

**The Open method of coordination in European Education and Training Policy:
New forms of integration through soft policy-making**

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Abstract

New forms of governance, such as the Open Method of Coordination have become more and more popular within European policy-making. This paper discusses an example of the Open Method of Coordination (OMC) under-analysed so far by the literature, namely the OMC in Education and Training. The argument presented here is that exactly this policy area has experienced through the use of the OMC significant developments over the last 10 years resulting in a fundamentally changed EU involvement in the education and training policy. Understanding the sometimes contradictory motivation of the different actors when creating the OMC in E&T is essential in order to correctly analyse the consequences at national and European level of its use, which led to a new way of integration.

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Introduction

Since the European summit in 2000 in Lisbon officially coined the term “Open method of coordination” (OMC), a great deal of academic work has been written on this new form of governance tool.¹ Most of its focus lay with the oldest OMC, the one in employment (e.g. Ashiagbor 2004; Mosher and Trubek 2003; Smismans, 2004) but by now additional work has been done on the OMC in the area of social inclusion (e.g. de la Porte 2002; Mabbett 2007) and pensions (e.g. de la Porte and Nanz 2004; Pochet and Natali 2004). However, only very little attention has so far been given to the OMC type of governance in the area of education and training (E&T).² This is unfortunate, as exactly this policy area has seen significant developments over the last 10 years resulting in a fundamentally changed EU involvement in the education and training policy. Today there is a relatively well functioning form of the OMC in place that has established common objectives and benchmarks for the EU in E&T and allows the Member States to share their best practices with each other in a structured way, which gives the EU a substantial while still secondary role in this policy field. While this represents clearly a deepening of integration in E&T policy, this was achieved not through the traditional way of integration (ie. competence transfer) but through a new way of integration.

The aim of this article is to shed light on this policy area which has been under researched so far and analyse the creation, functioning and impact of the OMC in E&T, looking in particular at its significance for a deepened cooperation and integration in E&T at European level. The fact that E&T policy was linked closely to growth and employment through the Lisbon strategy, the fact that different Member States had different end goals with this mode of governance and the Commission taken the role of a policy entrepreneur led to the creation of the OMC and its rapid expansion in the European E&T field, leading to a new form of integration at EU level. The arguments presented in this article are based on original fieldwork including a series of semi-structured interviews with Member State representatives, Commission officials and social partners which was carried out between November

¹ The Journal of European Public Policy devoted an entire special edition to the issue of OMC (Volume 11 No.2 2004)

² Notable exceptions include Gornitzka (2005; 2006).

2007- August 2008, as well as participatory observation and an analysis of primary documents.

This paper adds to the existing body of work on the OMC and contributes to the further understanding of the creation, functioning and impact of OMC-like forms of governance in the European Union. Part of its originality consists in examining the E&T policy field, an area which has so far been under-researched in relation to European integration and represents arguably the most successful OMC process, in relation to deepening policy cooperation at EU level. The focus on the E&T policy area is particularly suitable as it represents a core area of national competences and identity, with very diverse national structures, which are typically policy areas where this type of governance is applied. The analysis will address the specific circumstances of the E&T policy area and examine how this form of OMC was progressively applied in the area of education and training, outlining in particular the reasons behind applying this form of governance to the E&T policy field and the role of the European Council in Lisbon in 2000. This paper will also examine the individual elements of the OMC, such as the common objectives, indicators and benchmarks, reporting and peer learning activities, and its main actors, showing how its structures have been developed over time and how it cooperates with other forms of policy-making (i.e. a limited form of the community method) in the field of European E&T policy, thereby giving evidence how the use of soft law mechanism is becoming more and more popular as modes of governance in the European Union.

It will also be addressed whether participating in the OMC in E&T had any impact at national as well as European level and how this impact has manifested itself. It will look at why there are differences in the impact on the various Member States, and outline the elements that foster or hinder impact at national level. Concerning the EU level, it will show how the European Commission's role in E&T was influenced by the use of the OMC. Finally this paper will show the consequences of applying the OMC in the field of E&T for the integration of this policy area at European level, arguing that it led to an increased cooperation in E&T at EU level, however different to what traditionally is understood as integration (i.e. competence transfer) and will reflect on the future of policy-making in E&T at EU level.

Section one: Genesis of the OMC in Education and Training

Choosing the OMC for the E&T policy area

In the literature on the OMC in general there are a number of reasons outlined for choosing this policy instrument for EU policy-making, often used in combination with each other: *Institutional redistribution of power* (Maucher 2003; Regent 2003; Heritier 2002; Szyszczak 2006); *European integration* (stronger or weaker) (Caporaso and Wittenbrinck 2006; Larsson 2002; João Rodrigues 2001; Szyszczak 2006); *Balance between the social and economic dimension* (Borrás and Jacobsson 2004; Dehousse 2002; Behning 2006; Bruno, Jacquot and Mandin 2006; Vandembroucke 2002); *Addressing the rising discontent of the citizens with the EU* (Behning 2006; Larsson 2002; Radaelli 2003); *Improving efficiency of policy outcomes* (Dehousse 2002; Radaelli 2003); *Shifting blame for drastic (and often unpopular) national reforms* (Falkner 2003; Schäfer 2006; Pochet and Natali 2004); *General move towards new forms of governance* (Caporaso and Wittenbrinck 2006; de Búrca 2003).

While many of the explanations for the use of the OMC in general, apply also to the case of the OMC in E&T, there are also some particularities of this policy area which required the use of an OMC-like form of governance. What immediately becomes clear when looking at the field of education and training is that this is not a policy area like any other. A combination of specific circumstances limits the choice of tools and the form of cooperation. First of all, there is a treaty base, which only allows for a limited cooperation in E&T. According to articles 149 and 150 Treaty of the European Communities (TEC) the EU has only supporting competences in the area of education and training, respecting the subsidiarity principle, and therefore no legally binding community initiatives are possible. Furthermore, this is a policy area which is very close to national (and sometimes regional) identity, belonging to the last core competences still remaining at national level, and Member states have for decades been unwilling to accept further European level involvement in the policy-making aspects of E&T policy. This second, and main, obstacle also explains why earlier attempts of the European Commission to get more involved in policy-making in the 1980s did not succeed even in accordance with the treaty.

A third reason for choosing the OMC is the huge diversity of the various national E&T systems. This makes it very difficult to harmonise the different national E&T systems. However, the main difficulties between national systems are not because of technical differences, but because of the lack of political will (Aribaud 2007). So the tool being used needed to be voluntary, flexible enough to work with different systems and adaptable to the national political priorities while not imposing on the Member States.

The interview results show clearly that the Commission together with (some of) the Member States are behind the creation of the OMC. The mandate came from the European Council and the reference to it gave pro-integration Member States a chance to move ahead. The different attitudes of the various Member States towards further European integration in E&T also play a significant role for supporting the OMC. There are basically two conflicting positions: one is represented by a group of Member States (e.g. Belgium, Germany, United Kingdom) wanting to avoid harmonisation and to use the OMC to limit the EU's role, and another group of Member States and the Commission trying to use the OMC for the contrary (Boomgaert 2007). Aribaud (2007) believes that some Member States, such as France, have the Europeanisation of E&T as their aim, while others want to use the OMC to leave Member States in control. This is why some argue that the OMC was created as a counter measure to a possible competence transfer in the field of education policy (Kreiml 2007). So both groups participate in and support the OMC for contradictory long-term objectives.

The decision to increase European cooperation in the area of E&T can partially be explained by the agreement of the EU Heads of State and Governments that the EU and its Member States needed to make progress in the world and that E&T could contribute to this through its link with competition and employment. Another reason why some Member States supported of the deepening EU involvement was the OMC's potential of implementing reforms which are long overdue. Europe is seen as a good argument to open up something that is a very sensitive issue at national level (Coyne 2007; van der Pas 2007). Member States knew that they had to update their national E&T systems and were now willing to discuss national reforms at EU level. In addition the form of governance was important for agreeing on deepened EU action

in E&T, as until that moment, the expectation and fear of the Member States was that the Community Method would be used in education and training (Coyne 2007). This caused deep suspicion from the Member States concerning any policy proposals from the EU level in this field. As they realised this was not the plan, they accepted more willingly to deepen cooperation and consequently, they gave the mandate for closer cooperation in E&T at the Lisbon summit.

Creation

The Lisbon summit gave the go ahead for further cooperation in E&T at European level by formulating two messages: First of all, it set itself with the Lisbon Agenda “a new strategic goal for the next decade: to become the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion.”³ By formulating this, it created an implicit link between education policy and employment policy at European level and saw E&T as contributing to Europe’s competitiveness, which should become more explicit over time. This created more awareness for the importance of E&T, upgraded the significance of E&T at European level and increased the scope for community activities. Secondly, the Lisbon summit asked the Education Council to “undertake a general reflection on the concrete future objectives of education systems, focusing on common concerns and priorities.”⁴ It is important to outline that the summit conclusions did not specify that the open method of coordination should be used for the cooperation in E&T (Hingel 2007). In article 37 and 38 of the Lisbon conclusions, where the OMC as a method was mentioned, there was not a word about applying it in the area of E&T. At that moment the structure of further cooperation in E&T was not clear at all, which shows that the Lisbon Council did not decide to have an open method in E&T, however it was still a clear signal for a changing political climate. “If the Lisbon summit had not asked for creating something in E&T there would not have been an OMC in E&T” (Coyne 2007). The Lisbon summit gave the go ahead for what later would turn into the OMC in E&T. Its individual aspects were constructed in the aftermath of the Lisbon summit in a number of steps which were then sanctified by a series of European Council conclusions. On all these occasions and in

³ Presidency conclusions Lisbon European Council, 23 and 24 March 2000 Council http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/00100-r1.en0.htm (Accessed last 19.11.2010).

⁴ *Idem.*

all the subsequent documents the importance of E&T for competitiveness was stressed, which showed the important connection between these two policy areas.

Section two: Functioning of the OMC in E&T

It took several years to set the OMC in E&T into place and several elements were added and altered over time. In general the OMC in E&T is very similar to the OMC template that was created and described at the 2000 Lisbon summit. The functioning of the OMC in E&T is a process built on these key elements: the Member States define common objectives and work on them according to an agreed programme and timetable; clusters and peer learning activities are carried out in order to identify best practices and to learn from each other; this is supported by a continued checking and monitoring on the implementation, which happens through reports, benchmarks and indicators. These elements will now be briefly outlined individually.

Common objectives

The (Education) Council (2001) at its meeting in Stockholm, adopted the concrete future objectives of education and training systems. This document outlined the issues where the Member States were willing to work on together in E&T at European level, as well as three common objectives (and some 20 sub objectives), which formed the basis for Member States to work together at European level over the next ten years to contribute to the achievement of the Lisbon strategy. The three common objectives were:

- Increasing the quality and effectiveness of E&T systems in the European Union;
- Facilitating the access of all to the E&T systems;
- Opening up E&T systems to the wider world.

Indicators & benchmarks

As the work programme envisaged the setting up of European-wide benchmarks in the field of education and training (Council 2002), the Commission set up in 2002 the Standing Group on Indicators and Benchmarks (SGIB) whose role was to discuss the development and use of relevant and reliable indicators and benchmarks to monitor the progress towards the goals. Based on their proposal, the Education Council (2003) adopted five benchmarks in May 2003 which state that by 2010:

- All Member States should at least halve the rate of early school leavers, with reference to the rate recorded in the year 2000, in order to achieve an EU-average rate of 10% or less;
- Member States will have at least halved the level of gender imbalance among graduates in mathematics, science, and technology whilst securing an overall significant increase of the total number of graduates, compared to the year 2000;
- Member States should ensure that average percentage of 25-64 years olds in the EU with at least upper secondary education reaches 80% or more;
- The percentage of low-achieving 15 year olds in reading, mathematical and scientific literacy will be at least halved in each Member State;
- The EU-average level of participation in lifelong learning should be at least 15% of the adult working age.

The adoption of the benchmarks was crucial as they were very concrete objectives that attracted a lot of attention. Consequently, agreeing on them was not an easy undertaking as various Member States were uncomfortable with the use of benchmarks and targets and six meetings in the Education Council were necessary until they were at last agreed on (Hingel 2007). The indicators & benchmarks have regularly been revisited Council (2005; 2007; 2009). The need for updating the indicators from time to time became also visible through the peer learning exercise and the work of the clusters.

Peer learning activities

Based on the objectives adopted by the European Council, the Commission set up nine working groups in the second half of 2001, hence establishing ‘the objective process’. These so called ‘objectives working groups’ had two main roles. The first was “to identify the priority themes, make an inventory of existing experience, define a preliminary list of indicators for monitoring progress and to secure the consensus needed between all the interested parties” (European Commission 2003). The second was to start the exchange of good practice between experts. Through this exercise and because of the political mandate coming from the Lisbon summit, many areas which were formerly out of reach for cooperation at EU level suddenly became possible. The working groups initially comprised only representatives from the Member States and

the Commission. However, in January 2003 they were enlarged to include representatives from the candidate countries, the EFTA/EEA countries and stakeholder groups (such as the social partners). The first joint report in 2004 outlined the need for more peer learning activities.⁵ Therefore the Commission launched in 2005 a new peer-learning programme, the 'cluster approach', which built on the experience gained from the 'objectives process'. Each of the clusters is made up of some Member States representatives, Commission experts, and sometimes, social partners. These clusters are responsible for discussing the current developments in the area of the specific topics of the cluster and for organising the peer learning activities on these E&T issues.⁶

The work of the clusters is coordinated in the 'Education & Training 2010 Coordination Group' (ETCG).⁷ The ETCG organises the planning and implementation of the clusters and peer learning activities. It looks at the results of the clusters and examines what to do with these results. Not all Member States are in all of the clusters therefore the ETCG is seen as useful for the Member States to get an overview of the activities. Some of the best practices identified during the peer learning process are then presented in the biannual reports.

Reports

The reporting exercise consists of two main documents: the annual indicators and benchmarks document and the biannual joint report of the Council and the Commission. The indicator and benchmark document can be more critical as it is a purely Commission document. While the joint report is less critical, it is, however, politically more influential and binding, as the Commission can use it as a means of pressure by reminding the Member States of their agreed commitments. This joint document gives an overview of progress and points out the policy areas where reforms are carried out and those where progress is lacking. Every two years it

⁵ During the peer learning activities the host country shows their guests the strengths and weaknesses of its E&T system.

⁶ See http://ec.europa.eu/education/lifelong-learning-policy/doc32_en.htm (Accessed last 19.11.2010)

⁷ The ETCG is made up of all European states involved in the E&T 2010, the Commission and the European social partners.

provided the possibility to look at short and medium-term priorities and to add new topics (e.g. efficiency and equity, pre-school education etc.).⁸

The first joint Council and Commission report (Council 2004) was a crucial document for the process, as it represented also the launch of a new more integrated approach in European E&T cooperation, as it streamlined most of the existing processes, such as the Copenhagen process⁹ and the Bologna process¹⁰. While the Commission tried, and is still trying, to streamline these processes into the OMC, they continue to keep a strong individual profile, such as the Copenhagen process, or even stay formally out of the OMC, such as the Bologna process (Boomgaert 2007). Nevertheless both processes are closely linked and their policy developments are also discussed within the OMC in E&T.

The final 2004 joint report was based on an initial highly critical Commission draft but was substantially changed by the Member States because the Commission did not consult the SGIB on the last draft. This example of the joint reports shows the balancing act for the European Commission in this policy area. On the one hand the reports need to be of value, on the other hand it cannot be too critical in order to prevent resistance from the Member States. The Commission learned from this experience and now the joint reports are based on national reports submitted by the Member States, and the national representatives are involved in the whole reporting process, before and after collecting the data. Consequently, the joint reports in 2006 and 2008 were hardly changed and reflect to a great extent the respective draft versions of the Commission (2006; 2008a) as the Member States already had the opportunity to influence the document earlier.

⁸ New topics identified in the 2006 report.

⁹ The Copenhagen process is the initiative of closer European cooperation in Vocational Education and Training. See http://ec.europa.eu/education/vocational-education/doc1143_en.htm (Accessed last 19.11.2010).

¹⁰ The Bologna process is the initiative of closer European cooperation in higher education. See http://ec.europa.eu/education/higher-education/doc1290_en.htm (Accessed last 19.11.2010)

The role of the different actors in the OMC in E&T

The Commission and the Council are the main actors in the OMC in E&T, with a very complex relationship regarding the steering of the process. One could have the impression that the Council has by far the most significant role, by having the first word (deciding on the objectives, indicators and benchmarks) and the last word (adopting the reports and Council conclusions) within the OMC. The Commission officially has only a supportive role in the field of E&T, and within the OMC it is formally a facilitator, helping the Member States to learn from each other by setting up the structures and mechanisms. However, there are various aspects which show that the role of the Commission exceeds these limited decision-making powers and purely administrative role and in reality is the initiator, driver and main agenda-setter in the OMC process (Aribaud 2007; Crowley 2007). An additional aspect that gives the Commission more importance within the OMC structure is the fact that it solely has the full overview on the process (Teutsch 2007). The Commission has also a significant function as provider of funding for testing and carrying out reforms of the E&T systems, just as the European Social Fund does in the employment field. “It is not only important to give the policy for reforms but that the programmes then provide the money for these reforms to be carried out and financed” (van der Pas 2007).

Besides the Commission and the Council there are also other actors involved in the OMC process at European level, but to a significantly lower degree. The role of the EP in the OMC in E&T is very limited, as it is only informed of relevant activities and does not participate in them. However, once the Community Method is used it plays an important role.¹¹ The EP seeks more influence in the field of E&T at EU level. One the one hand by asking to get more included into the OMC process¹², and on the other hand through the use of its own initiative reports e.g. on the European Qualifications Framework (EQF).¹³ Even more limited than the EP's role is the role of the European Court of Justice, which has no competence in the field of education and training.

¹¹ See below the discussion on different forms of policy-making in the field of E&T.

¹² The EP in particular deplored its current role within the OMC in E&T (European Parliament Culture and Education Committee 2007), and about its role within some of the other OMC processes, and called on the Council and the Commission to open up opportunities for a real involvement of the European Parliament in the post-2010 Lisbon Strategy (European-Parliament 2006; 2007; 2008).

¹³ The European Qualifications Framework (EQF) acts as a translation device to make national qualifications more readable across Europe, promoting workers' and learners' mobility between

The inclusion of other actors at national level varies across countries. Member States with a strong social dialogue tradition, like Germany, France or Austria, better involve social partners. Besides the SP, civil society in general is rarely involved. When asking the social partner representatives if they felt sufficiently involved in the OMC processes at national and European level, in particular the E&T OMC, their responses were very diverse, which confirmed the argument that involvement of social partners clearly varies between Member States and policy areas. Differences exist also concerning the regions, as federal states involve their regions better.

Socialisation¹⁴

Experience shows that some sort of socialisation takes place by participating in the OMC. Long-term cooperation is needed to understand each other, and particularly the working groups and committees create a feeling of belonging to a club, where participants speak the same language. Over time, they accept each other and develop a willingness to listen to each other (Aribaud 2007; Teutsch 2007). It builds up a “we feeling, a European feeling.” (Crowley 2007). Socialisation prepares the participants to look beyond their own world, and leave behind the attitude that their own system is the best and the only true one. Personal relations are seen as important as the content because these create trust. However, the participants have to be open and willing to cooperate. Informal meetings are crucial for socialisation (van der Pass 2007). Over time the Commission has become very good in creating an atmosphere where people are relaxed and willing to discuss. Through socialisation there is a growing knowledge of other systems and thereby a precondition for learning.

Different forms of policy-making in the field of E&T

When looking at the existing legal basis, one might think that the Community Method cannot be used in E&T. However, the reality is that the main features of the Community Method (Art 251 TEC) do apply in the E&T field, but without legally binding force and therefore no role for the ECJ. Recommendations are being made,

countries and facilitating their lifelong learning. http://ec.europa.eu/education/lifelong-learning-policy/doc44_en.htm (Accessed last 19.11.2010)

¹⁴ Socialisation is understood as the process of adapting to a social group; social intercourse or activity. In this case it is the national representatives who get socialised by participating in the OMC activities such as committee meetings, peer learning visits etc.

but these are of a voluntary nature. Examples are the recommendation on the EQF¹⁵ and the recommendation on key competences.¹⁶ Therefore there is a mixture of governance forms in E&T, made up of the OMC and a limited form of the Community Method.

While in the literature the OMC is often portrayed as an alternative to the Community Method (Scott and Trubek 2002; Ashiagbor 2004), in the area of E&T it exists in parallel to a limited form of the Community Method. Here the two tools are fulfilling, different but complementary roles that stimulate one another. This view is supported in the general OMC literature, with some arguing that the OMC has been utilised not as a replacement for, but as a complement to the traditional Community Method in areas where national governments have been reluctant to adopt binding regulations (Pollack 2005).

One can boil the cooperation between these aspects of E&T policy down to the fact that the OMC makes the topic selection and the preparation, the Community Method helps then with the implementation (Teutsch 2007). Figure 1 outlines that the OMC allows that the topics are being discussed in the clusters and initiatives, which originated either in national policies or European pilot projects, and the Community Method then leads to recommendations on these topics which influence the policy at national level and lead to new European projects. Here again the important role of the European education programmes for the testing phases needs to be mentioned as it finances European policy development through the projects its finances.

¹⁵ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:111:0001:0007:EN:PDF> (Accessed last 19.11.2010)

¹⁶ http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/1_394/1_39420061230en00100018.pdf (Accessed last 19.11.2010).

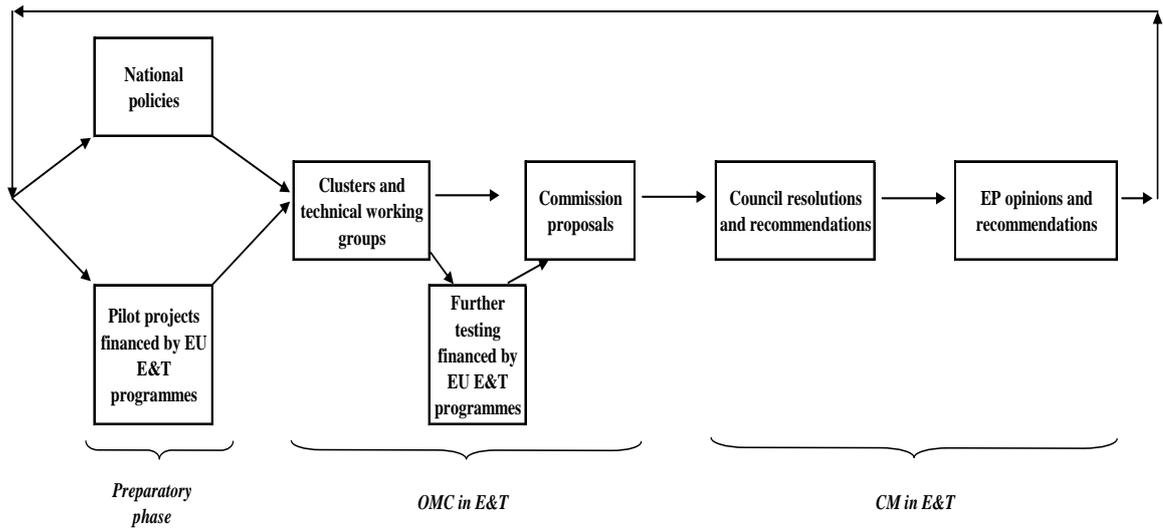


Figure 1: EU policy development in education and training

Source: Author

Section three: Impact at EU level

If one compares the level of cooperation in E&T at European level with only ten years ago, the difference is astonishing. This deepening of European integration through the use of the OMC in E&T can be seen in a number of ways:

- *No competence transfer, but an enlarged (and new) role for the European Commission*

As there was no treaty revision concerning the E&T legal basis, there were consequently no new competences transferred to the European level. Nevertheless, while using the OMC in the E&T policy area definitely did not lead to the transfer of any formal competences, it is also indisputable that the Commission has gained significantly in influence in this field, even in areas where this was not legitimated (Hingel 2001). This enlarged influence can be seen, for example, in the Commission role as agenda-setter where it previously had little to say. The interviewees revealed that ‘the Commission is the initiator, driver and main agenda-setter in the OMC process Aribaud 2007; Crowley 2007). The increased visibility and significance of the EU Commissioner for Education & Training and his position vis-à-vis the national Ministers is another indication of this stronger influence (Coyne 2007). However, the role of the commission is also different to before. Cini (2001) argued that part of the explanation of why the Delors Commission was so successful, was because it provided ideas to a fragmented European Community. This role as ‘idea-broker’ was also stressed by many of the interviewees. Rather than forcefully claiming a leading role in sensitive policy areas, which no Member State was prepared to grant, the Commission established its credibility by building up policy and technical expertise in this area, providing good ideas to the MS (Aribaud 2007). Consequently the authority of the Commission in the OMC process is not based on legal competences but on expertise. On a balance sheet, which compares the role of the Commission in an OMC dominated policy and in a Community Method dominated policy, the result would be in favour of the Commission’s role within the Community Method. However, this comparison would not be adequate, as one needs to compare the role of the Commission in a specific policy area before and after the use of the OMC. Here one can see a clear strengthening of the Commissions position.

- *More topics and increased policy output*

There is a broad spectrum of issues where the European Commission is now involved, ranging from school and pre-school education to higher education and adult learning. What is for sure is that the Commission benefited from applying the OMC to get its foot in the door in many other policy issues (Aribaud 2007, Richonnier 2007). There is now a substantial increase of policy output at European level in E&T as a direct consequence of this form of governance.¹⁷ As seen above, this European policy output effects directly or indirectly national policy-making in E&T.

- *Agenda-setting*

The significant role of the Commission as agenda-setter has already been mentioned above, however, the Member States also managed to influence the agenda by getting national topics on the European agenda. Examples are that Belgium and France got 'equity' as a topic on the agenda, and the Scandinavian countries got 'technology', 'new basic skills' and 'mathematics' on the European agenda. Belgium also got 'teachers education' on the European agenda (Coyne 2007). The consequence is a mixed agenda between national priorities and European priorities (Boomgaert 2007; Coyne 2007). Therefore one can observe that uploading as well as downloading has happened.

- *Political commitment and ownership*

The OMC has clearly led to more political commitment by the Member States towards cooperation in E&T at European level. The willingness to discuss the issues at EU level is a huge change to before Lisbon (Teutsch 2007). The lack of political commitment was also one of the main reasons why things did not advance in E&T before the OMC. The Member States develop a feeling of ownership of the OMC process and whenever they forget this, the Commission can remind them that they voluntarily agreed to this (Coyne 2007; Hingel 2007; Teutsch 2007). Voluntary recommendations play a significant role in this context; although they are not legally binding, they are very powerful tools. Consequently, legally non-binding documents can have the same, or sometimes more, impact on changing national political systems

¹⁷ For an overview of the policy outputs see European Commission (2008b) or http://ec.europa.eu/education/lifelong-learning-policy/doc36_en.htm (Accessed last 02.02.2010).

than legally binding acts. This suggests that “legislation does not matter if the political will is missing” (Aribaud 2007).

- *Common European terminology*

As a consequence of cooperation in E&T at European level, a common European terminology is being developed. This is not always easy and the participants believe that while they do speak the same (working) ‘language’, sometimes they might use the same concepts and terminology but the comprehension of them is very different, as the words just have different meaning at national level (e.g. competence vs. Kompetenz¹⁸) (Boomgaert 2007; Coyne 2007; Kreiml 2007; Thiele 2008). The real difficulty is when trying to transfer this terminology back to the national level as the same word at European level often has different connotations back home. Things are easier when concepts are new and did not exist in this form at national level before. These transferred concepts often lead to new national discussions. Some of these concepts include *transparency*, *peer learning method*, *lifelong learning*, *learning outcomes* and *permeability* (Kreiml 2007; Teutsch 2007; Thiele 2008).

Acknowledging the numerous consequences for the European level of using the OMC in E&T, it is important to examine this form of integration and analyse whether it deviates to what is traditionally understood as integration.

Section four: The OMC as a new type of integration

When looking at the huge impact the OMC had on EU activities in E&T, one can clearly speak of an increase in European integration. However, what is true, is that this form, at least so far has not taken the traditional way via the Community Method but through the OMC. While a traditional understanding of European integration would be: “the progressive realisation of an emerging system of authoritative rule at the supranational level.” (Caporaso and Wittenbrinck 2006: 472), this needs to be rethought in light of the development of the OMC. The work of Trondal (2002b) in the field of research and higher education identifies a creeping supranational research

¹⁸ There are a number of differences between the use of the term ‘competence’ and the German concept of ‘Kompetenz’. The basic difference is that the term ‘competence’ looks at the result of a learning process, while the term ‘Kompetenz’ focuses on the learning process itself and the input into this. See CEDEFOP

http://www.trainingvillage.gr/etv/Upload/Information_resources/Bookshop/491/42_de_Bohlinger.pdf (Accessed last 19.11.2010).

and education policy at EU level, while also finding that the EU does not fundamentally challenge the key elements of political, juridical, administrative, economic and cultural sovereignty of the nation state in this field. Consequently, this form of integration seems to be (somewhat) different to the one experienced during the last decades, being either a partial or completely new form of integration, where integration proceeds along different pathways than before. Knill and Lehmkuhl (1999: 10) argue that European policies of ‘framing reform processes’, represents a logic of integration different to the one of positive or negative integration, but promotes European integration by accommodating national diversity. Rather than dictating reforms in a top-down approach, it is aimed at triggering European integration within the existing context at the domestic level. This notion is also supported by Wendler (2004) who recalls that these new functions do not lead to positive integration, but to a strongly extended function for the EU in the setting of political goals and in the definition of guidelines, while at the same time stressing the diversity and autonomy of the MS. Therefore one can see the OMC to be an ideal way of facilitating further Europeanisation ‘outside existing institutional forms’ (Ashiagbor 2004).¹⁹

The integration in E&T policy resulting from the use of the OMC shows a number of similarities and differences to integration under the Community Method.

Table 2: New form of integration under the Open Method of Coordination

| Differences to traditional integration | Similarities with traditional integration |
|---|--|
| <ul style="list-style-type: none"> • No transfer of competences through treaty changes; • A very different institutional architecture, • a new role for the Commission, where its influence is based on technical expertise; • No legally binding European policies. • No Harmonisation of national policies | <ul style="list-style-type: none"> • Increased influence (in E&T) of the European level; • Expansion of topics dealt with in E&T at European level; • Increased policy output; • Agenda-setting role for the European level. |

¹⁹ Europeanisation understood as European integration.

Source: Author

Table 1 outlines the similarities and differences between traditional integration and integration stemming from the use of OMC-like tools. One can see while having some similarities, this form of integration differs from the previous forms of integration on a number of aspects, such as on both the mechanisms and on the effects. The mechanism can be seen as ‘a form of integration through coordination’ (Ashiagbor 2004), while the effects of OMC on integration are a subtle penetration into an area of competences outside of Community competences (Szyszczak 2006). It is not only agenda-setting, but also sets the parameters of how policies should operate. This is supported by other authors who argue that new fields of competencies were opened to the action of European institutions, but without any new transfer of state power and that the dynamic of European integration is no longer solely governed by the traditional Community Method (Bruno, Jacquot and Mandin 2006).

Also the role of the institutions differs between this and the traditional form of integration.

For some the new procedures in social policy, such as the OMC, have led to a strengthening primarily of the intergovernmental and executive institutions, within the balance of power of the institutional framework of the EU (Wendler 2004). Nevertheless, it is not as intergovernmental as one might expect, as it is mediated through EU practices, institutions and agents. It has been suggested that the European Commission’s legitimacy base in the context of intergovernmental action is a technocratic one, as a policy broker in the ‘stock exchange’ of European policy ideas, being an ‘image entrepreneur’ (Ahonen 2001). In E&T policy the Commission assumed this (new) role as outlined above.

The extension of policy topics at EU level without the parallel extension of legal powers indicates a widening of integration rather than a deepening (if deepening involves competence transfer and legal competences). It was both if one considers policy-making as the main criterion, as more and more significant policy-making is taking place at EU level.

Recalling the reasons for the introduction, where OMC-like tools were used to enable European cooperation while keeping the national level in charge, this aim has been achieved. Various academics describe the OMC as more intergovernmental and voluntaristic than the Community Method (Schäfer 2004). At the same time it is more supranational than intergovernmentalism. Therefore Pollack (2005: 389) is right when describing the OMC as “a middle ground between communitarisation and purely national governance.” Consequently, one needs to acknowledge the evolving of the idea of integration, where integration is not any longer seen (only) as the substantial transfer of competences from the national to the European level, but can be a third way between intergovernmentalism and supranationalism where policy-making (in politically sensitive areas) is being carried out at European level but with the decision-making powers resting firmly in the hands of the MS. Jacobsson (2003: 5) sees the use of the OMC as

“a sign of the fact that the integration process has reached a phase where not only the core areas of the welfare state are directly affected, touching upon the very heart of national sovereignty, but also where increasingly dense cooperation does exert an increasingly powerful social and moral pressure on (elite) actors, politicians and civil servants, to adapt to a common framework.”

The fact that the EP and the ECJ have no real role in the OMC in E&T and the Commission has a very different role to the Community Method, could lead to the assumption that the OMC leads to a rebalance of power between the different EU institutions, after many years of indented and unintended growth of the power of the community institutions. However, in the area of E&T the OMC cannot be seen as a step back for European integration and the role of the supranational institutions. Souto-Otero, Fleckstein et al. (2008) present the argument that depending on the policy area, the introduction of the OMC can be seen as a step forward or backward. After analysing the evidence, one has to come to the conclusion that in the area of education and training the OMC is clearly a step forward.

Future integration of the E&T policy area

The question poses itself as to which extent is discussing a topic at European level being seen as a (first) step towards further (traditional) integration? Jacobsson (2004) sees an additional function of soft law, namely preparing the ground for hard law i.e. the Community Method. While agreeing that the OMC leads to further deepening of European integration, Pollack (2005) refutes the notion that the OMC is a first step towards a genuine Community dimension even in policy areas that are sensitive and difficult to integrate. While for some policy-makers the OMC can be seen as a first step towards traditional integration (Kreiml 2007), others insist that it will never turn into the Community Method. In particular resistance from regional actors who would fear centralisation would prevent this move. This fear was already outlined when discussing the creation of OMC-like tools and the aim of the regional actors. Furthermore, the EU is often seen as a federation, but in all federations in the EU the E&T lies more at regional level than at federal level Coyne (2007). Most respondents agreed that the OMC was neither preparing nor replacing the Community Method, but is rather a new form of integration, an alternative route (Boomgaert 2007; Clark 2007; Coyne 2007; van der Pas 2007). As seen above, some Member States supported the use of the OMC in E&T in order to limit the transfer of competences to the European level. This was successful as far as official competences are concerned. This speaks against further integration in the field of E&T, at least in the traditional (limited) way of considering it (i.e. competences being formally transferred).

As the EU has currently reached a limit in the integration willingness of the Member States and a further sovereignty transfer in additional areas is not presently imaginable, one has to find another way to reach this target and change the method, this being the OMC (Kreiml 2007). The interviewees agreed that there will be no further introduction (at least) in the medium- to long-term perspective of the (full fledged) Community Method in the field of E&T. The decision to further enhance cooperation in E&T at EU level by using continuing with the OMC formula was confirmed only recently, when the European Union updated the OMC in E&T, by agreeing on a “new strategic framework for European cooperation in education and training (ET 2020)” which builds on the framework Education and Training 2010 (European Commission 2008c; Council 2009). While certain changes are proposed, in order to address some of the criticisms and shortcomings, there is no doubt about the continuation. The strategic objectives will be updated, working methods are supposed

to be improved (including strengthening of the peer learning activities), the reporting exercise will be improved (making it more visible), and the benchmarks will be updated for the period to 2020 (European Commission 2008c; Council 2009).²⁰ The objectives of the new framework are:

1. Making lifelong learning and mobility a reality;
2. Improving the quality and efficiency of education and training;
3. Promoting equity, social cohesion and active citizenship;
4. Enhancing creativity and innovation, including entrepreneurship, at all levels of education and training.

The European benchmarks to be achieved by 2020 are:

- at least 95% of children between the age of four and the age for starting compulsory primary education should participate in early childhood education;
- the share of 15-years olds with insufficient abilities in reading, mathematics and science should be less than 15%;
- the share of early leavers from education and training should be less than 10%;
- the share of 30-34 year olds with tertiary educational attainment should be at least 40%;
- an average of at least 15 % of adults (age group 25-64) should participate in lifelong Learning.²¹

These clearly build upon the previous benchmarks, showing that the Member States want to continue with this way of cooperating together.

Conclusion

This article has shed light on an OMC process often overlooked in the literature, the OMC in Education and Training. It has outlined the development of the OMC in the field of education & training, presenting the importance of the Lisbon European Council, which made the link between economic, employment and E&T issues more explicit, and outlining the different reasons for the choice of creating the OMC, such

²⁰ These proposals reflect the results of the interviews informing this article.

²¹ Other benchmarks might be added over time (Council 2009).

as the limited legal basis or the diversity of the national E&T systems, as well as the particular motivations of the various actors which were strongly linked to their willingness of further integration in E&T policy.

When analysing the key elements of this process and its main actors, it became evident that in principle this OMC functions in the same way as the other OMC processes using common objectives; indicators and benchmarks; reporting; clusters and peer learning activities. However, the existence of a limited form of the Community Method in the E&T policy field was discovered which complements the work of the OMC creating a reinforcing feedback loop.

Clearly OMC-type of governance has (substantial) consequences for the institutional balance of the EU. While intergovernmental institutions are in an even more privileged position than in other forms of governance, equally, the European Commission, a supranational institution, has a significant role within the OMC process. This role is at first sight (and maybe even at second) weaker than its traditional one, but the Commission managed to find and secure itself a crucial function.

This discussion showed also that the use of the OMC clearly expanded the EU's activities in this policy field, as Member States are now willing to discuss topics in E&T at EU level which lie within Member States competences. While this on the one hand clearly enhanced European integration, it did so not through the traditional way, using the Community Method, but in a new and alternative way. The use of the OMC in E&T has led to a new form of integration which does not necessarily lead to the transfer of power from the national to the European level, but also does not function in a purely intergovernmental fashion, the main alternative so far when trying to have MS cooperate in European policies. Whether the OMC, as facilitator of this kind of integration, is only an intermediary tool until MS modify their attitude or if the OMC is a true replacement is hard to foretell. Independently of future developments, so far it achieved results which were not even imaginable 20 years ago.

INTERVIEWS QUOTED SPECIFICALLY

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Boomgaert, Wilfried (Belgian Regional Representative, E&T policy) 2007: Interview with Researcher, Brussels, 30/10/07

Coyne, David (Director of OMC in E&T, DG EAC, European Commission) 2007: Interview with Researcher, Brussels, 28/11/07

Crowley, Denis (Special Adviser to Director General, DG EAC, European Commission) 2007: Interview with Researcher, Brussels 14/12/07

De Liederkeke, Therese (Director for Social Affairs and Education, Business Europe): Interview with Researcher, 23/07/08

Hingel, Anders (Head of Unit, DG EAC, European Commission) 2007: Interview with Researcher, Brussels, 18/12/07

Kreiml, Peter (Representative of Austrian Federal Government, E&T policy) 2007: Interview with Researcher, Brussels, 13/11/07

Teutsch, Michael (DG EAC, European Commission) 2007: Interview with Researcher, Brussels, 20/12/07

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