

# **Uploading Domestic Interests to the European Level: Why Some Small States are More Active than Others**

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- first draft, comments most welcome-

## Abstract:

The recent enlargement of the European Union considerably increased the number of small member states. Of the 27 EU countries, 19 have fewer votes in the Council of Ministers than the EU average. They face structural disadvantages in uploading national policies to the EU level due to less bargaining power and less of the financial resources necessary for building up policy expertise and exerting influence via arguing. This paper explores strategic disadvantages of smaller states in advocating their policy interests to the EU and comprehensively maps out their strategies to counter-balance them. A comprehensive survey shows that some states are more active than others. In order to explain activity differences, three sets of explanations on learning, coordination mechanisms and legitimacy are developed and comprehensively tested. This shows that small states are most active in negotiations, if they have non-interrupted administrative work environments, motivated staff, policy expertise, been members of the EU for some time and experienced a learning curve while holding the office of the EU Presidency. By contrast, differences in specific or in diffuse support of EU integration do not influence how active small states are in shaping EU policies.

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## Introduction<sup>1</sup>

Applying shaping strategies is an important precondition for success in international negotiations, in which actual voting is an exception rather than the rule. If a state does not voice its positions accompanied by bargaining acts, good technical and scientifically sound arguments or convincing moral appeals, it cannot actively influence policy outcomes. In the first pillar of the European Union, states can influence European law via the Council of Ministers. The ministerial level of the Council seldom takes votes, and there is no voting in the working groups and the COREPER (Committee of Permanent Representatives) in which the bulk of decisions are actually taken. Hence, shaping activities, such as bargaining, are important to influence outcomes. Yet, while big states can rely on the shadow of votes and use their political leverage to influence directives and regulations, small states can hardly threaten others in working groups or the COREPER by eventual negative votes on the ministerial level. This cumulates into the wide-spread perception of small states that bigger countries have shaping advantages vis-à-vis smaller ones: “Big member states obviously at the end of the day carry more influence, because of the votes. If you have a proposal at the table and then three or four big member states come in one after the other and say we can’t agree to this then you begin to see the writing on the wall” (Interview Permanent Representation#3, 10-04-08).

Against this background, this paper analyses the following questions: Which structural obstacles do small states face in shaping EU policies and how do they cope with them? Which counterbalancing strategies do small states apply in order to influence outcomes in the first pillar despite their smallness? Are they equally active and how can we explain activity differences between small states?

The most recent rounds of enlargements increased the number of small member states. Of the EU-27, 19 countries have fewer votes in the Council of Ministers than the EU-average. They are likely to face disadvantages in uploading national policies to the EU-level since they lack the political power to shape EU law in the same manner as their bigger counterparts. Moreover, due to their lower GDP, the amount of fi-

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nancial resources and personnel necessary for building up policy expertise and exert influence via arguing are more limited than in bigger states. Although these comparative disadvantages might have implications for the effectiveness and legitimacy of EU governance, there is a gap in the literature: There are numerous excellent case studies on small states in the policy-shaping process of the EU (e.g. Laffan 2006, Bjoerkdahl 2008), but rarely comprehensive empirical overviews on how small states seek to exert influence in the EU (e.g. Hanf and Soetendorp 1998). In order to contribute to a comprehensive assessment on small states shaping activities, this paper distinguishes between three power dimensions: voting/bargaining power, argumentative/ideational power and moral/institutional power and examines the structural disadvantages for small states in each of these dimensions (II). It explores strategies to counterbalance these structural disadvantages (III), reports the results of a comprehensive survey on small states activities (IV), discusses the empirical pattern (V) and develops and tests competing explanations of why some small states are more active than others (VI). The conclusion summarizes the major findings (VII), namely that human resources (motivated experts, no brain drain, stable working conditions), and learning effects are crucial for the active involvement of small states in the EU policy-making processes, which in turn is an important precondition for successfully influencing European law. By contrast, legitimacy considerations cannot explain why some states are very active, while others less frequently use counterbalancing strategies to make their voices heard.

## **II. Small states in the EU**

The literature on small states draws attention to the fact that size is a social construction and can be defined alongside various dimensions, such as population, territory or economic power (Hanf and Soetendorp 1998, Maignette and Nicolaidis 2005, Thorhallsson 2006, Thorhallsson and Wivel 2006). For the purpose of this paper, the distribution of votes in qualified majority voting in the Council of Ministers is used to define whether a state is small or big, because this criterion matters regarding the influence on European policies. States with fewer votes cannot as easily form winning coalitions in the Council. Additionally, the Commission (Bunse, Maignette and Nicolaidis 2005: 35-37, 44-45) and also the Presidency (e.g. Permanent Representa-

tion#30, 09-09-08) more often direct their attention towards big states because of their stronger bargaining leverage.

Accordingly, this paper defines small states as countries which possess less than the EU-27 average of votes in the Council (12.78). 19 out of 27 members fall into this category. These are: Malta, Cyprus, Estonia, Latvia, Luxemburg, Slovenia, Denmark, Finland, Ireland, Lithuania, Slovakia, Austria, Bulgaria, Sweden, Belgium, Czech Republic, Greece, Hungary and Portugal.

### **III. Power locations, structural disadvantages, and counterbalancing strategies**

Small states have fewer votes, smaller staff and fewer financial means. Limited capacities translate into different types of structural disadvantages for shaping European policies. In order to analyse the latter, this section distinguishes between three different types of power in the European policy-processes. In a further step, it identifies small state strategies to counterbalance structural disadvantages on all three dimensions.

States can draw on three power dimensions in order to influence in the European day-to-day policy-making process. These are voting and bargaining power, argumentative and ideational power, and moral and institutional power.

Voting and bargaining power are characterized by the ability of states to use their political or economic weight to influence the decision-making processes through bargaining threats, demands and concessions so that the outcomes reflect national interests in proportion to their bargaining assets. Small states have fewer votes in the Council, which decreases the likelihood for successful shaping. In addition, due to their more limited financial capacities, small states are less able to offer side payments to bigger states in exchange for support in a specific issue (c.f. Mattila 2004: 34-35). Having fewer economic capacities makes smaller members more vulnerable than their bigger counterparts. In the event that cooperation fails with other EU states, their alternatives for unilateral action or cooperation outside the EU are more limited and this leaves them worse off than bigger states. Finally, effective bargaining requires sufficient personnel in the ministries to develop and present coherent negotiation positions in Brussels (Laffan 2006, Soetendorp and Hanf 1998). Compared to bigger countries,

small states also run more easily into personnel shortcomings (Dosenrode von 1998: 54).

Next to voting and bargaining power, states can influence EU policies based on argumentative and ideational power. Here, innovative ideas, knowledge and policy expertise as well as access to scientific expertise are crucial to persuade others from a particular position by arguing or framing (Bjoerkdahl 2008). However, since small member states possess fewer financial means, their chances to advocate their preferences to the EU through arguing and framing tend to be more limited. Fewer experts to prepare for negotiations makes it more difficult to develop well backed up positions (Kassim and Peters 2001: 300). Moreover, due to slimmer ministerial bureaucracies and higher workloads of their desk officers, small states' contacts to European interest groups and epistemic communities are often less strong, so that they gain less background information, which could be used for successful arguing or framing.

Finally, states can shape European decision-making outcomes through moral and institutional power. Drawing on moral and institutional resources, as evident in their reputations as innovative policy forerunners, as pro-European citizens, or as holders of the Council Presidency, states turn into common good oriented norm advocates and create normative pressures upon other states to agree to certain policies. Yet, even this third type of shaping power poses structural disadvantages to smaller states. Again, administrative and financial capacities matter (Laffan 2006). A lower number of experts in ministries back home and in national delegations in Brussels makes it more difficult for a small state to systematically emphasize its superior policy expertise, to construct a reputation as good citizen or to outline a European dimension, which is crucial for being regarded as a morally superior advocate of a particular policy. This is particularly hard for the less wealthier of the small states since they are often perceived as preferring lower regulative standards rather than costly ones (e.g. demanding environmental laws) (Permanent Representation #33, 26-11-08).

Empirical studies show that small states are indeed often less successful in advocating their policy interests to the European level. For example, the collaborative project 'the European Union decides' investigated eleven different EU decision-making models based on one data set (Thomson et al. 2006). This revealed that 'powerful actors who attach most salience to the issues receive the largest concessions from other negotiators' (Schneider, Steunenberg and Widgren 2006: 305, similar Thompson and Hosli

2006: 21). This is due to an informally institutionalized consensus norm, according to which ‘powerful and intense actors are conciliated, even when they might be legally ignored’ (Achen 2006: 297). In line with this an official stated: “without the big member state consents some things just don’t go ahead. (..) Its pure power (..)” (Permanent Representation#21, 22-07-08).

Small states can sometimes exert influence through arguing. For example, a study on the local election directive shows that high quality arguments can convince others, even if the point is put forward by a small state such as Belgium (Lewis 1998: 497-8). Yet, small states are not always equally able to influence outcomes through arguments. ‘If a big member state makes an argument, everyone listens carefully. Small states do not usually get so much attention’ (Permanent Representation#2, 10-04-08).

In the realm of moral power, case studies show that small states can also act as forerunners and moral entrepreneurs (e.g. Bjoerkdahl 2008). Yet, compared to big states, it is less likely that they have the resources to act as moral leaders in a broad range of issues because this requires that small states have sufficient personnel to analyse the positions of other states and highly specialized experts who strategically frame proposals in terms of common concerns, highlight the European good, and emphasize the innovation. As an official from a small state stated: “We just don’t have the resources to be generally that inventive” (Permanent Representation#3, 10-04-08).

Although small states face structural disadvantages in all three power dimensions, they can engage in a variety of counterbalancing strategies, including bargaining, arguing and moral-authority based strategies, in order to circumvent the drawbacks arising from fewer votes, less financial means and fewer personnel and make their interests heard.

Limited bargaining capacities and a low number of votes can be counterbalanced with two strategies: institutionalized coordination on a regional basis and strategic partnerships with bigger states (e.g. Permanent Representation #13, 7-07-08)<sup>2</sup>. Examples for the former are the Baltic group, the Benelux, the Nordic cooperation and the Visegrád group. With these institutionalized forms of intergovernmental coor-

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<sup>2</sup> Coalitions are important as well, but since coalition building usually takes place in all negotiations, encompasses big and small states, and tends to perpetuate differences in voting power (Permanent Representation #9, 29-05-08), this paper does not focus on coalition-building as a small states strategy to counterbalance limited voting and bargaining power.

dination the members can increase their collective bargaining leverage and shape EU policies more effectively than through unilateral action. One example of successful influence in the EU was the ‘Northern Dimension Initiative’ (c.f. Arter 2000b). One of the most well-known strategic partnerships is the Spanish-Portuguese one (Magone 2001: 184), in which Portugal cooperates with its bigger neighbour in order to increase its bargaining leverage in EU negotiations. These forms of institutionalized multi- or bilateral cooperation can counterbalance restricted bargaining or voting powers, but presuppose homogenous interests within groups and between partners.

Processes of arguing are important in EU policy-making processes as well (Elgström and Jönsson 2000). Disadvantages in argumentative and ideational power can be compensated through direct contacts to the European Commission. Small states then gain additional background information on the issue at stake to compensate for limited domestic capacities.<sup>3</sup> This could considerably save domestic costs for and time to gather expertise and might also help to speed up the domestic coordination processes for the formulation of national negotiation positions. Contacts to the European Commission can also be beneficial for small states because they can start preparing a position even before the draft proposal is dealt with in the Council if they know the content of a dossier in advance. Saving time for the national coordination of positions allows for longer periods of consultations with stakeholders and experts by extracting good arguments to defend national interests in Council negotiations later on (Permanent Representation #23, 22-07-08). A second ideational counterbalancing strategy is the prioritization of issues. Selective engagement allows small states to concentrate their limited financial and personnel capacities on the preparation of good instructions on salient issues backed up by sound arguments, while spending less time on less important files.<sup>4</sup> Through prioritisation, scarce resources can be redirected to improve the scientific backing of positions by using external expertise so that the positions can be better defended (Interview Permanent Representation#9, 29-05-08). In addition, prioritization makes it easier to establish links to interest groups and epis-

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<sup>3</sup> “The Commission provides me with the information I need” (Permanent Representation#24, 23-07-08).

<sup>4</sup> “Unlike some of the bigger member states you will not be able to have an input into each and every issue that is discussed, and you have to choose the topic that you really want to have an impact on, but then you have to put all your effort into that one. And its generally also when you look at the response from the bigger member-states, the tendency is that you are taken more seriously, as a small member-state, if you concentrate your efforts on particular issues.” (Interview Permanent Representation#47, 5-02-09).

temic communities, which can be used to obtain information on policy implications and on technical and scientific backgrounds (Interview Permanent Representation#9, 29-05-08). Based on this, small states can construct persuasive positions, backed by up-to-date scientific knowledge. One example of setting priorities is Belgium's concentration on the European Monetary Union (Maes and Verdun 2005). In addition, small states could use contacts to the European Commission as a channel of exerting voice and to increase the sensitivity of the Commission towards a particular small state interest (Interview Permanent Representation#38, 2-12-08). For example, by using direct access in safeguarding institutional equality among states (Bunse, Magnette and Nicolaidis 2005: 6, 22-23).

A third bundle of counterbalancing strategies relates to the moral and institutional power dimension. Almost all states perceive small states as not particularly powerful and able to shape EU policies according to their national-interests (c.f. IV). Hence, small states can use their size as an asset for gaining influence masked in neutrality (Arter 2000a: 679, 683, Thorhallsson 2006, Tiilikainen 2006: 81-82). They can act as 'impartial mediators' between different bigger states or defend common interests and, thereby, systematically promote their own policy preferences in the Council through the backdoor (Interview Permanent Representation #3, 10-04-08). An example is Finland's preparation of the decision to grant Turkey candidate status, a process during which Finland explicitly highlighted its neutrality (Bengtsson, Elgström and Tallberg 2004: 321). Another source of moral authority stems from the institutional opportunity structure of the EU Presidency. Firstly, the Presidency allows states to actively shape the European political agenda by drawing on the authority of the position to set the agenda for the Union (Elgström 2003). Denmark, for example, used this office to promote their interests in the process of enlargement and promised financial means to candidate states without prior EU consensus (Bengtsson, Elgström and Tallberg 2004: 324). Secondly, small states can approach the Presidency of the day and emphasize particular problems which they might have in a dossier, hoping that the Presidency will draw on its institutional authority to accommodate their concerns.<sup>5</sup>

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<sup>5</sup> "Quite a lot depends on the presidency, and they know exactly where the member states are and they can find a solution to your problem (..) And also explaining them when something is very important for you then they try to accommodate you. But you have few cards during the presidency; I mean few possibility to do this. You can ask them 2, 3 times, but not every time." (Interview Permanent Representation#21, 22-07-08).



## IV. Mapping Small States' Activities

Small states have developed a variety of institutionalized and ad-hoc mechanisms to influence European policies. This section systematically maps out the importance and frequency of these activities based on a series of questionnaires on states' strategies in the EU. In order to create a representative dataset, 327 questionnaires were circulated among small member states between October 2007 and August 2008. The survey controlled for policy-variation and was given to representatives in economic ministries, environmental/agricultural ministries,<sup>6</sup> foreign ministries and the permanent representations in Brussels. Depending on the response rate of the first round, each ministry/permanent representation received between four and fourteen forms in a maximum of four rounds. The response rate was 36 percent. The responses cover all policy fields for each state (environment/agriculture, economy, coordination (MFA/Permanent Representations)).<sup>7</sup>

The below figure maps the country averages of activities standardized on a 0-4 scale. This scale makes answers comparable across strategies and captures differences and similarities between small member states without exaggerating dissimilarities.

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<sup>6</sup> Not every small state has different ministries for agricultural and environmental policy.

<sup>7</sup> The country responses were as follows: AT 5, BE 4, BG 16, CY 6, CZ 6, DK 6, EE 5, FI 6, GR 5, HU 5, IE 5, LT 5, LU 5, LV 6, MT 6, PT 6, SE 7, SI 7, SK 6. Most ministries returned questionnaires representing individual perceptions, while some held internal meetings on the responses and submitted an aggregate response.

Table 1 Mapping of Small States Strategies (means)

Country	Strategic bilateral partnerships to big countries	Institutionalized coordination	Contacts to the Commission	Prioritization of issues	Presidency as opportunity structure for national interests <sup>8</sup>	“Honest brokerage”
AT	1.82	0.00	3.08	3.29	1.60	1.66
BE	2.19	3.33	3.09	2.00	1.66	2.00
BG	0.82	0.00	1.97	2.47	1.64	0.48
CY	0.27	0.00	2.22	2.51	1.20	0.22
CZ	1.03	2.00	1.90	3.26	1.33	0.67
DK	2.64	2.66	3.20	3.29	2.67	3.33
EE	0.25	2.66	2.47	1.90	1.50	0.33
FI	1.16	2.66	2.38	3.24	1.67	1.77
GR	0.82	0.00	2.47	2.50	2.40	0.67
HU	1.33	2.00	2.47	2.86	2.00	0.00
IE	3.66	0.00	3.84	2.57	3.33	2.66
LT	0.96	2.66	1.43	2.86	0.50	0.89
LU	3.28	3.33	2.61	3.24	2.00	2.22
LV	0.27	2.66	2.06	2.90	1.67	0.53
MT	2.46	0.00	1.90	2.80	2.00	0.44
PT	1.29	0.00	2.51	2.69	2.40	1.60
SE	1.61	2.66	2.89	2.71	1.67	2.13
SI	2.31	0.00	2.44	2.57	2.00	2.00
SK	0.08	2.00	2.22	2.86	2.67	0.33

\* frequency of usage/importance of strategies<sup>9</sup>

0 Never                      1 Seldom                      2 Occasionally                      3 Frequently                      4 Very frequently

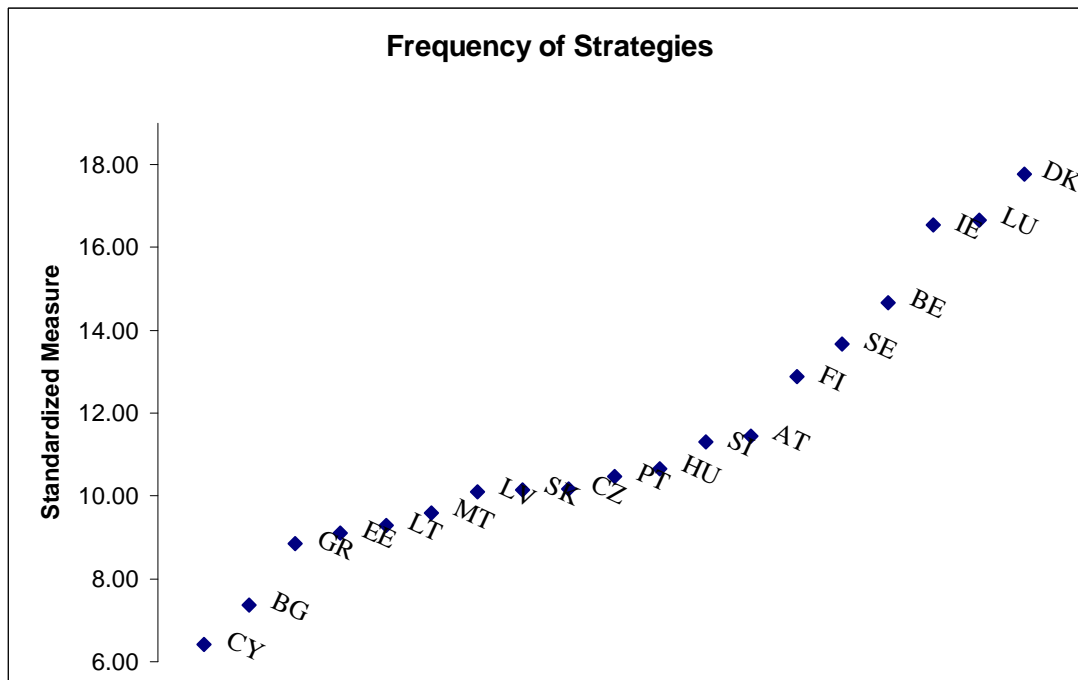
If we add up the activity scores for the six strategies for each member state,<sup>10</sup> we can rank them according to their overall activity level (figure 2). This reveals that Denmark is the most active state followed by Luxembourg, Ireland, Belgium, Sweden and Finland as well as that Cyprus is the least active state, followed by Bulgaria, Greece, Estonia and Lithuania.

<sup>8</sup> Since not every state has yet held the Presidency and since states can also approach the Presidency in order to make the latter aware of their problems, the question aimed for its importance for pursuing national interests through the Presidency, rather than they way states use the office once they hold it.

<sup>9</sup> The variables are based on answers or on combinations of answers to the questionnaire and are coded to a 0-4 measure, reflecting categories from “never” to “very frequently”.

<sup>10</sup> Adding the activity scores is possible, since the groupings of activity leaders, middlefield players and activity strugglers remain mainly robust across the six strategies. In addition, cross-checking the survey-based ranking in a selection of interviews with Permanent Representations (asking them to evaluate themselves in relation to others), ministries, and the European Commission revealed that the survey shows representative results with Hungary being the only exception (rated a bit lower than the survey shows).

Figure 2: Frequency of Strategies (sum of strategies means by country)



What pattern can be observed? The next section discusses the variation within strategies, states and policy areas based on the survey insights and complemented by interviews and secondary literature in order to give a comprehensive picture of small states activities.

## V. Pattern of Strategies

None of the small member states is at the extreme upper end of the activity scale. Out of a maximum of 24 (6\*4) activity points, Denmark scores highest with 17.78 points, followed by Luxemburg with 16.67, Ireland with 16.54, Belgium with 14.67 points, Sweden with a score of 13.67 and Finland with 12.87 points. Hence, even the most active among the small states do not reach extremely high activity scores. Moreover, the mapping also clearly shows that there is variation between states. In fact, the small states can be grouped into three clusters. Next to the small states activity leaders, we have many middlefield players (Austria, Slovenia, Hungary, Portugal, Czech Republic, the Slovak Republic, and Latvia) and a group of relatively inactive states composed of Cyprus with 6.43 activity points, followed by Bulgaria (7.38), Greece (8.86), Estonia (9.11), Lithuania (9.29) and Malta (9.60).

Strategic bilateral partnerships with powerful states are less common than multilateral institutionalized regional coordination. Partners of bilateral coordination exchange information on their positions and trade support across issues. Smaller partners tend to side with bigger ones, when they are not strongly interested in a particular issue and thereby hope to become supported by the bigger partner in other issues (Permanent Representation#39, 3-12-08). There are several issue-specific partnerships, such as between Ireland and France in agricultural policies or Austria and Germany the transport area (Luif 1998: 126). Ireland, Luxemburg, Denmark, Malta, and Slovenia use bilateral partnerships most frequently, while Slovakia, Estonia, Cyprus and Latvia hardly ever rely on this counterbalancing strategy. With the exception of Malta, which due to its history has medium strong and occasionally used ties to the UK, and to a lesser extent Slovenia, new small members rely less on bilateral partnerships with bigger states than old member states. Recently acceded states have difficulties to find bigger allies in order to support their positions in bargaining processes (Permanent Representation#34, 27-11-08, Nikodem 2004: 1). Hungary, the Czech Republic and the Slovak Republic are geographically close to Poland. Yet, there are no frequent bilateral intergovernmental contacts to coordinate joint EU positions with this big state, due to their limited number of common EU policy preferences (Permanent Representation#40, 3-12-08, Hejsek 2003: 2-3). In addition, the survey showed that some of the new small member states tend to establish bilateral contacts to the old small rather than old big countries, such as Cyprus with Greece, Czech Republic with the Slovak Republic, or Slovenia with Austria.

Multilateral institutionalized coordination takes place on the basis of geographic proximity. There are two Nordic, one Central and one Eastern European region, in which states established common institutions to identify and to eventually promote common interests. These regional forums differ significantly in their degree of institutionalization, the coherency of shared member states interests and the frequency to which the platforms are used to increase the bargaining leverage and voting power in EU negotiations. The strongest form of regional multilateral coordination is the Benelux group composed of Belgium, Luxemburg and the Netherlands. The Benelux platform has often been evoked to strengthen the voice of its members in the EU policy-making processes (Benelux General Secretariat 2007). In particular in the early years of European integration it allowed its three members to face the big three, Germany, France

and Italy, as one big counterpart. Regional multilateral coordination takes also place in the North. Denmark, Finland and Sweden enhance their bargaining and voting powers in the EU through the Nordic cooperation, which also includes the non-EU members Norway and Iceland. The Nordic cooperation allows for intergovernmental and parliamentary policy consultation and coordination in various constellations (e.g. The Nordic Council and Nordic Council of Ministers 2003).<sup>11</sup> It is relatively often used (e.g. The Nordic Council and Nordic Council of Ministers 2007). The Nordic cooperation is a less institutionalized than the Benelux and more flexible, as it allows (in the form of the Baltic-Nordic cooperation) for multilateral relations to Estonia, Latvia and Lithuania. The latter form the Baltic group, which is also institutionalized to a medium extent.<sup>12</sup> Meetings are often regarded as successful coordination devices, but take place in an irregular manner, depending on pre-existing shared policy interests (Ministry of Foreign Affairs of Latvia 2003: 2, Baltic Assembly 2007). The members of the Baltic group often coordinate with the Nordic group (known as the Nordic-Baltic cooperation). Finally, the Visegrád group is composed of Hungary, Slovakia, the Czech Republic and Poland. It is less strongly institutionalized than the other platforms of regional coordination. Since the four members have few common interests, the V4 is not the primary loci of collaboration between its members (Dankova 2003: 3) and not very frequently utilized (Hejsek 2003: 1). Finally, Austria, Bulgaria, Cyprus, Greece, Ireland, Malta, Portugal and Slovenia do not use this counterbalancing strategy as a means to increase the collective bargaining leverage.

The prioritization strategy, by which states rank issues according to their domestic importance, allows concentrating limited resources on policies with high saliency. In addition, it can generate additional expertise, since the desk officers have the time to drawing on a variety of domestic and transnational expert networks, interest groups or epistemic communities for important issues. High quality arguments supported by up-to-date data, in turn, are more likely to persuade other actors in negotiations. The survey showed that foreign ministries and permanent representations in Brussels are dealing with a high number of issues at once, whereas selective engagement is more

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<sup>11</sup> Its institutional structure encompasses the Nordic Council (1952) as consultative platform and the Nordic Council of Ministers (1971), which operates as agenda setter and also implements decisions of the Nordic Council.

<sup>12</sup> It encompasses intergovernmental consultation and coordination and occasional contacts between the three parliaments (Baltic Assembly 2007).

common for line ministries. Also, Denmark, Austria, the Czech Republic, Luxembourg, and Finland systematically focus their energy on a limited number of issues of higher importance to their country. Other countries, such as Estonia, Belgium, Bulgaria, Cyprus, and Greece, have lower prioritization rates and adopt more comprehensive approaches to EU negotiations.

Through contacts to the European Commission, small states gain additional background information which can be used for influence via arguing. In general, this strategy is very prominent and more frequently used by the permanent representations than by line ministries. The intensity of contacts between national departments and the European Commission varies also between states. Overall, old small members have more frequent interactions with the Commission, than the group of recently acceded states. Hungary, Estonia and Slovenia also seek to establish very close ties to the European Commission, but have not yet reached frequency levels of the most active old member states. Lithuania, Malta, the Czech Republic and Bulgaria contact the Commission least often, but still tend to have several contacts a month on average (Permanent Representation#34, 27-11-08).

The survey also asked for the perception of whether small states are more often impartial than big states in the Council of Ministers. This revealed that small states perceive themselves indeed as considerably more neutral than big states. If small states are often regarded as impartial or too small to effectively shape European policy outcomes according to their national interests, they might act as mediators between bigger states. In using an ascribed veil of neutrality, small states could seemingly act as “impartial brokers”, while they selectively advance those positions which are more favourable to themselves. Yet, the survey and interviews show that not even generally very active states, such as Belgium or Ireland, turn very often into ‘honest brokers’.

The Presidency offers another window of opportunity to pursue national interests masked as European concerns. States can either approach the Presidency of the day in order to profit from its agenda setting institutional power or they can use this office directly when holding it. Case study insights on Denmark, Finland and Sweden indicate that older members are less neutral and more frequently pursue national self-interests through office Presidency than newer states, which are more sensitive to cre-

ate and protect a good reputation in the EU (Bengtsson, Elgström and Tallberg 2004: 319). The survey also found that Ireland, Denmark, Portugal, and Greece frequently promoted their preferences through the office of the Presidency and also showed that there are differences between the groups of old and new small states –with Slovakia as a notable exception of a new state with approximately an equal number of frequent contacts to the Presidency as Denmark. On the other end of the spectrum, Lithuania, Cyprus, the Czech Republic, Estonia, Austria, Bulgaria, Belgium, Latvia, Finland, and Sweden do not regard the Presidency as a good window of opportunity for pursuing national interests and use this strategy less often.

Finally, while there is much variation between states, the activity scores hardly vary across policy fields. Environment and agriculture ministries as well as economic ministries have average activity scores of 1.80 and 1.85 respectively. Surprisingly, the foreign ministries, together with permanent representations, have prominent roles in the coordination of EU policies and the negotiations in working group, COREPER and the ministerial level are on average only slightly more active (mean of 1.95).

## **VI. Explaining the Differences in the Activity Pattern: Activity Leaders, Middlefield Players, and Stragglers**

Small states commonly face structural disadvantages in day-to-day negotiations in the first pillar, since they all have less voting power and less economic bargaining power. Yet, they differ in their responses to these structural disadvantages. There are activity leaders (DK, LU, IE, BE, SE, FI), middlefield players (AT, SI, HU, PT, CZ, SK, LV) and stragglers (CY, BG, GR, EE, LT, MT).

How can we explain that some member states are more active than others? Why do Denmark, Luxemburg, Ireland, Belgium, Sweden and Finland form a leader group, while Cyprus, Bulgaria, Greece, Estonia, Lithuania and Malta lag behind? In order to shed some light on these questions, this section develops three sets of hypotheses on domestic coordination, learning processes, and the role of legitimacy and empirically tests them.

*Hypotheses on coordination capacities, learning, and legitimacy*

Coordination capacities are important to protect and to pursue national interests in the EU multi-level system (Kassim, Peters and Wright 2000: 5). The very precondition for active engagement in the European policy-making process is to develop national positions and negotiation instructions in due time. If states have no position at all or only develop one in later stages of negotiations, their representatives in the working parties or the CORPER have less opportunities to apply counterbalancing strategies. To allow for high activity levels, it is essential that the domestic coordination of national positions on EU dossiers works smoothly. Disruptions and delays can be caused by a high number of domestic veto players and by cooperation problems between the permanent representations in Brussels and the individual ministries back home (the restructuring of ministries, lacking ownership in ministries and permanent representations, emphasis on domestic rather than on European issues of the desk officers in the ministries). Accordingly, the first coordination hypothesis expects that the activity-level of states is the higher, the less obstacles domestic co-ordination procedures face. Smooth co-ordination procedures produce instructions in time for the beginning of working group negotiations or for the COREPER and are the very precondition for every small shaping activity. Delays in the production of instructions, by contrast, hinder delegations to adopt many means to make their voices heard in negotiations.

The second coordination hypothesis focuses not on the speed to which positions are produced, but on the quality of positions. If experts are lacking concerning an issue at stake, for example because of a brain drain into the private sector, ministries have problems to identify the problematic issues in dossiers and formulate negotiation positions that reflect national interests. In particular if additional expertise cannot be gained through contacts to the civil society or stake holders, positions risk to be very vague. In all cases in which a clearly formulated national ideal outcome or at least a notion of which items are problematic are absent, negotiators cannot use shaping strategies to pursue national preferences. This cumulates in a lower activity level. Hence, the second coordination hypothesis is: The higher the expertise on technical issues is, the more active are states.

Secondly, learning approaches content that the amount of resources a required for a particular activity declines, the more often this activity is performed (Alderson 2001). Repeated action builds up knowledge to avoid failures and expertise on how to do



things best (Agyris and Schön 1980). If learning occurs over time, transaction costs decline and scarce financial and personnel resources can be saved. The EU multi-level system is complex and demanding – particularly for new member states (Kassim, Peters and Wright 2000: 1, 6). Learning curves can be steep. It might take new members a while to get accustomed to the EU's policy-making practises, collect experience, learn about shaping challenges, and expand their counterbalancing shaping strategies. Being part of the club for longer durations enables ministries and permanent representations not only to learn how the EU bureaucracy works but also to develop and perfect techniques to advance their interests. This learning curve helps to save scarce resources and allows for more of the bargaining, arguing or moral/institutional activities. Hence, according to the first learning hypothesis, the longer states that have been part of the EU, the more active they are in shaping European policies.

There is a second variant of the learning hypothesis, which focuses on the effect of having had a Presidency. The office of the Presidency places special requirements on bureaucrats, diplomats and politicians: they have to accustom themselves with the EU, establish new and intensify existing contacts to other states and European institutions, and learn how to work within and across the different levels of the multi-level system. Through these learning effects, states can save transaction costs in day-to-day policy making even after the office of the Presidency passed on to the next state. Hence, states that already experienced a Presidency tend to be more active in shaping policies than those who have not yet had this office.

The final set of hypotheses focuses on the role of legitimacy for the decision of small states to invest scarce resources in order to engage in shaping strategies. Considerations on the appropriateness (or the lack thereof) of EU legislative competencies as well as on the potential gains from European policy-making can influence the motivation of governments, diplomats and civil servants to actively engage in EU negotiations. Based on Easton's distinction between diffuse and specific support (Easton 1965) we can develop two hypotheses. Firstly, one can assume that states with low levels of general public support of the EU have a strong motivation to use counterbalancing strategies to make their voice heard in EU negotiations. Governments in EU sceptic states cannot afford to be blamed as inactively accepting EU legislation. In order to avoid domestic losses in their reputation and in electoral support, governments seek to ensure that EU legislation does not 'harm' their domestic legislation through

engaging in shaping activities. Hence, the lower the public support for EU membership, the more active a state should be. Secondly, specific support can matter as well. Active engagement could help to gain in relation to specific policies, while passivity reduces the chances to successfully upload domestic preferences to the EU. Hence, if states perceive themselves as gaining a lot from EU membership, political actors might be especially motivated to invest available resources in actively influencing outcomes. On the contrary, if states tend to regard the EU not strongly as an arena in which they can win something, politicians, diplomats and attachés might be less motivated to invest in shaping and rather save their scarce resources for domestic policy-making in order to safeguard electoral support. The hypothesis on specific support, therefore, states: The more widely a state perceives itself as benefiting from EU membership, the higher is its activity level.

#### *Testing the Coordination, Learning, and Legitimacy Hypotheses*

The first coordination hypothesis focuses on potential disruptions of domestic processes to develop national positions in time for the beginning of negotiations. Delays can be caused by involved veto players and by disruptive or uncooperative administrative working conditions and are expected to translate into fewer shaping activities.

Next to the affected lean ministries and coordinating institutions, parliaments can be involved in the development of national positions. In all states, either the Ministry of Foreign Affairs or an EU unit in the office of the Prime Minister is operating as coordinator overseeing the domestic processes. However, the involvement of the parliaments differs. While Denmark and Sweden and to a lesser extent also Finland have strong parliaments that can delay and substantively alter outcomes of domestic coordination, the parliaments in the other activity leaders and in the strugglers group have fewer competencies (usually obtaining information) and cannot turn into veto players. Hence, the number of involved actors does not causally impact the speed of domestic coordination and does not influence the activity level of states.

The second element of the first hypothesis finds stronger support: In many of the newer less active members, administrative reforms and fluctuation in ministries disrupt working relationships and places difficulties on coordination processes leading to delays. An official argued “The difficulty...many factors...I am trying to think. Usually the first factor is the lack of administrative capacity but I don’t think that

that's the most important one. We really have a small administrative capacity and we are creating this administrative capacity and we have very little experience. But I think that the most important factor is a historical one: The lack of continuity and coherence in our policymaking" (Permanent Representation#24, 23-07-08). In addition, the motivation of experts in ministries to participate in domestic coordination procedures is relatively low in the group of least active member states, because they often tend to prioritize domestic affairs over European affairs and since ministries do not cooperate well with each other (Interviews Permanent Representation#23, 22-07-08, Permanent Representation #24, 23-07-08). Unlike most of the laggard states, the activity leaders were not subject to recent internal reforms that disrupted working relationships within ministries as well as between ministries and permanent representations. All activity leaders emphasised they have low fluctuation in the ministries and do not face problems arising from limited awareness of the importance of EU-related work (e.g. Permanent Representation#13, 7-07-08, Permanent Representation#14, 9-07-08, Permanent Representation#15, 10-07-08).

As expected, activity leaders tend to have positions for the beginning of working group level negotiations and can engage in shaping activities from early on: "I would say we usually have instructions before a meeting" (Permanent Representation#9, 29-05-08). By contrast, the group of least active countries frequently faces delays in the production of negotiation instructions: "We are not always at or best in the meetings, we are not prepared, there is no instructions for us." (Permanent Representation#34, 27-11-08). As expected, delayed instructions decrease the amount of applied counterbalancing activities: "If you than have no position you cannot negotiate and have to be silent" (Permanent Representation#1, 10-04-08). Low activity levels, in turn, reduce the chances to successfully influence European policies: "And the consequence is that we, for some dossiers we are, we have our position only at a very late stage of the negotiation and then it might be already too late to influence something." (Permanent Representation#34, 27-11-08).

The second coordination hypothesis focuses on the quality of positions as a precondition for active engagement in EU negotiations. Cyprus, Bulgaria, Greece, Estonia, Lithuania and Malta as the group of least active states, all face shortcomings in expertise, in particular for very technical matters (e.g. Permanent Representation#34, 27-11-08). This is particularly severe in Bulgaria, Estonia and Lithuania, in which a brain drain from the public into the private sector (where higher wages are paid) re-

duces the number of experienced ministerial staff (e.g. Permanent Representation#33, 26-11-08, Permanent Representation#21, 22-07-08).<sup>13</sup> Malta has a proactive approach to consult the civil society (if organised, which varies strongly between sectors) during the process of domestic coordination (Permanent Representation#39, 3-12-08, Permanent Representation#16, 11-07-08). However, the other four struggling states have weak state-society relations, so that lacking expertise can hardly be compensated through information from business actors, organised interests or NGOs (e.g. Permanent Representation#6, 09-05-08). The group of activity leaders also faces shortcomings in the number of personnel employed in ministries and the permanent representations, but are not subject to brain drains into the private sector. As a result, the level of expertise is higher than in the group of least active member states. In addition, if expertise on technical matters is not available in the lean ministry itself in Denmark and the other very active states, it can most often be substituted by external means. Interviewees from Denmark, Luxemburg, Ireland, Belgium, Sweden and Finland highlighted that they have good and very often also institutionalised contacts to the civil society.

In sum, there is tentative support for the first coordination hypothesis because administrative working conditions matter for the timely production of national positions, while the number of involved actors is not important. Also, we find support for the second coordination hypothesis, with Malta being the only outlier. States that grapple with shortages of human resources, have problems with the motivation of civil servants, or face disrupted administrative working conditions are considerably less active.

The learning and legitimacy hypotheses can be tested through a combination of qualitative and quantitative methods. This allows combining interview insights on the motivations to engage in shaping activities and the abilities to do so easily with a broader picture on how learning and legitimacy relate to activity levels.

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<sup>13</sup> An official stated “We are lacking quite a lot of staff. It’s more or less in all the ministries but in some it’s much easier for experts to go to the private sector, because we have so many projects in the environment and they can easily change work and they are better paid there. And this is now the big challenge in general with the administrative capacity. The economy is going quite well and salaries are increasing in the private sector quite rapidly in the last few years. And the administrative capacity is weakening, not strengthening, so you just lose people all the time” (Permanent Representation#21, 22-07-08).

In order to quantitatively examine the plausibility of the learning hypotheses, we use the number of membership years as a continuous variable and the fact of whether a state has already had a presidency (by 2007) as a dichotomous dummy variable. The operationalisation of the legitimacy hypotheses is based on EUROBAROMETER-69 factsheets (country reports) from June 2008 to match the time-frame of the survey that gathered the data for the dependent variable (activities). The diffuse support variant is operationalised by the support of EU membership and the specific variant of the legitimacy hypotheses by the benefits from EU membership.

Table 1: Regression results<sup>14</sup>

	1	2	3	4
Duration of Membership	0.123** (0.041)	0.136*** (0.034)		
Support EU Membership (diffuse legitimacy)	0.016 (0.058)		0.082 (0.050)	
Benefit from Membership (specific support)		-0.030 (0.043)		0.010 (0.046)
Presidency (dummy)			3.507** (1.186)	4.006** (1.239)
Constant	8.512** (2.816)	11.022*** (2.607)	5.187*** (02.598)	8.672** (2.929)
Observations	19	19	19	19
Adjusted R-squared	0.43	0.45	0.42	0.32

OLS regressions with two-tailed t-tests. \*\*\* =  $p < 0.01$ , \*\* =  $p < 0.05$ , \* =  $p < 0.1$ .

Empirically we see that learning is indeed very important. As expected, the longer a state is a member of the EU, the higher is its activity score (models 1, 2). This effect is significant and robust. In line with that an official stated: “for old states it is easier to form and defend a position. New states are less experienced” (Permanent Representation #1, 10-04-08). Similar another interviewee argued “And of course the other thing is that yes, we’re new, we’re a new member state and we have a lot to learn so obvi-

<sup>14</sup> Due to the low number of cases, the models are kept parsimonious and do not include a broader range of alternative explanations. However, in separate models, I also tested the learning hypotheses and the legitimacy hypotheses respectively against the role of voting and economic power. The findings on the importance of learning and the non-importance of legitimacy did not change. Also, political and economic power did not significantly and not robustly influence the activity level of small states. While all small states struggle with limited hard power resources, they do not simply reproduce hard bargaining power disparities in the usage of counterbalancing strategies. Irrespective of the level of political and economic power, small states are more active the longer they are members of the EU and if they had have the office of the Presidency. The effect of human resources (motivation, ownership, civil society contacts, stability of working conditions) cannot be tested quantitatively, since the quantification of the independent variables of both hypotheses would either require compound indicators (requiring weightings of the individual components) or loose crucial information.

ously we're not that active as perhaps we'll be in a couple of ages or as other older member states with more experience" (Permanent Representation#17, 17-07-08).<sup>15</sup>

The effect of the Presidency is also strong (models 3, 4). If states already held the office of the Presidency, they are significantly more active than states that did not make this experience. Interviews conducted in the 19 Permanent Representations lend also strong support for both learning hypotheses. For example, an official from an old state stated: "if you had the Presidency, this helps you afterwards as well. You have a better overview of what is going on, a better network, more self-confidence since you can work under high stress and pressure, you are more alert, and it also improves your negotiation skills" (Permanent Representation#2, 10-04-08). Similarly another official from a state that has not yet held this office argued that "it makes a difference of whether a member had the Presidency already. You built up expertise and networks" (Permanent Representation#38, 2-12-08).

The regression analysis does not support any of the legitimacy hypotheses, since none of the effects is significant and since the signs do not point in the expected direction in all but one model. If we look at the role of diffuse support, model one and three indicate that there might be a slight tendency among the small states (although not statistically significant) that those members with higher levels of EU support tend to more actively use counterbalancing strategies. Yet, we expected that governments of states with high levels of EU-scepticism are more inclined to engage in shaping activities in order to avoid unpleasant outcomes. However, no interview-based evidence supports the role of general EU support for shaping aspirations.<sup>16</sup>

The quantitative results on specific support are not in line with the second legitimacy hypothesis either. The models (2, 4) show no robust findings, since the sign is not constantly positive. Perceiving EU membership as very beneficial for their own state only translates into high shaping activities in Ireland, but not in Slovakia, Estonia, Lithuania and Greece. The qualitative results for the specific support hypothesis do also not confirm our expectations. None of the interviewed activity leaders men-

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<sup>15</sup> Similarly "new small states often have limited experience in Brussels and that this has implications for knowledge on new legislations. It probably takes a bit more experience to become pro-active." (Permanent Representation#9, 29-05-08).

<sup>16</sup> "We have been regarded as quite sceptical .... This is partly justified. So it's not a natural thing that we have in the recent years been in the centre of gravity in the cooperation within the EU" (Permanent Representation#9, 29-05-08).

tioned specific gains as motivating factors behind their high activities and none of the activity strugglers emphasized that it is not worth investing time and energy in shaping activities since specific successes are unlikely anyhow. Rather, the general perception among small states' delegates is that if issues "are really top top political interests, I think we were able to get them across. But as an average, I think there's a lot of room for improvement of course." (Permanent Representation#17, 17-07-08).

In a nutshell, while we find strong support for both learning hypotheses and also for the first and to a more limited extent for the second coordination hypothesis, legitimacy considerations do not influence the activity levels of small states. States that have been members for a while and that had the Presidency as well as states with stable administrative working conditions and high expertise are more active.

## **VII. Conclusions**

After the latest rounds of enlargement, the EU consists of many more small than big member states. Size differences can translate into three types of structural disadvantages for small members in shaping EU policies according to national interests. Compared to their bigger counterparts, small states have lower shares of bargaining and voting capacities. In addition, their argumentative powers are limited, not the least due to their more limited financial capacities. Against the background that structural shaping disadvantages might have negative consequences for the EU's legitimacy and effectiveness, this paper examined small states. Alongside the three power dimensions, it identified six strategies. Limited bargaining power can be offset through regional coordination and through bilateral partnerships to bigger members. Contacts to the Commission and prioritization strategies can counteract argumentative power shortcomings and help to develop high quality arguments. Disadvantages in moral power can be compensated by using the Presidency as an opportunity to pursue own interests within the broader agenda or in acting as alleged 'impartial mediators' in the Council. Thus, small states face three types of disadvantages vis-à-vis bigger states, but have no tied hands in uploading national policies to the EU level.

Based on a comprehensive survey, this paper showed that there is considerable variation in the activity levels of small states, while the policy variation is very limited. Most strikingly, Denmark, Luxemburg, Ireland, Belgium, Sweden and Finland are the most active, while Cyprus, Bulgaria, Greece, Estonia, Lithuania and Malta are

the least active. In order to explain these differences, the paper presented six hypotheses on learning effects, coordination capacities, and the role of legitimacy.

The empirical test showed, firstly, that learning is indeed crucial. The longer states have been members of the EU, the more active they are, not the least because transaction costs for applying argumentative, bargaining-based or moral and institutional counterbalancing strategies are lower than for newer member states. In addition, having held the office of the Presidency, states experience the diplomatic learning curve during which they built up knowledge and networks allows them to more easily conduct all three types of counterbalancing strategies afterwards. In line with that, old member states and those states that already had the Presidency tend to be more active than new member states which have not yet held the Presidency.

Secondly, coordination capacities matter as well because they influence whether states can develop high quality positions in time for the beginning of working group negotiations. If instructions arrive never or too late, the activity level of states is low, since many points are already resolved in advanced stages of negotiations and won't be reopened for the latecomers so that there is no point for the delegations to apply several counterbalancing strategies. If the quality of instructions is low and the positions are too vague, the activity level is also not high, simply because it is either uncertain of what exactly should be achieved in the negotiation setting or it is clear to the delegation that they cannot achieve the ideal position anyhow. For the timely production of high quality positions, human resources and administrative working conditions are crucial. States, such as Denmark, Luxemburg, and Ireland, with well trained and experienced experts, highly motivated bureaucrats, cultures of responsibility and ownership are much more active in shaping EU policies according to their interests than states like Bulgaria, Estonia, Lithuania, and Cyprus who struggle with problems of lacking knowledge about the EU, insufficient expertise, brain-drains into the private sector, insufficient contacts to organised interests and NGOs as well as organisational reshufflings in the ministries. Compared to human resources, institutional features such as the number of involved actors cannot account for delays in the preparation of positions and.

Thirdly, diffuse and specific support do hardly influence the frequency to which states rely on counterbalancing bargaining-based, argumentative, and moral/institutional strategies. With the exception of Denmark, states with less positive general attitudes towards the EU are not significantly more active. Specific support is



also no strong motivation underlying decisions of involved small states actors to engage in shaping activities.

This paper showed that small states all face structural disadvantages in shaping European policies according to their interests, because they all have fewer votes in the Council of Ministers and tend to have less financial resources and less economic bargaining capacities. This does result in shaping advantages for big states: “It is evident that greater member states are more influential. That’s just logical because if there is qualified majority, twenty-nine votes from one big member state mean votes of five or six of a small member states. So from this point of view yes, it’s just a logical consequence” (Permanent Representation# 28, 19-08-08). Nevertheless, small states are not deemed to be inactive in negotiations beyond the nation-state, since they can recur to a variety of strategies to make their voice heard. Some countries, in particular old member states with expertise and smooth coordination procedures, are more active in trying to shape outcomes than others, however. This gives rise to the expectation that small states can punch above their weight in international negotiations – in particular if they have been a member of the respective international institution for some time and if they have good and motivated personnel and no disrupted administrative working conditions.

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