

The Next Phase in the Europeanisation of National Ministries: Preparing EU Dialogues



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Summary

Now that national officials are generally familiarised with EU policy, the next challenge in the Europeanisation of national administrations is to better align national policy initiatives with EU policy developments. New national policies have to be placed in an EU context to prevent re-fragmentation of the internal market and to share experience in policy innovations at EU level. Raising policy innovations to EU level ('uploading') requires engaging in EU dialogues to involve colleagues from other Member States and the Commission in the elaboration of policy and discussions on outcomes. Practice shows, for example in countries preparing for the Presidency, that such dialogues are often insufficiently prepared and that the work and resources involved are easily underestimated. As such, too many and premature ideas are being raised by different countries, and one-off workshops are added to the already overloaded EU policy agenda. Therefore, a better selection of viable innovations and a better preparation of EU dialogues are needed. This paper presents a framework for national officials to come to systematically prepared strategies for initiating discussions at EU level about policy innovations.

1. The challenge: aligning new national policy and European policy

National administrations have been going through several processes of Europeanisation over the last decade. The result of these developments is that most national officials are now well briefed about the EU context in which they operate, and more attention is being paid to the implications of EU legislation for national policy. Moreover, coordination between those working on national and European policy has been improved by means of new committees and guidelines that have been created in virtually all Member States.² Officials have become aware of the need to align national and EU expertise and have gained experience in working together. This does not mean that all ministries in the Member States have integrated European policy and legislation perfectly, but the difficulties that existed at the start of the 1990s have mostly been addressed. Generally speaking, officials no longer need to have the EU dimensions of the policies they are working on pointed out to them.

Now that the basis of Europeanisation has been laid, new aspects of it deserve attention. Being aware of EU implications and constraints also means that officials are now repeatedly confronted with the different kinds of interconnections between national and EU policy. Managing the overlap between national and EU policy implies taking difficult and delicate decisions. Moreover, such decisions are often taken without sufficient consideration of the complexities involved. Initiating new policy at EU level is extremely difficult and can be very costly. There are many aspects to be taken into account, such as different situations and idiosyncratic policy trends in Member States. Therefore, the next phase of the Europeanisation of ministries requires

better alignment of national and EU policy trends.

This paper presents a methodology for arriving at informed decisions about whether a new national policy measure has to be put in an EU context and, if a European approach is appropriate, how to initiate the EU dialogue. Section 2 briefly explains the relevance of such a methodology and lists the nine steps we distinguish. Even though the steps as they are presented in the methodology should speak for themselves, the kinds of choices some of them offer need some additional discussion (Section 3). Section 4 deals with the outcome of the analysis and outlines four possible strategies. The question of who should decide on the 'best strategy' receives attention in Section 5. The table that presents our methodology is produced at the end of the paper.

2. Relevance and outline

Many questions arise when contemplating an EU dialogue and it appears that guidelines for making such strategic decisions are currently not available. As a corollary, as we see in practice, strategies for up-loading national policies are sometimes dangerously incomplete and decisions about EU dialogues are often taken haphazardly. The following kinds of difficulties this creates are just some of the many practical examples we encountered:

- national policy initiatives are put on track even though similar yet slightly different policies are being considered at EU level. As a result, the ministry will have great difficulty in adapting its own policy later on because, for example, industry has already anticipated the national obligations and requirements.
- a workshop at EU level is organised to launch an initiative. However, a single workshop will have

very little effect and underlines the tendency to greatly underestimate the effort required to put new policies on the EU agenda.

- the EU dialogue that is being initiated suffers from serious gaps. For example, the scientific evidence presented is based on the national situation, which makes the arguments a lot less convincing at EU level, or the resources required are misjudged. Moreover, we saw dialogues that were well prepared scientifically but failed a sound political perspective. Other initiatives pressed for regulation where general EU policy principles would favour subsidiarity or the open method of coordination.
- the EU agenda is overloaded. There is constant pressure for new EU initiatives originating from the Commission, 15 Member States, the upcoming EU Presidency and the other actors in and around the EU decision-making fora. Careful prioritisation is clearly required.

A more systematic approach is therefore needed to prevent mistakes, to ensure the provision of a realistic budget and to build the necessary commitment within the organisation. In this context the involvement of senior management and the minister at an early stage should also be considered. The table at the end of this article draws attention to the following aspects when considering a European dialogue on national policy initiatives:

1. Problem definition;
2. Starting position: Trends in national and EU policy;
3. The potential network;
4. Delineating the content – including gathering evidence and identifying the appropriate instruments and mechanisms needed for these to be effective (e.g. monitoring and reporting procedures);
5. Fora where the dialogue will be initiated (see the ‘EU wheel’ below);
6. Timing;
7. Required budget and human resources;
8. Following from these issues: Formulation of the strategy for the dialogue;
9. Start, monitoring and provisions for the evaluation of the strategy.

The kind of analysis presented in the table is relevant not only for national officials, it also has benefits for the EU at large. EU policy is often the result of lessons drawn from national innovations. Therefore, the better the national initiatives are prepared before up-loading them to the EU level, the better the EU policy will be. Quality and consistency of EU policy depends on well-prepared national strategies and identifying flawed proposals at an early stage.

3. Major issues in identifying a European strategy

Although the table is written so that it can be used without additional support, some additional background may be helpful on a number of issues. The points below

underline some further reflections related to the steps in the table.

3.1 The problem definition and starting point

The starting point when considering a European dialogue is defining the problem: is it a national problem with a European dimension or is it in fact a wider European concern (Step I)? This question requires an overview of the European policy and legislation and of the dynamics in other Member States (Step II). For example, if the initiative concerns an issue which is being considered in several Member States and in the Commission, then there are good reasons for considering a European dialogue. Nevertheless, developing national instruments may still be valuable for solving a problem in the short term and for contributing to the European discussion. However, the risks of an isolated approach have to be acknowledged, e.g. that the national instruments might have to be changed or replaced due to the introduction of European measures later on. A national initiative may also refer to a typical national problem, in which case the European dimension of the issue is more limited. In such a situation the consideration of European legislation and policy may be limited to a check on possible conflicts with EC law (e.g. Articles 28-30 EC-Treaty) and related notification obligations.

If EU dialogue is considered, then a number of issues compete for attention. An EU approach may result in a common solution to a common problem. Moreover, collective action at EU level may lead to compromises from the outset and result in choosing sub-optimal solutions right away (e.g. a higher level of regulation than desirable). Furthermore, starting EU dialogues requires careful prioritisation as they are very expensive and only a limited number of initiatives can be taken. Presidencies and the Commission already place a heavy burden on the EU agenda and limit the opportunities for discussing policy changes with colleagues from other administrations.

The problem definition may also involve difficulties with implementation of EC legislation. It would be wise to check whether national problems also exist in other Member States. Starting a European dialogue with those Member States and the Commission might be a valuable initiative. When the implementation difficulties are related to typically national circumstances, then a limited dialogue with the European Commission alone might be called for.

3.2 Stakeholders

When deciding on a European dialogue, the stakeholders – in favour or against – have to be identified as soon as possible. Who may be involved in a future discussion, what are their interests and what might be their strategy? The network analysis should start within the ministry itself, although it might end outside the EU (with other countries and international bodies). The purpose of this is not only to weigh the opposition and support. It also helps to start building commitment and to ensure that everyone – the leading officials in the first place - has a

realistic picture of the issues at stake and of the political forces involved.

3.3 Timing

Good timing is essential when taking decisions on how to pursue national initiatives and deciding on EU strategies. Initiating an EU dialogue too early may mean that insufficient proof is available for new EU policy or that the relevance of the proposed initiative for other Member States is simply assumed on the basis of one's own experience. An EU dialogue is then bound to fail. The consequence of being too late could be that national measures are too far advanced to be changed or stopped. Hence, what was meant as an EU dialogue may lose its flexibility and may degenerate into convincing others of the national solution. This easily creates opposition instead of support. Moreover, specific expectations or even obligations may already have been created vis-à-vis industry, thus reinforcing the national momentum. Another risk of starting the dialogue too late is that the European discussion may be initiated by others (the Commission or other Member States) and may therefore be more difficult to influence.

3.4 Other considerations

The further steps in the table point to the need to develop a realistic budget, to calculate the necessary human resources needed for a good dialogue (often underestimated) and to carefully consider in advance what kind of instruments would be useful. Moreover, these steps underline the importance of incorporating more general policy trends in the EU. For example, the EU is in a process of re-orienting policy instruments and moving away from top-down legislation towards more flexible steering mechanisms (see e.g. the White Paper on European Governance³). Furthermore, consistency, sustainable development, subsidiarity and deregulation are general objectives of EU policy that need to be taken into account and therefore also appear in the table below. Finally, to avoid poor EU legislation, it is very important for officials to examine parallel developments in other policy fields in order to avoid reinventing the wheel and to build on experience from comparable cases. For example, proposals for allowing chemical substances on the internal market may benefit greatly from the experience of the European agency for accrediting medicines. If relevant experience is not included from the outset, it may be hard to incorporate it at later stages.

The table has been developed so that these and other issues systematically appear when contemplating a European dialogue.

4. Outcome of the analysis: the best strategy for an EU dialogue?

The systematic analyses guided by the table should equip national ministries to make better informed decisions on the ins and outs of a European dialogue. Roughly, four options will result:

- a) the initiative will only be pursued at the national level. However, this may be merely a hypothetical option in some fields, such as environment policy or state aid, as the influence of EU policy and legislation is all-pervading;⁴
- b) the initiative can best be pursued at the national level while informing and involving the Commission and other Member States as much as possible, e.g., through workshops on national achievements or by providing information at the regular high-level meetings that are held in each policy field.
- c) the initiative should be primarily targeted at EU level. Ideas and innovations are designed and analysed at the national level, but a go-it-alone approach should be avoided. It might be useful to consider pilot projects with one or more countries – to share expenses and increase political visibility. More ambitiously, cooperation with more countries and the Commission should be considered;
- d) no action should be taken – if EU legislation pre-empted a national approach or if the chances of a successful EU strategy are small.

Of course, the table is not about 'push the right buttons and you will get an answer'. The analysis does not lead to the perfect strategy for initiating a European dialogue about new policies or to the only viable choice. Many decisions on content and tactics will remain open and will depend on political desirability or the means available. Nevertheless, the steps in the table will at least ensure that the necessary homework has been done.

5. Who decides?

The final issue that needs to be addressed is: who will take the decision on the steps that need to be taken? From our examination and experience, it appears that often the relevant sector divisions decide on their own actions. As a result, there is no check on whether all aspects have been sufficiently considered, and unnecessary dialogues are not filtered out. Moreover, the autonomy of divisions prevents the setting of priorities. For example, ministries preparing for Presidency sometimes suffer from wanting to do too much – which also means that resources are spread thinly and that the overloading of the agenda annoys the EU partners. Therefore, it seems advisable to review the outcome of the analysis at a higher level, for example in an intra-ministerial committee. This may help to identify gaps and to set priorities between initiatives considered in the various divisions. Such broader involvement of the ministry also serves to reinforce commitment and visibility. Obviously, setting priorities between policies from different divisions can be painful, but ignoring the option creates resistance at EU level. The table can help internal decision-making by standardising the analysis. Involving the higher level also opens up the possibility for objective evaluation when the process is set in motion.

CHECKLIST FOR A EUROPEAN DIALOGUE

Objective: To determine a timely strategy for an EU dialogue when new national policy is initiated

<p>I. Problem definition Main question: Should the initiative be taken at national level or is a European dialogue also required?</p>	<ul style="list-style-type: none"> • Course of action needed: Only national? Only EU? Mainly national, but informing Member States and Commission informally? • Is there enough insight into the issue to solve this question? (For instance, is it clearly a European problem or mainly a national one?)
<p>II. Starting position: trends in national and EU policy Main question: Is there sufficient insight into the European policy framework and into the current and planned activities at European and national level?</p>	<ul style="list-style-type: none"> • Static perspective: What is the relevant EU context from a legal and policy perspective? Are there flanking policies (resolutions, programmes, etc.)? Which directives or other rules are important? • Dynamic perspective: What trends can be seen at EU level (e.g. White or Green papers)? Do they run parallel to national priorities? • Is there sufficient insight into trends in other countries? Where is there overlap or opposition? • Is there insight into other current or planned actions undertaken at the national level in other fora which may overlap? (Check with EU coordinating units in own ministry, with legal departments, with Foreign Affairs and with the Permanent Representation.)
<p>III. The potential network Main question: Is there enough insight into the actors that are (can/should be) involved in the matter and the position they (can) have?</p>	<ul style="list-style-type: none"> • What is the network and what are the interests of each actor?
<ul style="list-style-type: none"> • Within ministry 	<ul style="list-style-type: none"> • Which directorates are involved? • Have the EU coordinators and the legal directorates been contacted? • Who coordinates the actions within the department, at national and EU level? (It should be clarified who has the lead and who will be kept informed.) • At what level should decisions about objectives and strategies be made? • Some countries plan too much, for instance for their Presidency, or take on too much in other respects. Keeping a cool head in setting priorities may be useful. This requires consultation and focus when scarce resources are being used. <ul style="list-style-type: none"> • Who has the right to commit resources? • Should the minister be informed?
<ul style="list-style-type: none"> • Interministerial relations at national level 	<ul style="list-style-type: none"> • What other ministries besides Foreign Affairs and the Ministry of Justice are potentially involved in his policy? • Is it useful/tactical to inform other ministries at an early stage, for instance to prevent problems in a later phase (e.g. in the implementation process)? What are the potential implications for other ministries? How specific is your knowledge about these implications? It is advisable to assess the advantages and disadvantages in consultation with the EU coordinators well in time.
<ul style="list-style-type: none"> • Other actors, including other authorities (e.g. regional authorities, NGOs, consumer organisations, business sector, agencies) 	<ul style="list-style-type: none"> • What persons or parts within the relevant groups concerned are involved? • Are these groups relevant for you (content-wise,

	<p>strategically, to support your international dialogue)?</p> <ul style="list-style-type: none"> • At what stage should they be contacted?
<ul style="list-style-type: none"> • Parliament 	<ul style="list-style-type: none"> • Has Parliament been informed of the proposals, is its opinion known or have specific promises been made as regards new initiatives? (Such promises in early phases may seriously reduce flexibility.)
<ul style="list-style-type: none"> • Member States 	<ul style="list-style-type: none"> • Which Member States are potential allies or opponents? • To what extent has the strategy been discussed with them? Can forces be joined? • From which quarter and at what point can opposition be expected? • What compromises are possible considering the different positions? • What arguments might convince the different countries? Are there contacts in the opposing Member States that could be used to better understand and perhaps influence the position of these countries?
<ul style="list-style-type: none"> • Countries other than the Member States 	<ul style="list-style-type: none"> • Should countries outside the EU be contacted (e.g. with special experience or interests)?
<ul style="list-style-type: none"> • What do the four forthcoming Presidencies of the Council of the EU think? 	<ul style="list-style-type: none"> • When decisions at European level are needed: What is the position of the Member States that will hold the Presidency in the coming years? • Can the proposal or dialogue be linked up with a subject that a Presidency has labelled as a priority? • Should bilateral consultations with the upcoming Presidencies take place (with whom, at what level, when, etc.)?
<ul style="list-style-type: none"> • The role of the Permanent Representation to the EU 	<ul style="list-style-type: none"> • Has the policy matter and the strategy been discussed with the relevant official(s) at the Permanent Representation? • Have agreements been made about the frequency of reporting? • What do you expect from the Permanent Representation and what are they prepared to offer?
<ul style="list-style-type: none"> • The European Commission 	<ul style="list-style-type: none"> • Which DGs of the Commission might be involved? • Which Units within the DGs are concerned? Who are the heads of unit? • Who is responsible for the dossier within the Commission? • Should, at some point, a top official of the Commission be contacted? (a Director, Director-General, Cabinet member, Head of division, Commissioner?) • Who in your department are the obvious persons to make these contacts? • Can the relevant Cabinet member of the national Commissioner play a role? • Does the Permanent Representation have useful contacts?
<ul style="list-style-type: none"> • European Parliament 	<ul style="list-style-type: none"> • Which Committees are important for you? • At what stage do you wish to contact the chairmen of these committees? • Which rapporteurs are dealing with related subjects? • Each Committee has a secretariat: Which officials from the European Parliament are important for you? • Are there contacts with MEPs who may be able to provide useful information or who can play a role in lobbying?
<ul style="list-style-type: none"> • International treaties and international organisations 	<ul style="list-style-type: none"> • Which other international structures are important: e.g. WTO, UNECE, UNEP, OECD? It is advisable to check this with international coordinators in your department and with the legal affairs departments. • Does the involvement of these organisations mean that other contact persons within your ministry should be approached as well?

<ul style="list-style-type: none"> The “supporting network” 	<ul style="list-style-type: none"> With whom are you planning to work (within your ministry, in other ministries, upcoming Presidencies, etc.)? Have you considered the possibility of setting up a structure for cooperation or forming a coalition? Besides considering the advantages, have you also looked at the possible drawbacks? For instance, is cooperation possible without immediately having to compromise? Have you checked whether and to what extent existing networks or consultative structures can be used, such as high level policy groups in the EU, informal or formal working groups for specific directives or subjects, etc.? It is advisable to check this with the international coordinators and legal departments in your organisation. Who will do the actual work, and do these people have the required capabilities (language, skills, etc.)?
<p>IV. Content preparation and/or basis</p> <p>Main question: Is the proposal or the national position sufficiently concrete and well-founded, also in view of the positions of others in the relevant network?</p>	<ul style="list-style-type: none"> Are the arguments really convincing at EU level?
<ul style="list-style-type: none"> Preparation and/or underpinning of the suggested policy and (if applicable) the need for European action Living up to the requirements of EU policy: scientific evidence, proportionality and subsidiarity. 	<ul style="list-style-type: none"> If it concerns a dialogue aimed at making an informal examination of the problem (e.g. through bilateral consultations or workshops): Has this initiative been sufficiently prepared, not only as regards place and time but also in terms of content? Do the partners believe that this is indeed useful (at this moment)? Has the suggested proposal or position an adequate scientific basis? If there are gaps in knowledge, should – if applicable – the precautionary principle be applied and can a good case be made for this? (Anticipate tough debates about the precautionary principle.) Subsidiarity check: Is EU action necessary or would it be preferable to take the measure at (sub)national level (see also below under “Instruments”). Would action in another framework – WTO or UN – perhaps be more useful or be necessary in addition? Has a sound cost/benefit analysis been made? This analysis should 1) provide insight into the national consequences and 2) address the effects at EU level. Impact assessment: effects on small and medium sized enterprises. What will be the costs for the business sector, what will implementation require from the business sector? Proportionality: Does the cost/benefit analysis warrant EU action? Are major implications to be expected? (If so: a sustainable impact assessment will be needed.) Are these reasonable effects, e.g. from the perspective of the “polluter pays” principle. (Check latest state of play with Commission on sustainable impact assessment.) Considerations of implementability & enforceability (see below). Is it advisable to reconsider national policy objectives in view of an EU dialogue?
<ul style="list-style-type: none"> Objectives 	<ul style="list-style-type: none"> Have concrete objectives been formulated (at national and/or European level)? Can measurable sub-objectives be specified?
<ul style="list-style-type: none"> Instruments 	<ul style="list-style-type: none"> If new European instruments are aimed at: <ul style="list-style-type: none"> Are European legal instruments needed (regulation, directive)?

	<ul style="list-style-type: none"> – If legal instruments are necessary, has any thought been given to the level of detail of the rules? (Legislation of main principles is preferred above detail with a view to maintaining flexibility of EU legislation.) – Can the policy objectives only be reached through detailed legislation, or should the Member States themselves be able to choose the instruments on the basis of a few legally established principles, and what preconditions would apply in the latter case? – Can more be achieved by using other instruments (e.g. agreement at EU level, guidelines, covenants, publicity campaigns, financial instruments such as financing conditions, targets & monitoring trends, etc.)? – Will a comitology committee be involved at some point either in the dialogue or once the EU policy is accepted? What kind of committee would that be? • In the abovementioned choice of instruments, has sufficient attention been paid to the advantages and disadvantages of these instruments? In this context you can think of: <ul style="list-style-type: none"> – The time a European process will take – and no national measures can be taken in the meantime; – The possibility of taking additional (further-reaching) national measures after the European decision has been taken; – Implementability and enforceability in the EU – i.e. the insurance that a level playing field will remain; – Are the proposed instruments of value and/or applicable or sufficiently supported in other Member States? (e.g. covenants are more popular in Northern countries.) – Should the Commission or another body play a coordinating role in the implementation phase and is such a system likely to be successful? (e.g. who is in charge of monitoring or of setting up a reliable monitoring system?) – Is it advisable to link up with approaches in countries outside Europe (e.g. implementation of international treaties such as the Climate Convention and the Kyoto Protocol, etc.)? • Similar questions can be asked if the objective is to coordinate national measures – instead of trying to arrive at European instruments. (e.g. what mechanisms can be opted for to exchange experience with new measures across the EU?)
<ul style="list-style-type: none"> • Implementation, monitoring and evaluation at European level 	<ul style="list-style-type: none"> • Is it known what the effective implementation of EU policy demands from the Member States and the EU? Do the Member States have the required capacities (the necessary people, structures and organisations)? Is an action plan needed to deal with shortcomings? • If it concerns framework rules that need to be further elaborated at the national level: How should this be done and has thought been given to the way in which actors (certain Member States, representatives of industry) can be prevented from exerting too much influence on the decision-making? If the option of an implementation committee is chosen: What form should this committee have and what are its pros and cons? EU coordinating units and legal affairs departments may be best placed to advice on such questions. • What is expected from the Commission in the implementation? • What would be reasonable transition periods? • Could specific derogations be possible? • Should a network be set up to monitor the implementation? How should this network be structured (what kinds of rules are needed, who assumes the role of secretariat for the network, how often shall it meet)? • Has an evaluation (at EU level) been included in the plans?

<p>V. The wheels of European decision-making</p> <p>Main question:</p> <p>If the issues concerned will be decided on, or discussed at, European level or if a European decision or discussion is foreseen (not always applicable):</p> <p>In what EU consultative structures should the issue be discussed and is there sufficient insight into the strong and weak points of those structures?</p>	<ul style="list-style-type: none"> • Which Commission groups are important in this context (e.g. working groups on certain directives, high level meetings)? • Which comitology committees are related? • Which Council(s) will or should be dealing with the matter? • What informal networks already exist in your field and can be used? • How often do these groups meet? • Who are the members of these groups? (expertise/background, involvement in other relevant areas) • Have the Permanent Representation, the EU coordinating unit or other parts of your ministry regular contact with these experts and can they play a role in interesting the network? • Will these groups continue to follow the progress of the subject after e.g. the Council has made a decision? (If not: which other groups might and therefore may need to be involved in an early phase?)
<p>VI. Timing</p> <p>Main question:</p> <p>Has serious thought been given to the moment at which initiatives should be taken, e.g. in the light of a forthcoming EU Presidency, national elections, etc.?</p>	<ul style="list-style-type: none"> • Are there political considerations demanding that action should be taken soon or, conversely, be postponed? • Is it important to contact future Presidencies? Take into account that more than one Presidency may have to be approached – 6 months in the EU is very little time to get things moving. • Can the forthcoming own Presidency be used – or is this too far away? • Have any promises been made, e.g. to Parliament, which may have consequences for the timing of certain actions? (Promises to national Parliament may prove to be binding in terms of timing and content.) • Should bilateral consultations, or maybe even a workshop, be scheduled prior to official discussions? • Is there enough time for proper preparation? (see also under VII – Financial and human resources) • When considering timing, involve EU coordinators and the legal department from your ministry. It may be that parallel initiatives are being scheduled about other topics – e.g. by the Commission or Member States – which may compete with the time available for workshops or new initiatives.
<p>VII. Required financial and human resources</p> <p>Main question:</p> <p>Do you have a good idea of what is needed for the European dialogue in terms of financial and human resources?</p>	<ul style="list-style-type: none"> • Please take into account that moving policy forward in the EU or taking initiatives can be very time- and energy-consuming. • Have sufficient resources been reserved? • Should a budget be drawn up? • Is it necessary or advisable to have particular (technical/legal/economic/administrative) studies carried out, and how much will that cost? • At what level – and for how long – have people been released for this initiative? • How many years do you think you will need and is the management aware of the patience that will be required? • Has it been checked whether others (other ministries, other Member States, the Commission) are willing to share in the costs or to carry out part of the tasks to be undertaken? • Has time been reserved for senior management involvement in contacting the Commission, Member States and other players? • Can certain costs be saved by joining ongoing discussions or existing networks?

<p>VIII. Outcome of the analysis: choosing the strategy</p> <p>Main question:</p> <ul style="list-style-type: none"> Choosing the strategy: At what level is action taken (primarily)? 	<ul style="list-style-type: none"> Can the strategy be determined on the basis of the abovementioned considerations? In this respect you can consider of one of the following options: <ol style="list-style-type: none"> initiate the measure, national only; primarily national course of action. However, keep informal contact with the Commission, Member States and others; primarily European course of action; initiate policy both at national and European level (at the same time); no action (for the time being).
<ul style="list-style-type: none"> Determining the level of ambition: 	<ul style="list-style-type: none"> The ‘maximum result that can be achieved’, the ‘likely outcome’, the ‘just acceptable’ result and the ‘worst case outcome’. In the light of the policy objectives it is advisable to determine on the basis of all the abovementioned points the maximum result that can be achieved and the still acceptable (minimum) result of the process to be launched. Please be aware that the outcome can be negative in your eyes (e.g. a regulation where you preferred deregulation or vice versa). It may also be useful to determine in advance what the minimum acceptable outcome is below which you will stop the activities.
<ul style="list-style-type: none"> Laying down the strategy beforehand and obtaining the approval of the actors involved within your ministry and perhaps with partners in the dialogue (e.g. with colleagues from likeminded countries). 	<ul style="list-style-type: none"> In view of for instance the complexity of the course of action, it may be necessary to agree the strategy on paper with those involved and explicate who will do what. Has the strategy been approved at the right level and does the financial department agree with the budgets involved? Is senior management committed to travel to Member States or the Commission if extra steps have to be taken? Is the Minister’s agreement required? Is it advisable to check the agreement at senior management level with likeminded ministries (to prevent the evaporation of lower level agreements in the heat of battle at a later stage)?
<p>XI. Start, monitoring and evaluation of the chosen course</p> <p>Main question:</p> <p>Is it sufficiently clear what steps will be taken, how the strategy will be monitored and when and how it will be evaluated?</p>	<ul style="list-style-type: none"> What step should be taken first, from a tactical viewpoint? Has sufficient thought been given to the desired order of the steps to be taken? In this context, has account been taken of any general obligations under European law, including notification obligations and state aid rules? A final check of the strategy could be done by EU coordinators or by the legal department. Has thought been given to the interim assessment of the course taken – i.e. to building in opportunities to check whether adjustment or accentuation is necessary? Who is involved in the mid-term assessment: EU coordinators, other ministries, the Commission? At what moment should the Minister be informed? Are there ideas about the extent to which, and how, others (e.g. the Commission, Parliament and existing networks) are to be kept informed? This may also be important if the course chosen is (for now) primarily a national one. Have agreements been made about compiling a dossier: Is there someone who documents the European dialogue, e.g. for people who will be dealing with this subject in the future and who may for instance be facing questions of interpretation? Is there (or should there be) an intra-ministerial committee that decides on the “go-no-go” decision?

NOTES

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² E.g. Schout, J.A. 1999. *The internal management of external*

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³ Commission of the European Communities. 2001. *European Governance: A White Paper*. Brussels (COM2001 428 final).

⁴ Nevertheless, even though frictions with EU policy are highly likely, it might be useful to consider going ahead with new measures anyway. This may be the case when the experience that can be gained is required to call EU policy into question or build a case for changing EU legislation. This approach should of course be considered very carefully and the Commission should be informed of the experimental nature of the innovations that are put in place. □