, as the implementing body, should be supervised only by member states, as stated in Art. 291.3 TFEU. Such control may not be exercised by institutions that adopted an act conferring implementing powers (the European Parliament and the Council). The European Parliament is also not allowed to control the Council if the latter is an implementing body. Moreover, both the European Parliament and the Council are obliged to adopt regulations laying down the rules and general principles concerning mechanisms for control exercised by member states. The form of regulations (plural) excludes the possibility of taking a different form of legal act (for instance a decision) and creating a single act consisting of those rules and principles. Such regulations must be adopted in an ordinary legislative procedure. In this case tensions between both legislative branches can well be predicted. After all, the European Parliament will take part in making decisions that on the basis of the Treaty eliminate it from control procedures.

All these reforms created a new system of sources of law. The introduction of new formal categories makes differentiation in this sphere clearer. Still, some elements are controversial and need to be examined. Their further impact on comitology is discussed in the conclusion.

2. Comitology and Theories of Integration

From the point of view of political science and international relations comitology should be evaluated with respect to theories of integration and theories of democracy. There is no agreement among scholars and nobody presents a coherent vision, which reflects the very complicated character of comitology as well as theoretical pluralism regarding it⁷.

One of the possibilities is the approach proposed by *Larsson and Maurer*. They suggest confronting comitology with respect to five main concepts of integration. The first concept is connected with intergovernmental vision and is divided in four variants. The first variant consists of a traditional realistic and a neo-realistic school. The most important function of committees is controlling the Commission. Such committees are an addition to national institutions whose aim is not to allow postnational administration to emerge. The second variant is “*an administrative*

⁷ Theoretical concepts used in the research on committees in the EU system have been reviewed in: L. Quaglia, F. De Francesco, C. M. Radaelli, *Committee Governance and Socialization in the European Union*, “*Journal of European Public Policy*”, vol. 15, no. 1, 2008, pp. 155-166; Cf. J. Blom-Hansen, G. J. Brandsma, *The EU Comitology System: Intergovernmental Bargaining and Deliberative Supnationalism?*, “*Journal of Common Market Studies*”, vol. 47, no. 4, 2009, pp. 719-740.

diplomacy or the liberal intergovernmentalist variant of neo-realism". National civil servants are perceived here as defenders of the state, while creating national preferences is the most important analytical element. These preferences are shaped by many internal actors, while the governments play an aggregating role. Comitology committees are tools of influence used by governments upon EU administration. The third variant is intergovernmental monitoring. Comitology committees are bodies where governments coordinate their political and administrative positions. The fourth variant is called *functional cooperation* and is quite close to supranational visions. Comitology committees enable member states to find good solutions to collective problems, but the decision-making process is dominated by the interactions of national civil servants who represent national interests⁸.

The second concept is a federalist vision. The perception of committees is in fact similar to the realistic one, but evaluation of such is of course completely different. Committees are tools of influence wielded by member states upon the supranational body, and as such they create significant obstacles to building the federal union and to effective problem solving. A better solution would be a strict division of powers between the state and the Union, which is connected to the autonomy of the decision-making process at these two levels based upon principle of subsidiarity⁹.

The third concept presented is neofunctionalism and *supranational technocracy*. Comitology committees are essential elements of the system aimed at technical problem solving. They are composed of experts who come from different states. Interactions among them improve their professional level and make finding the best solution possible. The most important role is played by representatives of the Commission¹⁰.

The fourth concept is called erosion and *European megabureaucracy*. Comitology committees are perceived as decision-makers that express the tendency to replace political decisions with administrative ones. Committee system is not effectively controlled by parliaments and courts, which is their main distinction from member states' administrative systems. National civil servants forget that they represent both governments and societies. There is a place for the creation of a new independent bureaucratic and political space that is reluctant to open the decision-making process. Representation of various interests is lacking and the efficiency of committees is low¹¹.

The fifth concept is a combination of "*governance, fusion theory, models of horizontal and vertical fusion as well as mixed administration*". These elements are, in fact, interdependent. Comitology committees are seen as status quo defenders, and thus may not be linked with any vision of integration. They constitute a part of broad de-

⁸ T. Larsson, A. Maurer, *Subproject 4: the Committee System, Legitimacy, Citizen's Perceptions and Acceptance of the EU-System of Governance*, [in:] *Governance by Committee: the Role of Committees in European Policy-Making and Policy Implementation*, State of the Art Report, European Institute of Public Administration, Project No. SERD-1999-00128, May 2000, pp. 79-81.

⁹ *Ibidem*, pp. 81-82.

¹⁰ *Ibidem*, pp. 82-83.

¹¹ *Ibidem*, pp. 83-84.

cision-making networks. In fusion theory the most important element of the decision-making process is the mixing of public instruments from many member states as well as Europeanization of supranational, national, regional and de-nationalized actors and institutions. Actors at all levels must adapt to a new situation and compete. Committees are “*specialized bodies for joint action*”. Horizontal (inside the committee system) and vertical (outside the committee system) interactions reflect the need for constructive problem solving in a good atmosphere¹².

In another contribution Maurer seeks to explain comitology with regard to three main visions of European integration: intergovernmental, federal and multi-level concepts. The intergovernmental vision is reaffirmed by five elements:

- a) representatives of member states play a crucial role in committees;
- b) committees are not pure EU bodies;
- c) decisions concerning creating new committees are made first of all by the Council (as an intergovernmental body);
- d) committee members are appointed by the governments;
- e) there is no transfer of loyalty from the state to the EU level.

The supranational vision is reflected in the four following comitology features:

- a) committees are presided over by representatives of the Commission who formally and informally influence the atmosphere and shape the agenda;
- b) committee members have a feeling of *togetherness* that influences their identities;
- c) committees are better controlled by the European Parliament (as a result of consequent reforms);
- d) almost all legal acts created in comitology are adopted by the Commission (transfers to the Council are rather unusual).

The multi-level concept presents eight elements to describe comitology:

- a) the comitology system is intransparent, complicated and difficult to control;
- b) the activity of comitology committees is an expression of institutional and personal mobilization in the framework of a polyarchic polity in which national administrations shift their attention towards the Union level;
- c) national administrations are influenced by interest groups that offer *transnational expertise*;
- d) national civil servants are confronted with various administrative cultures and interaction styles;
- e) there is a continuous process of Europeanization of national institutions and their personnel, which contributes to building of democracy in the Union;
- f) there is a system of mutual control between national administrations and European institutions in the sphere of implementation of binding EU decisions;
- g) there is a mixture of national and EU competences, which influences distribution of accountability;
- h) there is a process of bureaucratization and administrative segmentation¹³.

¹² *Ibidem*, pp. 84-87.

¹³ Elaboration based on: A. Maurer, *Committees in the EU System: Alternative Approaches for Understanding a Multi-Level, Multi-Actor System*, [in:] *Governance by Committee, the Role of Com-*

Taking into account an historical perspective, Töller asserts that creation of the first comitology committees in the 1960s was an expression of intergovernmental thinking (first of all, regulatory procedure). In spite of this, until the end of the 1980s comitology was placed on the very background of main decision-making processes, being largely an apolitical phenomenon. Constitutionalization of comitology in 1987 (Single European Act) resulted in this phenomenon entering into politics. New interinstitutional tensions appeared while the Commission began to promote a supranational vision, the Council defended the intergovernmental vision and the European Parliament, struggling for its position, was ambivalent¹⁴. The progress of comitology fostered, and was facilitated by its own dynamics, which resulted in new conflict lines that were becoming typical for the multi-level concept. Still, in the internal functioning of committees the intergovernmental vision, coupled with some technocratic attributes, dominates¹⁵.

A very important contribution to any analysis of comitology is that made by fusion theory, developed by Wessels, which was mentioned above. From a macropolitical perspective there is a tendency for national actors to move to the European political scene, which is reflected in the differentiation of committees. The very nature of comitology points also toward the Europeanization of those actors. However, there is no transfer of loyalty but rather an effort is made to get direct access and to influence decision-making centers. Europeanization offers governments and national administrations the possibility to expand their range of activities, while at the same time fostering their transformation. Membership in comitology committees demands interaction with other political and administrative cultures, which indirectly influences internal state systems. Decisions made by the committees are *ultimately* binding for those systems, while national and European supplies are pooled. Accountability and legitimacy are also *communitarized*. In this way, European cooperation is becoming *normal* but politics and citizens are made distant from one another. Even so, comitology committees are neither a bureaucratic plot aimed at expansion of bureaucracy nor the result of an accident. Being both an arena and an actor, they are rather an *in-built* element of a mixture of many systems, which creates *fusion in action*¹⁶.

Another analytical concept is presented by Joerges, promoter of deliberative supranationalism. Some views seem to be rather stipulations instead of description. Firstly, comitology is an element of the Union system, defined as a non-hierarchical

mittees in European Policy-Making and Policy Implementation, Final Report – Part I, European Institute of Public Administration, Project No. SERD-1999-00128, April 5, 2002, pp. 55-57.

¹⁴ Cf. K. St Clair Bradley, *The European Parliament and Comitology: on the Road to Nowhere?*, "European Law Journal", vol. 3, no. 3, 1997, pp. 250-254.

¹⁵ A. E. Töller, *Komitologie...*, *op. cit.*, pp. 515-523. Cf. another (rather supranational) explanation of the first phase of the existence of comitology committees: J. Blom-Hansen, *The Origins of the EU Comitology System: a Case of Informal Agenda-Setting by the Commission*, "Journal of European Public Policy", vol. 15, no. 2, 2008, pp. 208-226.

¹⁶ W. Wessels, *Comitology: Fusion in Action. Politico-Administrative Trends in the EU System*, "Journal of European Public Policy", vol. 5, no. 2, 1998, pp. 226-229.

system aimed at regulation of political risk. Secondly, such an analytical framework relates to a paradigm of deliberative supranationalism that perceives the functions and quality of European law to be a basis for its legitimacy and primacy. Thirdly, comitology practice should be characterized as *political administration*, i.e. *good governance*. Fourthly, legal constitutionalization of comitology must take account of decision-making problems arising from both technocratic and normative-political determinants. The deliberative quality of comitology results from the acceptance of multinational, multicultural, social and scientific pluralism as well as from the lack of hierarchical structure. Fifthly, at lower EU law levels there is a need to create legal norms. This is reflected in committee structure, and the independence and pluralism of experts as well as in transparency and publication of results. In this way a new European (Union) administrative law is appearing which has constitutional (legitimacy) functions. Sixthly, comitology is specialized in implementing legislation with abstract addressees. As a consequence, expansion of participatory and judicial rights of non-governmental actors is needed. This could be accomplished by re-definition of deliberative policy demands. Seventhly, re-definition of comitology as a forum of deliberative policy should be perceived as a supplement to existing institutions aimed at improving their quality. This process can be spontaneous¹⁷.

3. Comitology and Theories of Democracy

Comitology should be analyzed also from a democratic viewpoint. Generally there are two approaches to perception of comitology from this perspective. In the first, comitology creates one of the most important defects of the European Union, with lack of transparency and exclusion of the European Parliament from the decision-making process. Recommendations are based in this case on the parliamentary model of democracy and stipulate enhancement of the European Parliament and public access to documents. The second approach is connected with a non-majoritarian vision of democracy. Representatives of this view assert that problems that committees have to solve are technical and non-political in their nature. Viewed in this way, the legitimacy of comitology is rooted in functional expertise and exclusion from politics and the electoral cycle¹⁸.

Schäfer and Larsson analyze the democratic character of comitology with respect to four basic attributes of democracy: accountability of decision-makers, bal-

¹⁷ C. Joerges, *Die Europäische "Komitologie": Kafkaeske Bürokratie oder Beispiel "deliberativen Regierens" im Binnenmarkt*, [in:] *Das Ausschusswesen der Europäischen Union*, C. Joerges, J. Falke (Hrsg.), Baden-Baden 2000, pp. 39-40. Cf. *idem*, J. Neyer, *From Intergovernmental Bargaining to Deliberative Political Processes: the Constitutionalisation of Comitology*, "European Law Journal", vol. 3, no. 3, 1997, pp. 287-299.

¹⁸ M. Rhinard, *Governing in Committees: an Analysis of the Democratic Legitimacy of the European Union Committee System*, paper to be presented at the IPSA World Congress 2000, Quebec, August 1-5, 2000, p. 2.

ance of the system, efficiency and effectiveness, and openness and transparency. Comitology committees operate within a *vacuum of accountability*. Citizens are not aware of their very existence, only a small number of comitology-made acts are interesting to the public, almost nobody can identify the actors or understand the rules of the game. In spite of this, representatives of member states are accountable to their governments. They have instructions, which serve as the basis for talks in the committee. There is a process of continuous negotiations where in case of routine decisions committee members hold main responsibility, but in case of controversial decisions it is becoming very difficult to identify those responsible. The reason for this is the shape of consensus or compromise. Moreover, representatives of interest groups take part informally in some committee meetings. They are active in the preparatory phase, before a committee meeting, and their influence is to be seen at both the level of state and the Commission. It is, however, difficult to say that all representatives of civil society have equal and transparent access to head actors of comitology. On the other hand, the accountability level of comitology decision-makers is not any lower than the respective accountability in national systems. Still, the identification of a real decision-maker is much more difficult¹⁹.

In relation to the second attribute of democracy, balance of the system, both authors assert that comitology was invented in order to control the Commission. The small number of drafts that are not accepted by committees should not be interpreted as an indicator of inefficiency of the control mechanism. On the contrary, this is a result of Commission's activity aimed at persuading representatives of member states of the accurateness of the solution proposed. In many cases the Commission has to adapt its draft to reflect views expressed in the committee. Decision results therefore from this deliberation process. Some control tools are also at the disposal of the European Parliament, but they are very weak and consist of cooperation of Commission and Parliament officials who are responsible for the organization of activities of comitology and parliamentary committees. This cooperation aims at avoiding possible tensions. The second tool of the European Parliament is an *ultra vires* control, used very rarely, which results from impossibility to monitor all, and even those most important, implementing acts. The last element necessary to judge the balance of the system is the protection of minority interests as well as interests of addressees of decisions. In this respect groups of citizens who are particularly interested in the shape of decisions are not involved in the procedure and may expect some difficulties in the case of proceedings before the Court of Justice. On the other hand, indirect possibilities of obtaining access to decision-makers are quite significant. In general the system is balanced²⁰.

With respect to the third attribute, efficiency and effectiveness, comitology committees can be perceived as possessing *institutionalized expertise*. The dominating inside role is played by civil servants who are well-prepared and represent member

¹⁹ G. F. Schäfer, T. Larsson, *Conclusion*, [in:] *Governance by Committee...*, *op. cit.*, Final Report – Part I, pp. 202-203.

²⁰ Cf. *ibidem*, pp. 204-206.

states, the Commission or, rarely, interest groups. Problems to be solved are very specialized. The activity of committees contributes to a great extent to better implementation and application of EU law in member states. Committees can guarantee vertical and horizontal coordination of the activities of national administrations. In general, comitology is a very efficient sphere of cooperation in an extremely complicated system of governance²¹.

The next attribute, openness, is not to be understood as public decision-making but rather relates instead to the nature of decisions and the ability of those interested in them to influence their shape. In this respect comitology committees are perceived as *more than less* open. Interest groups may participate indirectly in decision-making, while the Commission is a direct adviser based upon perceived expertise.

The last attribute, transparency, is a different phenomenon and must be addressed in relation to public access to committee meetings. There is, however, a negative trade off between the public character of committee work and efficiency. Comitology committees constitute the arena of intensive debates, arguing, persuading and compromise finding. To engage in such debates publicly is hardly possible, and any attempts in that direction could lead to the transfer of the real negotiation process to other sites. In the case of comitology allowing groups interested in final results access to information on proceedings and their outcomes (including compromise building) is much more important than holding public meetings. The objective can be a possible *reconstruction* of the real decision-making process and rendering it legible. Some elements of 1999 Comitology Decision can help this process. In general the comitology system can be evaluated as a relatively transparent one²².

Van Schendelen and Pedler think that democratic context of analysis of comitology should not relate to the way in which the committees function but rather to their contribution to the development of democracy. Evaluation depends in this case on the definition of democracy. Both authors create their own definition with five groups of elements: participation and representation, autonomy and freedom, accountability and transparency, legitimacy and legality, and competition and pluralism²³.

In respect to the first group (participation and representation) it should be noted that comitology committees are channels of participation. This participation is, however, limited to representatives of national administrations. The other circles take part in committees' meetings not so often – while they do serve as experts – and are excluded from decision-making. Regarding the second group (autonomy and freedom) the committees can be seen as hybrids between EU governance and representation of member states' interests. When seen from this viewpoint they are similar to local institutions using the subsidiarity principle. In the case of the third group (accountability and transparency) it has to be underlined that committee members

²¹ *Ibidem*, pp. 207.

²² *Ibidem*, pp. 207-209.

²³ M. P. C. M. van Schendelen, R. H. Pedler, *Are EU Committees Influential?*, [in:] *EU Committees as Influential Policymakers*, M. P. C. M. van Schendelen (ed.), Aldershot-Brookfield USA-Singapore-Sydney 1998, pp. 287-288.

are accountable to their own governments and their decisions are made public. A deeper analysis shows, however, that accountability is dispersed, informal groups influencing the outcomes are difficult to identify, while the minutes and protocols of meetings are hardly accessible. In respect of the fourth group (legitimacy and legality) committees are seen as decision-making centers composed of experts representing democratically elected governments, operating on rules settled in advance and expressing broad interests. The only problem is accountability. In the last group (competition and pluralism) comitology committees have earned high marks since their high internal and external competitiveness results from representation of various interests and preferences. They have national and sectoral background. On the other hand, pluralism is limited to interests represented in committees rather than the full range of interests²⁴.

Töller finds three particular sources for the legitimacy of comitology: decision-making procedure, integration of expertise and a control system. In relation to the first source, the work style of committees is of the utmost importance. This is a dynamic mixture of strategic bargaining and problem solving argumentation – while none of these two types dominates, both are legitimized. The main objective of the committees' work is consensus building, which protects participants from external risk and is itself a very democratic way of decision-making. On the other hand, consensus decisions are often inefficient. Taking into account the second source, it should be noticed that the Commission tends to instrumentalize the positions of scientists and experts. Recruitment of experts and giving representatives of pluralistic interests access to decision-making are also problematic. There is much room for manipulation, with main goal of promoting national (political or ideological) interests. The third source of legitimacy underlines the existence of mutual control of the Commission and member states, with the accidental participation of the European Parliament. Such a system assures the balance between centralization and decentralization²⁵.

Another important element in evaluating the democratic character of comitology is its relation to the broader structural context: decision-making networks, which strengthen the legitimacy of committees. A network is a kind of a competent *part-society* in which the participation of actors representing interests of addressees of decisions (though without voting rights) facilitates current monitoring and evaluation of committees' work as well as quick reactions. The dilemma is resolved thus: intransparent comitology system is able to make efficient decisions because of its intransparency. On the other hand, building networking structures is in some comitology areas impossible²⁶.

Rhinard finds discussion the most important attribute of democracy. His research shows, however, that deliberative political decision-making is not always typical for comitology. Comitology committees are part of broader networks com-

²⁴ *Ibidem*, pp. 288-289.

²⁵ A. E. Töller, *Komitologie...*, *op. cit.*, pp. 530-533.

²⁶ *Ibidem*, pp. 532-533.

posed of other types of committees and groups, where membership in those forums is often uniform: the same people are sitting on various bodies. Such a situation contributes to a deepening of the institutionalization of the network, but at the same time makes the decision-making process closed to discussion and earns low marks in terms of deliberative values. Pluralism of interests is endangered, and the participation of experts, in an advisory function, is a *strategic device* that does not improve deliberation level. A weak proceduralization of comitology and of the technocratic ethos underlines appropriateness of decisions, compromising adequate representation of various interests. Indeed, accountability and political control are, in Rhinard's view, hardly present in comitology. The Commission is not able to monitor even the exact number of committees. Two elements, limited deliberative quality and weak external control, are interlinked. Participation in a closed network and low public participation prevent the appearance of accountability and do not allow outsiders to define the origin of solutions proposed, to analyze the decision-making process and to object to decisions. On the other hand, in comparison with the other types comitology committees seem to be best controlled²⁷.

All views presented above offer ample evidence of the complexity of comitology. This phenomenon can be explained from many theoretical viewpoints that are sometimes completely inconsistent. As a result evaluations differ, which contributes to the existence of two contradictory perceptions, seeing comitology as a step towards consolidation of the EU institutional system or as main obstacle in this process. The author's own view concerning these problems – both in the perspective of theories of integration and theories of democracy – is discussed in the conclusions.

4. Conclusions

The reforms introduced by the Treaty of Lisbon have had a great impact on comitology. The creation of new legal bases should result in a great reform and affect the whole institutional background. The five following consequences are important:

- a) comitology procedures will be used in adoption of both delegated and implementing acts, but documents of the Commission – issued after entry into force of the Treaty of Lisbon – incorporate to the new Comitology Regulation implementing acts only, leaving delegated acts to other practical arrangements²⁸;

²⁷ M. Rhinard, *Governing...*, *op. cit.*, pp. 25-27. Cf. C. Neuhold, *Das Europäische...*, *op. cit.*, pp. 225-228.

²⁸ On the other hand, some authors seemed to reduce comitology sphere to delegated acts only. Cf. G. Schusterschitz, S. Kotz, *The Comitology...*, *op. cit.*, pp. 80-81; T. Christiansen, B. Vaccari, *The 2006 Reform of Comitology: Problem Solved or Dispute Postponed?*, "Eipascope", no. 3, 2006, pp. 11-12. Similarly to the author: *The Treaty of Lisbon: Amendments to the Treaty Establishing the European Community*, House of Commons, Research Paper 07/86, December 6, 2007, pp. 95-99; H. Hofmann, *Legislation, Delegation and Implementation under the Treaty of Lisbon: Typology Meets Reality*, "European Law Journal", vol. 15, no. 4, 2009, pp. 499-500.

- b) new secondary law acts laying down comitology procedures must be adopted²⁹;
- c) new comitology procedures will have to be introduced – they must take into account the call-back mechanism in case of delegated acts and a minor role of the European Parliament in case of implementing acts;
- d) new legal bases for comitology will not solve interinstitutional problems; on the contrary, they can contribute to the creation of new conflict areas (for example an ultra vires activity in the case of implementing acts and a weakened role of the European Parliament);
- e) a clear delimitation of legislative and non-legislative spheres will not be possible, which leaves room for case-law of the Court of Justice of the European Union.

From the perspective of theories of integration comitology is a phenomenon exceeding explanatory skills of any concept. All theories are based on some preconditions that create the core of reasoning. Another path is the attempt to abandon seeking a full explanation and looking instead for a concept closest to reality. Such an approach seems to be the only way to find a resolution to this debate.

In the author's view liberal intergovernmentalism³⁰ is best suited for conceptually understanding comitology. This approach must be, however, supplemented by certain elements of further intergovernmental visions. Five factors render this perspective more evident.

Firstly, delegation of powers to the Union does not necessarily mean resignation from a state's sovereignty. Indeed, sovereignty is rather enhanced by participation in implementation of *collective sovereignty*³¹. The Union does not gain the attribute of sovereignty at the same time. The Commission with its comitology system (committees composed of representatives of member states) should be perceived as a type of international secretariat that monitors and implements treaties³².

Secondly, interests represented in comitology committees result from aggregation of the interests of various social groups active in member states. These groups enter into international interactions, which make member states' positions take account of the external context. Decisions made by committees are effects of intergovernmental bargaining and problem solving³³.

²⁹ Cf. *Proposal for a Regulation of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers*, Brussels, 9.3.2010, COM (2010) 83 final; *Communication from the Commission to the European Parliament and the Council – Implementation of Article 290 of the Treaty on the Functioning of the European Union*, Brussels, 9.12.2009, COM (2009) 673 final.

³⁰ A. Moravcsik, *Taking Preferences Seriously: a Liberal Theory of International Politics*, "International Organization", vol. 51, no. 4, 1997, p. 513. Cf. *idem*, *A New Statecraft? Supranational Entrepreneurs and International Cooperation*, "International Organization", vol. 53, no. 2, 1999, p. 273; R. Putnam, *Diplomacy and Domestic Politics: the Logic of Two-Level Games*, "International Organization", vol. 42, no. 3, 1988, pp. 427-460.

³¹ Cf. Z. J. Pietras, *Prawo wspólnotowe i integracja europejska*, Lublin 2005, pp. 244-247.

³² Cf. D. J. Puchala, *Institutionalism, Intergovernmentalism, and European Integration: a Review Article*, "Journal of Common Market Studies", vol. 37, no. 2, 1999, p. 319.

³³ O. Elgström, C. Jönsson, *Negotiation in the European Union: Bargaining or Problem-Solving?*, "Journal of European Public Policy", vol. 7, no. 5, 2000, pp. 699-701.

Thirdly, intergovernmental interactions in comitology committees reflect “the pattern of issue-specific interdependence” (some national preferences can be also seen as outcomes of two further theoretical models: the lack of a strict position or a position determined ideologically). This pattern is expressed by differentiation of member states’ positions in relation to different spheres, observance of negotiation mandates, relative stability of position in an actual area and flexibility resulting from impact of internal factors. The objective of negotiations is always finding a better collective solution³⁴.

Fourthly, delegation of powers to the Commission refers to the areas where centralized implementation is needed. This is usually expressed by adoption of abstractive implementing acts. Delegation relates to the spheres in which member states are no longer able to control observance of obligations by other states unilaterally. Participation of representatives of governments is therefore a substitute of unilateral control with acceptable costs³⁵.

Fifthly, comitology committees express the hybridity of the institutional system of the European Union³⁶. They are components of a specific legal institution: the supranational body makes decisions but is controlled by member states. Comitology is undoubtedly an intergovernmental element of this institution. Empirical findings show that the Commission does not totally dominate the activities of committees. Positive opinions of committees are rather concessions to national interests³⁷.

Comitology committees express the will of EU member states which influence decisions made by supranational bodies. The states tend to maintain their central position also in area of centralized implementation of EU law. National implementation of this law is still within their sphere of competence. Both types of implementation should be perceived as complementary elements. The main objective of comitology is thus the balance between the state and the Union, as well as among the states themselves.

Taking into account the perspective of democracy theories, the author’s view is based on the assumption that they relate first of all to the nation state and are only partially usable in international systems like the European Union. Still, basic democratic principles are taken into account in comitology; but even so, the parliamentary model of democracy must be replaced by a non-majoritarian model with a domination of output legitimacy³⁸. Four elements can be recalled to prove this view.

³⁴ A. Moravcsik, K. Nicolaidis, *Explaining the Treaty of Amsterdam: Interests, Influence, Institutions*, “Journal of Common Market Studies”, vol. 37, no. 1, 1999, pp. 60-69.

³⁵ *Ibidem*, pp. 69-73, 76-77.

³⁶ Cf. Z. J. Pietras, *Prawo...*, *op. cit.*, pp. 37-46.

³⁷ On the other hand, representatives of member states are not controlled by their governmental principals effectively. Cf. results of an empirical research: G. J. Brandsma, *Accounting for Input in Comitology Committees: an Uncomfortable Silence*, “Journal of European Public Policy”, vol. 17, no. 4, 2010, pp. 502-503.

³⁸ Cf. G. Majone, *Regulatory Legitimacy*, [in:] *Regulating Europe*, G. Majone et al, London–New York 1996, p. 286; E. Best, *Transparency and European Governance: Clearly Not a Simple Matter*, [in:] *Increasing Transparency in the European Union?*, V. Deckmyn (ed.), Maastricht 2002, pp. 93-95.

Firstly, comitology committees are decision-makers oriented on problem solving. Problems discussed in committees do not usually belong to the political sphere, being rather on the other hand important factors of social life. Decisions resulting from debate and arguments potentially benefit all participants. The basis for such debate are national preferences, which allow comitology decisions to be accepted by the society. This acceptance is both essential and emotional³⁹.

Secondly, comitology committees are continuously controlled by the democratically elected governments of member states and – to some extent – by the European Parliament. Comitology is a very important expression of institutional balance, and as such it creates a system of monitoring the Commission's activities by the states and vice versa. This balanced system, with its division of powers, makes anticipation of implementing behavior of member states possible. The system has some pluralistic (democratic) elements.

Thirdly, members of comitology committees represent their governments and function, therefore, as vectors of subconscious trust of their respective societies. For them, national identification is much more significant than European (Union) identification. Another factor creating this trust is a high professional level of national civil servants. The overall tendency to be seen also in national systems is social acceptance of specialized expert groups to deal with problems being out of citizens' direct interest⁴⁰.

Fourthly, comitology procedures are the best method of solving problems in areas that do not demand broad social participation. The relative tightness of committees must not be perceived as a disadvantage. Citizens are interested in making good decisions; and for them the pattern of decision-making plays minor role: most citizens are not familiar with comitology and many other EU procedures, but are convinced that these phenomena are controlled. This conviction is a kind of *tacit participation*⁴¹. Those parts of society (often confronted with each other) that are directly interested in the committees' decisions have at their disposal some elements of access and influence. This is exemplified by consultations conducted by the Commission and member states' governments as well as enhanced transparency of comitology (publication of documents). The activities of comitology committees can be seen as more transparent than the activities of some governmental (national) bodies⁴².

³⁹ T. Larsson, *The European System of Governance and Committees – a Legitimacy and Democracy Problem*, [in:] *Governance by Committee...*, *op. cit.*, Final Report – Part I, p. 61; A. E. Töller, *Komitologie...*, *op. cit.*, p. 159; T. Larsson, A. Maurer, *Subproject 4...*, *op. cit.*, p. 64.

⁴⁰ A. Moravcsik, *In Defence of the "Democratic Deficit": Reassessing Legitimacy in the European Union*, "Journal of Common Market Studies", vol. 40, no. 4, 2002, pp. 604-619.

⁴¹ C. Lord, *Democracy and Democratization in the European Union*, [in:] *Governing the European Union*, S. Bromley (ed.), London 2001, p. 166. Cf. the elaboration of the role of scientific expertise in some sectors: T. Christiansen, J. Polak, *Comitology between Political Decision-Making and Technocratic Governance: Regulating GMOs in the European Union*, "Eipascope", no. 1, 2009, pp. 8-10.

⁴² Every year the Commission is to present a report on comitology. Cf. *Report from the Commission on the working of committees during 2008*, Brussels, 3.7.2009, COM (2009) 335 final.

Therefore comitology can be understood as a generally democratic phenomenon. Its decision-making process features the participation of representatives of member states (input legitimacy) who are experts in a given issue, while decisions are based on impartial information (output legitimacy). However, the most important factor is the maximization of efficiency: in promoting such, the main task is to seek solutions that are autonomous with respect to politics, since committees are composed of representatives of administration.

* * *

Basic theoretical problems connected with procedures for the exercise of implementing powers conferred on the Commission are tackled by the Treaty of Lisbon and constitute the background for important reforms of the constitutional construction of the European Union. Comitology committees are an important element of the Union's institutional system. On the other hand, many problems (delegation of powers, borders between various categories of legal acts, interinstitutional tensions) have not been solved yet in an appropriate way. This lack of resolution disturbs the smooth adoption of acts of *tertiary* law. Theoretical discussion and the evolution of law are two interlinked processes. This linkage may be a good starting point for future debates of scholars and practitioners. Currently, comitology remains a democratic intergovernmental element of the EU decision-making system.

There is also a system of processing of information based on the (Internet) Register of Comitology, which however requires improvement. Cf. G. J. Brandsma, D. Curtin, A. Meijer, *How Transparent are EU 'Comitology' Committees in Practice?*, "European Law Journal", vol. 14, no. 6, 2008, pp. 836-838.

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