

The Negotiation Process in the European Union:

The Mediation-Role of Structures in the case of the negotiations between social actors and the Community with regard to the enlargement process towards the East

DRAFT – WORK IN PROGRESS

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Abstract

The paper, drawing on evidence from a case study - German actors' strategies in the Eastern enlargement discussions – argues that approaches focusing on the macro-level of analysis, and thus following conventional wisdom in enlargement studies, can too easily neglect the subtleties of a policy-making process. These subtleties can be seen more clearly in an analysis of routine, rather than 'constitutional or historical', decisions. These processes of elaboration of public policies on the European level are characterised not only by the interaction of a number of national actors, both public and private, but also by the complexity of the negotiation process and, finally, by the weak formalisation of decision-making procedures.

This form of governance and policy-making in the European Union makes it necessary, in order to analyze actors' strategies in the decision-making processes, to take policy-making structures on both the national and the European levels into account. In defining a different legitimate order and, therefore different ways to exercise political power, these structures *mediate* the activities of actors and allow for both the Commission and the social actors to intervene on various decision-making levels. Yet, at the same time, there is substantial evidence to suggest that national governments still enjoy a great deal of leverage in shaping the social and economic conditions of their societies according to prevailing political preferences.

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1. Introduction¹

The discussion amongst scholars in the field of European integration has become increasingly pluralistic in recent years. The question is henceforth less 'who governs the European Union' that is how is power shared between member states and European institutions, but rather 'how does the complex governance system function'. The process of elaboration of public policies is characterised at the same time by the interaction of a number of national actors, public and private, by the complexity of the negotiation process and, finally by the weak formalisation of decision-making procedures². Approaches focusing on the macro-level of analysis rather easily neglect the subtleties of a policy-making process, which can be seen more clearly in an analysis of routine than rather 'constitutional or historical' decisions³. The routine of the policy-making process in a multi-level system brings to light the emergence of a new form of governance in the European political system (*espace européen*).

In this context it is interesting to note that there is one domain of the European policy-making in which empirical studies follow mainly the logic of foreign policy description as if this process were essentially an area of 'high politics'. This is the case for most of the studies of the European Union enlargement to the East. However, as one of the most important events foreseen by the Union for the beginning of the next century, the enlargement of the European Union to the East touches upon a number of questions usually classified as 'internal', such as the reform of the Common Agricultural Policy, structural funds, competition policy or the internal market. These interests concern a high number of social actors which are involved in the process of enlargement. To cite two examples:

- The negotiations of the Europe Agreements, conceived to facilitate commercial exchanges between the Member States and the Countries of Central and Eastern Europe (CEECs), were prepared by the Commission and concluded by the Council by unanimity. This procedure gave, on one hand, a certain negotiating margin for the Commission with

¹ I am extremely grateful to Renaud Dehousse, Ingo Peters, Philippe Rivaud and Christine O'Connell for their useful comments, which helped to focus my questioning.

² Muller Pierre. L'européanisation des politiques publiques'. *Politiques et management public*, 15(1), 1997: 3-7

the potential associated countries. On the other hand, the application of such 'mixed agreements', i.e. agreements which include both European and national competencies, required parliamentary ratification and opened door for involvement of social actors on both the Community and national levels.

- The preparation of the various White and position papers by the Commission in the context of the pre-enlargement process, as requested by the Council, opened up the possibility for influence of social actors as they offer expertise to a Commission which has very limited means, and is chronically understaffed in this area. These negotiations were particularly difficult in the area of agriculture where West European farm lobbies feared East European competition and requested very strict measures in the area of quotas, duties and levies.

Given the significant number of 'internal' interests, it seems erroneous to concentrate only on the articulation of interests by the various governments or governmental actors at European Summits such as Copenhagen, Essen or Luxembourg to study the process of enlargement, or pre-enlargement, of the European Union to the East. Such an analysis needs to concentrate on the articulation of interests and strategies of public and private, European and national actors.

Such a concentration is largely absent from most enlargement studies. However, taking the two examples quoted above, their interests and opinions seem to have an opportunity to intervene in the process⁴. At the same time, research on interest groups or private interests in other policy areas increased considerably in the last few years, and has attempted to demonstrate the importance of their representation on the European level and their impact on policy outcomes.

The main question, which guides this study is if social actors play a role in the enlargement process, that is: do they influence outcomes of enlargement negotiations? If so, where and when do their actions have the most impact, and what factors influence their role in the process? This paper argues that social actors do have an impact on the outcome of the modalities of enlargement towards the East. Their role varies, however, according to

³ Lequesne Christian. 'Comment penser l'Union européenne'. In: Smouts Marie-Claude. Les relations internationales: pratiques et théories. Presses de Sciences Po: Paris 1998

⁴ See: Mayhew Alan. Reconstructing Europe. Routledge: London 1998; Preston Christopher. The enlargement of the European Union. London, New York: Random House 1997

different stages of the policy-making process, that means in the process of Agenda setting, policy shaping, decision taking or implementation. This differentiation is due to the mediation role of structures, both on the national and on the European level. In defining legitimate order and, therefore, different ways to exercise political power, these structures mediate the activities of actors and allow for both the Commission and the social actors to intervene on various decision making levels.

On the national level, there is much evidence that national governments still enjoy a great deal of leverage in shaping the social and economic conditions of their societies according to prevailing political preferences. On the European level, the need for the Commission to have external expertise, allows for social actors to influence the policy making process and to represent their interests directly in a much more pluralistic way.

The enlargement of the European Union is a very complex field of research. For this reason, this study concentrates on two distinct fields where in-depth studies are possible and which offer the possibility to conduce a comparative analysis: agriculture and electricity. In the electricity field, this study is particularly focused on the nuclear energy issue.⁵ For this reason the study concentrates on a relatively small number of actors : the DBV(Deutscher Bauernverband), the Eurogroup COPA (Comité des organisations des producteurs agricoles) in the agricultural sector; and electricity producers such as RWE, Preussenelektra, Bayernwerk, or the German electricity producers federation VDEW on the national level or UNIPEDE (Union internationale des producteurs et de distributeurs de l'énergie) /EURELECTRIC on the European level

For reasons of time and space⁶, my paper is concentrated in particular on the German actors' strategies. I will, however, as much as possible compare their strategies with those of French actors, without going much into detail on the French side. The German case is interesting from two points of view; One, defending a re-enforced European integration,

⁵ The case of agriculture is particularly problematic in the process of pre-enlargement of the EU to the East. As agriculture represents one of the best protected areas in the Community, the perception of an agricultural competition coming from the East, in which up to 25% of the population works in this field and where the potential of agricultural production is high, is a source of considerable anxiety for European farmers and of their associations. On the contrary, the eastern European electricity market offers a number of investment possibilities for Western European electricity producers. Privatization in Hungary and in Poland, the necessity to invest in infra-structures, and especially the nuclear power plants which are in a deplorable state are of considerable interest for Western electricity firms.

the German overall position is presented as advocating strongly an EU-enlargement to the East. German firms and actors in general have very strong links with the CEECs, but at the same time, Germany would be the first country affected by hypothetical immigration or by the organised crime arriving from the east.

Secondly, Germany is an interesting case study given its political administrative structure, in which relations between the Federal Government, the Länder and the social actors are more open and than in a so-called centralised country such as France. These institutional dynamics play an important role in terms of the strategies and behaviour of social actors.

As such, an analysis of the role of social actors needs therefore to combine a study of individual or group preferences with an institutional perspective where institutions, formal and informal, European and national, structure exchanges and mediate their choices. It is necessary to emphasise the importance of the dynamics of the social construction of reality in the elaboration of the frameworks and legitimate social practices at a given moment.⁷

In order to structure my research, my questions are formulated around two axes:

A. Although national social actors, in this case agricultural unions and electricity producers, are confronted with the project of enlarging the European Union to the East, neither their roles, nor their strategies are the same in this respect. Is this merely due to different strategic positions (Germany and France)? Or to the structure of their organised relationships with political actors, or even to their place in society?

B. Given these differences, how do social actors approach the decision-making process on the European level? Why can they influence this decision-making process in some respect and not in others? Why do they finally agree with the outcome on the European level, without using their 'exit'-strategy?

From these two axes of research a certain number of more detailed questions follow:

⁶ It is part of a larger doctoral thesis, in which I compare French and German actors' strategies in these two fields.

⁷ Surel Yves. 'Idées, intérêts institutions dans l'analyse des politiques publiques'. *Pouvoirs* 87, 1998: 161

1. What role do the social actors play in the process of the EU's enlargement to the East? How do they try to intervene? Is it through the Community's civil servants, i.e. by approaching specific Directions General or do they try to intervene more on the national level? And on which level: the federal government or on the Länder?
2. On which policy-making phase do they intervene and how is their relative power in these different phases? In this context, I consider the agenda-setting of a problem, the policy-formulation and the decision taking as three different phases.
3. How do social actors define their interests? What is their organisational structure? What is their position inside the national and inside the European system?
4. Does the institutional structure of the German Federal Republic play a role in the way the social actors approach Europe, or better the European Institutions?
5. How do the national and community structures interact in their supposed influence on the roles and strategies of the actors concerned in this study?

I argue in this paper that the enlargement process of the European Union to the East is not only a classical foreign policy procedure in which only governmental actors influence the policy outcome, but, on the contrary, a process in which social actors, governmental actors and Community actors play a different role regarding their level of intervention. This difference is due to national and community politico-administrative structures which mediate the activities of social actors in defining a legitimate order and offer in this respect an opportunity to intervene on different decision-making levels.

This article will have three parts. In the first part, I will present the theoretical concepts used to study social actors (that is non-state actors), highlight their shortcomings before presenting a possible solution.

In the second part, the article will discuss the positions of the different actors vis-à-vis the enlargement process in general, before entering into a more detailed presentation of their strategies on the national level. Finally, the « continued » negotiation process will be

analysed during which the actor's importance varies according to different phases of the policy-making process.

2. The classical approach of interest-group studies : beyond a pluralist *problematique*

2.1. *The contributions of a classical approach*

Studies concerning the activities of interest groups on the Community level attract a growing interest. 'Lobbying'- as interest group activism is usually called- of the Community institutions has increased since the seventies. It is clear that the network of interest groups and lobbyists around the Community institutions has enlarged and been re-enforced following the amplification of powers of the European Union.⁸ The introduction of the internal market played in particular a considerable role in the mushrooming of lobbying activities; in 1992, the Commission estimated the « special groups of different types in Brussels with their about ten thousand employees » to be 3000.⁹

The extensive literature on interest groups¹⁰ seems, with some exceptions¹¹, to deduct that with an increase of the number of interest groups, their influence of their actions has increased proportionally. According to a number of students of interest groups, one could observe the development of horizontal relations, networks and participation patterns that seem to replace, or to compete with the existing vertical and hierarchical structures.

⁸ Sidjanski D. and Meynaud J. Les groupes de pression dans la Communauté européenne. Bruxelles : ULB 1971

⁹ SEC (92) 2272 final. An open Structured Dialogue between the Commission and Interest Groups.

¹⁰ Among a great number: Andersen Svein and Eliassen Kjell. « European Community lobbying ». European Journal of Political Research, 20, 1991; Butt Philip Alan. Pressure Groups in the European Community. London: University Association for Contemporary European Studies, 1985; Greenwood Justin, Grote Jürgen and Ronit Karsten (eds.). Organized Interests in the European Community. London : Sage 1992; Greenwood Justin and Aspinwall Mark (eds.). Collective Action in the European Union. Routledge : London 1998; Kohler-Koch Beate. « Interessen und Integration : Die Rolle organisierter Interessen im westeuropäischen Integrationsprozess ». in: Michael Kreile (ed.) Die Integration Europas. (PVS-Sonderheft 23). Opladen : Westdeutscher Verlag 1992; Mazey Sonia and Richardson Jeremy. Lobbying in the European Community. Oxford : Oxford University Press 1993

¹¹ In particular: Kohler-Koch Beate. « Die Gestaltungsmacht organisierter Interessen ». In: Jachtenfuchs Markus and Kohler-Koch Beate (eds). Europäische Integration. Leske + Budrich : Opladen 1996

According to Sidjanski « a network organisation substitutes gradually for a pyramidal organisation form. Different types of co-operation are organised between autonomous units inside numerous networks which associate themselves in the framework of common objectives in larger communities ». ¹²

This multitude of actors seems to occupy the place of the governmental actor in the policy making process or to weaken the corporatist link between the governmental and the private actor. ¹³ According to this approach, the role of the government as agenda setter is transferred to other actors. In the current case studies on enlargement and social actor's strategies, this concerns in particular German social actors such as the DBV (Deutscher Bauernverband), the Eurogroup COPA (Comité des organisations des producteurs agricoles) in the agricultural sector; and electricity producers such as RWE, Preussenelektra, Bayernwerk, or the German electricity producers federation VDEW on the national level or UNIPEDE (Union internationale des producteurs et de distributeurs de l'énergie) /EURELECTRIC on the European level.

This approach, centred on networks, has the advantage to be focused on both, on the one hand, non-state actors such as interest groups or experts, or more generally speaking social actors, and on the role of European institutions and as such differs from the intergovernmentalist approach which is exclusively interested in governmental actors or governments. In the concrete case of an empirical research, the concept of networks is nevertheless problematic as it seems to me that a certain number of points are not sufficiently addressed.

¹² Sidjanski Dusan. « Nouvelles tendances des groupes de pression dans l'Union européenne ». In : Mény Yves, Muller Pierre and Quermonne Jean-Louis. Politiques Publiques en Europe. L'Harmattan : Paris 1995 : 92

¹³ This statement has convinced me to adopt a comparative approach, which is more developed in my global research on German and French actor's strategies during the pre-enlargement process.

2.2. Against an occultation of hierarchies among actors - in favour of an analysis of the link between policies and politics

In offering a « framework for interpretation of the relations between state and society which emphasises the horizontal and non-hierarchic character of these relations, the relatively informal character of these exchanges among actors in this setting, the absence of closure that authorises the multiplication of peripheral exchanges and the combination of technical and political resources »¹⁵, the network approach seems to refuse the existence of a hierarchy amongst actors.

Although this study does not put the governmental actor at the centre of interest, “an overallly systematic occultation of vertical authority forms in the European Union in favour of an only horizontal co-ordination of networks shall be avoided”.¹⁶ The difference of power not only exists between social and public actors but also among social actors themselves. An example underlying this assumption are consulting firms. If it is true that the Commission as policy formulator frequently asks for external expertise, this is particularly the case during the pre-enlargement period. The Commission does not have sufficient resources to solve the problems raised in this context. However, during this period, expertise was mainly provided by anglo-saxon consulting firms and not by established interest groups. This example puts forward the element of resources. However, not only resources, but also political and ideological weight seemed to play a role in this process. This will be shown through the example of agricultural interests intervention in the third part of this article, which had a completely disproportional influence during the negotiations for the Europe Agreements.

These examples show how important it is to consider the process and the different time periods of the negotiations in order to avoid a too rapid generalisation regarding the

¹⁵ Surel Yves and Muller Pierre. *L'analyse des politiques publiques*. Montchrestien : Paris 1998; see also March and Rhodes, Kassim, Heritier ...

¹⁶ Lequesne Christian. 'Comment penser l'Union européenne?'. In: Marie-Claude Smouts (ed.) *Les relations internationales : pratiques et théories*. Paris : Presses de Sciences Po 1998. In realising my field research in Germany and in France, I was able to notice that the relevant action of agricultural unions were concentrated at the beginning on the national level, whereas in later stages, the FNSEA and the DBV have approached the Commission and their governments in parallel.

influence of social actors. The multi-level system of the European Union is a system in which hierarchies and domination persist, contrary to a certain view on these matters. Andy Smith rightly states that “such approaches minimise the roles played by the political representation in the way actors concerned position themselves”.¹⁷ This means that it is necessary to reconstruct the link that exists between policy and politics, between the political representation and political actions by different actors.

If one tries to avoid an approach that treats all actors on an equal basis, that is without differentiating their respective power, one must concentrate on the elements that allow to analyse the relations among actors. I argue that the opportunities that allow actors to react/act in a given way or the obstacles to their strategies, exist in the institutional structure of a given environment. In this article, I will try to approach this problem through an empirical analysis of the question of what influence national and Community structures have on the objectives of German social actors and the impact of their strategies in the process of pre-enlargement of the Union to the east. In putting forward that structures are more than a simple reflection of underlying social forces and that institutions are more than neutral for a political action¹⁸, the neoinstitutionalist approach offers a suitable conceptual framework for this objective. According to this approach, institutions are defined as “formal rules, public policy structures and norms”.¹⁹ For students working in this conceptual framework “politics is not only based on choices (rational choices) but also on the mechanisms of the construction and interpretation of the world, visible in processes more than in the results of public policies, that determine ‘mental maps’, and operate as ‘frameworks of experience to diminish uncertainty’”.²⁰ In attributing considerable importance to processes, this concept offers an interesting framework for this analysis.

¹⁷ Smith Andy. « Au-delà d'une 'Europe de lobbying' - L'exemple des rapports entre régions et Commission ». In : Paul-Henry CLAEYS et al. (eds.). Lobbyisme, Pluralisme et Intégration européenne. PIE : Bruxelles 1998 : 58

¹⁸ March James and Olsen Johan. Rediscovering Institutions. The Organizational Basis of Politics. New York: Free Press 1989; see also Hall Peter. « Policy Paradigme, Social Learning and the State ». Comparative Politics. 25(3), 1993; Thelen Kathleen, Steinmo Sven et al. (eds). Structuring Politics : Historical Institutionalism in Comparative Analysis. Cambridge : Cambridge University Press 1992

¹⁹ Pierson Paul. 'The Path to European Integration. A historical institutionalist analysis' Comparative Political Studies, 29(2) 1996

²⁰ Muller and Surel. L'analyse des politiques publiques. Montchrestien : Paris, 1998 : 43

In refusing to consider the interests and objectives of actors outside of their environment structured by rules²¹, March and Olsen attribute a more independent role to institutions. As a consequence, actions are more often based on the identification of an appropriate conduct or familiar behaviour than on the pure calculation of alternative choices.

In this context Smith argues that “Considered from this point of view, social representations are constantly redefined during the confrontation between the interpretation of the past and new situations that have to be confronted by social agents”.²² In order to utilise this approach to respond to the question of the role of social actors in the process of pre-enlargement of the EU to the East, this study takes three variables into account: I argue that the role of social actors, as well as the definition of their interests and strategies, depend on the a) political-administrative structure in which they act, b) their repertoires of action and c) resources²³. However, on the European level, these elements interact with, and are influenced by political and administrative structures of the fora in which social actors act. This will highlight the mediation role of structures and institutions.

III. Actor’s positions in the context of enlarging the European Union towards the East

3.1. The enlargement and private interests: work in progress

From the beginning of the pre-enlargement process which began in 1989 after the collapse of the communist regimes in eastern Europe, until the beginning of accession negotiations that started 31 March 1998 with five of the East European candidate countries, the relations between the European Community and the Central and Eastern European States (CEECs) can be divided into three periods:

²¹ According to March and Olsen, rules are defined as “routines, processes, conventions, roles, strategies and organisational forms that fashion political activity. But it also includes beliefs, paradigms, codes, cultures and knowledge that support, create and contradict these roles and routines”. March and Olsen, *op.cit.*: 22

²² Smith Andy. *op.cit.*

²³ Muller and Surel define resources as “characteristics that give actors a capacity to act, or provide them with their respective powers (degree and mode of organisation of the groups, the background of their elites, the degree of their institutionalisation inside the political and administrative framework etc.) Resources are defined as “a set of means used to exercise power in the form of influencing political decision makers ».

1. 1989-1993: « Reflection period » during which the Member States attempted to define a possible and necessary approach towards the Central and Eastern European States. In parallel, the Community was in the process of reforming its own structures (Intergovernmental Conference concluded by the Maastricht Treaty, reform of the CAP, beginning of the accession negotiations with four countries wishing to adhere to the Community: Finland, Norway, Sweden and Austria). Encouraging signals were however sent by the European Councils during this period to the Central and Eastern European Countries. Nevertheless, the Community could not reach a consensus as how to respond to the Eastern European States. This was due to the bargaining process in which sectoral interests, represented by national social actors, fearing competition from Eastern Europe, were able to put themselves forward in the negotiations, in order to prevent the elaboration of a « general interest ».²⁴ During this period, the German government faced a dilemma how to combine their wish to deepen European integration and to widen the Community towards the East²⁵. Despite this dilemma which opposed deepening and widening of the Community, the German government was able to successfully convince its partners that widening of the Community was necessary. The German Minister for Foreign Affairs, Hans-Dietrich Genscher, declared in this respect in 1992, after the Treaty of Maastricht was concluded in December 1991: « In Maastricht we agreed on the deepening of the European Community. Now it is time to find a possible calendar for the future enlargement to the East »²⁶. At the beginning of 1992, the declarations of this type were common amongst the German political elite and the year 2000 was proposed as date of accession by some heads of state.
2. During the second period, which lasted from 1993 to 1998, the Community elaborated the necessary criteria for enlargement. The Copenhagen European Council of 1993 specified that the enlargement of the Union towards the East was a long term objective, and defined specific political criteria which the candidate countries must fulfil as a prerequisite for admission. During the German presidency of the first half of 1994, the

²⁴ See Sedelmeier Ulrich and Helen Wallace. 'Policies towards Central and Eastern Europe'. in: Wallace William and Wallace Helen. Policy-Making in the European Union. Oxford.: Oxford University Press, 1996

²⁵ For an in-depth analysis see: Tewes Henning 'Between Deepening and Widening : Role Conflict in Germany's Enlargement Policy'. West European Politics. 21(2) 1998 : 117-133

²⁶ Statements & Speeches (1992) « Farewell Address by Hans-Dietrich Genscher, Minister for Foreign Affairs of the Federal Republic of Germany, at a Reception for the Diplomatic Corps, Bonn, May 15, 1992 » 15(10) 1992

Essen European Council established a pre-accession strategy which consisted of concrete measures that the CEECs must apply in order to transform their political-administrative and economic structures according to EU-criteria. On the basis of the Commission's reports from July 1997, the Union decided to begin immediately accession negotiations with five Eastern European candidate countries, plus Cyprus, at the end of March 1998. Questions such as the reform of the European institutions, which should have been resolved by the Intergovernmental Conference (1996-1997), or the budget of the Union, the reforms of the CAP and of the Structural funds remained outstanding issues. The Commission published in 1995 the White Paper on the Internal Market²⁷ for the Eastern European Candidates, its propositions for a necessary reform of the CAP, as well as studies on the implications of the enlargement on the agricultural policy in the Member States²⁸. These initial reflections were further developed in the Commission's document of 15 July 1997 - Agenda 2000.²⁹

3. The period that started with the accession negotiations in March 1998 follows precisely the decisions taken and procedures established by the Luxembourg Council of December 1997. After the decisions made by the Berlin Summit in March 1999 that put an end to the dispute over the CAP, the Structural Funds and the budget, more precisely regarding the national contributions to the latter, the accession negotiations should progress more smoothly.

During these three periods, negotiations took place between the Commission, the Member States and the CEECs: that is negotiations in the framework of the Europe Agreements. The signature of the Europe Agreements was based on a Council decision of 20 January 1990 by which a mandate was given to the Commission to develop models for the Europe Agreements. This work led to the conclusion of so called Europe Agreements with Poland, Hungary and Czechoslovakia, and eventually with the three Baltic states, Rumania, Bulgaria and Slovenia. The decisions taken on the level of heads of state and government are, to a certain extent, the result of these negotiations or problems encountered on the level

²⁷ European Commission. Preparation of the Associated Countries of Central and Eastern Europe for Integration into the Internal Market of the Union. 2 May 1995

²⁸ European Commission. Agricultural situation and prospects in the Central and Eastern European Countries (11 vols), Bruxelles 1995; European Commission. The « Fischler-Report » to the Madrid European Council, Bruxelles 1995

of 'daily routine' inside or among the institutions created by the Europe Agreements, that is the Association Council, Association Committees and sub-committees which will be analysed in the fourth part of this study. It is on this level where non-state actors intervene and can have an impact on the political process. Social actors have an impact on the agenda setting and policy-elaboration level, as this study will show, and reach through these levels the decision-making level as such.

The positions and strategies used by these actors in order to intervene in this process are nevertheless developed on the national level.

3.1.1. Agriculture

The beginning of the « reflection period » was influenced by two factors. On the one hand the German reunification, and on the 'micro-level' the disputes regarding agricultural quotas set down by the Europe Agreements.

In the context of reconstruction of political and social institutions in East Germany following reunification, efforts were made to establish new agricultural structures, similar to those in Western Germany. In this context, the German Farmers Union (DBV, *Deutscher Bauernverband*), which has very strong links to the German Agricultural Ministry, was asked to create these similar structures in the new Länder. Following to this experience and in the same objective, the Federal Government created the program TRANSFORM in 1992 in order to support the economic transformation process in the CEECs. Between 1993 and 1998, the German Government transferred 1.51 billion DM to the CEECs, of which 117.7 million was for agriculture³⁰. The Ministry of Agriculture has also contracted a considerable number of experts from the DBV or federations linked to the DBV as external consultants. Among other tasks, the DBV was given the goal of creation, as in Eastern Germany, similar structures for the establishment of agricultural unions in the East.³¹

This approach of the German Agricultural Ministry is completely different from that of their French counterparts. This kind of co-operation was not foreseen in this context in

²⁹ COM(97) 2000 final. *Agenda 2000. The Challenge of Enlargement*

³⁰ Bundesministerium für Ernährung, Landwirtschaft und Forsten. *Das TRANSFORM -Programm für Mittel- und Osteuropa im Agrarbereich*. Bonn, January 1998

³¹ *ibid.* and interview, DBV, Brussels, 27 January 1999

France and the creation of similar structures of co-operation between French and CEECs-farmers, funded by the French Government, was only initiated in 1998.

Despite this support in the agricultural reconstruction, one cannot overlook the disputes regarding agricultural quotas. The discussions take and took place in the sub-committees and Association Committees, established by the Europe Agreements. Among a large number of examples we find the issues of red fruit or beef imports from Eastern Europe, which were addressed in these institutions. The DBV first turned to the Ministry of Agriculture, to keep the Ministry informed about the existing difficulties and required that the Ministry raised the issue in the « Central Europe Group », the Council working group on the COREPER II level. The solutions reached with the German government, and through the Government with the Commission, which manages the Europe Agreements were mediated by the intervention of the presidium of the DBV, in order to present a unified and strong position³². This strategy is most different from that of the French as specialised agricultural unions represent their interests in the Union or in the Government. Their resources are minor as compared to the DBV and, for this reason, their demands appear to be less convincing. It also seems that COPA did not play a very active role during this first period.

However, the interest of Farmer's Unions in the question of enlargement as such can be traced back to 1995 following the publication of a study of the Commission on the impact of enlargement on the agricultural policy of the Union. The Commission published a subsequent study in 1997 : Agenda 2000. The DBV was initially opposed to both publications and produced its own publication which was met with interest by the German Agricultural Ministry. Under the pressure of the Bavarian branch of the DBV, which has the most resources of the regional farmers' unions in Germany, the DBV was particularly in opposition to a reduction of guaranteed prices for farmers. It is also the Bavarian branch which proposed that the national budgets take on a certain percentage of the funding of their farmers (*'renationalisation'*), which French farmers and their government reject.

³² Interview, Permanent Representation of Germany to the EU, 15 January 1999

Meanwhile, while the idea of co-financing of the CAP was supported in particular by the Bavarian branch of the DBV, critiques were made of the overall Agenda 2000 approach regarding agriculture. Differences became clear even inside the German Government. While Foreign Minister Klaus Kinkel saw Agenda 2000 as a good starting point, Agricultural Minister Jochen Borchert restated his refusal to accept the Agenda 2000 proposals³³. In April 1998, this discussion cumulated in a dispute. Kinkel was accused by the CSU of not defending sufficiently enough the German view on Agenda 2000 in general and the agricultural in particular. Kinkel and Agricultural Minister Borchert clashed publicly and this internal governmental discussion became a German wide discussion.³⁴ In view of the parliamentary elections in Germany in September 1998, even Chancellor Kohl appeared to be convinced that the EU, and in particular the Commission, had to be criticised on this point.³⁵

Farmers' interests were of particular concern for the CSU/CDU coalition. The CDU/CSU *Bundestagsfraktion* is organised into working groups. In terms of European policy-making, the agricultural working group plays a key role. It shadows the Bundestag Agricultural Committee and includes all CDU/CSU MPs who belong to the Bundestags Committee. It liaises with the DBV and could justifiably be said to be 'captured by' and to speak for the agricultural interests.³⁶ This situation has slightly changed with the new SPD/Grüne majority in the Bundestag. According to the DBV³⁷, the communication between the government and the farmers union has become more and more difficult, an element particularly influencing the inter-German negotiations for Agenda 2000 before the Berlin Council of March 1999. While the link between the DBV and the Agricultural Ministry is comparably strong in France, the European policy is co-ordinated by the SGCI (Secretariat général du Comité interministeriel) and very few open disputes among political actors regarding European policy are public.

³³ *Handelsblatt*, 23 July 1997

³⁴ *Der Tagespiegel*, 1 April 1998

³⁵ *Welt am Sonntag*, 5.4.1998

³⁶ Bulmer Simon and William Paterson, *The Federal Republic of Germany and the EC*. London: Allan and Unwin 1987: 145

³⁷ Interview, DBV, 27 January 1999

Through its quasi corporatist relationship with the Agricultural Ministry, the DBV was prepared by the Government for enlargement from 1998 onwards. From 1995 onwards, however, after the publication of the Commission's study, and, subsequently Agenda 2000, the relationship changed as it was the Ministry that was utilised by the union to represent its interests.³⁸

Electricity/Nuclear Energy

In the field of electricity producers, interest regarding enlargement was minimal at the beginning of the discussions given the project of market liberalisation in Western Europe in this area. Very few electricity producers seemed to see the region of Eastern Europe as a promising market. Furthermore, discussions were mainly centred on the opportunities and obstacles of the market liberalisation in the European Union during this period. However, two urgent problems were present in Eastern Europe in the electricity sector. Weak infrastructures and unsafe nuclear power plants. The third element that should be taken into account is the possibility of investment in Eastern Europe which electricity producers were slow to realise at the outset³⁹. It is for this reason that the study will concentrate on the first two elements in particular.

Regarding the first question, German electricity producers have been very hesitant at the beginning to invest too quickly in the area of infrastructure development in Eastern Europe. The idea was to interconnect the Eastern and Western electricity network as quickly as possible. However, electricity producers cited several technical problems due to the fact that Germany, along with Austria, would be the first country to be affected by a problem arising from the Eastern network such as an inconsistency of tension. The reason for this hesitant approach, as stated by various officials with whom I spoke, were the technical problems encountered during the reunification process with East Germany. However, the pressure, linked to financial advantages, by the German Federal Government and the European Commission finally convinced the German actors. The co-ordination of the interconnection of electricity networks was organised by UNIPEDE, the European federation for electricity producers.

³⁸ Interview, DBV, 27 January 1999

³⁹ Interview, VIAG/Bayernwerk, Brussels, 2 February 1999

In the second area of nuclear security, German specialists in the technical and in the production area found themselves in a particular situation. Contrary to France where discussions on the nuclear danger are few, and where the famous « public opinion » is very little implicated in the question, the area of nuclear energy is very problematic in Germany. A large part of discussions on the nuclear issue is organised and controlled by powerful social actors, such as Greenpeace. This discussion plays an important role in the development of electricity producer's strategies. The German government bases its strategies not only on the economic interests in this field but also on the opinions of strong anti-nuclear interest groups. This part of the public opinion plays a much more significant role in Germany than in France⁴⁰.

One example where German electricity producers have contributed in the domain of nuclear power in the east, is the power plant in Mohovce (Slovakia). The German electricity producer Bayernwerk co-operated with EDF, Siemens and Framatome in the development and the establishment of world-wide nuclear security standards regarding this plant. After a promising start, the Slovak Government decided it was unable to satisfy the rules required by the EBRD (European Bank for Reconstruction and Development), which is responsible for the management of a part of the financial resources in the field of East European nuclear security. While EDF continued to co-operate and to negotiate with the Slovak Government, Bayernwerk was forced to resign under the pressure of the German Government.⁴¹ The German Government was at the same time confronted with pressure from Greenpeace regarding the nuclear waste storage facility in Gorleben and did not wish the issue to become an « affaire d'Etat ». The argument was linked to the position of the German government, not to construct nuclear power plants in the East, as a decision was taken at the beginning of the nineties not to construct nuclear power plants in Germany itself.⁴² The comparison between France and Germany is extremely important in this case. EDF was not confronted with any pressure from the French government, given that the representatives of EDF are members of the 'Comité de sûreté nucléaire', along with experts

⁴⁰ This might be due to the fact that nuclear questions in France are historically linked to nuclear weapons. In the contrary, the nuclear question in Germany is linked to its pacifistic use, and is for this reason much more open to influence from social actors such as Greenpeace.

⁴¹ Interview, VIAG/Bayernwerk, 2 February 1999

⁴² Interview, RWE, 27 January 1999

of the DSIN and the French Nuclear Security Service, which act as experts on this matter for the French government.⁴³

The interests of the German social actors must be seen in the light of German political-administrative structures, in order to be able to analyse their strategies on the European level. This approach allows one to understand how hierarchies are constructed and how social differences are legitimised and why one group is more legitimate than another in terms of the production of legislation or regulation.

3.2. The positions and strategies of German actors in the context of German political-administrative structures

Due to the structure of the German political system, which is characterised by the federal nature of the State, the political autonomy of the institutions, the bureaucratic fragmentation and the importance of coalition governments, the relations between the social actors and the government are described as consensual⁴⁴. The fragmentation of the system, in particular of the German bureaucracy leads to two results. One, the co-ordination of the German European polity is most difficult⁴⁵ which is contrary to the French system where the SGCI plays the important role of a policy co-ordinator. Secondly, this fragmentation allows for social actors to have an impact on the policy making process.

In the field of agriculture, as well as in the field of electricity, links between governmental and representatives of private actors are very close. Generally speaking, the power of social actors depends on their capacity to produce 'useful' information, expertise, in order to influence political processes. The relations between social actors and German Ministries are traditionally good⁴⁶, and are based upon, as stated by Kohler-Koch, common beliefs

⁴³ *Le Monde*, 24 December 1998

⁴⁴ Kohler-Koch Beate. « Germany : Fragmented but Strong Lobbying ». In: Van Schedelen M.P.C.M. (dir). *National Public and Private EC Lobbying*. Dartmouth : Aldershot 1993

⁴⁵ Janning Josef and Weidenfeld Werner in a study of the Bertelsmann Wissenschaftsstiftung and the Forschungsgruppe Europa (München)

⁴⁶ see Streek Wolfgang (ed.). « Staat und Verbände ». *Politische Vierteljahresschrift*. Sonderheft 1994 35(25) : 7-401; Mayntz Renate and Scharpf Fritz. *Policy-Making in the German Federal Bureaucracy*. 1975; Lehbruch Gerhard, Schmitter Phillippe C.(ed.). *Patterns of Corporatist Policy-Making*. London : Sage 1982; Jobert Bruno. "Actualité des corporatismes". *Pouvoirs* 1996, 76 :21-34

such as economic co-operation, free trade of goods and services, the superiority of a free market, and private firms.⁴⁷

A certain number of factors structure the particular relationship between the government and the DBV. The very close links between these two actors were created in the sixties when decision-making in the field of agriculture was partially transferred to the European level and as such to the Council of Agricultural Ministers. On the national level, regular meetings, formal and informal contacts were arranged between the Ministry and the DBV which allowed for a permanent exchange between the different representatives. This organisational structure is similar in all Member State's structures in the area of agriculture. The German specificity is that some of the specialised divisions in the Ministry of Agriculture are directed by members of the DBV. Furthermore, representative of the DBV can be found in all agricultural councils of the Ministry.⁴⁸ The links between the Bund and the Länder are complex as some of the Länder have larger farming communities than others, such as Bavaria for example. The success of the CSU in Bavaria is based for a large part on the support from farmers for the party. During the different CDU/CSU governments, the Minister of Agriculture was always a member of one of the two parties. With the new majority SPD/Grüne, this situation has changed and poses a few problems for the DBV.⁴⁹ The possibility to be overshadowed by the interests of the German industry, BDI (Bundesverband der deutschen Industrie), which defends contrary interests in particular since the Uruguay Round of the GATT, has increased considerably. In the area of electricity, German electricity producers are part of larger firms, contrary to France where the only electricity producer is EDF (VIAG for Bayernwerk, RWE for RWE Aktiengesellschaft, VEBA for Preussenelektra). On the federal level, the big German electricity producers co-operate in the German federation of electricity producers (VDEW, Vereinigung Deutscher Elektrizitätswerke) whose degree of unity is nevertheless far from that of the DBV. The field of electricity production is divided between two Ministries: the Ministry of Economy and the Ministry of Environment, the latter particularly in the field of nuclear energy. Whereas the links between the electricity producers and the Ministry of

⁴⁷ Kohler-Koch Beate, « Germany : Fragmented but Strong Lobbying ». *op.cit* : 37

⁴⁸ Gabriel Jens-Peter. Grundstrukturen agrarpolitischer Willensbildungsprozesse in der BRD. Opladen : Leske & Budrich 1993 : 103

⁴⁹ Interview, DBV, Brussels, 27 January 1999

Economy are strong, given the fact that the electricity producers are part of the BDI, the relationship with the Ministry of Environment is still problematic. The relationship has even deteriorated since Jürgen Trittin, member of the German Grüne, took over the Ministry of Environment in 1998. This imbalance is even reinforced since the actual Minister of Economy, Werner Müller, is a specialist concerning energy questions as he was a member of VEBA, which detains Preussenelektra, the second biggest electricity producer in Germany.

As Bulmer and Paterson have observed: « existing political resources for influencing policy making have been retained despite the addition of the new EC level. This has occurred because West German interest groups have absorbed Community business as domestic policy. Indeed, the fact that European policy tends to be subject to less co-ordination in the Bonn government than domestic policy has increased sectorisation and given greater scope for interest group influence ».⁵⁰

An analysis of the interests and strategies of social actors vis-à-vis their governments and vis-à-vis the Commission (different Directorate Generals) needs, in order to have an explicative value, to take into account the level of negotiation inside the Community. In this context, the importance of European structures can be found which guide and mediate the actions of different actors. It is also on this level that one realises the importance of the role played by European civil servants inside different General Directions. This is important as this study can only evaluate the role of social actors in the pre-enlargement process in the context of an analysis of the interactions with these groups.

IV. The « permanent negotiation » characterises the elaboration process of European politics in which the importance of actors and arenas varies

On the European level, one is confronted with a problem of comparison: in the case of agriculture, the actor « the Commission » is important during all stages of the negotiation, given the fact that the Commission has considerable competencies in this sector, whereas

⁵⁰ Bulmer Simon and Paterson William. *op.cit.* 1987: 106

the Commission has very little competencies in the field of electricity/nuclear energy. However, such a comparison, more so than if the competencies of the Commission were equivalent, allows one to analyse the relationship that social actors establish with the Commission in different conditions. Furthermore, this approach allows one to outline the mediation role of the Commission.

4.1. An example of comitology: the Europe Agreements and Agriculture

There is a greater institutional presence and activity in the agricultural field than in any other: Agricultural ministers meet more frequently than all other Councils except for that of the foreign ministers; Agricultural Councils are not, as are all others, prepared by COREPER but by a special body, the Special Committee on Agriculture (SCA); DGVI is the second largest of the Commission's Directorates generals; and there are more Council working parties and Commission management and advisory groups in the sphere of agriculture than in any other single policy area.⁵¹ The importance, range and complexity of the CAP, as well as the ever changing nature of the world's agricultural markets, mean that there are significant variations from the standard EU model. Whereas the policy initiation and formulation responsibilities of the Commission in most sectors are more concerned with creating a policy framework, in agriculture they are inevitably directed more towards improving the efficiency of that which already exists.

However, Commission officials do not exercise the Commission's general agricultural management responsibilities alone but via management committees made up of civil servants from the member states. There are around twenty such committees, including one for each product that has a market regime, and the Commission would not normally go ahead with anything of considerable importance - in relation to expert refunds, for example - without referring to the appropriate Committee, and to the Council if necessary. It is generally accepted that the Commission determines the direction and sets the pace in the Committees, but the existence of the Committees does not mean that the member states have a direct input.⁵²

⁵¹ Nugent Neill. The Government and Politics of the European Union. London : Routledge 1994 (3e éd.)

⁵² *ibid.* p. 379-380

The particular situation of the negotiations of the Europe Agreements is best summed up as follows:

The analysis of the Europe Agreements in the field of agriculture, whose institutions, presented above (Association Council, Association Committee and subcommittee) turned out to be more and more important during the pre-enlargement period, needs to take into account two successive periods: (1) the negotiation period of the Europe Agreements as such and (2) the negotiations of different provisions, one of which is agriculture, after the entering into force of the Agreements. During the second period, in order to solve the different trade disputes, the Community engaged in negotiations led by DG1A, which is responsible for External Relations with Eastern Europe and the New Independent States. The trade disputes were put on the agenda during the different meetings of the three Europe-Agreement institutions, created by the Agreement. The different sub-committees where the problems are dealt with in depth, and, when possible a solution is found, play an increasingly important role but do not have decisional power. This power is found in the Association Committees, where high level civil servants discuss these matters or go even to the Association Council where Ministers come together one a year. However, it is on the sub-committee 'technical' level, where solutions or initiatives for solutions are found and where the technical questions often become highly political.

(1) The initial negotiations with the CEEC started in 1991. The negotiations of the Europe Agreement, concluded to facilitate commercial exchange between the Member states of the Union and the CEECs, were conducted under the Commission's control and concluded by unanimity in the Council. This left the Commission with a considerable margin of manoeuvre for the negotiation with the CEECs. The utilisation of such 'mixed agreements', which include elements of Community and national competence, leads to the necessity to ratify the agreement by national parliaments, and even increases the opportunities to influence the decision-making procedure on both that national and the Community level. The beginning of the negotiations was difficult due to the reluctance of the Member states to open their markets to imports of sensible products such as agricultural goods. Negotiations started after the Commission proposed a draft of the Europe Agreements to the Council. In the same vein as the French union, FNSEA, the DBV was

opposed to beef imports from Eastern Europe. The DBV's strategy was in particular concentrated on the national level in order to convince the government of its position. Despite the fact that both the FNSEA and the DBV defended the same interests, they did not co-operate in the COPA in order to reinforce the pressure on the Commission. The Commission's position was much more in favour of concessions in the field of agriculture for the CEECs, but could not, in opposition to the Member states' position, successfully defend its point of view.

However, the problem of beef imports from Eastern Europe could not be solved on the 'technical' level, but through a compromise in the Council of Ministers. The compromise consisted in an authorisation of beef imports from Eastern Europe, in order to later export it to Russia as highly subsidised exports.

(2) From the entry into force of the Agreements, which took place between 1992 and 1999⁵³, the negotiations took place in the institutions created in this respect. The negotiations are prepared in the Association sub-committees⁵⁴, which are headed by the responsible Directorate General for the specific domain. It is in these forums, which have only consultative competencies, that the majority of conflicts are solved. The Commission, that is on the one hand DG1A, which leads the negotiations, and the specific DGs, responsible for certain fields, receives in general mostly written requests from the social actors, such as the DBV, regarding specific difficulties such as complaints regarding red fruit imports. This particular case involved imports of red fruits from Eastern Europe, which flooded, according to the DBV, the German market. The Commission was asked, for this reason, to discuss these problems in the relevant agricultural sub-committee. These sub-committees establish a bilateral institutional context, which takes over the conflict management from a forum in which the decisions are formal and where the political visibility is stronger, and the pressure of Member states more effective. However, one should not so easily speak of de-politisation. The Member states may not play a role on this level, but the power-struggles between different DGs can be easily observed. DG VI (Agriculture) quite strongly supports farmers unions' interests compared to DG 1A that

⁵³ The Europe Agreements came into force on 2 February 1999 with Slovenia.

⁵⁴ The sub-committees were created to prepare the work in the Association Committees. There are about 9 sub-committees for each country and every sub-committee is responsible for a specific area (industrial products, agriculture, financial co-operation etc).

chairs the meetings. These 'technical discussions' in the sub-committees are very often not on technical details, but on influence in the actual negotiations, called expert meetings. But at the same time, the *Präsidium* of the German agricultural union also put pressure on the national level, more specifically on the Ministry of agriculture, and in this case, also on Chancellor Kohl. No solution could be found on the sub-committee level, but through pressure on the national level, the DBV was able to persuade the German Minister of Agriculture, who was at this time very close to the DBV, to convince his partners as to the importance of the problem in the Association Committee. On this level, four different groups of actors co-operate in the preparation of the Committee meeting : the group of social actors concerned by a particular issue negotiated in the Association Committee; the national government representing the social actor; the Council of ministers, represented by the relevant working group (COREPER II, in the case of the Europe Agreements called 'Central Europe Group') or, later, when the problem could not be solved on this particular level, the COREPER itself; and finally, the European Commission which heads the Association Committees and prepares the agendas⁵⁵.

In the particular red fruit case, the Commission led the discussions between the two parties, without finding a compromise. The decision was finally taken in the Association Council and consisted of 'freezing' the fruit imports during a certain period.

Nevertheless, in this case as in others, two opposed positions can be found inside the Commission. There is on the one hand DG1A, official 'manager' of the relations between the Community and the CEECs, and on the other hand, the 'technical' DGs concerned by the negotiated domain. The latter find themselves defending the Member states' interests, or better the interests of the concerned national actors, while DG1A puts forward a position that is much closer to the interests in the candidate countries.

This empirical example proves that the interactions between actors do not take place in an institutional no-man's land, but in a framework clearly defined by implicit and explicit institutional structures. The institutional configuration influences the preferences and strategies of the actors. In the case of the social actors this means that they have to lobby different DGs with different approaches, as well as the Ministry of agriculture. The Commission, however, plays a double role: it is on the one hand a framework for

⁵⁵ cf. Mayhew Alan. Recreating Europe. Cambridge : Cambridge University Press 1998

discussion which mediates the negotiations, but on the other hand an independent actor which plays an important role in the interest-defending power struggle between the actors. In conformity with the hypothesis put forward in the neo-institutional framework, that is that “institutions are more than the reflections of underlying social forces and that institutions do more than only producing neutral arenas for political interaction”⁵⁶, this article argues that institutional structures delimit the possibilities of actors interests.

4.2. The role of Community Institutions - the Commission and the electricity sector: the creation of a role in Eastern Europe?

(1) In the electricity sector, one of the first issues concerned network interconnections in order to ensure the supply of electricity to the CEECs. The creation of such an interdependency was viewed by the CEECs as a first step towards adhesion to the European Community.⁵⁷ Due to technical problems which were highlighted by engineers working in this sector, this interconnection proved to be more difficult than the Commission, particularly DG XVII (energy), imagined. The pressure exercised by the Commission to establish this interconnection is best understood in the context of the importance the Commission attaches to free transport, which allows for free competition. As one official with whom I spoke commented, “for the Commission, networks should be open as the motorways.”⁵⁸ As was discussed above, due to considerable technical difficulties, German electricians were initially hesitant to invest too quickly in this domain. However, the Germans were finally convinced thanks to pressure exercised notably by the Commission in the form of financial incentives. The interconnection of networks was coordinated by UNIPEDE, European federation of electricians of the member states and by certain East European states in close co-operation with DG XVII (energy) and DG1A (external relations). This example underlines the importance of the role of the Commission. The position of the Commission appear to fit within the general framework of the ideology of the market liberalisation, the single market, and the TEN (Trans European Networks) project, which created the infrastructure for the free movement of

⁵⁶ Muller Pierre and Surel Yves. *op.cit.*

⁵⁷ Interviews, VEDW, 15 January 1999 ; EDF , 14 May 1998 and 27 May 1998.

⁵⁸ Interview, Bayernwerk/VIAG, Brussels, 2 February 1999.

goods. For the German government, the interconnection of networks appeared to be step towards bring the CEECs closer to the EU and to Eastern enlargement, a specific cognitive matrix of German policy.

(2) The nuclear domain had proved most revealing for my research. The need to the guarantee nuclear security is considered, by those officials with whom I spoke, to be of utmost importance and out of reach of any commercial demands. With the phrase “Die Sicherheit ist kein Geschäft,” (Safety is not business),⁵⁹ which was repeated by all the German and French officials I interviewed, the inescapability of financial assistance to insecure nuclear power plants in Eastern Europe was decided.

Whilst the European Community did not, with some exceptions, have any competencies in the domain of nuclear safety, the management of a large part of financial means was transferred to the Commission via the programme TACIS.⁶⁰ Nonetheless, given the connection between nuclear safety and the environment, the nuclear question can be found in the conclusions of several European Councils. These conclusions emphasised the role the Commission should play in the environmental domain. Having said that, and despite the remarks of several Commission civil servants, nuclear safety or the nuclear question remain the responsibility of national officials.

With the transfer of financial competencies in the domain of nuclear safety assistance in Eastern Europe, the Commission was nonetheless obliged to seek external expertise. The question being highly political, the decision was made to create a nuclear safety committee which would be attached to DG1A, responsible for the management of funds⁶¹ in this sector.⁶² It is only in the case of the loans from Euratom where the Commission has greater competencies. The Committee on Nuclear Safety is composed of France, the United Kingdom, Germany, Italy, the Netherlands, Finland, Sweden and Belgium. Created after the serious accident at Kozloduy in Bulgaria, and particularly at the instigation of WANO

⁵⁹ Interviews, Ministry of Foreign Affairs, Permanent Representation of France to the EU, CTI, DSIN, Service of Nuclear Affairs, EDF, RWE, Bayernwerk, VDEW, Permanent Representation of Germany to the EU, DG1A, DGXI, May 1998-February 1999.

⁶⁰ See in particular Covindassamy, Ananda. “L’Europe de l’Est : l’heure de la transition “. Politique étrangère 1998; Haaland Matlary, Jane. Energy Policy in the European Union. London : Routledge, 1997.

⁶¹ This management by the Commission was severely criticised in the latest report of the Court of Auditors.

⁶² As such, in 1992, the Commission co-ordinated the financial assistance accorded by the G-7 for Chernobyl. However, the financial assistance (loans and other forms of assistance) for nuclear plants in Eastern Europe are also accorded by other institutions such as the World Bank of the EBRD.

(World Organisation of Nuclear Exploiters) whose president at the time was a high ranking EDF official, the Committee advises DG1A on technical matters. It assists the Commission in defining objectives in the domain of nuclear safety and examines the financial utility of certain projects.

This Committee is even more interesting because the Franco-German relation plays an important role; EDF, Framatome, and the German company Siemens are involved in the project to construct nuclear installations. The German officials represented in this committee have close links with their national nuclear energy firms.⁶³ Nonetheless, as is evident in the case of Mohovce, the position of German officials is not as 'pro-nuclear' as their French counterparts would like.

In the case of the committee attached to DG1A, one can observe that the institutions of Community policy in the nuclear domain in Europe are, more so than in the case of agriculture, closely linked to international institutions and actors. Instead of utilising its own experts from DG XI, responsible for nuclear safety, the Commission was obliged to accept a committee of national experts in controversial sector.⁶⁴

Nonetheless, the Commission has gained responsibilities in the domain, responsibilities which it did not have before and which are closely linked to its general role in the process of Eastern enlargement. It will be interesting to observe the development on this sector and, in particular, in terms of eventual development of Community competencies. The Commission's role as a mediator as well as an actor, but also its role as a structure in which negotiations take place, is of central importance for an analysis of the process of enlargement.

V. Conclusion

In concentrating on the strategies of social actors in a certain number of routine decision-making procedures in the pre-enlargement process, this study attempted to show that the

⁶³ This close link between German officials working in the sector of nuclear safety and nuclear electricity producers was criticised by the German Minister of the Environment, Jürgen Trittin, who saw this as a reason to resolve the authority of German nuclear security last year due to their links with nuclear energy producers.

⁶⁴ Another organisation merits close analysis: the Sub-committee of energy/nuclear security in the context of the Association agreements.

enlargement process could not be described as purely intergovernmental bargaining on the level of 'high-politics.' Although 'path-taking' decisions for the enlargement process have been taken by European Council meetings since 1998, concrete progress in this process is made on a lower level, where the nature of the actors involved includes national civil servants, Commission civil servants and representatives of social groups.

The argument that the process of elaboration of public policies on the European level is characterised not only by the interaction of a number of national actors, both public and private, but also by the complexity of the negotiation process and, finally by the weak formalisation of decision-making procedures is followed by a question: which factors influence the strategies of the above mentioned actors during the enlargement process? It has been clearly proven that it is not sufficient to take only the actors' 'objective interests' into account in assessing their strategies. In order to analyse their actions, one must take into account the structures and institutions in which they act. The example of the hesitant attitude of the German electricity provider - Bayernwerk - in the case of Mohovce, where one would suppose that their financial interest would, as seems to be the case with EDF, argue in favour of their presence in Slovakia to modernise the nuclear power plant, has shown that the structure in which the electricity producers act (public opinion's attitude towards the nuclear issue; relationship between the government and the industry) plays the role of a mediator. Another example can be found in the area of agriculture in which the real economic importance of this sector in relation to German GDP and its representatives' (DBV) political weight in the pre-enlargement negotiations are not correlated.

Thus, structures on national and European levels influence actors' behaviour. In defining a legitimate order, and therefore, different ways to exercise political power, these structures *mediate* the activities of actors and allow for both the Commission and the social actors to intervene on various decision-making levels. Although this study concentrated on the strategies and the influence of social actors, the important role of the Commission as an actor was evident. The Commission played a central role, both as *structure* and as *actor* in shaping the pre-enlargement process. Thus, not only its role as mediator should be underlined, but also its attempts to gain power during this pre-enlargement process. This aspect, however, is beyond the scope of this study.

While both social actors and different Commission services influenced purely the pre-enlargement process, which cannot therefore be accurately described as a foreign policy matter, there is nonetheless substantial evidence that national governments still enjoy a great deal of leverage in shaping the social and economic conditions of their societies according to prevailing political preferences.