MULTI-LEVEL GOVERNANCE: WITH OR WITHOUT THE STATE?

The Changing Governance of Technical Standardization in Europe

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Abstract

The literature on multi-level policy making and governance in the European Union (EU) displays many apparantly contradictory processes. This examination of the changing governance of technical standardization in Europe, and in Denmark, the Netherlands and Norway, over time, and across issue-areas, using a comparative policy and institutional approach, shows that all of these processes are part of contemporary social life in the EU. Of special importance are the contrasting effects of European integration on national arrangements of technical standardization which raise further doubts about the capacity of states and of state actors to pursue goals and shape societal structures that can possibly promote their future development and legitimacy.

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The notion that EU policy making increasingly is the result of complex interaction and coordination among mutually autonomous actors - where only some are governmental agencies - across multiple levels of functional and territorial aggregation, has gained further ground among social scientists in recent years. However, this common starting point has not yet resulted in a fully specified theory about European integration. Rather, there is a stimulating variety among the many different strands or writing, indicating mechanisms that seemingly are at odds. For instance, some scholars have emphasized how 'path-dependent processes' have produced a 'fragmented but still dicernible multi-tiered European polity' (e.g. Pierson 1995; Bulmer 1993). Other scholars have emphasized how real or perceived performance crises or exogeneous shocks have either contributed to a fluid and inherently unpredictable environment or simply have enhanced the willingness of the actors to cooperate (e.g. Marks *et al* 1996a: 355-56; Schmitter 1996b: 13; Schneider *et al* 1996: 484-86).

Many scholars have also emphasized changes in the capacity of central strategic actors, notably the capacity of the European Commission, to nurture and use diverse contacts, to anticipate, and mediate demands, or to utilize already existing cultural artifacts or culturally accepted principles to gain support from other dominant actors (e.g. Marks et al 1996a; Fligstein and Mara-Drita 1996). In addition, there are scholars who have paid attention to how certain non-authoritative governance instruments, like government funding and networks, have been used to coordinate the policies of the many different actors (e.g. Bulmer 1993: 365; Kohler-Koch 1996: 190; Scharpf 1994: 234; Schmitter 1996b: 145-46).

Some scholars stick to the notion that the actors are strategic, rational, and self-serving, while others suggest that the actors have adjusted to the complexity and uncertainty of the multi-level policy making arrangement by developing a rationality which is communicative and procedural or at least induces the actors to take interest in and be open to a change in governance (e.g. Kohler-Koch 1996; Mazey and Richardson 1996). Finally, some scholars have placed considerable importance on the reproduction of national differences over time (e.g. Olsen 1996; Bundgaard-Pedersen 1997a; Waarden 1997).

The purpose of this paper is to use this framework to loosely stimulate an empirical examination of the governance of technical standardization at the European level and in Denmark, the Netherlands and Norway, over time, and across issue-areas. In order to do this, I use a comparative policy and institutional approach to research, including a focus on institutions, participants, formal and informal rules, and procedures and norms in the policy processes. I have done extensive documentary and archival research. I have conducted interviews with over 90 officials from EU and member state agencies as well as from the European and national standardization bodies. Finally, some of the empirical findings stem from a questionnaire completed by the Danish, Dutch and Norwegian standardization bodies in 1994-95.

Since the 1950's and especially since 1985, a rather large and complex institutional arrangement of technical standardization has emerged in Europe, in which an immense variety of actors and institutions seemingly are interdependent and interconnected, and in which national institutional arrangements of technical standardization interact and have applied similar standardization practices. Three officially recognized European standardization organizations, the CEN (Comité Européen de normalisation); the CENELEC (Comité Européen de Normalisation Électronique); and the ETSI (European Telecommunication Standards Institute), have been established, with formal statutes, large secretariats and growing membership. The members of these bodies, the national standards organizations in the EU and EFTA member countries (one national member per country), several associated private standards bodies, representing social and economic interests at the European level, and numerous European interests organizations - at least 300 - in direct contact or

liaison with CEN and CENELEC, have been able, in thousands of functionally specialized technical committees, to reach agreements on common European standards with increasing speed. Over the last five years more than 10.000 European unified standards (EN's) have been produced or adopted, while thousands of standards are on their way to publication. And, in the same period, the yearly production of common European standards has grown from 100 to more than 500. These standards are not just voluntary. They must, in contrast to international standards, be implemented unchanged at national level, and they are taken to support, extend and even replace national and European legislation in the areas of health, safety, consumer protection and environmental protection. Thereby also European Union institutions, primarily the Commission, and the EFTA secretariat have begun to intervene on a day to day basis in the governance of European technical standardization. They lend out funds to the European standards bodies. They make general and specific priorities. And they are involved in continous negotiations with CEN, CENELEC and ETSI technical committees and management boards.[1] In sum, no actors or institutional arrangement have been left unaffected by this development.

However, in observing the Danish, Dutch and Norwegian institutional arrangements of technical standardization, which are my other primary emprical objects of study, it is generally clear that these arrangements show no significant signs of convergence, despite of several reorganization attempts all the three countries, in the last half of the 1980's and first half of the 1990's. The empirical results imply that most of the elements highlighted by the multi-level policy making and governance studies offer insight into the emergence, spread, complexity, governance and emanating national effects of European technical standardization. This, however, raises questions about how we can account for the apparantly

[1] This has happened primarily on the basis of the Commission's 'White Paper on the Completion of the Internal Market' (art. 65 & 68), the 'New approach to Technical Harmonization and Standards', officially laid down in the Council Resolution of 7 May 1985 (85/C 136/01), the 'Global approach to certification and testing', officially confirmed in a Council Decision on 22nd July 1993, the General Orientations signed between the CEN and CENELEC, and the European Commission and EFTA on 13th November 1984, pursuant to the Information Procedure Directive (83/189/EEC), and the EEC treaty, primarily Article 8A, the Articles 30-36, and Article 100A, but also on the basis of other Articles, agreements and documents.

contradictory processes in a theoreticaly meaningful way, and even more important, how we can account for the capacity of states and of state actors. The majority of scholars in the field of multi-level policy making and governance make the case that European integration weakens the state (e.g. Marks 1996; Pierson 1995; Scharpf 1994). However, although recognizing that states act in environments which they do not fully control, this author is not so sure about the actual constraints imposed on states. At least, the empirical analysis suggest that there is a need for a more open view also on the processes which may go in other directions.

The paper begins by analyzing the factors that have influenced how the European technical standardization arrangement has emerged from the 1950's to 1985. Then, I study the increasing spread, complexity, and governance of the European standardization arrangement from 1985 to the present, focusing particularly on available governance mechanisms and the actors' rationalities of behaviour. Thirdly, I examine how the national arrangements of technical standardization in Denmark, the Netherlands and Norway have responded differently to the emergence, spread, complexity, and governance of European technical standardization. The final part discusses the empirical findings in the light of the research that has been done in the multi-level policy making and governance fields of study. Of special importance is here the problem of the capacity of the state and of state actors. Needless to say, however, that a thorough theoretical and empirical examination is not possible within the confines of this paper (but see Bundgaard-Pedersen 1997b).

The Emergence of the European Standardization Arrangement 1950-85

The European standardization arrangement has not developed in fits and starts. It has emerged as the outcome of a hybrid of perceived and real external shocks and performance crises, changes in the capacity and reasoning of the European Commission, as well as slow historical processes of contact, mutual learning and

imitation.[2] Before World War II, the national standards bodies in Europe, and elsewhere, with the exception of the American and British engineering standardization organizations, were engaged in continous processes of contact, and they had, in despite of continously decreasing resources, managed to develop several links of cooperation and coordination, primarily through the International Federation of National Standardization (ISA) and the International Electrotechnical Commission (IEC), as well as through several regional committees, for instance between the Nordic countries in the INSTA framework (Inter-Nordic Standardization).[3] Then came the violent and devastating changes of the war, which shook these links by their roots.

However, in the aftermath of the war, a whole new situation occured. The ISA, and the UNSCC (United Nations Standards Coordinating Committee) - established in the last years of the war on American initiative - was not only reestablished under the new ISO banner (International Organization for Standardization). The European 'Organization for European Economic Cooperation' was also established in order to ensure a peaceful and noncoercive rebuilding of the European economies. As a central part of this initaitive, the West European countries, primarily the national standardization organizations, also began to take interest in European cooperation in the area of technical standardization, through the OEEC standardization committee. In the following period, due to discrete yet intense processes of contact and mutual learning, the representatives of the national standardization organizations in Europe were able to reach remarkable agreements which went far beyond the expectations connected to the OEEC.

Of central importance was here the consensus established among the standards bodies in the last half of the 1950's and first half of the 1960's, that due to the founding of the core European Community with only six member states - and six national standardization arrangements - which threatened to produce an

[2] Historical analysis on the basis of archival and documentary research in the national standards bodies and trade ministries of Denmark, the Netherlands and Norway.

[3] The first international standards organization was the International Electrotechnical Commission (IEC), founded in London in 1906, following decisions taken at the Saint Louis Congress in 1904. Already here it was widely recognized both among West European countries and in US that one of the essential conditions for the wider use of electricity was the development of consistent grid systems on the basis of rules guaranteeing a certain level of safety.

'unremovable' technical division of Europe, it was neccessary to establish a new European standards organization, called the 'Commision pour le Marché Commun' (CMC), in which also the national standards bodies from countries not formally belonging to the 'core EC', like Denmark, Norway, Sweden, Austria and the United Kingdom, could become members. And after further negotiations, especially on how cooperation between the national standards bodies at a technical level could be achieved more concretely, it was decided in 1960-61, to replace the CMC with the CEN - at the time called Comité Européenne de Coordination de Normes - containing all the national standards bodies in the EC/EFTA framework.

Already in the first proceedings from the new CEN, it was made clear that its activities should not compete with the activities of the ISO. However, and this was just as important, decisions were reached which specified that the activities in the CEN, should enable more unified European responses to the ISO activities which the European countries already dominated at the time. And over the couse of the following years, CEN gradually optimized its activities while its member organizations continued to reach important agreements about the future planning of technical standization in Europe. In 1962, in Cologne, the members agreed on a rather detailed working programme, and soon after no less than 24 CEN technical committees were established. Hence, when the new EC Commission initially started to take interest in European technical harmonization, in the mid 1960's, the CEN had already grown to contain 35 TCs, a small secretariat and participating member bodies who continually agreed that cooperation was neccessary in order to avoid the creation of technical barriers to trade between the core EC countries and the rest of Europe.

As a result of the following continous processes of contact, mutual leaning and imitation, where government bodies were only actors among other actors, the EFTA secretariat decided to become further involved in the future planning and funding of European technical standardization. It was widely discussed how the European standards work could be optimized to meet the expected future requirements of EC and the EFTA institutions. For instance, the Dutch standardization organization, the NNI, recommended, that, in order to optimize performance, the standardization bodies from Germany, France and Britain could, with Dutch approval,

coordinate internally before a given European standards proposal was subject to discussion and voting among the other smaller member bodies. This proposal was later realized. There was intense communication between the CEN and the 'CENEL/ Cenelcom' - which merged to form CENELEC in 1973 - about how the two European standards organizations could optimize their coordination and performance. Hence, when the Commission, in 1969, adopted its "first" 'General Programme for the Elimination of Technical Barriers to Intra-Community Trade, caused by disparities among national laws' (COM (68) 138/final), containing four elements and emphasizing the art. 100 in the Rome Treaty, the European standardization bodies had already taken actions and reached agreements which intended to support the implementation of this Programme (e.g. Pelkmans and Vollebergh 1986: 15).

The Commission's 1969 Programme is interesting for several reasons. First, it resembled the agreements that already had been reached among the actors since the 1950's. Secondly, it imitated regulatory practices that were already well established in some of the member states, notably in Germany and Denmark.[4] Thirdly, it nevertheless committed the actors for years ahead. With the words of the Commission, the Programme constituted a 'point of no return' for communitarian action.[5] Finally, together with the Commission's 'Colonna Memorandum' to the Council of Minsters in 1970, it is the clearest indication of the importance of path-dependent processes or historcal continuty. More concretely, it shows that there was almost nothing new in the 'New Approach to Technical Harmonization and Standards', adopted by the Council in 1985.

The Programme contained a detailed plan for processing about hundred directives on the removal of technical barriers to trade, in the fields of industry and food products. It contained new rules on the mutual recognition of national control

[4] Volker Eichener (1992) has made the case that 'the German "Gerätesicherheitsgesetz" (safety of Machinery and Utensils Act), which refered to "Approved Technical Rules", was the (albeit modified) model for the New Approach and even for the Low Voltage Directive' (See Eichener 1992: 23). I agree but the observation can be extended to comprise also other countries. For instance, it seems that the New approach and the Low Voltage Directive also resembles the regulatory model developed in Denmark, in the same areas, as well as in the building/construction area, since the 1950's.

[5] See 'the industrial policy of the Community, Memorandum from the Commission to the Council, Brussels, EC, 1970 (cited and translated from the Dutch version by Pelkmans and Vollebergh 1986: 18, 28).

measures among the member states. It contained a simplification of the regulatory procedures with respect to the amendment of Directives. And it contained a gentlemans agreement about 'stand-still' which specified that member state officials should keep each other informed about draft national standards and legal texts, and that they should not develop technical rules or specifications in areas where the Commission planned similar initiatives. In turn, the Commission's Colonna Memorandum confirmed these principles, indicating 'that the public authorities should limit their activity to the identification of the interest to be protected and the fundamental requirements to be complied with, and leave it to the industry to provide the parameters, by means of standards it worked out voluntarily and in collegial consultation in the framework of standardization'.

Accordingly, within the European standards bodies, it was decided that their future position and strength depended on how much the EC and EFTA would weight the further development of a 'Reference to standards principle' in European legislation, which previously only has been used within particular West European countries, but which the European Commission now had started to take great interest in. The CEN members aknowledged here, with great enthusiasm, that it was possible to develop unified European standards that were linked to both EC and EFTA legislations and subsequently also were more binding and had bigger status as 'recognized specifications of European law', than the ISO and IEC standards, which the members considered merely to be loose recommandations.[6]

Then, in 1973, the Commission adopted a new programme resembling the principles inherent in its 1969 programme, regarding technical barriers to trade in the fields of foodstuffs and industry products, and 'after approximatly 150 meetings', it also issued its first "Standardization Directive", the Low Voltage Directive, based on New approach type principles, notably containing eleven general safety requirements

[6] The CEN statutes specified that the main CEN objective was 'to promote the development of trade and the exchange of services by means set forth in its constitution. These are varied, but it is laid down at present (1972) that amongst them absolute majority is given to subjects proposed by European Intergovernment Organization likely to be used in legilsation' (CEN statutes, cited in Heiberg 1973: 101-102. See also Eichener 1992: 23).

that were to be specified through unified European standards, developed by the European standards bodies, the CEN and CENELEC.

In 1975, both the CEN and the CENELEC central secretariats moved to Brussels thereby signifying that they clearly favoured further cooperation with the EC and EFTA institutions. In 1978, the Commission was reorganized, and in connection to this, it expressed that it now was ready to promote a further use of the 'reference to standards principle' in future EC legislation. The same year, the "new" Commission prepared the first 'EC Directive on building and construction components'. It was clear in the CEN and CENELEC, already at this stage, that the creation of European standards would not by itself ensure that products produced in Europe actually met the requirements of a given European standard. The members acknowledged that there also was a need to speed up things with respect to testing of conformance and certification. Through further discussions in the CEN's so-called 'CENCER-stering committee' it was hence decided that the European standards bodies should develop a framework programme, ideally in cooperation with the EC Commission and the EFTA secretariat which could ensure that products produced in Europe would actually meet the requirements specified in European standards and that certificates could be issued to manufactures whose products were approved in accordance with such a test.

However, the agreements reached in the 1970's with respect to European technical standardization were not only reached because they were based on continous and long-standing processes of contact, mutual learning and imitation. They were reached because special situations apparantly required special EC actions. The 1970's contained two such situations. The first situation was the *Oil shock of 1973*. Many studies have argued that the period from the late 1970's to the early 1980's was a period of "Europessimism" and "Euro-sclerosis", 'when politicians and academics lost faith in European institutions' (e.g. Moravcsik 1991: 19). This analysis regarding European technical standardization and EC technical regulation does not support this view. Rather, it seems that the Oil-shock, and the national economic difficulties that followed from it in the European countries, enhanced the willingness of the actors to cooperate and to develop common solutions, which also reached into the the next decade.

The second situation that apparantly required common actions in the EC, was the *performance crisis of 1978-79*. Having reached significant agreements in the 1970's, the actors at the level of the European standardization bodies expected a rapid increase in European technical standardization. However, this did come, and in turn the actors were rather dissapointed with the performance of the Commission, which in the absence of clear political decisions continued to incorporate international or national standards directly, word by word, in the annexes of the Directives. In a CEN/CENELEC resolution, in 1979, the Commission was accused of being ineffecient, to which it replied that it could not make reference to adequate European standards which had not yet been drafted.

On the basis of the earlier agreements and sharedd expectations about success, the actors agreed that the emerging European standardization arrangement faced two basic problems. First, it was seen as a problem that the average time for processing EC Directives, at the time, was about ten years, possibly due to voting rules that required unanimity. Secondly, it was seen as problem that a total of only 65 European standards had been drafted, while the yearly production within CEN and CENELEC only was about six to ten standards. However, the common recognition of these double-sided performance problems did not contribute to further disputes between 'standardizers' and 'regulators'. Rather, it enhanced their willingness to cooperate, illustrated by how they, in the following period, took several important actions. In 1980, the Commission, presented the CEN and the CENELEC with a list of over 30 'work-items', on the basis of which the two organizations should make detailed technical specifications for the removal of technical barriers to trade in Europe. Accordingly, the Commission also began to look more critically on its previous use of international and national standards. And at the level of CEN, it was decided, in 1981, to adopt a special framework for conformance testing, certification and mutual recognition. Also, in 1981, the actors, the CEN, CENELEC, the Commission and the EFTA secretariat, started discussions on a more formal agreement of association, later to be confirmed as the '1984 general agreement of association between the four parties'.

In turn, CEN and CENELEC were also heavily involved, in 1981-82, in discussions with the Commission about the setting up of a more formalized information procedure for standards and technical specifications between central state agencies, the Commission, the European standards bodies and their member organizations, including also the EFTA secretariat, which could link future EC and EFTA regulations to private European technical standardization. After the formal adoption of the Information Procedure Directive in 1983 (83/189/EEC), which 'obliged the Member States and the national standards bodies to inform the Commission about standardization processes, which required a 'stand-still' of national standardization, when European standardization or legislation starts', and which established a database for the exchange of informations, the next steps to be taken seemed relatively clear, not only to the members of the European standards bodies, the 16 national standards bodies, but certainly also to the Commission and the EFTA secreataraiat as well as the involved member state administrations.

In turn, a new procedure for the development also of a special type of standards which the member bodies did not have to implement unchanged, the 'Harmonization Documents', was adopted. And on the initiative of the Commission also a new set of voting rules and procedures, substantially similar to the ones that already existed for the CENELEC, was discussed within CEN, specifying that votes should be weighted and that all members should be obliged to recognize even the European standards they previously had voted against. It was decided, as a first step, to try and work by these new rules in the field of information technology standardization within the CEN.

In sum, by 1984-85, the contours of a complex multi-level governance system, linking European and national standardization to EC, EFTA and national regulatory policy making processes, and favouring EC and EFTA funding and priority setting had already seen the light of day. Sixteen national member organizations were attached to this arrangement. The actors generally agreed on decisional norms and drafting, voting and implementation procedures. More than 120 European standards had been drafted. The yearly production of European standards had grown from about 3 to about 20. A database to handle the 83/189 information procedure had been

established. Several agreements of association between the European standards bodies internally and between the standards bodies and the EC and EFTA secreatariat had been signed, confirmed and reconfirmed. A framework for conformance testing and certification was already in place, just waiting for a broader range of European standards to be produced. Also, the EC had already passed several directives of relavance to the European standards bodies. Finally, but not least important, it seemed relatively clear to all the actors that they should continue in the same direction in the future.

The Complexity and Governance of European standardization since 1985

Since, the 1980's the European standardization arrangement has become complex both with respect to the *issues* that the actors, over time, have placed on the agenda or more indirectly have associated with European technical standardization, and with respect the *many-fold interactions* present in the arrangement (e.g. Kooiman 1993). First, it is clear that European-type standards can, and often will, be used for many objectives at one and the same time: for instance to remove trade barriers; to protect the environment; to protect the consumer - who is not always easy to identify; to provide better or worse standards for health and workers safety; to rationalize industry and production forms, to control variety, to facilitate the transfer of technology; to ensure that objects fit their intended purpose (fitness for purpose); to prepare lover ranked 'manufacturing (company) standards'; and to ensure compatibility and inter-operability between products and services. In turn, my analysis has shown that any one actor in principle is able to enter the process at almost any given stage by claiming that it is important that a given Directive or standard also contains elements of any of the above issues.

Thereby, there also exists problems with fixing the dividing line between the essential requirements of the Directives and the specifications of the standards. There exist problems with the overlap between different types of EU legislation,

notably between the 100 A and 118 A directives. And there exist problems with the large variety of different types of standards: on the one side the problems with ensuring the practical distinction between EN's, HD's, ENV's, and reports; and on the other side the problems with ensuring the distinction between standards following different functional and/or administrative typologies, e.g. basic standards, terminology standards, product standards, testing standards, safety standards, service standards, engineering or planning standards, organization or managements standards, definitive or experimental standards, and so forth.

In turn, the European standardization arrangement also comprises an immense variety of interactions among the actors. European technical standardization on the basis of EC essential requirements or Commission mandates does not occur in a vacuum. The essential requirments and mandates are just constitutive for one type of relationsship between the European and national standard s bodies and the EC and EFTA institutions. In reality, interaction through completely harmonized standardization coexists with interactions through European standardization without mandates, but on national initiative; European standardization on the basis of international standards; European standardization on the basis of EC minimum requirements in 118A directives; and national standardization which only aims at producing national standards. In practice the different forms of standardization are difficult, if not impossible to separate.

Looking at the EC/EU regulatory process as an important part of the European technical standardization process, produced knowledge along similar lines. There is no direct flow in the EU decision making processes which justify a distinction between an initiation and preparation phase; a consultation and cooperation phase; an an amending, decision making, and implementation phase, including a mandatation and standardization phase. Both the analysis at the general level as well as the analysis of the construction, machinery safety and environment issue-areas suggest that initiation, preparation, consultation, decision making, implementation, mandatation and standardization often proceed as parallel and simultaneous processes, intermeshed and interconnected in complex ways, almost regardless of formal rules.

The interactions within as well as between the formal institutions, e.g. the European standardization organizations, the national standards bodies, the Commission DG's and committees, and the member state agencies and companies, signified that processes of technical standardization in CEN can lead to EU legislation and vice versa. An important observation from the different issue-areas was that the preparation and drafting of harmonized European standards (EN's) happened before, under and after the EC/EU regulatory processes, although formally it was supposed to happen on the basis of the agreements reached in those EU regulatory processes. Also, it is clear from the analysis that the Commission issues mandates to the European standards bodies before the essential requirement have been formally approved by member state agencies, and that the mandates often are negotiated, renogotiated and ammended in cooperation with actors from CEN and CENELEC technical and sector board committees.

Further, the interactions are no less complex by the fact that some EU directives seemingly contain manyfold specifications and result in rather strict mandates to CEN, CENELEC or ETSI, for instance containing demands about environmental protection, consumer protection or health and safety, while other directives contain relatively few essential requirements, and result in mandates which merely contain loosly formulated recommendations about EC/EFTA funding and time tables. The construction area is an example of the former, whereas the machinery safety area is an example of the latter. Finally, contributing to the above complexity in interactions, there is a considerable personal overlap of actors, where the same mutually autonomous actors - state agencies, the Commission, the European and national standardization organizations, and companies - participate simultaneously in the different processes across territorial and functional levels. For instance, our analysis of the EMAS-case (Eco-Management and Audit Scheme) showed that Danish state officials participated simultaneously in processes in ISO, the CEN, the Commission, the Council of Ministers, as well as in DS and the INSTA, however filling different roles (Bundgaard-Pedersen and Højbjerg 1996).

However, this issue and interaction compexity has not only limited the practical range of traditional problem-solving techniques, such as direct central

guidance by organization or plan, and self-regulation through various types of markets (e.g. Willke 1986a). It has also made the actors rely more heavily on alternative - non-authoritative - governance mechanisms, compatible with the complexity. And in turn, the actors have also begun to behave in alternative ways which reflect not only their different historically rooted rationalities but possibly also reflect a new common communicative or procedural rationality, inducing open and experimenting behaviour.

First, the actors have relied on a non-authoritative legal structure which has connected EU and EFTA demands to European technical standardization in CEN. With the 'reformulation' and reinterpretation of the 'New approach to technical harmonization and standards', since 1985, the actors have begun to recognize more clearly, the complexity of technical harmonization and standardization, and, in turn, they have also started to apply, more forcefully, the new approach as a flexible built-in two level (legal) structure, intentionally serving as an adequate complex guidance instrument. In turn, this legal structure has 'induced mutual learning processes, activated specialized information, and initiated - sucessful - self-regulation and self-binding consensus-building processes' (Willke 1986b: 290).

The continous discussions about how to increase performance and coordination in the European standardization arrangement, in the first half of the 1990's, starting with Commission's 'Green Paper on the development of European standardization', in 1990-91, and ending with the Commission's communication 'On the broader use of standardization in Community Policy', in 1995, are suggestive here. From these discussions, it is clear that majority voting is not as important as receiving consensus. In this spririt, the possible problems of incompatibility shall be settled informally. Secondly, the statements of the different actors, in this period, indicate that an early consultation about the EU work programmes is important; that good guidance on EU priorities is neccessay; that an early issue of EU mandates is vital; and that there is a need for the earliest possible cooperation between the actors involved. Thirdly, the statements indicate that European standardization policy shall reflect the views of industry and social partners, as well as the views of EC and EFTA representatives; that the European standardizers must understand and be aware of the EU political and legal framework, programming, and priority setting; that the European

standards organizations shall be 'capable of meeting the demands for European standards not only from industry but also from authorities'; that transparency in activities is important; that the access of all interested parties is vita; and that the European standards organizations shall be prepared to elaborate standards in accordance with EU wishes, for instance performance standards.

Fourthly, however, the statements of the different actors in this period, also indicate that the above aims shall be fulfilled through a consultative forum, which will not destroy the operational autonomy of the European standardization bodies. The concern is here that no actors shall have the formal power to 'disrupt' the standardization processes thorugh a new authoritative board or standardization council. Instead, the neccessary flexibility shall be left to the standards organizations to fulfill, and it is taken to be just as important that the EU legislative proposals take appropriate account of the advantages offered by extended recourse to standardization than the opposite. And from the consensus on these issue follows also the agreement that the national arrangements of technical standardization shall not be weakened, and that the European standardization organizations shall remain independent actors in their own right.

In turn, the legal norms associated with these statements were also reflected in the organizational changes that occured in the European standards bodies, and especially in CEN, in the first half of the 1990's. CEN and CENELEC have established technical sector boards in order to optimize common communication and performance. For the same purpose, a consultative European standardisation forum, attended by private European based interests was also established. The European standards organisations synchronised their regulatory frameworks. They established several coordination and programme committees. Several private interests associations were invited to participate directly at the European level. And the importance of the link between EU regulation and European standardization has been emphasized over and over again.

Besides the forceful application of this flexible built-in two legal structure, coordination or governance in the European standardization arrangement has been achieved through primarily two available mechanisms, namely through the EC and

EFTA funding of standardization, and through a dense network of committees. As regards the former, the discussions on the Commission's 1991 Green Paper on standardization are both interesting and suggestive. The Green Paper made five recommendations in regards to the financing of European technical standardization, and recieved comments along the following lines; First, the Green Paper proposed that more long term financial planning by the members of the European standards bodies should be encouraged. Almost all the actors supported this view. Secondly, the Green paper proposed that the attribution of revenue from the sales of European standards should be changed, to allow also a part of this revenue to be channeled directly to the European standardization bodies. This proposal, however, was not supported by either the national standards bodies, the member states executives or even by the European industry associations. Thirdly, the Green Paper proposed that there should be increasing competition with respect to the sales of European standards. Also this proposal was met by strong opposition. Fourthly, the Green Paper proposed that there should be a wider use of financial contributions to European standardization from European Industry. Several comments, specially from the national standards bodies made it clear that this proposal was not realistic. For instance, German actors argued that the efficiency and legitimacy of the European standardization arrangement was dependent on industry continuing to make its contributions by way of the national standards bodies. Finally, the Green Paper proposed that there should be long-term commitment to financial support by community public authorities. In contrast to the other proposals, this proposal was generally supported by all the actors.

This paper does not allow a thorough examination of the principles of EC/EFTA funding. However, it is clear from documentary research and interviews that the long term commitment to financial assistance by EC and EFTA authorities has been confirmed both at a general level and in the specific issue-areas, construction, machinery safety and environment standardization. For instance, it was confirmed through follow-up meetings on the Green Paper between CEC Vice president Bangemann, EFTA representatives and the CEN/CENELEC/ETSI Joint President Group (JPG), indicating that the EC and EFTA should continue to finance part of the

European standardization activity under the framework of specific mandates, not as general subsidy or direct funding through the sale of standards.

In turn, EC/EFTA funding was a also stimulating value for CEN when it, in despite of the lack of Commission mandates, took its own initiatives in the area of construction standardization. At least, interviews suggest that the CEN committees would not have taken the initiatives they did, had there been no EC and EFTA funding of technical standardization. The same is true in the machinery safety area. Here the CEN TC's also received considerable financial assistance from the EC (90 percent) and the EFTA (10 percent). Finally, it is clear that the EC/EFTA long term financial assistance to CEN has played an important role, in the environment standardization areas, illustrated by how the organization, in 1992, formally ranked the needs in relation to existing or draft EU legislation highest; primarily demands/mandates from DG XI (Environment), DG III (Industry and internal market), and DG VI (Agriculture).[7]

Besides, legal and financial mechanisms, coordination and cooperation in the European standardization arrangement has been heavily dependent on the day to day operation of a dense network of committees. For instance, although formally insisting on remaing independent organizations, the two European standards organisations, CEN and CENELEC, have synchronised their legal frameworks and adapted to EC requirements with the help of several horisontal coordination and programming committees. Another example is the Commission's DG III/B/2 Committee on "Standards and Technical Regulation which in cooperation with CEN technical committees shall 'follow the work in train and account to the CEN central secretariat and to the Commission all anomalies perceived notably in every case of incompatibility.' In turn, if such cases are discovered, the problems of incompatibility 'shall be settled informally, for example between the Commission services, the technical committee concerned, the Standarding Committee of the relevant Directive should one exist, or in other cases the 83/189 Committee' (Doc. 27/90-EN). In 1992, another DG III/B/2 Committee 'Senior Officials on Standardization Policy, publishes a

[7] It is, however, also clear from the interviews that several state and Commission officials expected the CEN to be unrealisticly positive towards almost any mandate proposal from the Commission, because with the mandate there also followed considerable EC and EFTA funding.

memorandum intended for 'Commission departments, to ensure closer coordination betwen Directorates-General and between departments dealing with individual sectors and others responsible for more general policy'. In 1994, the Commision established what it called 'contact-point networks' committees between the Member State administrations and the Commission for the 'rapid solution of practical problems as they arise'.[8]

Also, in the specific issue areas, these characteristics seem to apply apply. For instance, one month before the Construction Product Directive was decided and years before the Commission could actually submit final mandates to the European standards bodies, the CEN's Technical Board had already established a programming committee (PC Build) with many underlying working groups, which subsequently influenced the the further implementation and specification of the Directive. CEN Committees also produced coordination in the machinery safety area. Thus, prior to the Commission's first working paper on the Machniery Safety Directive in July 1986 which already then included an extensive and detailed catalogue of essential safety requirements, the CEN had already established the Programming Committee 'PC 2 (Safety of machines) as well as a special CEN committee (TC 114) and had already worked out several draft safety standards proposals for machines, applicances and plants (Falke 1996: 7). Accordingly, almost before the ink on the essential requirement document was dry, the CEN had established a programme committee on 'Safety of Machines' which could 'proactively' influence the final contents of the draft Directive completed already in 1987, as well as the final mandate submitted to the CEN, including over 500 work-items.[9]

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[8] Commission (1994), The Single Market in 1994, Report from the Commission to the Council and the European Parliament, Brussels, 15.06.1995 (COM(95) 238 final), introduction.

[9] A CEN interim report submitted to the Commission in 1992, made it clear that 'work started in CEN on machinery safety standards in July 1985 ..... extended to over 530 work items covering both 'A', 'B', and 'C' standards. Of these, however, only about 170 work items were subject, in 1992, of a mandate between CEN and the Commission and EFTA. The mandate covered 'A standards' (related to fundamental principles and safety concepts covering all types of machines in a similar manner; 'B1 standards' (related to specific aspects of safety of relevance to a large number of machines, such as measurement of noiselevels, safety distances, etc); 'B2 standards' (dealing with safety retated devices, which may be used on vaurious types of machines, e.g. two hands control) and 'C standards' (related to safety specifications for a machine or a group of machines). See CEN Programming Committe (PC) 2 "Safety of machines", *Final resolution*. The EU/EFTA mandate give priority to the production and adoption of A- and B-type standards.

Finally, in the environment standardization area, the CEN PC 7 committee is the example of a committee which shall encourage and provide expertice to the many CEN committees that expected to take into account environmental aspects. In turn a large network of committees have been established in this area. The "ENAP" group (Environmental aspects in product standards) is another example. Its task is to create guidelines, instructions, chair pilot-projects and establish a shared knowledge and experience base for relevant actors concerned with environmental standardization tasks. The ENAP group and to a certain extent also the PC 7 committee are interesting, because they also can be seen as CEN attempts to establish central coordination committees vis a vis the Commission's coordinating committees.

The above examples merely represent a tiny proportion of all the committees in play in the European standardization arrangement. Coordination or governance in the construction standardization area is achieved through more than 14 EC and EFTA comittees, 67 CEN and CENELEC technical committees, and 350 working groups or sub-committees. In the machinery safety standardzation area, there are more than 10 EC and EFTA committees, 85 CEN and CENELEC technical committees, and 260 working groups and sub-committees. In the environment standardization there are less committees but still a considerable amount. In sum, the emprical analysis shows that the most dominant form of organization in the European standardization arrangement is the 'committee'. The preparation, drafting and passing of European standards, including here also regulatory policy making in the EU, happens through a dense network of committees.

In turn, my observations of the behaviour of the actors in a selection of these committees all point in the same direction, namely that the participants are open to changes in governance; that they formulate their interests as they go along; that they are flexible; that they are not hung up by formal rules; that they believe more in argumentative or communicative order than in order established through the use of force; and that they basicly respect each other as equal and independent players located at the same level of authority and autonomy. Hence, the analysis suggest that with the establishment of these types of committees, as well as with the financial and legal mechanisms in play, there has also developed a rationality of behavior which is

not only strategic, instrumental or self-serving, but also procedural and communicative.

Managing Technical Standardization in three States

Foundations for Danish, Dutch, and Norwegian Standardization Policies

The Danish state has made fundamentally different policy choices and played a much more central role in the development of national standards institutions than the Dutch or Norwegian state. In Denmark, the Ministry of Industry and Trade was very active in the establishment of the first *national* 'Danish Standards Association' (DS) in 1926. In both the Netherlands and Norway, the development of national standards bodies, established in 1916 and 1923 respectively, happened primarily through the initiative of private actors, namely large industrial or engineering associations (Stuurman 1995: 35-42; Heiberg 1973: 8). In Denmark, the Trade and Industry Ministry also insisted on formally approving the first members of the DS Board of management and of the DS General Assembly. In Norway more than a decade went by before state officials received the right even to vote on technical standardisation issues and more than two decades before the Ministry of Industry and Trade could select its own representative in the NSF board of management (Norwegian Standards Association). In the Netherlands, the state was hardly involved in the activities of the NNI (Nederlands Normalisatie Instituut) until the 1950s, and then only because Industry was considerably weakened by the war (Geus 1991: 10).[10]

Accordingly, the Dutch state financed about fifty percent of the NNI activities and was extensively represented within the NNI General Assembly and board of management in the 1950's. Yet by the 1960's, state subsidies had begun to decline again, to approximately twenty percent. State participation also declined. In

[10] See document from the Ministry of Economic Affairs (MEZ), 'Normalisatie in Nederland' (1947).

contrast, the Trade and Industry Ministry in Denmark has continued to place considerable importance on subsidising national standards activities. The Norwegian state also became a heavy subsidiser of national standardisation at an early stage, but here state subsidies have fluctuated almost routinely between 1950 and 1985.

Neither in Norway nor the Netherlands have subsidies been used by the state as a steering instrument. They have in Denmark. A possible explanation is that Norwegian and Dutch standards bodies have never enjoyed the same, almost free access to the state apparatus that Danish standards bodies have. In many cases, DS officials were either permanent members of or closely associated with the many internal state committees in Denmark from 1950 to 1985 which in many cases also were established to create an overview of the activities within the national standards bodies. In the two other contries it is difficult to find even technical standards committees within the state appparatus during the same period.[11]

The national contexts within which both Danish and Norwegian state agencies and standards bodies have operated since the 1950s, have also been different to the Netherlands. The existence of primarily small and medium sized enterprises (SMEs) with a national orientation in the two countries, has never been conducive to extensive private involvement in the international standardisation processes of the ISO (International Standards Organisation) and the IEC (International Electrotechnical Committee).[12] Also, because the state agencies in all three countries, have traditionally shown the most interest in technical standards that could support national legislation, such as building regulations, the national standards bodies in Norway and Denmark have traditionally had few resources for engaging in international standardisation.

The lack of international orientation in both Danish and Norwegian standardisation could have continued for several decades if not for the 'unraveling of the monetary regime of 1971 and the OPEC price boost of 1973-74' (Gourevitch 1986: 17). This made the Danish Trade and Industry Ministry especially aware that

[11] The annual reports from national standards bodies show that the DS during this whole period continually refers to its cooperation with state committees while the NSF and NNI primarily refer to other private standards committees or bodies.
[12] See Katzenstein (1985: 105-6); Dansk teknisk tidsskrift 1966: 22; NSF annual report 1970: 3.

national orientation in the DS standards was a major constraint on Danish export capacities. One year after Denmark's entry into the European Community in 1973, the state established the 'Technology Council' (TR) with the task of coordinating, setting priorities, financing and initiating technological change among small firms and institutes of technology. Soon after this, the TR signed contracts with the DS and DEK (Danish Electrotechnical Committee). Accordingly, state subsidies were made dependent on the breadth of the interests affected by the standards work. De-facto, this favoured the standards projects within which state agencies were involved. A large project aimed at revising the existing DS standards was also initiated, in order to give the standards an international orientation. Several million Danish kroner were made available to SME's in order to support their direct participation in international and European standards activities. At the same time, state subsidies to the Danish standards bodies were made dependent on the result of rather sophisticated evaluation procedures. These were especially concerning DS's and DEK's work, whether it was organised effectively, whether it had an international orientation and whether it was based on cooperation between supportive and consensual industrial partners. To compensate for the lack of international orientation among Danish companies and to live up to the expectations of the TR agreement, DS also began to employ and train new staff in order for it to participate in international standardisation, when necessary, on behalf of private companies.

The implementation of the TR programme was a major breakthrough for the Danish state. By 1985, DS and DEK were called 'public technological service institutes' and over forty percent of DS's total income came from state subsidies. A broader group of state agencies had started to engage more directly and extensively in specific standardisation and they developed internal committee structures and procedures in order to support this. Although private financial contributions at first declined as a result of the TR initiative, many SME's also became increasingly involved in international standardisation during this period. The 1970's and early 1980's, were, therefore, a period of fundamental change in Denmark. This enabled the state to create informal links with private interests groups and companies, as well as with the standards bodies, based on shared national economic concerns.

In Norway, state agencies did not take such steps, for several reasons. First, the Norwegian standards bodies never expected or required the state to play such a role. Secondly, the Norwegian state actors have always tended to think of themselves as conventional regulators or higher authorities rather than as joint participants. The 1960's are rather suggestive in this regard.[13] For example, Norwegian state agencies remained rather passive during the biggest transformation of the organisation of Norwegian standardisation policy in the early 1960's. Until 1959, all Norwegian standardisation activities were conducted within the NSF and the Norwegian Engineering Association (NIF). However, in 1959, the Norwegian Shipbuilding Industry Association (SBL) broke away and created its own independent standards secretariat. It was followed in 1961 by the establishment of the Norwegian Engineering Industries Standardisation Centre (NVS). And in 1964 it was clear that yet another standards organisation would see the light of day, namely the 'Norwegian Council for Building Standardisation' (NBR). By 1985, Norwegian standardisation was represented by four different standards bodies which, in comparison to Denmark and the Netherlands, hardly communicated with each other or the state. Although the Norwegian standards bodies were subject to considerable state subsidy during this period, they managed to remain private based due to the rather passive role taken by the state.

In the Netherlands, the question of state involvement has not been an issue since the 1950's. The NNI has always been internationally oriented and private based, even after twenty reorganisations between 1916 to 1985. The Dutch Ministry of Economic Affairs was certainly involved in each reorganisation, formally approving the changes, but it was industry who initiated all of the reforms.

The situation by 1985 was that the Danish state, in contrast to many other West European states, had developed possibly unique forms of cooperation with interest groups and companies as well as its national standardisation bodies based on shared national economic concerns. In contrast, the Norwegian state was aware, by

[13] Several parts of this description are based on the best history of Norwegian standardisation, written by an insider, the late Kaare Heiberg's *Standardisering norsk og internasjonal gjennem 50 år 1921-1971*, unpublished manuscript, Oslo, March 1973.

1985, that it had to provide economic support to the standards bodies, but because it believed more in the ideals of neutral state bureacracy it had only developed very few routinised cooperation arrangements involving the national standards bodies. The Norwegian standards bodies were still private based and had indeed become more competitive over time leading to an increase in demarcation disputes and, sometimes, organisational rather than functional differentiation of standardisation. In the Netherlands, the state shared the Norwegian state's ideals and felt no need for change as the national standards bodies were already internationally oriented and private contributions were high. Coordination between the NNI and NEC was difficult at times but, primarily due to the role of the Dutch Engineering Association (the founder of both standards bodies), the situation was never critical.

National Responses to EU Technical Standardization since 1985

Since 1985, the national standards bodies in all three countries have experienced fundamentally different types of reorganisation processes. In Denmark, the formal reorganisation of the Danish standards bodies between 1989 and 1992, was a continuation of the long-standing reorganisation process, initiated in the 1970's. The existence of three partly autonomous standards bodies, all subject to over-lapping state subsidisation, were the subject of increasing political discusion in the 1980's. In 1991, the TR initiated an evaluation report which concluded that there was a need for better coordination or even integration, not least because the activities of the CEN and the CENELEC at the European level were also overlapping. Increasing pressure from those state agencies lending out the subsidies then followed. The third standards organisation in Denmark, the Danish Engineerings Association's 'standards secretariat' (DIF-N) was at the same time facing a considerable financial deficit, which no one was willing to fund. In 1992, the three standards bodies were formally integrated into a "new" DS, which soon came to identify itself as an organisational entity established

for providing service and coordination for public authorities as well as for private organisation (DS annual report 1992).

The Dutch standards bodies went through a rather different type of reorganisation process in the early 1990's. Reorganisation here was motivated by a strong criticism from industry, stating that the standards bodies were too slow; that the standards were too expensive; and that the NNI was not 'service minded' and intervened in areas of no particular interest to its private members. The process from 1991 to 1994 then led to a reorganised NNI within which the NEC merely became one standardisation section among other sections. In turn, the "new" NNI also became more oriented towards the selling of standards publications, and private interests secured more seats on the management board, on the advisory board as well as on various policy committees.

Reorganisation in Norway was initiated in 1989 when the Trade and Industry Ministry, after pressure from some of the standards organisations, established a broad standardisation committee comprised of various public and private organisations. It had the task of proposing new structures and strategies for improving the representation of Norwegian interests particularly in European and international standardisation. In January 1990, the Committee had already proposed that Norwegian standardisation could benefit from using state funding as a steering mechanism; that coordination could benefit from the standards bodies being represented in each other's boards of management; that the NSF should be replaced by a "new" central coordination body; and that there was a need for a new standards body which could standardise in the field of environmental and consumer protection, as well as in health and safety in the workplace. The report also suggested the need for increasing state subsidies and direct state participation. However, as the process moved forward, it became obvious that the Trade and Industry Ministry did not want to use the state subsidies as a steering instrument and that very few things would change.[14] However, a group consisting of the different management directors, called

[14] See the difference between the first report from the Committee and the final proposition submitted by the Trade and Industry Ministry to the Norwegian Parliament 'Stortinget' on 25 May 1990 (St.prp.nr. 106).

'Direktør-gruppen' with the task of coordinating issues of general interests, such as the financing provided by the state, was established. A new private standards body was also established, namely the 'Norwegian Common standardization' (NAS), which would manage projects which did not fit in directly with the activities of other standards bodies. On the whole, however, the coordination of technical standardisation between the different standards bodies and the state in Norway continued relatively unchanged. The various standards bodies insisted on remaining independent which the state had to accept and even indirectly promoted.

In short, the differences between the three countries by 1995 are as suggestive as the differences in 1985 . By 1994-1995, Norwegian state agencies did place relatively more importance on direct participation in the standard setting level. However, they tended only to participate at the General Assembly level or in the TC's and WG's, not in the policy committees that plan and coordinate the day-to-day activities. By 1995, the Norwegian standards bodies were still private based and, in turn, they have not become as internationally oriented as their Dutch and Danish counterparts. One also sees in Norway that the demarcation disputes continue and that the standards bodies may have become even more competitive. Consequently, Norwegian standardisation is still, at times, differentiated on organisational rather than functional grounds.

In comparison, DS probably has the highest relative proportion of direct state involvment (direct participation, subsidies and priority-setting) of any standards organisation in Europe. That DS also has become Europeanised is clear from the ten CEN/CENELEC TC secretariats that it had by 1995, only four less than the NNI. Not only has this benefitted the state but it is possible to find sectors where the total representation of private Danish interests in European standardisation processes is higher than that of any other country in Europe.[15] The Dutch state has recently started to withdraw from NNI activities, whilst at the same time it is clear that the state does not want to finance the participation of private actors. Direct state participation, at a

[15] Figures show that Denmark has a larger total representation in the field of consumer product standardisation than any other country in Europe, illustrated in the ANEC (Association de Normalisation Européenne pour les Consommateurs) report, 'Consumer Participation in Standardization - A review of the European arrangements for coordinating consumer representation' from 1995.

level of about 2,5 percent, is considered to be the absolute maximum and for some state agencies participation in 1995-1996 is only 30 percent of what it was in 1992-1993. At the same time, the NNI has doubled its secretariat responsibilities for international and European TC's. The financial basis of the NNI is primarily provided by industry or comes from the sale of standards publications. In contrast to the DS and the Norwegian standards bodies, the NNI is, in 1995, probably subject to one of the lowest levels of state subsidies (15 percent). This is still double that of the British Standards Institution (BSI), but is considerably lower than standards bodies in France or Italy (23 and 32 percent).

Multi-level Governance and the State - What State?

Strange as it may seem, the empirical observations in this paper basicly support all of the apparantly contradictory processes displayed by a large variety of multi-level policy making and governance studies. Nevetheless, the main lesson to be drawn from this analysis is that these seemingly contradictory processes all constitute central parts of contemporary social life in the European Union.

My observation that the 'New approach' and connected standardization initiatives in the mid-1980's, resembled preexisting institutional and normative structures inherent in the emerging European standardization arrangement since the 1950's, support the argument of Paul Pierson. In an analysis of EC's social policy, he argues that the EC's current expansive role must be considered an *unintended* by-product of the Community's original institutional design, illustrated by how the article 119 of the Treaty of Rome 'about equal pay for equal work', which laid dormant for almost two decades, was turned into an extensive set of requirements and prohibitions in the 1980's and 1990's, not least due the role filled by the European Court of Justice (Pierson 1995: 72-28).

In turn, several of my observations on the gradual evolution of principles for European technical standardization through processes of contact, mutual learning and

imitation, also support the argument of Phillippe Schmitter. He has argued that, more than the upward shift to regional interest politics predicted by neo-functionlists, processes of intense and *continous contact*, for instance among national experts, have induced important *learning effects* which have resulted in shifts in the conceptions of national interest in the ranks of these representatives (Schmitter 1996b: 11). However, this should not indicate that the analysis supports the argument that only material interests motivate actors to engage in insititution building projects. Admittedly, material interests are important, and the actors might well be rational. However, the analysis also shows that the actors may have other motivations for engaging in an institution building project, which are not materially based or self-serving. Hence several of the observations support the view of Kohler-Koch that, over time, the actors may come to share the same 'assumptions about causal facts and legitimate reasons' which in turn will orient collective action (Kohler-Koch 1996: 192).

However, my observations on the impact of World War II, the impact of the shared expectations about a future performance crisis in the 1950's and 1960's; the impact of the Oil shock of 1973, and the impact of the shared perceptions about the performance crisis, in 1978-79, also support the argument of scholars who argue that there may be special conditions, like a performance crisis or an exogeneous shock which allow more radical and rapid transformations to take place. In the area of European technical standardization these conditions or situations have enhanced the willingness of the actors to cooperate, thereby inducing more radical changes (e.g. Olsen 1996: 252-53; Marks et al 1996a: 355-56; Schmitter 1996b: 13). However, it does not have to be a war or an oil-shock before the actors start to take collective actions. Schneider et al, has shown, in the area of telecommunications policy, that it was something of an exogeneous shock to European actors that the telecommunications market was de-regulated and liberalized in the early 1980's. As a result of these external events, a few US giants entered the European markets through joint ventures or by purchasing stock. In turn, the Commission was able to convince dominant actors in the market that this 'alarming development' was a threat to Europe's communications market, which in turn enhanced those actors' willingness to cooperate

and to support the Commission's Green Paper on telecommunications in 1987 (Schneider *et al* 1996: 484-86).

Thereby, Schneider *et al* also touch upon an aspect of perceived or real crises or shocks inherent in my analysis, namely that it is not so much the performance crisis or the exogeneous shock itself, as it is ability of central strategic actors to utilise the event to gain support from other dominant actors on the arena. Hence, the analysis has shown that dynamic innovation is just as dependent on whether dominant actors in a given arena are able to define the character of a given crisis or shock; whether they are able to convince their envionment that there is a crisis; and wheter there is an invasion by groups from other fields into the arena during the crisis (See also Fliegstein and Mara-Drita 1996: 4).

More concretely, the multi-level policy-making and governance literature has emphasized the role filled by the European Commission in this regard. For instance Marks et al, argues that the European Commission has significant autonomous influence over the agenda, if it is able to nurture and use diverse contacts; if it is able to anticipate and mediate demands, and if it is able to utilize the unique expertise it derives from its role as think-tank of the European Union (Marks *et al* 1996a: 356-59). Fligstein and Mara-Drita has arrived at the same conclusion, namely that under conditions of a real or perceived crisis, a central strategic actor - the Commission - may act like an institutional entrepreneur and try to forge agreements which however, is dependent on whether or not it is are able 'to convince powerful existing organized actors that the new arrangement is in their interest'. And the best way to do this is seemingly by making reference to a "cultural frame" which is already generally accepted in the environment (Fliegstein and Mara-Drita 1996: 3).

An important indication of this was, the close resemblance - word by word - between the Commission's 1969 'General Programme for the Elimination of Technical Barriers to Intra-Community Trade, the Colanna Memorandum of 1970, the Low Voltage Directive, the specific principles of European and national technical standardization, and finally the 'New Approach', which suggests that the Commission has not only imitated these pre-existing institutions in a mechanical way. Rather, it

seems that the Commission has looked very closely at the preexisting arrangements before formulating its own proposals for reform.

However, observing how the European technical standardization arrangement has spread with increasing speed, from the mid-1980's to the mid-1990s, also produced insight into how it has been governed or coordinated with the help of several non-authoritative mechanisms. First, the analysis showed that the new approach, although not genuinly new, has functioned as a sufficiently efficient legal structure, inducing mutual learning processes, activating specialized information, and initiating - sucessful - self-regulation and self-binding consensus-building processes. This generally supports the argument of Fritz Scharpf that the abstract formulation of safety principles in EU Directives, has made it easier to reach agreement in the Council of Ministers, because member state governments no longer need to fight to the last detail for the interests of their national industries. Instead, they should now be able to leave the struggle to the affected interests in a large number of standards committees, where consensus is taken to be facilitated because companies themselves decide whether they want to conform to the agreed upon standards or they wish to pursue their own solutions at their own risk (Scharpf 1994: 234).

In turn, the analysis has also shown that the continous EU and EFTA financial assistance to the European standards bodies has contributed to the coordination of policies in the European standardization arrangement. This supports the argument that if EU financial assistance is attractive, different kinds of actors will employ different strategies to get hold of the money which, in turn, is likely to create a dialogue between the government bodies lending out the funds and the target groups receiving it, thereby inducing cooperative governing (e.g. Kohler-Koch 1996: 194).

Further, it was very easy to find indications of the importance of networks in the European standardization arrangement. The analysis suggests that networks can 'compensate for the rigidities of institutions', because they can 'bring together different actors in a rather flexible manner' (e.g. Kohler-Koch 1996: 196-197: Marks et al 1996b: 41). However, it was not so much the informal as it is the fomal networks of committees that produced such effects. Thus, the analysis also suggested that the majority of all negotiations tend to takes place in 'functionally specialized committees'

in which majority voting and, least of all, minimal winning coalitions are rare, except sporadically at the highest levels. Instead, compromise among all the participants is seemingly the usual decisional norm, regardless of formal rules (e.g. Schmitter 1996c: 146; Marks et al 1996: 368; Wessels 1996).

Accordingly, the analysis also complemented the argument in the multi-level policy making and governance literature that a new rationality of behaviour is possibly emerging among the actors. For instance Kohler-Koch' (1996) has argued that 'the Community brings together actors that take great interest in and are open to the idea of a change of governance'. And Schmitter (1996a) has argued that the EU is characterized by 'a multifarious effort by a wide variety of actors to experiment with the scale of their territorial constituencies, functional interest categories and collective identities'. Indeed the development of such a rationality of behavior is only logical, because if the actors' rationality is cultural, as institutionalists like to tell us, then a new - open and experimenting - rationality, which seemingly is compatible with the emerging large, complex, and differentiated EU multi-level polity, is also likely (See also Mazey and Richardson 1996).

Finally, the analysis has shown that the institutional arrangements of technical standardization in Denmark, the Netherlands and Norway, have been reproduced and maintained, since 1985, primarily because the national arrangements have interpreted and responded to European developments in different and non-syncronized ways which reflect their historically grounded structures and understandings about causal facts (e.g. Olsen 1996). This also support the notion that distinctive national arrangements of economic governance continue to coexist because state institutions provide principles of causality that policy makers apply when faced with new problems (See Dobbin 1994: 3). Accordingly Frans Waarden (1997) has argued that the resistance to the eradication of national forms of regulation will be great because they are strongly rooted in national state-institutions. The observation is here that while the substance of regulations may prove to be an easy subject to harmonization, the same is not true for the form and style - and the networks - in which they are formulated and implemented. In fact, the different institutions and

regulatory styles which causes national arrangements to react differently to common contingencies may even produce further divergence, rather than convergence.

Accordingly, at least two questions remain open for discussion. One being 'if all the processes highlighted in this paper really exist in the European Union, then how can we grasp these in a theoretically meaningful way?' And the other 'if the European Union really is comprised by so many processes that seemingly are at odds, then how can we account for the capacity of states and of state actors to pursue goals and shape societal structures that can possibly promote their future development and legitimacy?'

I argue that, although the multi-level policy making and governance literature has not yet problematized these two questions, it may in fact produce fruitful answers to both. With regard to the first question, it is important to note that although the different strands of writing discussed in this paper have the same starting point, namely that European integration has weakened the state, they have been preoccupied with finding and explaining different things and for this purpose they have also used different methods.[16] Indeed, this is also the reason why this examination, using a comparative policy and institutional approach to research, has been able to display so many different mechanisms. Some scholars have been preoccupied with finding similarities and differences *among* different yet integrated institutional arrangements. Others have focussed attention on such features *within a single* multi-level arrangement. Some scholars have taken an actor-centered approach and thereby they have treated groups of individuals as the appropriate level of analysis. Others have chosen a more society centered approach, and thereby they have also tended to treat larger groups of organizations or policy networks as the appropriate level of analysis. In turn, there are also scholars who have emphasized special events that lead to changes, as well as scholars who have paid more attention to the continuty over time. Finally, some scholars have defined particular practices as the dependent variable, while other scholars have taken more interest in tracking broader cultures over time.

[16] The following discussion has been stimulated by Pedersen and Dobbin (1997).

The above unprincipled list of methodological differences explains why the scholars have been able to come up with so many different findings. I do not argue that we could win anything from removing these differences. In fact, I believe that it is these differences that best can stimulate our understanding of the various dynamics of European integration, which no single approach is able to explain. However, accepting these methods driven differences should not restrain us from theorizing about all the processes either.

Could it be that the identified processes are not contradictory at all, but rather are mutually constitutive, illustrated for instance by how dynamic, rapid, and radical changes possibly are dependent on historical processes of contact, mutual learning and imitation; or by how the increasing interaction, interdependence and possibly also the external uniformity of institutions is possibly dependent also on the creation and recreation of unique internal, and vice versa? I believe the multi-level policy making and governance studies, better than many other studies, can produce further insight into these puzzles. Their success in this regard is, however, dependent on the extent to which they continue to see the European Union as 'un objet politique non-identifié', and the extent to which they accept that different methods produce different findings (e.g. Schmitter 1996c: 147).

This brings me directly to the second question raised on the basis of the above analysis, namely 'how can we account for the capacity of states and of state actors under these complex circumstances. The multi-level policy making and governance studies face two problems in this respect. The first problem is that they have lost some of the fruitful epistemological 'uncertainty' that can stimulate further insight into the complex dynamics of European integration. Possibly due to the 'confrontation' with state-centric approaches, the studies have tended to take it to much for granted that European integration always weakens the state (But see Héritier 1996: Mazey and Richardson 1996). I do not doubt that the state is less of an autonomous, coherent and separate entity than it was half a century ago. Nor do I doubt that in many areas of the contemporary world, states or state actors are merely 'societal' actors among other societal actors. However, European integration in itself

may not have weakened the state - if weakening or strengthening are the right words to use (Grande 1996).

At least, my analysis suggest that European integration may have created further needs for a state to ensure the protection of its citizens, and that it may even have provided state actors with new instruments on the basis of which they can enhance their capacities. First, when it comes to the governance of technical standardization, either nationally or internationally, state actors have always shared competencies and responsebilities with societal actors. Secondly, the development in Europe, in the area of technical standardization, has not yet resulted in any significant devolvement of competencies from member states to EU institutions. Thirdly, the development has not made the national arrangements of technical standardization converge toward similar governance structures, indicating that in countries such as Denmark, the position or status of state actors is relatively unchallenged. Fourthly, European technical standardization is not only complex, it is also coordinated. And as indicated above, the coordination or steering of European standardization is achieved with the help of non-authoritative governance mechanisms which also state actors, or maybe especially the state actors, can utilize to enhance their capacities to act. Finally, the problems that are being dealt with in the European standardization arrangement, environmental protection, health, workers safety and consumer protection, in principle, give state actors an advantage because they concern issue-areas where they have more experience and knowledge, and where state solutions enjoy more legitimacy.[17]

However, all of the above observations notwithstanding, if we really want to argue that European integration has weakened the state, we are faced with the problem of how to talk about it. The second problem facing the multi-level policy making and governance studies, including this author, is that they continue to talk about the capacity of the state and of state actors as if this was something that could

[17] This is also part of the conclusion in two reports from the European Parliament and the German Bundestag, respectively: The European Parliament (1996) 'Umweltschutz und Europäische Normen', Working document, W-16; and TA-Projekt (1996) 'Möglichkeiten und Probleme bei der Verfolgung und Sicherung nationaler und EG-witer Umweltschutzziele im Rahmen der europäischen Normung', Endbericht, TAB.

be measured relatively independent of other "non-state" actors or institutions. But if the state merely is an actor among an immense variety of other dominant actors, does this not imply that questions about 'whether the state governs society or it is governed by it', or 'whether the state is heavily involved in the operation of society or it is still a relatively autonomous and separate entity', are outdated (e.g. Willke 1986a: 455). If so, are we then not left "only" with the question 'whether the state exist as the powerful metaphysical effect of practices that make state structures appear to exist' (Mitchell 1991: 94, cited in Willke 1995: 14). This is the challenge that all multi-level policy making and governance studies face.

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