THE COMMISSION'S BUREAUCRATIC SECTORISATION: RESOURCE OR CONSTRAINT FOR A EUROPEAN FORM OF INTEREST REPRESENTATION?

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I. Introduction

Research on the representation of private interests at the European level has mushroomed since the 1980s. A large number of detailed empirical studies have been published[1] which implicitly argue that one observes the emergence of a particular mode of interest representation at the European level. According to Schmitter and Streeck, this form might be characterised as "Euro-pluralism".[2] It seems though as, if long after the high-days of neofunctionalism, the phenomenon predicted there would be proven by scholars working on this issue today: for neofonctionalists[3], interest groups are a central factor for integration and lead inevitable to reformulation and reconstruction of societal and sectoral interests. This transformation of interests would result in the formation of specific transnational patterns of interest representation, which would then influence the allegiances and identities of the actors. It is interesting to note, then, that while theoretical approaches in the field of European studies have diversified, the main conclusions appear to have stayed the same: through the interaction of different economic and political interest groups at the European level, a European political arena and thus an autonomous and homogenous interest representation will be created.[4]

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[1] Greenwood Justin, Grote Jürgen et Ronit Karsten (eds.) *Organised Interests in the European Community.* London, Sage 1992; Van Schendelen M.P.C.M. (ed). *National Public and Private EC Lobbying.* Aldershot, Dartmouth 1992; Mazey Sonia et Richardson JJ. (eds). *Public Lobbying in the European Community.* Oxford, Oxford University Press 1993; Pedler HR.H. and van Schendelen M.P.C.M (ed.), *Lobbying the European Union,* Dartmouth, Aldershot, 1994; Greenwood Justin. *Representing Interests in the European Union.* London, Macmillan 1997; Claeys Paul-Henri et al (eds). *Lobbyisme, Pluralisme et Intégration européenne.* Bruxelles 1998

[2] Schmitter Philippe C and Streeck Wolfgang, „From National Corporatism to Transnational Pluralism: Organized Interests in the Single European Marke", *Politics and Society,* 1991, 19(2), p. 133-164

[3] Haas Ernst B. *The Uniting of Europe: Political, Social and Economic Forces 1950-1957.* London: Steven and Sons 1958; Lindberg Leon et Scheingold Stuart A. *Europe's Would Be Polity. Patterns of Change in the European Community.* Englewoods : Cliffs 1970

[4] The discussion about the emergence of a European form of interest representation is very often lead under the heading of "Europeanization". I have chosen not to use this term in the context of this study, despite the increasing number of attempts to define the concept. Most prominent among those are the studies of Claudio M. Radaelli, « Whither Europeanization? Concept Stretching and Substantive Change", *Paper presented to Political Studies Association, Annual Conference,* London, 10-13 April 2000, Tanja Börzel and Thomas Risse, *When Europe hits home: Europeanization and Domestic Change,* RSC n°2000/56, EUI Working Paper, James Caporaso, Maria Green Cowles and Thomas Risse (eds), *Transforming Europe. Europeanization and Domestic Change,* 2001. The concept still leads to confusion between the bottom up and the top-down approach. In the first case the focus is on the creation of common institutions and policies, while the second approach insists on the impact of the integration process on national politics and policies. However, the inherent feedback process from the one level to the other has not been theoretically framed yet. The approach adopted in this article insists, on the contrary, on the influence of national organisational structures of public-private relationships on the European form of interest representation in a very fragmented and sectorised environment, represented by the European Commission.

However, since the end of the 1990[5], an increased attempt of formalisation and theorisation of interest group studies at the European level can be observed.[6] The studies show that sector-specific forms of interest representation have become more and more important, while national differences in "representation styles" seem to have decreased. While an increasingly growing number of academic work proposes diverse causal variables which determine an interest group's attitude on the European level, few have addressed the question of how bureaucratic sectoralisation and fragmentation of the Commission services support or prevent the emergence of a European form of interest representations[7]. This is mainly due to the fact that a large part of research conducted on interest groups argues that the ideal-typical EC style is "network governance". Developed in particular by Beate Kohler-Koch, "network governance" is characterised by co-operation among all interested actors and by joint learning processes instead of competition. According to this approach, hierarchy and subordination give way to an interchange among equal actors aimed at joint problem solving[8]. However, our research has shown, that the sectorialisation and fragmentation of bureaucratic actors, such as the Commission, does not decrease at the European level. On the contrary, competition among the services and among European institutions in general is as developed as on the national level. While sectorialisation describes the growing importance of policy fields, which seem to be less and less dependent on a general policy, the term bureaucratic fragmentation refers to a system where different bureaucratic entities are in conflict over diverse issues in one or more specific policy fields.[9]

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[5] and in particular through the work of Justin Greenwood and Mark Aspinwall, (ed.). *Collective Action in the European Union. Interests and the New Politics of Associability.* Routledge : London 1998

[6] Kohler-Koch Beate, „Organized Interests in European Integration: The Evolution of a New Type of Governance?", in Helen Wallace and Alistair Young (eds), *Participation and Policy Making in the European Union,* Oxford, Oxford University Press, 1997, Gerda Falkner, *Interest Groups in a Multi-level Polity: The Impact of European Integration on National Systems,*, RSC 1999/34, EUI Working Papers

[7] I define the term "form" or "mode of interest representation" as the strategies interest groups adopt to represent their interests. These strategies are action repertoires, which are means used to exercise power, generally to influence public decision makers during the agenda setting phase and the implementation phase of policy-making. One of the central action repertoires is the relationship the interest group establishes with the public authority. See Pierre Muller et Yves Surel, *L'analyse des politiques publiques*, Paris, Montchrestien, 1998, p. 83

[8] Beate Kohler-Koch, "Catching up with change: the transformation of governance in the European Union", *Journal of European Public Policy* 1996, 3(3), 359-380; Beate Kohler-Koch, "The evolution and transformation of European Governance", in Beate Kohler-Koch and Rainer Eising (eds), *The Transformation of Governance,* London, Routledge, 1999. See also one of the first German scholars working on the governance concept Renate Mayntz and Bernd Marin, (eds), *Policy Networks. Empirical Evidence and Theoretical Considerations.* Frankfurt a.M, Campus, 1991

[9] At the national level, Martin J. Smith's study of state autonomy and policy networks in Great Britain and the United States attempts to conceptualise state/group relations in fragmented and sectoralised policy systems. Martin J. Smith, *Pressure, Power and Policy,* Pittsburgh, University of Pittsburgh Press, 1993

Contrary to the hypothesis, that national differences in representation styles decrease, I argue in this paper that there is much evidence that national governments still mould the structure of interest representation, at both the national and the European level. Thus, one must take into account sector specific national styles of interest intermediation, which interact with the element of the Commission's fragmentation, and create thus a certain number of forms of interest representation. Based on a case study on German and French interest group activities in the field of agriculture and nuclear energy in the framework of the Community's *Ostpolitik* from 1989 to 1999, this article will propose an explanation of when and why different modes of interest representation occur.

Having chosen to compare a very integrated policy-sector, which is agriculture, with a policy field based on national competences (nuclear energy), the research attempts to determine if there is more convergence between the national policy styles in the sectors in a very integrated policy field than in a policy are where policy-making is mainly based on intergovernmental bargaining. I argue that looking systematically at the sector specific characteristics of European policy-making, we observe sectorally divergent styles of public-private interaction, which are mediated by the interaction style forged at the national level. Contrary to Gerda Falkner's study we do thus not observe "rather more convergence than before between the geographic layers of the European Union and between the Member States".[10]

For the present purposes, interest groups are defined in a broad way as entities, which seek to represent the interests of particular sections of society in order to influence policy processes.[11] This definition allows one to take into account not only interest organisations such as unions or federations, but also firms and industries, which represent their interests on national and European levels.

The paper proceeds then as follows. The second part of this article will address the question of bureaucratic fragmentation and, in particular the fragmented policy-making in the case of the Community's Ostpolitik. In the third part, the article will then proceed to present and analyse

[10] Gerda Falkner, *op.cit*, 1999, p.26

[11] Martin J. Smith *Pressure, Power and Policy Process. State autonomy and policy networks in Britain and the US*, Pittsburgh, Pittsburgh University Press 1993; Wyn P. Grant. *Pressure Groups, Politics and Democracy in Britain*, London, Philipp Allan 1989; Michel Offerlé, *Sociologie des groupes d'intérêt*, Paris: Montchrestien 1994

the different national models of sectoral interest representation and their interaction with the fragmented environment offered by the European Commission.

II. Bureaucratic Sectoralisation

It became more and more common wisdom amongst the community of researchers working on European integration to see the European Commission as "multi-organisation"[12], in which different Directorate generals and services have conflicting interests and ideas on specific policy issues. The Commission is perceived at the same time as an administrative entity, consisting of 24 Directorate generals and other services, as well as an executive body in the form of the College of Commissioners.[13] While this development is becoming increasingly visible in different sectors, it is particularly strong in the field of EU-enlargement policies, where the Commission is supposed to manage the enlargement process in a coherent way[14], while at the same time sectoral interests emerging from technical DGs seem to contradict this aim.

This conceptual approach vis-à-vis the Commission is based on the work of scholars on "bureaucratic politics"[15]. The approach has shown that agencies, departments or sections of departments are quasi-autonomous actors, which pursue their own objectives: "There is plenty of evidence to demonstrate that different ministries or agencies within government develop

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[12] Laura Cram, *Policy-making in the EU. Conceptual lenses and the integration process*, Londres, Routledge, 1997, Laura Cram, « The European Commission as a multi-organization : social policy and IT policy in the EU », *Journal of European Public Policy,* 1994, 1(2), p. 195-217; voir aussi Christian Lequesne, "La Commission européenne entre autonomie et dépendance », *Revue française de science politique*, 1996, 46(3), p. 398-408 ; Michelle Cini, « La Commission européenne lieu d'émergence de cultures administratives. L'exemple de la DG IV et de la DG XI », *Revue française de science politique*, 1996, 46(3), p. 457-472 ; Thomas Christiansen, « Tensions of European Governance: politicizised bureaucracy and multiple accountablity in the European Commission », *Journal of European Public Policy,* 1997, 4(1), p. 73-90

[13] Laura Cram, *Policy-making ... op.cit,* "Chapter 6, The institutional dimension of EU policy-making" p. 154-167

[14] Cécile Robert, « La Commission européenne face à l'élargissement de l'Union à l'Est : la construction d'un leadership », in Sabine Saurugger (ed), « L'élargissement de l'Union européenne ou la construction d'un objet politique problématisé », *Politique européenne*, n°3, janvier 2001, p.38-60

[15] Amongst a large number of very distinctive researchers, one finds Anthony Downs, *Inside Bureaucracy*, Boston, Little Brown 1967 who made the 'bureaucratic politics approach popular at the national level; Lawrence B. Mohr, « The Concept of Organizational Goal », *American Political Science Review*, 1973,vol. 67, p.470-81; Erhard Friedberg, *Le pouvoir et la règle. Dynamiques de l'action organisée,* Paris, Seuil, 1997; Michel Crozier, *Le phénomène bureaucratique,* Paris, Seuil, 1964. At the international level, one finds the seminal work of Graham Allison, *The Essence of Decision : explaining the Cuban Missile Crisis,* Boston, Little and Brown, 1971 ; while attempts to transpose the approach at the European level were made by Guy B. Peters, « Bureaucratic Politics and the Institutions of the European Community », in Alberta Sbragia, *Europolitics. Institutions and Policy-Making in the 'new' European Community,* Washington, Brookings, 1992, p. 75-122 and Edward C. Page, *People who run Europe,* Oxford, Clarendon Press, 1997.

distinctive ideologies »[16]. As most bureaucratic entities, the Commission and its services are not only institutions which facilitate policy-making taking place at the European level, but they are actors wishing to acquire, enlarge or at least keep their powers.[17] In offering expertise in a particular domain, where Member States have to take decisions in the framework of the Council of ministers or the European Council, the Commission plays with the inherent contradiction given its double role in the EU-policy making process. David Coombes underlines this contradiction in stating that the Commission must, on the one hand, be a partisan of European integration, and, on the other hand, must be independent to play the role of an impartial mediator between divergent national positions.[18] This double role is clearly visible in the relationships the Commission establishes with interest groups to obtain on the one hand the much needed expertise and gain, on the other hand, legitimacy in the policy-making process. The expertise on which the political analysis realised by the Commission is not a neutral alternative to the power game. As Lindblom underlined already in 1968, political analysis becomes largely an instrument of influence and power. "Policy is analysed not in an unrealistic attempts to reach conclusive determinations of correct policy, but simply to persuade".[19]

Regarding the different policy fields managed by the Commission, one can observe a large difference of preferences, standard operating procedures and "cultures" among different Directorate generals and services. Thus, Irène Bellier has underlined for example that "the regulatory efficiency and the ruralism of the Directorate general for Agriculture are opposed to the obsession with the efficiency of the internal market, offered by the Directorate general of the same name, as well as to the clearly displayed openness vis-à-vis the global scene of the DGs responsible for external relations, whether they deal with diplomacy or technical aid programmes".[20] The Directorates general and the Commissioners enjoy a considerable autonomy in the exercise of their power, which makes it difficult to find an overall acceptable compromise in some policy fields.

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[16] Edward C. Page, *People Who Run Europe,* Oxford, Clarendon Press, 1997, p. 11.
[17] Laura Cram, "Calling the Tune without Paying the Piper? Social policy regulation: the role of the Commission in European Community social policy", *Policy and Politics*, 1993, 21(2), p. 135-146; Mark Pollack, "Creeping Competence: The Expanding Agenda of the European Community", *Journal of Public Policy*, 1994, 14(2), p. 95-145
[18] David Coombes, *Politics and Bureaucracy in the European Community: A Portrait of the Commission of the EEC,* London, Allan & Unwin, 1970
[19] C. E. Lindblom, *The Policy-making Process*, Englewood Cliffs, Prentice Hall, 1968, p. 117
[20] Irène Bellier, « Une culture de la Commission européenne ? *op.cit.* p.54 ;

As at the national level, where competences are frequently unclear and disputed between government organisations[21], the sectoral DGs show divergent priorities. This divergence is significant when a number of DGs must cooperate in order to manage a specific policy. The domination of these sectorised policies in the EU has important consequences: "One is that the making of policies becomes insulated from macro-political scrutiny, public oversight and governmental control. Another is the intense competition for power (as opposed to learning and more cooperative problem-solving styles) in the policy process. Political competition in a system with multiple points of access will make it difficult to produce coherent and efficient policy, however".[22]

The case of the management of the EU's *Ostpolitik* after 1989, and later enlargement policy, is, as I have stated earlier, particularly interesting in the study of the influence of a sectorised and fragmented leadership of the European Commission on forms of interest representation at the European level. This process includes at the same time a global approach towards integration as well as a sectorised approach: the Commission as executive entity manages the Ostpolitik as well as EU enlargement policies. While the Council takes the central decisions regarding the path of the enlargement as well as the external policies of the European Union, these decisions are based on discussion papers, studies, White and Green Papers prepared by the services of the European Commission. The Commission has succeeded in obtaining the responsibility for the management of the different policy sectors dealt with by the enlargement process from 1990 onwards. In this context, it was able to gain growing autonomy and power, which were more and more extended to the conception and management of the European policy towards the East.[23] Thus, this acquired autonomy could give the impression of the construction of a coherent leadership. However, as I have underlined, in terms of an administrative entity, the Commission shows signs of a fragmented bureaucracy, in which different units oppose each other over the management of day-to-day politics.

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[21] See the seminal work of Edward C. Page, *Political Authority and Bureaucratic Power, A comparative analysis*, London, Harvester Wheatsheaf, 1992, in particular chapter 4, p. 54-81

[22] Claudio M. Radaelli, *Technocracy in the European Union,* London et New York, Longman, 1999, p. 39

[23] Cécile Robert, « La Commission européenne face à l'élargissement de l'Union à l'Est : la construction d'un leadership », in Sabine Saurugger (ed), « L'élargissement de l'Union européenne ou la construction d'un objet politique problématisé », *Politique européenne*, n°3, janvier 2001

The main actor in the management of the Union's Ostpolitik and enlargement policies is DGI[24], responsible for external relations. In 1994, it was split in two distinct DGs, DG I and DG IA, which took over the responsibilities for dealing with the Central and Eastern European States as well as the Commonwealth of Independent States (CIS). The responsibilities of DG I concerned at the beginning in particular the management of the aid-programmes PHARE and TACIS, as well as of the Europe Agreements signed between the Community and the CEECs. These tasks required the technical expertise situated in other Directorate generals, which led to the establishment of co-operation structures between DG I (IA) and the other Directorate generals. However, the interdependency created by the complexity of the issue dealt with, expressed in formal and informal meetings, did not lead to a harmonious relationship between the DGs[25] as I will discuss in more detail in my third part. DG I, detecting in the situation a unique opportunity to enlarge its competences in the field or external relations, considered clearly the region of Central and Eastern Europe as its exclusive property.

How does this situation of bureaucratic sectorisation and fragmentation influence the forms of interest representation adopted by interest groups on the European level? Does it disturb the tight relationships some of the groups have established with specific Directorates general? Thus, can we observe the creation of a unified form of "Euro-pluralism", where all groups have the same chance to intervene in the policy process? Do national differences in forms of interest representation lose their significance?

III. Different Forms of Interest Representation

The study presented here acknowledges differentiated forms of interest representation at both the national and the EU-level. Public-private relationships were very often characterised in terms of pluralism and corporatism, which were applied to policy styles in whole countries. In pluralist polities, there are many interest groups, which lobby individually. Pluralists argue,

[24] I will use the old numbers of the Directorate generals in this article, as its time frame lasts from 1989 to 1999. A new DG Enlargement was created in September 1999, following the resignation of the Santer Commission, incorporating the TASK Force for Enlargement.

[25] See also in the field of social policy: Cécile Robert, « Ressources juridiques et stratégies politiques. Analyse d'une controverse à la Commission européenne sur la dimension sociale de l'élargissement de l'Union », *Sociologie du travail,* 2000, 42, p. 203-224

that the existence of one group is usually matched by an alternative countergroup[26]. In corporatist systems, by contrast, few privileged interest groups are incorporated in public decision making as decisive actors. In Philippe Schmitter's definition, corporatism refers to "a system of interest representation in which the constituent elements are organised into a limited number of singular compulsory, non-competitive, hierarchically ordered and licensed (if not created) by the state and granted deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands and supports".[27] Corporatist systems recognise interest groups (usually the peak associations of labour and industry) as responsible partners in policy-making.

Instead of characterising these forms as "-isms", consistent with the practice of a number of scholars to label whole countries as pluralist or corporatist without referring to important intra-state differences regarding sectors, I will use a refined heuristic approach on the basis of the policy networks typology developed by British scholars.[28] David Marsh and E.A.W. Rhodes elaborated the dominant typology[29] that treats 'policy networks' as a generic and all encompassing term and posit a continuum, which distinguishes closed and stable policy communities from loose and open issue networks. Policy networks are thus treated as types of relationships between interest groups and governments or European institutions. As I have underlined earlier, the nature of these public-private relationships are the central elements of the term "forms of interest representation". In comparison to the 'pluralism'-'corporatism' debate, the network is a fluid concept and is therefore better adapted to structure the research in the rapidly changing European environment.

The characteristics of both groups focus on the dimensions of membership, integration, resources and power. A policy community is a tight network "with few participants who share

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[26] There is an enormous array of works on pluralism. To cite only the classics David Truman, *The Governmental Process*, New York, Alfred A. Knopf, 1951; Arthur Bentley, *The Process of Government*, Chicago, University of Chicago Press, 1967; Edward Latham, *The Group Basis of Politics*, Ithaca, Cornell University Press, 1953; Robert A. Dahl, *Who Governs?*, New Haven, Yale University Press, 1961

[27] Philippe C. Schmitter, "Still the Century of Corporatism?" *Review of Politics* n°36 1974, p. 85-86

[28] For an account of the development of this research see Marsh David (ed.) *Comparing Policy Networks*. Buckingham, Open University Press 1998, in particular his first chapter. Tanja A. Börzel, "What is so special about Policy Networks? An Exploration of the Concept and its usefuleness in Studying European Governance, European Integration Online Papers (EioP) 1(16), 1997, http://eiop.or.at/eiop/texte/1997-016a.htm. While continental authors were more concerned with the characteristics of non-hierarchical network governance (Renate Mayntz and Bernd Marin (eds), *Policy Networks, Empirical Evidence and Theoretical Considerations*, Frankfurt am Main, Campus, 1991; Beate Kohler-Koch and Rainer Eising (eds), *The Transformation of Governance in the European Union*, London, Routledge 1999), British scholars tend to concentrate on the development of policy network ideal types.

[29] Marsh David et Rhodes R.A.W. (eds.) *Policy Networks in British Government*, Oxford, Oxford University Press 1992

basic values and exchange resources ... [and] exhibit considerable continuity in membership, values and outcomes". In contrast, "issue networks are loose networks with a large number of members with fluctuating access and significant dispute over values. There is little continuity in membership, values or outcomes".[30] A policy community can open in certain situations to allow members of other networks access to a specific issue. This is also underlined by Martin Smith, when he states that "although a policy community has a high degree of stability, when issues and levels of analysis change, the relationships between actors within the network change."[31]

While our research has shown that these two ideal-types of networks are heuristically useful[32], they do not include a third particular form of networks, which is found in the case of France. The private-public relationship in France is characterised by the possibility of senior civil servants to leave the civil service to work in the private sector, mostly in public enterprises or former public enterprises. This particular relationship is called "panouflage", which refers to the French *dirigisme*, which indicated interventionist policies and directive policy making processes. While *dirigisme* is very much diminished, or even part of a very popular myth, as Vincent Wright has underlined[33], the movement of individuals between the private and the public sector is still very common. Vivien Schmidt portrays this particular relationship: "Business in particular, given CEO's special access to decision makers as a result of personal relationships, old school ties and [...] the membership in prestigious civil service corps, despite often having been portrayed as the victim of state dirigisme, has in fact managed to get its way much of the time"[34]. Neither network concept of Marsh and Rhodes' model includes this particular relationship, which represents thus a third ideal-type, when one deals with the relationship between French firms and the public authorities[35]. Gerda Falkner, in adapting Vivien Schmidt's model describes this network as a 'statist cluster' where interest groups either do not exist at all or are not acknowledged since there is no public-private

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[30] Marsh David (ed.) *Comparing Policy Networks*. Buckingham, Open University Press 1998, p. 13-14

[31] Martin J. Smith, *Pressure, Power and Policy*, Pittsburgh, University of Pittsburgh Press, 1993, p. 66

[32] Even though, ideal types " never explain policy outcomes, adding more and more explanatory variables to the initial concept, one might end up, as Gerda Falkner underlined with "only an overcomplex inventory for empirical research"

[33] Vincent Wright, "Introduction: la fin du dirigisme ? », *Modern & Contemporary France*, 1997, 5(2), p. 151-153 ; Elie Cohen, *La tentation hexagonale*, Paris, Fayard, 1996 ; Elie Cohen, « Dirigisme, politique industrielle et rhétorique industrialiste », *Revue française de Science politique*, 1992, 42(2), 197-218

[34] Vivien A. Schmidt, The Decline of Traditional State Dirigisme in France: The Transformation of Political Economic Policies and Policymaking Processes", *Governance*, 1996, 9(4), p. 375-405

[35] I wonder if this might fall under the term "agency capture" used by American Political scientists to describe a similar phenomenon? ...///

interaction.[36] I prefer, however, to employ the term "pantouflage" model, for two reasons. First, one can observe the existence of public-private interactions, which are even more interesting as individuals change their public role against the private one and vice versa. Second, there is therefore a dynamic element as in the other network forms: the term "statist" would not allow considering the relationship as dynamic.

As the bureaucratic politics approach has shown, political and administrative actors, in this case the Commission services, have the potential to act autonomously and can use this autonomy to develop distinctive policy networks with interests groups. This article will demonstrate how the national form of interest representation influences the action repertoire the groups analysed in this study adopt vis-à-vis the Commission services' attempts to create specific forms of public-private relationships. The following table represents an attempt to formalise these different attitudes.

Table 1

Influence of national sectoral styles of public-private relationships on the Commission's forms of networks

		National		
		Policy community with one ministry/department	Issue network with a large number of departments	"pantouflage" model
Commission	Policy community with one DG	Policy community with one DG	Issue networks with a large number of participants	Policy community with one DG
	Issue networks with large number of DGs	Policy community with one DG, no or very restricted relations with other DGs	Issue networks with a large number of participants	Issue networks with a large number of participants
	"Detached national experts from the industry/national ministry"	Policy community with one DG and relations with detached national experts	Issue networks with a large number of participants	Relations with detached national experts

This table suggests that if we connect the ideal types of networks on the national level with types of networks each Commission service able to create, we can observe three different subtypes of action repertoires, adopted by national interest groups when confronted with the ideal types at the European level. The "pantouflage" model as such does not exist at the

[36] Gerda Falkner, *Interest Groups in a Multi-level Polity: The Impact of European Integration on National Systems,*, RSC 1999/34, EUI Working Papers, p.14

European level. However, there is a possibility for national civil servants to be 'detached' from their national ministries to a Commission service, during a period lasting from one to three years. This possibility is very much developed by the French and British administration, and much less with regard to Germany. Through this procedure, interest groups can re-establish close contacts with their interlocutor from the national level. The exchange of individuals between the public and the private sector in France leads to situations where persons coming from the industry are found as 'detached national experts' in the European Commission. The three different ideal types are as follows:

1. First, if the interest group is linked to one particular ministry or department at the national level (i.e. German, and in a certain respect French Farmers Unions), it will use the same type of relationship when it is offered at the EU-level. If this type of relationship is modified, as we can see in the field of the fragmented and sectorised policy making in the context of EU-enlargement policies, the interest group will continue to use extensively the policy community relationship it has created with the specific DG, and has enormous difficulties obtaining access to other DGs. If there is, however, the possibility of entering an individual relationship with one detached national expert from its ministry, the interest group will use this way to represent its interests.

2. The second possibility is an interest group that is used to a large number of issue network relationships with public authorities at the national level. If confronted with all three different ideal forms of networks at the Community level, the interest group (i.e. German nuclear industries and nuclear energy producers) will continue to use extensively their action repertoires formed by their participation in issue networks at the national level.

3. The third ideal type form can be found with regard to the French monopolistic electricity producer EDF, the French nuclear industries COGEMA and Foratome as well as the French nuclear safety authorities. If confronted with the three different forms of networks created by the Commission services or civil servants, these groups will adopt the most relevant action repertoire and adapt themselves to the requirement of the European level. This particular form is a form developed by social learning

during the 1980, when French industries became more and more internationalised without severing extremely tight ties with the French public authorities.[37]

In the following empirical case studies, the article will examine these different action repertoires presented above. In a first part, I will discuss the activities of the German Farmers Union DBV in the context of agricultural trade distortions with Central and Eastern European Countries. In the second part, the article will then present the case of nuclear safety in Central and Eastern Europe. While dealing with French and German nuclear industries action repertoires vis-à-vis the emergence at the beginning of the 1990 of the Commission's fragmentation and the inter-sectorial competition between the DGs responsible for this question, I will also discuss the case of the French nuclear industry's "pantouflage" and its influence on the interest representation at the European level.

3.1. Policy communities consisting in interest groups and one department

The German and the French Farmers' Unions, DBV (*Deutscher Bauernverband*) and FNSEA (*Fédération nationals des syndicates des exploitants agricoles*), have both created, since the end of the Second World War, a particularly tight relationship with their respective ministries of Agriculture.[38] While this relationship existed until very recently in Germany[39], it was profoundly modified in France after the new socialist government came into power in 1981. While the FNSEA still had very strong ties within the French ministry of agriculture, its representational monopoly started to decrease, and the ministry as well as the government started to establish a dialogue with other, minor, farmers' unions, such as the right-wing *Fédération française de l'agriculture* (FFA), the leftist *Mouvement de coordination et de*

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[37] See Jack Hayward, Changing Partnerships: firms and the French State", *Modern & Contemporary France*, 1997, 5(2), p.155-165: "Despite the fears that are often expressed about the effects of 'globalisation', French firms have done rather well in the rush to multinationalise since the mid-1980s, without in essentials loosing their national identity", p. 160. While the French electricity producer is not internationalised in the slightest way, they have developed a powerful international strategy, in which they have acquired London Electricity (GB), EnBW (D) or Graninge (S)

[38] Jean-Louis Marie, *Agriculteurs et politique*, Paris, Clefs, Montchretien, 1994 ; Bertrand Hervieu et Rose-Marie Lagrave, *Les syndicats agricoles en Europe*, Paris, l'Harmattan, 1992 ; Rolf G. Heinze, *Verbandspolitik zwischen Partikularinteressen und Gemeinwohl – der Deutsche Bauernverband,* Gühtersloh, Verlag Bertelsmann Stiftung, 1992; Gisela Hendriks, *Germany and European Integration. The Common Agricultural Policy: An Area of Conflict,* New York, Oxford: Berg, 1991

[39] The Minister of Agriculture appointed in January 2001 is for the first time in the history of Germany a woman, who has no ties with the agricultural world, has never been member of the DBV and is, furthermore, member of the German Green Party, *Die Grünen*. This appointment, like the new socialdemocratic government elected in September 1998, has significantly modified the relationship between the leaders of the DBV and the Ministry's senior civil servants.

défense des exploitations familiales (MODEF), or the *Fédération régionale des syndicats d'exploitants agricoles de l'Ouest*. In 1987 the left-wing union *Confédération paysanne* was created which was able to establish rapidly its representativity in the French agricultural landscape. Despite these competing unions, the FNSEA still is the main farmers' union in France and is still implicated in a policy community with the ministry.

However, two developments must be underlined. First, the FNSEA created a particular 'vertical' form of unionism, organised by sub-sectors to counter the establishment of other, horizontal' unions[40]. This has let to a relative independence of the agricultural sectors inside the FNSEA. They are part of the very powerful sectoral French « *interprofessions* », interest groups consisting of producer groups and distributors, which have their own independent representation offices in Brussels. The second development is the establishment of contacts with other ministries, responsible for areas such as finance or economics. This situation is contrary to the German DBV, which offers an image of a centralised organisation regarding the sectors, which are very little independent from the mother organisation. In the DBV, the powerful actors are the regional members, which have built forms of policy communities with *Länder* ministries. One of the most important regional Unions is the Bavarian Farmers' Union. The policy community established with the Ministry of Agriculture is therefore maintained and the relations with other ministries are rather rare. The centralised organisational structure makes it necessary for sectoral interests to convince the DBV's Präsidium (Board) to go ahead with a specific issue. This situation can be seen as a strength as the representation of an interest by the union as a whole is likely to have a greater impact.

However, in the framework of the fragmented and sectorised environment in the context of the enlargement policies of the EU, this has had some particular consequences.

Bureaucratic competition

As we have explained earlier, the management of the enlargement policies is in the hands of civil servants from DG I/IA. Issues regarding agriculture are dealt with by the Commission services in the framework of the Europe agreements. In the field of agriculture, they can be characterised as reciprocal preferential trade agreements: the Community and the associated countries grant each other concessions in the context of quotas and foresee further liberalisation.

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[40] Ronald Hubscher et Rose-Marie Lagrave, "Unité et pluralisme dans le syndicalisme agricole français", *Annales ESC*, 1993, 1, p. 126

Three Directorate generals deal with questions arising in this field: the very powerful and resourceful DG VI[41], responsible for the management and the implementation of policies in the field of agriculture, DG I, responsible for international trade issues, and DG IA, responsible for the management of the policies towards the CEECs. While DGIA can be described as very much in favour of enlargement, the units responsible for international relations in DG VI have very strong relationships with the European Farmers' unions, which often fear the 'invasion' of their European markets. DG I, on the contrary is characterised as very liberal by most of officials I interviewed and by civil servants from DG I. These different attitudes towards enlargement make the management of the agricultural issues a very complex situation.

The degree of resource interdependence between the different actors is thus high, which imposes the idea of cooperation, despite the bureaucratic conflicts inside the Commission. According to Fritz Scharpf, this situation corresponds to an institutionalised "joint decision system", in which the actors must negotiate an agreement which satisfies a large number of actors, as unilateral action is forbidden and sanctioned.[42]

Two cases, safeguard measures regarding the importation of sour cherries from the CEECs, imposed by the EU and safeguard measures imposed by the Czech government regarding the exportation of apples from the EU, will be very briefly discussed to analyse the forms of interest representation adopted by German and French Farmers Unions confronted with bureaucratic politics in the Commission.

Adaptions versus Internalisations

Since the end of the 1980s, importations of sour cherries coming from the CEECS increased every year. This sector is particularly important for German fruit and vegetable producers. The highest level of sour cherry production can be found in Germany, which led to the fact that nearly 50 % of all questions addressed by the specific sub-group in the DBV concerned

[41] See Neill Nugent, *The Government and Politics of the European Union,* London, Routledge, 1994

[42] Fritz Scharpf uses the notion of *joint-decision-system* « to describe constellations in which parties are either physically or legally unable to reach their purposes through unilateral action and in which joint action depends on the (nearly) unanimous agreement of all parties involved", Fritz Scharpf, *Games Real Actors Play: actor centred institutionalism in policy research,* Oxford Westview Press, 1997, p. 143. This argument is very close to March and Olsen's analysis of the role of institutions. While competition amongst administrative units can be observed, the resulting polity is something different from, or more than, an arena for competition among rival interests. James G. March and Johan P. Olsen, *Rediscovering Institutions. The Organizational Basis of Politics,* New York, Free Press, 1989. Interdependence does thus not exclude conflict, the actors know however, that a compromise is necessary to carry on the policy-making process.

this field of production.[43] The biggest transformation industry of sour cherries and berries in general is also situated in Germany.[44]

In 1994, the market situation in the European Union was severely disrupted by a high amount of sour cherry importations from the CEECs. The German producers raised the issue in the DBV whose Board decided to inform the Ministry of agriculture and to require action. The complex set of personal contacts between the Board and the cabinet of the ministry made a rapid reaction possible. While the DBV raised the issue in the relevant committees at the European level linked to DGVI, the German Minister of Agriculture directly contacted the Commissioner's cabinet and requested strict safeguard measures, if possible even an import ban. While DG VI was in favour of safeguard measures and proposed to introduce them, DG IA and DG I opposed these safeguard measures in informal meetings and exchange of letters. A compromise was finally found among the Commissioners at the highest level, and the Commission published on May 16th 1994 the regulation EC n°1118/94, deciding on new reference prices. The level of these prices where nevertheless very much below the prices called for by the German DBV. As a result, German sour cherry producers utilised a very direct action: they dumped a load of sour cherries in Chancellor Kohl's garden. Parallel to pressures coming from the DBV's Board and those of the German Minister of agriculture, the cabinet of chancellor Kohl requested from DG VI the publication of a new regulation. While this position was supported by the French government, the unit responsible for this question in DG I blocked the new regulation. This led to the personal intervention of two state secretaries from the German chancellery at the level of DG I's Director. The responsible official from DG I explained "Being responsible for agricultural trade relations in DG I, it is clear that I must have a very good argument to block a proposition coming from another DG. This was the case with the sour cherry issue. We knew quite well the position of the transformation industry situated in Germany such as Nestlé or Ferrero, which produce mostly jams and preserves. We have therefore blocked the discussions for a certain time. The cabinet did completely agree with us. But then [chancellor] Kohl has sent two state secretaries to the Director of DG I, who happened to be German at the time, and we had to accept the German proposal"[45]. The Commission decided in June 1994[46] to introduce a minimal price for

[43] Interview, DBV, 4.11.1999

[44] ONIFLOHR, *Etude de l'impact de l'élargissement de l'Europe aux Pays d'Europe centrale et orientale sur la filière française des fruits et légumes frais et transformés*, 1999

[45] Interview, DG I, 30.6.1999

[46] Règlement (CE) n° 1395/94 de la Commission du 17 juin 1994, JO n°L 152/31 du 18.6.1994

imported sour cherries at 1,24 DM/kilogram.[47] The compromise found was supposed to prevent the EU market from collapsing, while allowing the supply of the industry.

All three DGs in question had, as we have seen, a unit responsible for agricultural trade relations with the CEECs. These positions, based on very divergent attitudes towards the CEECs had to be coordinated. While DG I put forward the interests of the transformation industry, DG IA searched to support the CEECs exporting countries. Only DG VI seemed to be an ally for the German producers. However, instead of intervening at different levels, the DBV adopted a strategy, which could be named 'internalisation'[48], in the sense of a re-nationalisation of its action repertoire. The DBV turned its pressures at the national level ministry, when confronted with a bureaucratic politics at the European level and asked the ministry to intervene more forcefully, which politicised the issue.

The second agricultural case study concerns safeguard measures taken by the Czech government against EU-imported apples in 1998. This issue was taken up by DGI and published amongst other market access distortions on its internal website, as well as in a report later in the year.[49] DG IA was opposed to this publication because, according to officials I interviewed, it did not reveal the real difficulties the CEECs face in preparing themselves for accession. DG I and DG VI were informed of this distortion, on the one hand, by the official DG IA source, but also by the French interest group INTERFEL, consisting, as I have highlighted, of French fruit and vegetable producers and distributors. The fruit and vegetable farmers union, FNPF, is one of the members and was particularly concerned by the Czech safeguard measures. The Czech apple importations consist mainly of French apples. INTERFEL, while being integrated in a policy community with DG VI, is very active in contacting and informing other DGs as well. This action repertoire is very similar to INTERFEL's attitude at the French national level, where interests are represented to different ministries. The fact that distributor's interests, which are not only concerned by the Ministry of agriculture, are also present in INTERFEL, is certainly an important intervening variable.

[47] The prices in Hungary at this time were at 0,70 DM/kilogram. *Obstbau,* 8/94
[48] Richard Balme and Didier Chabanet, « Action collective et représentation des intérêts dans l'Union européenne », in Richard Balme, Didier Chabanet et Vincent Wright, *L'action collective en Europe*, Paris, Presses de Sciences Po, to be published
[49] MAAG-Doc.119-Final, *Central and Eastern European Countries. Report on Market Access*, 16.9.1998

Despite the opposition of DGIA countermeasures against the Czech safeguard decision were then decided by the relevant Central Europe Working Group in the Council. Proposed by DG VI, and supported by the French delegation, these measures were introduced in February. Only after long negotiations between the Czech government and the Commissioner for agriculture, the safeguard measures and the countermeasures were abandoned in June 1998.[50]

Thus, one observes the influence of the national model of interest representation at the European level, in particular when confronted with bureaucratic politics. The French sectoralised representation mode can be adapted to the fragmented EU environment, contrary to the German one, which had to politicise the issue at the national level, as the policy community relationship with DG VI did not allow to exercising sufficient pressure.

3.2. Issue networks and the nuclear safety issue

In France and Germany, policy networks have been developed since the 1950s in the field of nuclear energy. These networks include the electricity supply industry, the nuclear construction industry, scientific agencies and the political-administrative system. Contrary to France where civil nuclear policy was mainly located within governmental agencies, as that the policy field sprung directly from military technology, private industry played a major role in the development of nuclear policy in Germany. As in the United States, it was the nuclear construction industry, which monopolized 'nuclear professionalism'. This lead to a situation, whereby political and administrative actors were very much dependent on the expertise from the nuclear industry to develop a German nuclear policy[51]. The major utilities were not interested in nuclear power until the end of the 1960s, when they became committed to the nuclear option. Based on a comparative research of American, Canadian, German, French and British nuclear policies from the 1950s to the 1980s, Wolfgang Rüdig presents the development from a star-like form of reactor policy networks to a form of triangle network. The star-like form of reactor policy networks is composed of four actors, whereby a nuclear energy agency constitutes the star's centre and has a relationship with three outer actors that are a) the electricity supply industry, b) the nuclear construction industry and c) the political

[50] europe agro, n°22, 29 May 1998

[51] Herbert Kitschelt, *Kernergiepolitik: Arena eines gesellschaftlichen Konfliktes*, Frankfurt, Campus 1980; Joachim Radkau, *Aufstieg und Krise der deutschen Atomwirtschaft, 1945-75,* Reinbek, Rowohlt, 1983; Wolfgang D. Müller, *Geschichte der Kernenergie in der Bundesrepublik Deutschland. Anfänge und Weichenstellung*, Stuttgart 1990; Nigel Lucas, *West European Energy Policy. A Comparative Study,* Oxford, Clarendon Press, 1985

administrative system. In France and Germany, the triangle, which developed in the 1960s and 1970s is formed by electricity supply industry, nuclear construction industry and the political administrative system[52]. Nuclear power primarily concernes the major German utility providers, in particular the *Rheinisch-Westfaelische Elektrizitätswerke* (RWE), *Bayernwerk* and *Preussenelektra*[53], and the French EDF, the main players in the field. In the nuclear construction industry, we find the German Siemens KWU (Siemens Power Generation Group), and the French Framatome and COGEMA, and in the field of scientific agencies the German GRS (*Gesellschaft für Anlagen und Reaktorsicherheit*) and the French IPSN (*Institut pour la protection de la sûreté nucléaire*). In France and in Germany, the networks established in this field were strongly affected by the interests and capabilities of the state institutions. But whereas in Germany, due to a greater number of actors, the relationship between the ministries responsible for nuclear energy and safety[54], respectively the Ministry for Economy and the Ministry for Environment, and the nuclear industries is similar to a rather tight issue network, the French situation is different. As we have outlined above, EDF is a monopolistic state-owned electricity producer, whose relationship with the Ministry of Industry falls under the heading of "pantouflage". Civil servants leave the ministry to work for EDF and high-level leaders from EDF leave their jobs to work for the Ministry. The same was true for the Framatome and COGEMA. Since the 1980, the relationship between the industries and the government as a whole has changed. French industries have become more and more internationalised without cutting extremely tight ties with the French public authorities. This modification led, however, to a great adaptability of the industries, in particular as they can still count on their "pantouflage" relationship with the government.

3.2.1. A situation of competition

The accident, which took place at the Chernobyl nuclear power plant in April 1986 was the first event in a long series which showed that the conditions of nuclear power plants in Central and Eastern Europe as well as in the Commonwealth of Independent States (CIS)

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[52] Wolfgang Rüdig, « Outcomes of Nuclear Technology Policy: Do Varying Political Styles Make a Difference? », *Journal of Public Policy*, 1987, 7(4), p.389-430

[53] I use the company names as they were before the merger movements, which started in 1999, and came into force in 2000. Since June 2000, when the European Commission authorised the merger between VIAG and VEBA, the two electricity groups in which Bayernwerk and Preussenelektra are parts, both electricity producers are parts of the holding E-on.

[54] A relationship, which became even looser, similar to the ideal type of issue networks, after the change in the government majority in 1998. See Sabine Saurugger, "German Nuclear Industry and Eastern Europe : The Consequences of a Paradigm Change", In : Anne-Marie Le Gloannec (ed), *German Transnational Actors*, (to be published)

were quite preoccupying. In most of the cases, the condition of these plants did not satisfy the requirements of the international safety standards and practices.

The nuclear industry as well as the operators of nuclear power plants, were confronted with a difficult situation after the Chernobyl accident. EDF, Framatome and COGEMA realised that the critiques became more and more important, even though the French society has shown only little interest in these matters compared to the German population. In Germany, Chernobyl was the reason for an impressive protest movement. This situation also influenced the attitude regarding the nuclear power plants in Eastern Germany after the reunification. Four years later, during the negotiations of German reunification, the German operators decided not to modernise the Eastern German reactors in Greifswald built according to Soviet model; the financial cost was considered too high. As a consequence, the nuclear power plant was decommissioned. This situation in France and in Germany increased the awareness of nuclear operators and industries.

The Commission was confronted by a double challenge concerning the requirement made by the Member States to develop strategies in the nuclear safety field in Eastern Europe: given the Commission's lack of technical and institutional competencies, responsibility for this sector was to remain amongst the national governments[55]. At the beginning, confronted with a lack of information on the condition of the nuclear reactors in Eastern Europe, the Commission was obliged to seek expertise from the nuclear industry.

Three Directorate generals share the few competences the Commission owns in the field of nuclear energy and safety. DG XVII (Energy), DG XI (Environment, nuclear safety and civil protection, and DG IA, dealing mainly with PHARE and TACIS[56] aid programmes, which are, amongst other aims, designated to support programmes in the fields of nuclear safety in the CEECs and the CEIs. DG II (Finance) decides on the viability and financial soundness of the relevant projects.

[55] This situation is interesting as nuclear power is part of the founding treaties of the Community: the EURATOM Treaty of 1957.
[56] PHARE : Pologne-Hongrie Aide à la restructuration, later on enlarged to all the candidate countries. TACIS: Technical Assistance for the Commonwealth of Interdependent States

The creation of networks for expertise

Confronted with the dangerous situation of the nuclear power plants in Eastern Europe, DG XVII and DG XI decided to approach the problem from a technical point of view. On this basis, DG XVII invited the operators of nuclear power plants to establish the first ad hoc consultation committee in 1990, which developed into an industrial consortium. TPEG (Twinning Programme Engineering Group) counts amongst its members the French electricity producer EDF, the German RWE, the Belgian and Italian firms TRACTEBEL and ENEL, as well as Spanish, British and Swedish operators. TPEG played a very important role in the programming of projects. The creation of the consortia had the aim to permit the operators of Western European nuclear power plants to co-operate and not to enter into competition on the very fragile Eastern European market. In the sectors of nuclear waste treatment and nuclear fuel, two other consortia were created (Cassiopée and EFCC (European Fuel Cycle Consortium)).

The creation of consortia in the domain of operators and nuclear industry were soon followed by another group of consortia established by DG XI. The consortium CONCERT (Concertation on European Regulatory Tasks) established in March 1991 included the European Nuclear Safety Authorities. The group RAMG (Regulatory Assistance Management Group), a part of CONCERT, supports the Central and Eastern European nuclear safety authorities. Finally, the consortium TSOG (Technical Safety Organisation Group) assists the Commission by bringing its technical support to the nuclear safety authorities in Central and Eastern Europe and the CEI.

However, these two approaches entered in competition. Should the issue of nuclear power stations in Eastern Europe be dealt with in the field of nuclear energy, whereby nuclear safety would only be one component amongst others (DG XVII) or solely in the field of nuclear safety (DG XI)? Both Directorate generals claimed the importance, and exclusiveness of their approach. One DG XI official I interviewed clearly stated "We are in charge of nuclear safety, and not, as is DG XVII, of the promotion of nuclear energy. It is nuclear safety which is in jeopardy in Eastern Europe, but DG XVII does not want to understand"[57].

However, the mobilisation of politicians was very high on this issue and the College of Commissioners, in particular under pressure of Jacques Delors, decided that the question was

[57] Interview, European Commission, DGXI, 9 December 1998

of purely political nature and that DGI/IA should be in charge of this problem. In particular after the creation of the PHARE and TACIS programmes whose management was attributed to DGI, shortly after divided in DG1 and DG1A, there was no doubt left about the centre of competence in this issue. This concentration on the political side had consequences for the relationship between nuclear sector interest groups and the Commission. The nuclear issue of Central and Eastern Europe was reconsidered under the point of view of nuclear safety and no longer under « nuclear energy » as a whole. This approach has considerably weakened DGXVII in the power game, re-enforced DG XI position, without however according it new competencies, and created a pole of power inside DG1A. Interservice consultations are chaired by DG1A; it decides on the distribution of financial programmes, without, however, forgetting to ask the « technical » services for agreement, and has become the main access point for interest groups. The main reports were drafted by DG1A[58] and it is the assistant director general or the director general himself who is contacted by interest groups, and who contacts the candidate countries or other European institutions on this subject.

The attitudes adopted by the French and German nuclear industries were very similar. Both accepted the new powerful actor DG IA without hesitation and represented their interest vis-à-vis DG IA as well as vis-à-vis DG XVII and DG XI. Their strategy was to produce the most developed expertise to the relevant DG in order to influence decision-making in their favour. This was even more possible, as the Commission's competences and scientific knowledge in this field is very low[59], and it had to deal with a very complex and new issue. Thus, issue networks were created, without ever reaching the tight form a policy community.

In an issue network, however, it is unlikely that there will be consensus – the sheer number of groups means that consensus is practically unachievable. Policy is very likely highly political because so many problems and solutions exist within the policy domain. In the field of nuclear safety there was clearly a conflict over the attribution of responsibility between the different DGs and services: who should be involved and what action should be taken? Martin J. Smith underlines, that this conflict is often the key reason why an issue network develops.[60] The conflict between departments makes the issue political and subject to debate. The DGs

[58] COM(93)635 final *Communication de la Commission sur la sûreté nucléaire dans le contexte de l'électricité en Europe centrale et orientale et dans la Communauté des Etats indépendants*; Juin 1996 *Stratégie de court à moyen terme pour les programmes de sûreté nucléaire PHARE et TACIS - Document de la Commission pour les comités de gestion PHARE et TACIS;* COM(2000) final *Agenda 2000;* COM(1998)134 final *Communication de la Commission concernant les actions dans le domaine nucléaire en faveur des pays candidats d'Europe centrale et orientale et des nouveaux Etats indépendants*

[59] The Euratom treaty specifies competences in the field of radioprotection, Title II, Chapter III

[60] Martin J. Smith, *Pressure, Power and Policy,* Pittsburgh, University of Pittsburgh Press, 1993, p. 63

have attempted to attract pressure groups into the arena in order to strengthen their position against other services and to increase their legitimacy.
Differences can be found in their attitudes to deal with specific subject however.

3.2.2. Two 'French resources': detached national experts and technical expertise

The setting-up of the consortia has shown the existing equilibrium between French and German actors in all the consortia of nuclear industry, authorities of nuclear safety and technical organisations. In the field of nuclear operators, however, EDF seemed to be the big winner. Very few German operators were part of the consortia. This is due to a difference in structure of the German and French electricity market. Whilst engineering is a strong component of EDF, which can offer expertise in this sector, the German electricians have strong commercial competences, which have been of little use vis-à-vis the expertise searching Commission. To this technical knowledge gap one must add the German situation in the nuclear sector, which is more than sceptical, as I have shown earlier. Thus, German operators were less active in the expertise-producing arena, formed by the consortium TPEG. German technical expertise is more often found outside the electricity operator. In Germany, it is the Universities[61], which offer technical knowledge, and not the electricity producers, whereas in France, EDF has a large Research and Development division in different areas of electricity production. This situation has led to small internal conflicts in the group, in which German operators, and in particular RWE criticised EDF for monopolising knowledge and obtaining many more tenders, without sharing it with the other members[62]. Other German industrial and administrative officials I interviewed have repeated this, and underlined that EDF has "too" strong ties with the French government and French civil servants in the Commission.[63]

Regarding the relations between private actors and national administration, a parallel concerning the relationships these actors have with the Commission services can be observed. Whilst EDF has particularly close relations with the French government, given its status as monopolistic and public enterprise in the electricity sector in France, one can observe that it has the same contacts with the European Commission. Even more so, as EDF, but also

[61] The University of Aachen is a particular example.
[62] Interview, Tractebel, 28.10.1999
[63] Which can be linked to the rather specific problems between German electricity producers and EDF after the liberalisation of the electricity market in Europe.

Framatome and Cogema send regularly a certain number of experts to the Commission where they obtain the status of a "detached national expert".[64] Contrary to France, the German operators and nuclear industries keep in permanent contact with the German ministries without, however, attaining the same degree of closeness. Consequently, the German and French interest representatives are not in the same situation to become detached national experts. However, it seems that one could echo Mazey and Richardson's statement generally that « the 'procedural ambition' of many Commission officials to seek a stable and regular relationship with the affected interests might be seen as presenting a particular advantage to those lobbyists used to that type of policy style at the national level ».[65] Therefore, it is not only the interest groups, which create relationships with Commission officials, but these officials themselves. The important role of Commission civil servants in the establishment of these networks must be underlined[66].

IV. Conclusion

The analysis of the interaction between national forms of interest representation and the Commissions fragmented and sectorised bureaucracy has shown that we have not witnessed not witness the emergence of a specific European form of interest representation. Sector specific forms of national interest representation largely influence the attitudes adopted by interest groups at the European level. Therefore, one can speak about the strong mediation role of national relationship structures, which have been established between the national bureaucracy and interest groups. The three forms of policy networks, we have presented, based on Marsh and Rhodes' model, seem therefore very useful to categorise different private-public relationships.

The two sector/two country comparison has shown, however, that, while there seems to be large differences between sectors in these two countries, the difference between integrated and less or not integrated policy fields does not seem to play a significant role. The study has shown, that in neither area, integrated or not, a purely European form of interest

[64] This practice is widespread at the European level, and concerns not only French actors.
[65] Mazey Sonia et Richardson J.J (eds). *Lobbying in the European Community*, Oxford, Oxford University Press, 1993, p.9
[66] Marsh David et Rhodes R.A.W. (eds.) *Policy Networks in British Government*, Oxford, Oxford University Press 1992

representation has been created. Arguments which underline that there is a trend towards more convergence regarding public-private interaction inside specific policy fields[67] do not seem to be justified. Agriculture, which is a very integrated field of European policy, shows clearly very national forms of interest representation, as does the very intergovernmental field of nuclear energy/safety.

However, the study has also detected an existing process of social learning, which seems largely influenced by the developments on the national levels. Changes in government, in France and in Germany, have modified the relationship between national administrations and interests groups. In France, where this change took place at the beginning of the 1980s, one observes the adaptation: the French farmers' union FNSEA did learn to approach different ministries in order to plead its cause. The reinforced sectoralisation inside the major farmers union also led to a higher number of opportunities to influence more technical questions. In Germany, the definite paradigm change in the administration-DBV relationship did only occur in January 2001, and it seems too early to speak about a learning process.

Regarding the different forms of policy networks, we have seen that,

- Policy communities are more likely to develop where the Commission services are dependent on groups for implementation, as this is the case in the field of agriculture;
- Policy communities are more likely to develop where the Commission services are in need for expertise and where the group can offer this particular expertise, as the case of nuclear energy/safety has shown at the beginning of the 1990.
- Issue networks between groups and Commission services develop when there is high political controversy. This was underlined by the increasing politicization of the nuclear energy/safety field and the management take-over by DG I/IA.
- Groups, which are able to adapt themselves quickly to the rapidly changing environment, in entering without problem in different public-private relationships at the same time have a strategic advantage over groups which hold on to well and long established policy communities

Finally, it is important to underline that this article only deals with day-to-day politics and not with the elaboration of a particular directive or regulations for a specific sector. The difference is important for the role of European Associations, which have played literally no

[67] Gerda Falkner, *Interest Groups in a Multi-level Polity: The Impact of European Integration on National Systems,*, RSC 1999/34, EUI Working Papers

role in this study. The specific sub-sectoral questions require specific sub-sectoral expertise, knowledge or even interest, which is difficult to obtain in a large European association[68], such as COPA/COGECA in the field of agriculture or Eurelectric or Foratom in the field of (nuclear) electricity and safety. The study of COPA/COGECA's activities during the 1999 Common Agriculture reform allows a slightly different conclusion regarding the activities of European associations.[69]

[68] For a study of European associations and their governability, see Justin Greenwood and Ruth Webster, « Are EU-Business Associations governable?", European Integration Online Papers (EioP) 4(3), 2000, http://eiop.or.at/eiop/texte/2000-003a.htm

[69] Sabine Saurugger, *Vers un mode communautaire de représentation des intérêts ? Les groupes d'intérêt français et allemands dans le processus de l'élargissement de l'UE*, PhD Thesis in preparation, chapter 7