

The Introduction of the Open Method of Coordination in the European Enlargement Policy: Analysing the Impact of the New PHARE/Twinning Instrument

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Abstract:

The article develops the thesis that the EU Commission borrowed some features from the open method of coordination (OMC) in order to implement the 1997 reform of the fifth EU enlargement policy. Contrary to the thesis of enlargement conceived as a unilateral policy, I use tools of historical and sociological institutionalism to show the relative institutional impact of one of the main instruments of the 1998 pre-accession strategy – the PHARE institutional Twinning – not only on candidate countries, but also on member states. As Twinning might be regarded as a new instrument of external governance, their implementation also illustrate the limits of the use of the OMC in EU's external relations.

Keywords: *EU enlargement, governance, neo-institutionalism, open method of coordination, socialisation*

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1. Introduction

The fifth European Union's enlargement towards Central and Eastern European Countries (CEEC) has often been described as an unprecedented enlargement due to the various challenges it opened for member as well as candidate states. Since 1989, the Commission has been in charge of coordinating European assistance to CEEC, and has developed its own policy towards these countries with the PHARE programme (*annex 1*)¹. In 1997, the enlargement policy was reformulated to allow for the opening of accession negotiations with ten candidate countries². As a matter of fact, political negotiations began in March 1998 with five CEEC (Estonia, Poland, Czech Republic, Hungary and Slovenia), plus Cyprus, and in 1999 with five further CEEC (Latvia, Lithuania, Slovakia, Romania and Bulgaria), plus Malta. The new design of European assistance gave birth to three further instruments, PHARE/Twinning, ISPA (Instrument for Structural Policies for Pre-Accession) and SAPARD (Special Assistance Programme for Agriculture and Rural Development)³, to help candidate states to enforce what has become the most prominent part of conditionality, the *acquis communautaire*⁴. The reform, presented in the "Agenda 2000" of the Commission (CE 1997), was also designed to address the numerous critiques formulated by candidate states, the European Parliament and the Court of Auditors on the centralised management of the PHARE

¹ PHARE stands for « Pologne-Hongrie, Aide à la Reconstruction Economique ». The programme was launched in July 1989 to support changes in these two countries. It was later extended to all CEEC.

² They acceded to the EU on the 1st of May 2004, excepting Bulgaria and Romania.

³ The three programmes concentrate exclusively on priorities for accession, as defined by the Council in the Accession Partnership for each candidate country. In 2000-2006, PHARE is providing some €11 billion of co-financing for institution building support through "twinning" and technical assistance and for investment support to help applicant countries in their efforts.

⁴ The Copenhagen Council of 1993 defined conditionality around three criteria: 1) stable institutions (guarantee of democracy, rule of law, human right, minority rights) ; 2) functioning market economy and capacity to cope with competitive pressures inside the EC ; 3) the ability to adopt the *acquis*; accepted aims of political, economic, and monetary union. (EC 1997). The Summit of Madrid in 1995 added that candidate states should have the administrative and judicial capacity to implement the *acquis*.

programme and on the extended use of private consulting companies as sources of expertise (Comité d'experts indépendants 1999). It also introduced a paradigm shift (Hall 1993; Kuhn 1970) as it intended to promote a more regulative role of the state in Eastern Europe: it was recognised that previous PHARE projects were mostly driven by neo-liberal ideas and did not insist on the institutional capacity of the countries to implement reforms (RFAP 2001; Veirheijen 1998; SP 1997, 1999). This paradigm shift and the beginning of accession negotiations might furthermore have opened a window of opportunity (Kingdon 1984; Keeler 1993)⁵, which allowed the Commission to introduce new methods in the enlargement policy and to extend its legitimacy in the field of cooperation policies in a time of criticism. As a matter of fact, this period led to the Commission's crisis in 1999 (Georgakakis 2000; Nugent, Saurugger 2002) and paved way for an encompassing reform of EU external policies between 1997 and 2001 (Tulmets 2003). After Christopher Preston has warned in 1995 that the community method has reached its limits with the enlargement to the East (Preston 1995), several authors have interpreted the events mentioned above as signs for the emergence of a new mode of governance. However, they proved some difficulty to identify this new method and simply called it "governance by enlargement" (Dimitrova 2002; Engert, Knobel, Schimmelfennig 2001). I will argue that the innovative part introduced by the 1997 reform of the enlargement policy in fact originates in the adaptation of a recent method of EU-governance⁶, the open method of coordination (OMC). As the authors mentioned above mainly focus on institutional Twinning, I will stay on the same empirical ground to show this. The "institutional Twinning" are part of the two main priorities launched with this reform – institution-building (30% of PHARE's budget) and investments (70% of the budget) – and particularly aim at making available the expertise

⁵ On the concept applied to the reform of the EU external policy: Nugent N., Saurugger S. (2002).

⁶ The literature on governance identifies two kinds of governance, a hierarchical and a non-hierarchical one. Hierarchical governance is attached to the notion of hierarchical control of power (coercion). Non-hierarchical modes of steering relate to flexible modes of action and policy management (benchmarking, public-private interaction) (Risse 2003 : 3,4)

of member state practitioners to CEEC administrations⁷ on a specific issue – administrative and judicial capacities – where the EU has developed no *acquis* so far. Twinning projects focus on four key areas: agriculture, the environment, finance, as well as justice and home affairs. In 1999, preparatory measures for the implementation of the structural funds were added as a topic. In the 1998-2002 period, around 700 twinning projects – often involving more than one EU member state – were approved.

The literature on the OMC already showed that this method was adapted to other EU policies than employment, social and economic ones, where it originates⁸. This article starts with the idea that the OMC was also introduced in 1997 in the European Union's enlargement policy (identified as a specific foreign policy), albeit in a primitive form (mainly benchmarking), in order to integrate non-member states. In particular, it argues that the 1997 reform had an impact on candidate states as well as on member states. Almost no scholars have defined the enlargement process in these terms yet. As authors of the emerging literature on “enlargement governance”⁹ have focused on implementation and put aside the programming side of this policy, they have so far emphasised the unilateral aspect of enlargement as a way of explaining the “Europeanisation” and “socialisation” of candidate countries (Vass 1993; Grabbe 2003; Schimmelfennig 2002). It will be argued in this article that a top-down understanding of “Europeanisation” or “socialisation” is too simplistic: first, it is not sure that coordination processes between member states' national policies and the EU have performed the way they should have; second, it is not certain that candidate countries have complied to EU norms in a straightforward way: first one needs to question the existence of institutional European models

⁷ “The best way of [putting the basic structures into place] is to use civil servants from the Member States to provide advice and training to local civil servants”. EC (1999).

⁸ The OMC in fact originates in multinational companies' benchmarking practices and was first applied in the economic policy co-ordination. For more detail on this, see for example Goetschy (1999).

⁹ It might be criticised in the sense that it does not propose any definition of “enlargement governance” and often forgets to include non-state actors in the analysis. See Dakowska (2003) for a criticism of Dimitrova (2002). See also Tulmets (2003).

and to identify some leeway left to these countries in the programming and implementation phases of assistance. Therefore, taking into account the impact of new enlargement procedures and rules on EU member states as well is a way of investigating the nature of this rather “mutually constitutive process” (Wessels 1996), which operates more in a horizontal than in a vertical way. This idea is close to what C. Radaelli calls “horizontal Europeanisation”. I will in fact look at the way non-hierarchical modes of steering (benchmarking, public-private interaction), while “increasing the moral legitimacy of the rules and norms in question” (Risse 2003: 3,4), contribute to a process of institutional adaptation and mutual socialisation¹⁰.

Building on this, one might ask if the introduction of OMC in the fifth enlargement policy proves more efficient than the community method. To the Commission's point of view, the expectations attached to this method are: a) to enhance consistency¹¹ in the EU enlargement policy, i.e. in the coordination of EU and member states' policies; b) to increase the candidate states' compliance with EU norms; c) to nurture learning processes between member and candidate states through the transfer of knowledge from Western to Eastern Europe¹². In this article, I will check to what extent these expectations have been met in the framework of institutional Twinings.

The accession conditionality defined in the enlargement policy might be seen as a policy frame¹³ of a specific regime, which re-

¹⁰ I thank an anonymous EPER reviewer for helping me to clarify my ideas on this.

¹¹ Consistency has been defined as “co-ordinated, coherent behaviour based on agreement among the Union and its Member States, where comparable and compatible methods are used in pursuit of a single objective and result in an uncontradictory (foreign) policy.” (Krenzler, Schneider 1997; see also Nuttal 2001).

¹² This is what comes out of numerous interviews done at DG Enlargement between 2002 and 2004.

¹³ S. Krasner (1991) defines a regime as “a set of implicit and explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations”. M. Rein and D. Sch. □n (1991, p. 263) define a “frame” as “a way of selecting, organizing, inter-

flects EU's identity and applies to all future as well as old member states. The identified *principles* or *values* of the EU are "democracy, the rule of law and market economy", *norms* encompass the whole *acquis communautaire*. EU principles and norms are introduced into national societies through *rules*, which may be formal (laws, procedures) or informal (technical knowledge, ways of doing)¹⁴. The Commission designed *decision-making procedures* for the political negotiations as well as assistance policies, which represent prescriptions for behaviour. I will especially consider new methods used by the Commission as means for change and socialisation¹⁵. The tools used for the analysis of change are borrowed from the sociological institutionalist perspective. Changes in norms may be identified through discourses and official documents. Changes in organisations can be analysed from an external and/or internal point of view and identified through interviews and official reports. Changes in rules may be identified at the level of formal and informal rules by analysing the content of specific projects in sector-oriented fields. Nevertheless this approach will be completed by historical institutionalism in order to identify the real nature of change. When considering path dependence and cultural reasons, institutional change might be qualified as a limited one. These approaches position against rational-choice perspective as they enhance the fact that actor's interests are constructed by norms and values¹⁶.

preting, and making sense of a complex reality so as to provide guideposts for knowing, analyzing, persuading and acting. A frame is a perspective from which an amorphous, ill-defined problematic situation can be made sense of and acted upon".

¹⁴ On this distinction, see also D. North (1990: 47 and 37).

¹⁵ The field of (international) socialisation has given rise to abundant literature. See for ex. Ikenberry and Kupchan (1990), Risse and Sikink (1999), Checkel (2001), Alderson (2001). The literature on public policy prefers to speak of "learning processes". P. Sabatier and E. Schlager (2000) distinguish a) learning on policy content, which is defined as the achievement of policy objectives, from b) policy learning, focusing on the ways of finding resources for the purpose of maintaining, or ameliorating the organisational situation. This definition fits with my two variables, changes on norms and organisations.

¹⁶ For more detail on this, see Hall and Taylor (1996).

This article is divided into four parts: a first part presents the way the OMC was adapted to the EU enlargement and cooperation policy. A second part focuses on the impact of the launching of Twinning on two member states, Germany and France, which are the two main European donor countries to CEEC, and its limits in terms of consistency and coordination. A third part details the impact of Twinning on two candidate states during the 1997-2004 period, Estonia and Hungary, and the sometimes limited adaptation processes resulting from the use of the OMC in cooperation projects. Drawing on these conclusions, a fourth part explains how Twinning might be seen as an instrument of mutual socialisation between administrative elites of member and candidate states.

2. The Introduction of the OMC into the European Enlargement Policy

The 1997 reform of EU assistance, which the introduction of Twinning belongs to, concentrated on two main points: on the formulation of new procedures and rules inspired by the OMC opening ways for a better co-ordination between member and candidate states; on a process of decentralisation/deconcentration of implementation activities.

2.1 The OMC as a Source of Innovation: New Procedures and Rules in the Enlargement policy

As the different “Strategies on enlargement” of the Commission state it (EC 2002c: 8), a *new method for enlargement* has developed with and after the Agenda 2000, building new constraints for candidate as well as member states’ actors involved in assistance policies. I argue that this method is strongly based on the open method of coordination (OMC).

When drawing a parallel between the instruments developed for EU economic, monetary and social policies, one notices that the revised enlargement strategy presented at the European Council of Luxembourg on the 12th-13th of December 1997 has included almost all the characteristics of the OMC. A few weeks ago, the European Council on Labour of the 20th-21st November 1997 had launched an

« innovative method » for EU's labour policy, as planned in the article 128 of the Amsterdam Treaty. When comparing the conclusions of November and December 1997¹⁷, and using the criteria defined by the academic literature on OMC (for ex. Trubek 2002, words in cursive), the result is following:

(a) The enlargement policy defines *overall European-wide objectives*, i.e. accession when the Copenhagen criteria are respected. (b) These objectives are defined in a *national action plan*, i.e. the Accession Partnership (AP), completed by the National Plan for the Adoption of the Acquis (NPAA) elaborated by the accession countries. The NPAA includes an Institution-Building Plan for the key ministries, agencies and institutions responsible for adapting to and implementing the *acquis* in sectors identified by the AP (EC/DGIA, 1998: 7). (c) The AP are multi-annual, covering the pre-accession period, thus providing a basis for the *annual and biannual programming* of assistance to the CEEC. The management of PHARE projects is done by the PHARE management committee (representing the 15 member states) on the basis of National Programmes (financial programme for each CEEC). (d) Candidate states must *consult social partners and civil society* in order to elaborate sectoral strategies (regional development plan...). (e) The AP, the NPAA, but also every Twinning project define *benchmarks* that candidate states have to reach. Twinning was in particular created in order to foster the *exchange of best practices* in the field of capacity-building. (f) *Progress is evaluated* on the basis of the AP and along a detailed list of standards (common indicators) in the Commission's Regular Reports. All these instruments were a basis for official negotiations and the programming of assistance.

Added to this, *new procedures* appeared with the 1997-98 reform, especially for the new institution-building instrument. A team of ten persons was concerned with the reform of the EU assistance to CEEC, led by François Lamoureux, Deputy Director General at DG1A of the Commission, and Catherine Day, Director of Direc-

¹⁷ Conclusions of the European Council on Labour 20-21 Nov. 1997, Luxembourg ; Conclusions of the European Council of Luxembourg, 12-13 Dec. 1997. The Council of Luxembourg officially opened accession negotiations with candidate countries.

tion B (Eastern and Central Europe) at the same DG. Claude Cornuau, advisor at the French Court of Auditors who was known from the SIGMA services¹⁸, was hired in 1998 by the Commission as an external expert to help shape the reform of EU institution-building assistance.

Twinning procedures are as follows: administrations of candidate countries have to prepare project fiches with the help of the Commission, which are transmitted to the National Contact Points (NCP) and to the relevant administrations of the member states officially registered on the Commission's "List of mandated bodies"¹⁹. These administrations prepare proposals, which are sent to the Commission and then to the candidate countries. Following this, the relevant proposals are presented by the experts themselves during meetings organised by the delegations of the Commission in the relevant beneficiary country, so that the future partners may appreciate the quality of the expertise offered by the member states' experts and make their choice. The delegations communicate the final choices of the candidate countries to the member states' partners individually, with a copy to the member states' NCP and to DG Enlargement. The letter indicates particularities, spells out rights and responsibilities, and constitutes the green light to proceed with the drafting of a Covenant between the twins. DG Enlargement publishes a summary of all final selections of each candidate country in tabular form, once the selection process is completed. Twinning projects are carried out on the basis of two new main legal documents a general "Framework Agreement" between the Commission and each member state and a "Twinning Covenant" between the candidate country and the member state (EC 2002a: 21-25). Each covenant contains the benchmarks to be reached at the end of the project, i.e. the making of a law conform to a list of standards, the improvement of coordination processes between ministries, of con-

¹⁸ SIGMA is an institution-building programme of the OECD for CEEC and NIS co-financed by the PHARE programme.

¹⁹ "List of Mandated Bodies entitled to act in lieu of public administrations in the framework of twinning projects for the purpose of institution-building under PHARE and CARDS/TACIS", latest update 29.04.2004.
<http://europa.eu.int/comm/enlargement/pas/twinning/index.htm>

sultation of social partners and civil society on a sectoral programme, etc.

Figure 1 – Twinning’s Annual Budget and Number of Projects (1998-2002)

	Contracted Amount (Mio EUR)	Number of projects	Average Amount per project (Mio EUR)
1998	76,8	103	0,75
1999	118,7	122	0,97
2000	145,8	146	1,00
2001	132,0	131	1,01
2002	163,4	191	0,86
Total	636,7	693	0,92

Source: DG Enlargement, Twinning coordination team, *Statistics Institution-Building Twinning*, 1st April 2003.

The methods used for the preparation, implementation and evaluation of Twinning projects rely mainly on the OMC and management methods, in particular given the fact that projects should indicate benchmarks to be achieved. The OMC was also a source of inspiration for projects related to a poor *acquis*, like in public service or in the fiscal and social sectors, or to a non-existing *acquis*, like for administrative and judicial capacities. Inspired by the past experience of the OECD, it encourages the exchange of good or best practices on administrative and institutional settings in all fields of EU activities. Therefore, Twinning represents a basis for the making of a “soft law” on institutional management of the *acquis* in all EU sectors.

In order to make the new rules work, *coordination structures* were created between member/candidate states and the Commission. A network of National Contact Points (NCP) was established to work with the Commission: Each member state and each candidate country appointed a person to represent them, to liaise with their own administration and to ensure the flow of information throughout the network (EC/DGIA 1998: 9).

2.2 *Deconcentration and Decentralisation*

Although the questions of decentralisation and deconcentration were already part of previous attempts of PHARE reforms, they never reached the scope of the 1997 reform, which was, again, inspired by the OMC. The context was this time different, as accession negotiations were to begin in 1998 with the expectation of accession in 2004. There was a certain pressure resulting from the fact that candidate countries had to be ready to implement EU common policies. Furthermore, the PHARE programme had been many times criticised on this issue (European Court of Auditors 1997). The objective of the 1997 reform was to accelerate pre-accession assistance delivery to cope with the pace of the negotiations while simultaneously developing a culture of sound financial management in the candidate countries (EC 2002c : 13). In conjunction with the transition from the status of candidate country to member state, candidate countries had an obligation to ensure a parallel transition to a fully *decentralised implementation system* (EDIS), where the *ex-ante* control is waived and replaced by an *ex-post* control system. As far as *deconcentration* is concerned, one of the main critiques of the European Court of Auditors was the duplication of controls and decision-making processes between the Commission in Brussels and the delegations abroad (European Court of Auditors 1997). This sample of new rules and procedures addressed to candidate as well as member states encouraged actors involved in assistance policies to adapt in order to maintain their activities. As many responsibilities were delocalised, growing contacts between member states and CEEC also drove to increasing mutual adaptations.

3. **The Institutional Impact of Twinning on French and German Assistance Policy**

The literature on enlargement did not so far notice that the new method, as used in the institutional Twinning, aims at impacting on norms, organisations and rules of member states' assistance policies in order to enhance consistency in EU's policy to the East. The cases of France and Germany are particularly interesting for the analysis of coordination processes between the Commission and member states, as they represent the main European donors to

CEEC, and have been particularly involved, like the UK, in the implementation of Twinning projects (*figure 2*).

Figure 2 – Member States' Participation to Twinning Projects per Candidate Country (1998-2002)

	A	B	D	D K	E	FI N	F	G R	IR L	I	NL	P	S	U K
BG	8		25	2	9		12	8	2	1	8		4	13
CY				1	1			1						
CZ	7		30	4	9	2	16	2	5	6	14	1	3	27
EE			12	5	1	14	5	2	4	1	5		8	6
HU	11	1	22	6	11	5	16	2	1	4	10		8	13
LV	1	1	9	4	3	5	3	1			2		8	6
LT	3	2	17	12	4	10	7	1		3	3		16	6
MT	1				2		1		2	3				6
PL	8		43	13	20	6	41	2	3	10	20	1	9	30
RO	4	1	23	4	20		32	9		15	11		5	14
SK	13		22	2	8	3	14	7	2	7	8		6	8
SI	13		18		12		5	1	2	2	4	1	6	6
TR			3	1	2		1	2		2	1			2
Total	69	5	224	54	102	45	153	38	21	54	86	3	73	137

Source : EC/DG Enlargement, Twinning coordination team, Statistics Institution-Building Twinning, 1st April 2003.

At the first call for proposals in 1998, Germany won about one third of projects (57 projects from 103), France 40 projects and the United Kingdom 23 (*figure 3*). To what extent did the introduction of new procedures and rules by the Commission and the use of managerial methods open ways for institutional changes in member states' cooperation policies?

3.1 From the Promotion of National Norms to the Promotion of the Acquis

Most member states developed their own assistance policy towards Central and Eastern Europe parallel to the PHARE programme, where they mainly promoted national norms. Germany for example presented its experience of social market economy, federalism and reunification through its "Transform programme" launched in 1992 with a budget of 300 mill. DM (150 mill. Euro) per year (*Bundeskabinett* 1992, 1993).

Figure 3 – Member States' Participation to Twinning as Projects Leader and/or Partner (1998-2002)

Year and no. of projects		A	B	D	DK	E	FIN	F
1998 (103)	no.	19	-	57	9	9	14	40
	%	18%	-	55%	9%	9%	14%	39%
1999 (122)	no.	14	2	38	12	15	7	32
	%	11%	2	31%	10%	12%	6%	26%
2000 (146)	no.	8	1	41	8	34	9	33
	%	5%	1%	28%	5%	23%	6%	23%
2001 (131)	no.	11	1	33	14	16	8	22
	%	8%	1%	25%	11%	12%	6%	17%
2002 (191)	no.	17	1	55	11	28	7	26
	%	9%	1%	29%	6%	15%	4%	14%
Total (693)	no.	69	5	224	54	102	45	153
	%	10,0%	0,7%	32,3%	7,8%	14,7%	6,5%	22,1%

Year and no. of projects		GR	IRL	I	NL	P	S	UK
1998 (103)	no.	7	5	6	11	-	9	23
	%	7%	5%	6%	11%	-	9%	22%
1999 (122)	no.	9	3	13	19	2	27	27
	%	7%	2%	11%	16%	2%	22%	22%
2000 (146)	no.	3	4	12	13	-	16	30
	%	2%	3%	8%	9%	-	11%	21%
2001 (131)	no.	6	6	9	19	-	16	25
	%	5%	5%	7%	15%	-	12%	19%
2002 (191)	no.	13	3	14	24	1	5	32
	%	7%	2%	7%	13%	1%	3%	17%
Total (693)	no.	38	21	54	86	3	73	137
	%	5,5%	3,0%	7,8%	12,4%	0,4%	10,5%	19,8%

Source : EC/DG Enlargement, Twinning coordination team, Statistics Institution-Building Twinning, 1st April 2003.

France designed assistance projects – Official priorities of these policies started moving towards the promotion of the *acquis communautaire* once conditionality entered the European agenda in 1993. They definitely shifted their focus on the *acquis* as it was decided to open accession negotiations in 1998 and to focus on institution-building. In 2002, the French ministry of Foreign Affairs for example stated that

“to the specific French objectives (...) aimed at increasing French influence, may be added those willing to support the pre-accession strategy: a main preoccupation is to make the institutions of those countries evolve and to confer them the capacity of enforcing the *acquis communautaire*”²⁰.

The changes observed in official discourses somehow contributed to legitimate the paradigm shift in the EU enlargement policy, as well as the use of the OMC. They opened ways for the reform of the national assistance policy.

3.2 An Organisational Impact: Reforms of the National Coordination of EU Cooperation Policies

The organisational impact of Twinning is part of more general reforms that have been discussed in the field of national development policies since the 1980s. The specific context combining national agendas (change of political majority in France in 1997 and in Germany in 1998) and European ones (the opening of accession negotiations in 1998, negotiations on the EU budget for 2000-2006) may be interpreted as a large opportunity window for organisational changes at the national level. The introduction of the new Twinning instrument was mentioned as one of the main reasons to justify these changes. Impacts may be observed from an external as well as from an internal organisational point of view.

²⁰ Web site of the French ministry of Foreign Affairs, 2003:
<http://www.france.diplomatie.fr/Thema/dossier.asp?DOS=UE25>

National Coordination

In France, external cooperation activities had so far mainly concentrated around two ministries: the ministry of Foreign Affairs as a co-ordination centre for all non-financial and non-military projects, and the ministry of Economy and Finance aggregating all financial assistance activities. After the 1998 reform initiated by the left-wing government of Lionel Jospin, these two ministries institutionalised new pools for the coordination of sector-oriented expertise in 2001. The ministries working in cooperation with the ministry of Foreign Affairs are now linked to the GIP FCI (*Groupement d'Intérêt Général France Coopération Internationale*), those around the ministry of Economy and Finance are linked to the GIP ADETEF (*Groupement d'Intérêt Général Assistance au Développement des Technologies Economiques et Financières*). Both structures took the German GTZ (*Gesellschaft für technische Zusammenarbeit*) as an organisational example for the making of new structures able to represent French interests in national organisations (EU, World Bank, United Nations). Internal and public documents of these two organisations clearly indicate the major role played by Twinning projects as a motivation to restructure the French cooperation policy so that it may remain competitive; interviews also supported this explanation (ADETEF, 2002, p. 6; web site of the GIP FCI, 2003; interviews at both institutions, April 2003).

The question of finding a National Contact Point (NCP) for Twinning was not a complicated issue in the French case: it was integrated at the SGCI (*Secrétariat Général du Comité Interministériel pour les questions de coopération économique européenne*), an institution set up in the 1950s for the co-ordination of ministerial activities related to European questions. This institution was already responsible for communication activities between the French Permanent Representation in Brussels, on the one side, and the French ministries and their related agencies, on the other (Lequesne 1993). It now also communicates with the new GIP structures and the Commission.

In Germany, reforms happened just after Gerhard Schröder was elected as chancellor in September 1998. Almost all competences on European questions were transferred from the ministry of Econ-

omy (BMW_i) to the ministry of Finance (BMF), led by Oskar Lafontaine. The traditionally left-oriented ministry of Economic Cooperation (BMZ) was also reinforced on many questions: the responsibility of the co-ordination of assistance activities to Central and Eastern Europe (*Transform* programme) was also transferred from the BMW_i to the BMZ. In regard to these changes, one may not be surprised to learn that the German Twinning NCP was settled at the ministry of Finance, with a delegation office of the GTZ, the biggest German development agency related to the BMZ. The decision was of course contested by the BMW_i and the Directorate general for Europe of the ministry of Foreign Affairs. In 2000, the list of contacts published at the end of the *Transform* programme's annual report was enlarged to all German Twinning correspondents in each federal ministry, most of these contacts being the same as in the *Transform* programme. German *Länder* have also been strongly involved in Twinning, as most of the federated state's expertise on implementation of the *acquis* is located at the regional level. Almost 40% of Twinning projects led by Germany are implemented by *Länder* administrations.

Internal Organisation

As far as the internal organisation is concerned, many organisations, be they German or French, mention the necessity to import management techniques and to reorganise their internal functioning in order to remain competitive in the field of European cooperation activities. The German CDG (*Carl-Duisberg-Gesellschaft*) and the DSE (*Deutsche Stiftung für internationale Entwicklung*), for example, decided to fusion in 2002 into the same structure, InWent (*Gesellschaft für Weiterbildung und gesellschaftliche Entwicklung*), and to work according to the model of a consulting company (interview at InWent, December 2002). Interviews reveal that, as ministries have a more and more political role, governmental agencies now do the administrative job of the ministries they are related to, and delegate the implementation of projects to smaller (mostly private) agencies or companies. This also allows for the use of expertise coming from interest groups. Twinning especially impacted on smaller sector-oriented structures, i.e. on national structures created within the framework of bilateral assistance programmes to CEEC and NIS, like in the field of law, education, the environment or ag-

riculture. As far as consulting on law is concerned, the German IRZ Foundation (created in 1992) and the French association Acojuris (created in 1998 on the basis of “Arpèje”, born in the early 1990s) had to adapt to the new procedures and rules introduced by Twinning in order to maintain their activities and to face the decline of national financial supports. They had to employ people on a full time basis to prepare Twinning proposals in order to have a chance to win some projects. All the costs engaged at the early stage (trips to the countries, preparation reports) represent large costs that most of the small organisations cannot afford for. Only structures partly financed by national budgets, which have gained experience and contacts through bilateral projects and had already constituted a database of experts, were able to answer to EU calls for proposals and to stay competitive. Smaller organisations not willing to introduce management methods mostly rely on national resources and stick to low profile activities.

3.3 An Impact on Informal Rules? The Use of National Public Expertise in the EU Enlargement Policy

The decision to counterbalance the use of “private expertise” with projects carried out on the basis of “public expertise” is a main part of the strategy passionately defended by François Lamoureux as a way for the Commission to seek more legitimacy. As requested by regular OMC procedures, member states had to elaborate a database of expertise that did not necessarily exist before, as this expertise was often not yet integrated in European, i.e. external policies.

The Definition of “Public Expertise” at the EU Level

The introduction of Twinning into PHARE required to define what is “public expertise”. As this depends on the way it is organised at the national level, the Commission gave no precise definition, but elaborated procedures for providing public expertise. This definition through procedures is already present in the definition of expertise within the PHARE programme:

“Given the range of sectors and priorities targeted by the PHARE Programme across all the partner countries, there is no typical expert, but there is instead a typical contract for the provision of the expertise needed in each individual case. Expertise is provided by international companies

and organisations, European federations, national institutes, universities, consultancies, NGOs and individuals. There is no particular advantage in being large or small, or in having any particular corporate format.” (EC/DG1A 1999 : 6).

As far as public expertise is concerned, only administrative bodies are accepted. But after 2002, the Twinning manual stated that “*the member states may propose, and the Commission may accept, that non-administrative bodies be mandated to implement Twinning projects according to the same conditions as if they were part of the administration*” (EC 2002a : 22). This led to a large growth of the official “List of mandated bodies” established by DG Enlargement for Twinning. Although this instrument originally aimed at avoiding consultancy companies, private actors were progressively linked to Twinning projects in a direct or indirect way.

Learning how to develop “public expertise”

Most technical ministries of member states had only a limited international activity until the beginning of the 1990s, as their main role was to guarantee the implementation of Community law at the national level. International directories expanded greatly in the last years, especially through projects related to technical co-operation. EU programmes, especially Twinning projects, helped promote methods of the new public management, which require more contact with private expertise and other societal bodies. Most of the ministries have institutionalised relationships with interest groups, research centres or universities, where the expertise remains, through the creation of governmental agencies, which act as real mediators between the public and the private levels. In the field of justice and law for example, the members of the above quoted agencies Acojuris (France) and IRZ Foundation (Germany) are professional federations of judges, attorneys, notaries, lawyers or university professors. The same logic works in the field of agriculture, the environment or social questions: each sector has developed mediation institutions, mostly on the initiative of politicians or administrative directors, and sometimes on the basis of already existing organisations used in the field of development policy. Many civil servants interviewed in French as well as in German ministries explained that they indeed had to learn how to develop a specific expertise related to the management of public activities and how to

present this expertise to partners with different traditions and professional cultures. They had to search for the competent persons on specific questions and sometimes did not know where to find them. For many national administrations, Twinning projects were a way to evaluate and appreciate their own resources. Very often, civil servants sent proposals for projects in fields they believed to have a “comparative advantage” over other member states in the sense that they could argue that they had influenced the making of a specific EU-directive. But ministries sometimes noticed they could not provide for available experts on certain questions, either because these experts did now work in the private sectors (mostly for consulting companies) or because specific segments of the public sector had been privatised (this is often the case in the UK). In order to succeed in obtaining some “strategic” projects (for political or economic reasons), experts from the private sector would sometimes be hired for the duration of the project, opening a large, almost ethical debate within the framework of Twinning on the definition of public service.

In a way, the new procedures helped national administrations exchange knowledge on their everyday work, although exchange of information is not easy in a milieu where the culture of secrecy is the rule. The fact that Twinning projects can often be prepared and implemented by up to four member states also contributed to this exchange of national experience. Nevertheless, coordination in EU's external policy did not especially improve. The project leader often encountered difficulties in the coordination of different sector-oriented traditions to present a coherent solution to the receiver's demand. Some projects were not brought to completion because of divergences or even rivalries between donors in the implementation phase. The Commission's White Paper on Governance from 2001 therefore mentions the possibility of introducing a similar instrument between member states (EC 2001: 26). But the proposal was not taken seriously so far. In practice, Twinning has rather developed competition between EU member states on the transfer of national rules and techniques, a phenomenon that statistics regularly produced by the Commission (*figures 2 and 3*) contribute to maintain. As Twinning is also expected to have an impact on accession countries, how far may this impact be seen as a limited one?

4. The limited Impact of Twinning on Accession Countries: the Cases of Estonia and Hungary

This part shows that the limited consistency of the EU policy and of the transferred norms has produced a limited “Europeanisation” or “socialisation” of candidate states. Even if the general framework of enlargement may be considered as a unilateral process, i.e. that candidate states have to adopt the founding norms of the EU, so do member states on an everyday basis and they are free to choose the way to do so. As Twinning experts look at the way candidate states adopt the *acquis* on an everyday basis, Twinning is perceived as one of the most politicised instruments of European assistance. But, at times, candidate states also had a certain leeway at various levels of the enlargement policy and a capacity to interpret rules and decisions, as the implementation of Twinning projects shows (examples of projects in *annex 2*). Although new procedures and rules introduced with the 1997 reform and implemented through the OMC aimed at impacting on CEEC’s organisations, norms and rules in a more effective and accession-oriented manner, candidate states also have learned ways of adding flexibility to this process.

4.1 Impact on the Management of Assistance: Constraints and Leeway

Twinning projects first helped to improve the national co-ordination of foreign assistance. After 2000, candidate countries had to introduce the EDIS process (decentralised implementation system) and establish “High level working groups” to supervise and monitor the transition to this process²¹. Thus the following structures have been required in each candidate country for the implementation of the PHARE programme (EC 1998 : 15; EC 2002c : 13, 14): 1) a “national fund” located within the ministry of Finance, which administers the funds allocated.; 2) a number of implementing agencies through which the PHARE programme is implemented in each country; and 3) a Central Finance and Contracting Units (CFCU)

²¹ On this point, the Commission followed recommendations of the European Parliament on the PHARE reform.

set up to carry out the tendering and contracting of specific programmes.

The coordination of foreign assistance has often been a source of political debates on the distribution of power among CEEC national administrations. In Estonia, for example, this competency has been debated since 1993 between the State Chancellery (i.e. the Secretariat of the European Union), the ministry of Foreign Affairs and the ministry of Finance²². The implementation of the 1997 reform, especially the requirements of the EDIS process, gave way to a sort of organisational harmonisation: the coordination responsibility was officially given to the ministry of Finance in most CEEC. As the implementation of the EDIS system still encounters many difficulties in CEEC, Twinning projects keep on helping for the improvement of management systems (etc) in the new member states.

Twinning has especially had an impact on CEEC sector-oriented institutions, i.e. organisations and rules (Grabbe 2002; Dimitrova 2002). Organisational reforms may be seen as imposed from Brussels and they support the interpretation of enlargement as a unilateral process. But other procedures of enlargement, like the ones of the Twinning instrument, introduced a considerable leeway for candidate countries for example in the selection of cooperation partners and of administrative or sector-oriented “models”. As a matter of fact, all proposals must be presented by the project leaders and PAA during a one-day Twinning meeting in the capital of the CEEC. Participants on the CEEC side are the persons concerned with the project (ministry and sector-related agencies). Each delegation is composed of two to five persons. The CEEC representatives listen to the presentation of all proposals²³, which they carefully evaluate taking into account the previous experience of the experts on the

²² Estonian ministry of Finance, « Conception of Foreign Assistance (General Guidelines) », Approved by the Government of Estonia, May 28, 1993. (Unauthorized translation, not published). Revised version: Regulation Nr 458, 29 December 2000.

²³ Proposals generally have to be written in English and presented in English. A strong debate emerged on that point at the PHARE Committee as the German and French representatives were against this rule. French representatives even used the technique of the “empty chair” and did not come to some Committee’s meetings.

technical aspects and on international cooperation projects, they pay attention to their ability to express themselves in English and to their openness to find solutions adapted to local traditions. When the evaluation is positive, CEEC representatives often stress their interest for a “model”, and also the will not to retake it entirely: “(...) *the involvement of experts from other member states who have introduced already the integrated environmental permitting would be very useful because we should not consider the German system the only one or the ideal one*”. Presentations are often additionally appreciated with “grades” on the basis of an “evaluation matrix”²⁴. For Renaldo Mõndmets, co-ordinator of the PHARE programme at the Estonian ministry of Finance, this procedure may be compared with a real “beauty contest” (interview CFCU, Tallinn, Sept. 2002). The presentation part is followed by a wrap-up meeting where the strong and weak sides of each of the proposals are discussed with the CEEC authority. The proposals’ presentations are summarised by the delegation of the Commission and sent to DG Enlargement, as well as the final decisions and the evaluations done by the CEEC representatives two weeks later. Member states are individually informed by the Commission of the CEEC’s final decision in order to prepare the covenants. Decisions are therefore often made on a strategic basis, depending on the EU countries CEECs want to develop partnerships with, but also on the basis of less rational reasons. It may be noticed that Estonia very often selects at least one country of the EU Northern co-operation for Twinning projects (*figures 2 and 3*) “because of its growing Scandinavian identity” (interviews Tallinn, 2002).

²⁴ In this matrix, CEEC representatives evaluate for example a) the Twinning proposal (demonstration of understanding the problems and issues, comparative advantage and extra services...), b) the oral presentation (general quality of presentation, response to technical questions...), c) the Pre-Accession Adviser (professional experience relevant to the Twinning assignment, language skills, knowledge on the CEEC country, personality...), d) the proposed short term experts (scope and justification of the use of this expert...), e) qualifications of the Project Leader, f) the Twinning institution (profile and professional level, international activity and contacts, content and quality of proposed support...), g) the tendering country (status of national experience, harmonisation and accession experience).

In general, Twinning projects have two main aims: help prepare the legal approximation in a given sector or chapter of the *acquis*, and help implement it. Very often, the completion of the first part is a strong argument used by the CEEC ministerial staff in charge of the political negotiations to show they have accomplished the formal part of the requirements, so that negotiations for the related chapter may be closed. Transitional periods may then be negotiated on the implementation part. In this sense, enlargement is not a fully unilateral process, as CEEC partners are able to express their priorities within this framework in many ways:

- by using assistance as a resource and as a way to add flexibility to political negotiations;
- by choosing the member states' partners and experts they want to work with;
- by choosing to accept or not the proposed legislative and technical solutions for the transposition of directives into national law.

As Wade Jacoby (2001 : 187) states, “*since blueprints can be a tool of highly ideological actors, they can be countered with other blueprints, and their use can create many openings for political strife during implementation*”. This partly recalls appreciations done on the national implementation of the OMC in internal policies, which have also highlighted the difficulties to merge European *acquis* and institutional models for implementation.

4.2 The Absence of a European Institutional Model: Which Impact on Sector-Oriented Organisations and Rules?

Twinning project's quarterly reports often mention two main objectives that both sides have to achieve through their common work: the preparation of a national law conformed to the *acquis* by organising cooperation between organisations of a same sector and of close related sectors; the implementation of the law through training activities and elaboration of technical solutions. Twinning projects concern all negotiated chapters of the *acquis*. However, each CEEC has defined priority areas on the basis of the Accession Partnership. Hungary, for example, defined seven areas: further integration of the Roma minority, agriculture, the environment, border management, social affairs, the judicial sector, and social and economic cohesion.

Furthermore, there is no strict European harmonised institutional model for the implementation of the *acquis*. When the sectors mentioned are linked to European common policies, the projects focus on adaptation and implementation of specific directives. When projects are linked to the political criteria of conditionality and to the EU's third pillar (minority rights, justice and home affairs), references are larger and connected to other European norms integrated to the functioning of the EU, like the OSCE or Schengen agreements. The large project on "law approximation in environmental '*acquis communautaire*' between Hungary and France, with partners from Austria, Finland and Germany" (2001) for example focused on four directives and one Council regulation related to the question of waste, on two directives and one regulation on chemical safety, two directives and a Commission decision on the question of air quality, two directives on water protection, and one directive related to industrial risk. Each project partner was responsible for the legislative adaptation and implementation in one of the five topics, the French partner being the supervisor of the whole. Experts involved in the project mostly came from implementing agencies or specialised consulting companies working on French, Finnish, Austrian or German adaptation to these directives. They all presented national solutions found for the directives' transposition and the informal rules developed for their implementation. In the environmental sector, Hungary has therefore developed its own adaptation process to community law on the basis of four different traditions and more, as an additional Twinning project was implemented with Belgium and the UK in the field of waste management. *Annex 2* gives a sample of projects driven in Estonia and Hungary in the environmental and social sectors, and justice and home affairs and shows that there is rarely only one member state's "model" presented.

Since most projects have been structured per domain along the chapters defined in the negotiation process, inter-institutional coordination was often seen by the accession countries as a second order priority or was simply postponed to the implementation part of a Twinning project. As a law proposal can give rise to various interpretations from different ministries, project leaders and PAA's reports insisted on the importance of developing cross-sector coordi-

nation around a specific question in order to enhance communication between ministries. They had to learn on their own the best ways to develop such structures, i.e. to identify the relevant organisations and to find a way to avoid competition between them. Many quarterly reports mention the attempts to develop cross-sectoral coordination, in order to prepare a coherent law and elaborate technical solutions for its implementation. But they also highlight the implementation difficulties of such reforms as there is no specific European model on this.

If one wishes to state the impact of conditionality and of the use of the open method of coordination on candidate states, it is important to stress the lack of specific convergence of solutions found for the transposition of directives into national law. The official presentation of project proposals by member states gives candidate states the opportunity to select the partners they want to work with, and the institutional models they want to take as examples and to adapt to their national context. In the environmental field, the Habitat Directive is for example adapted in a different way in Estonia than in Hungary, because of different institutional traditions, and also because of a different bio-diversity (interview *Umweltbundesamt* Berlin, April 2002). The same logic applies to the agricultural, judicial and social fields. Quarterly reports also state that recommendations on law proposals are not always considered by the CEEC partners, who prefer to implement policies and create new organisations on the basis of traditions and past activities. In this sense, the literature on the role of legacies of the past and path dependency (Stark 1992) might further explain the success and failure of Twinning projects. This point is also taken into account by the literature on learning processes.

5. Mutual Learning Between Member States and Accession Countries

Learning processes between member states' and candidate states' partners mainly take place around informal rules. The way these

learning processes happen is different from one policy to another²⁵: when the policy *acquis* is strongly developed, like for agriculture or the environment, projects usually focus on a set of directives (mostly framework directives). Member states' representatives therefore present the practical and technical solutions they adopted for the transposition of the directive(s) in their national law. When the policy *acquis* is weak, like in the fields of administrative capacities, education or social questions, member states tend to present sector-oriented policies on the basis of national laws. As the Commission has less means of control, member states may have more leeway to influence these transformation processes of CEEC. In this sense, the use of the open method of coordination made out of the EU-enlargement a "European multi-bilateral policy" (Petiteville 2001). While the Commission expected that candidate states would learn from member states, tolls of historical institutionalism help to identify the limits of institutional changes. A sociological look on administrative elites shows that mutual learning processes take place on an everyday basis.

5.1 The Limits of Institutional Changes: Individual and Structural Reasons

As Twinning is a young instrument in PHARE's history, and as many projects continue to be implemented, it is rather difficult to offer an evaluation of its precise impact. Furthermore, only few independent evaluations and analysis have been carried out and published so far (Papadimitriou, Phinnemore 2003) apart from official evaluations (Birker *et al* 2000; EC 2003; European Court of Auditors 2003). Like an evaluation of the Commission mentions,

*"the institution-building projects made extensive use of learning by training and learning by doing [in order to] change administrative cultures".
"The instruments generally targeted civil servants or professionals in the public sector, in relation to the specific reforms to be achieved by the projects" (EC 2003 : 141).*

²⁵ Like an evaluation of the Commission states, "Twinning has been especially effective when the recipient country had to adapt to part of the *acquis* that was highly EU-specific or technical. In other areas, twinning and technical assistance are alternative options that have sometimes performed well and sometimes not" (European Commission 2003 : 135).

Some projects could not achieve generic impact for the following reasons: (a) a number of purely investment projects had no administrative impact; (b) some institution-building projects were 100% devoted to technical issues and did not help introduce any changes in the public management; (c) some projects had generic impacts on targeted civil servants but these impacts have not been sustainable because of excessive staff turn over.

The large turn-over in CEEC administrations, mostly because partners change for the more lucrative private sector, is indeed a major problem for the implementation and sustainability of Twinning, as is often underlined by the PHARE Regular Reports. Civil servants are being trained on very technical questions, like for example on the preparation for Structural Funds, but leave before the process is over, *“causing a loss of institutional memory about Structural Funds programming”* (EC 2003 : 144).

CEEC partners are on their part critical of certain points of the instrument: for CEECs, Twinning is not as flexible as technical assistance, since they cannot send back PAAs as they could with private consultants when they did not do a good job (interviews in Tallinn and Budapest, 2002, 2003). PAA's salaries are shocking, as they sometimes exceed what CEEC department directors are paid, but *“there is no other way to attract them here for a longer time so that they transmit their knowledge”* (interview at the Estonian ministry of Justice, Sept. 2002). And experts are not always aware of the country's traditions and actual needs. Lots of them had the feeling *“to be a spy”* especially in the first Twinning projects, as CEEC administrations did not welcome these experts in a nice way (some PAAs had to wait for three months to have an office, computer, telephone, etc...) and often did not give information related to the project (interview with one of the first PAAs in 1998, Brussels, DG Regio, April 2003). In fact, the success of a project partly depends on the personality and faculty of adaptation of the PAAs and experts from member states. Critical factors may be summed-up around the advisor's experience with international aid, his/her knowledge of the administrative culture and political context of the accession countries, his/her management skills and his/her proactive involvement in the project. When cooperation is successful,

Twinning partners tend to keep in touch through e-mails and phone calls, which is rarely the case with classical technical assistance. For the Commission, this has positive consequences in terms of sustainability.

A general evaluation suggests that the Twinning instrument has been weaker in reforming organisations in CEEC along an almost non-existing “European model” than in transferring know-how to these countries. For the Commission, this is rather due to a combination of shortcomings on both the delivery side (e.g. lack of experience with international projects and thereby lack of change management skills), and the recipient side (e.g. lack of demand and commitment) (EC 2003).

5.2 A Reciprocal Socialisation on Site

It is also difficult to make a precise evaluation of specific projects, as the only documents accessible to the researcher are Twinning's quarterly reports, which most of the time emphasise the positive elements of the projects. Furthermore, it is not always easy to interview the different people involved in a project for a lack of time or availability, especially after the project has been implemented. But most PAAs and CEEC partners met in Estonia and Hungary have insisted on the common learning process brought about by the projects. Some PAAs even mentioned that the solutions elaborated in candidate countries for the implementation of a specific directive could be useful to solve some problems on the same issue in their own country. In this sense, knowledge has become a source of power for both sides (Haas 1992). This learning part of Twinning is often underlined in quarterly reports:

“looking back, the twinning exercise seems clearly a useful and original tool for cooperation toward EU accession of the candidate countries. It contents valuable exchange of experiences, methodology and information on the approximation of the *acquis communautaire*. Member state experts fully appreciated the quality of the confident relation established with their partners, the real discussion to overtake the task and effort to fulfil the expected results” (Quarterly report, archive of the Commission, 2001).

It is nevertheless important to stress the fact that the integration of project leaders, PAAs and experts in CEEC organisations required specific skills apart from the technical ones. Both sides had to adapt to a way of working inspired by the OMC, which is totally different from classical technical assistance. Most PAAs stated that they have learned a lot about CEEC's administrative functioning and hoped this knowledge would help both sides to prepare for future cooperation inside the EU. Long lasting projects, although very bureaucratic, were a framework for a common understanding of technical questions. Many examples show that adaptation processes were not always easy, as they first required a common language, then a lot of time, patience, psychology, curiosity for the culture and traditions of the other, and the will to work together. These skills are therefore crucial when the exchange of rules is at stake, and may sometimes open ways to long lasting political and economic cooperation. As a conclusion, one may state that mutual learning and socialisation processes mainly took place between partners from member states and candidate countries on the way to implement the *acquis*, i.e. on informal rules embedded in national sector-oriented traditions.

6. Conclusion

Contrary to a growing literature stating that the EU-enlargement policy after 1997 represents an absolutely new mode of governance, this article shows that the innovative side of the new method was "simply" inspired by the open method of coordination (OMC). Furthermore, this policy cannot be qualified as a unilateral one, as new procedures and rules have acted as constraints on the candidate as well as on the member states, i.e. on emission and reception of assistance. Of course, candidate states had to introduce various reforms to prove that they comply to the accession criteria, but also member states administrations had to adapt to the new EU-rules adopted to increase the coordination between European and national institutions. Therefore, Twinning especially paved way for communication in a milieu where the culture of secrecy is the rule, between EU civil servants, as well as between EU and candidate partners. In a way, it acted as a framework of institutional adaptation and mu-

tual socialisation for a variety of actors from the public and the private sectors.

Nevertheless, the article shows that Twinning did not reach some of its original aims. It was conceived as an instrument, which could allow for better consistency in EU's policy and for the making of a European administrative space. In fact, it contributed to increase competition between different national models, without creating harmonisation between older member states' experiences. In this sense, it is not possible to speak of the transfer of a European "model" to the East. On the side of the accession states, one may observe that transfers of rules did not happen in a linear, but in a very differentiated way, depending on the strength of the rules to be taken; nor did these transfers happen on the basis of an organisational *tabula rasa*, as logics of path dependencies were constantly present. In fact, the interpretation and reformulation of the presented national rules and experiences opened ways for ideational cross-fertilisation processes and institutional hybridisation between legacies of the past and West-European experiences.

To conclude, the same critique developed for the OMC in EU internal policies could apply to its use in the enlargement policy: the method did not really harmonise member states' external as well as candidate states' policies. On the side of the accession countries, the use of the OMC in external cooperation policies may therefore prove efficient only for partial institutional transfers related to the adoption of the *acquis communautaire* and for partial strengthening of organisational structures responsible for the implementation of the *acquis*. To sum up, it allows for mutual learning processes on ways to implement the *acquis*, but hardly generates ideal-type models on ways to do so. Furthermore, as EU conditionality does not clearly target civil society and projects mainly mobilise administrative elites, this would explain the lack of Twinning projects focusing on the development of public bodies responsible for communication with CEEC societies.

Nevertheless, it is interesting to realise that the relative success of this instrument, from the Commission's and the member states' point of view, was a basis for its transposition into the "Neighbourhood policy", i.e. into other EU programmes like TACIS, CARDS

and MEDA²⁶. In this sense, the 1997 reform of the Enlargement policy represented, for sure, a window of opportunity for the introduction of new methods of governance, i.e. methods of public management into EU's external relations.

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Annexes

Annex 1 – Annual Budget of the PHARE programme (1990-1998), Mio EUR

1990	1991	1992	1993	1994	1995	1996	1997	1998
493	758,9	996,2	998,4	966,9	1 153,3	1 222,5	1 147,7	1 153,9

Source: European Commission (2000), *The Phare Programme. Annual Report 1998*, (COM (2000) 183 final), Brussels, p. 21.

Annex 2 – Examples of Twinning projects in Estonia and Hungary

Environnement (general)

EE01/IB-EN-01	Nature Conservation Accession: Establishment of the Natura 2000 network under the Habitats Directive in Estonia	FIN
HU98/IB-AG-02 (a) <i>Completed</i>	Planning capacity for structural and agri-environmental development schemes	D

²⁶ TACIS (*Technical Assistance to the Commonwealth of Independent States*). CARDS (*Community Assistance for Reconstruction, Development and Stabilisation*): Balkan countries. MEDA : Euro-Mediterranean Partnership. More details on this: Tulmets (2003). See also EC (2002d).

HU98/IB-EN-03 <i>Completed</i>	Habitats Directive	FIN, E
HU00/IB-EN-01	Air Quality Network	D, A

Regional development

EE98/IB-SPP-01 <i>Completed</i>	Preparation for Structural Funds	IRL, F, FIN, D
HU98/IB-SPP-01/-02 <i>Completed</i>	Establishment of a coherent framework for regional development / Preparation of operation of pre-accession aid (ISPA, SAPARD)	F, A, E, FIN, UK
HU01/IB-SPP-01	Establishing the Managing Authorities for Structural Funds	UK, D, IRL

Judiciary and court system

EE98/IB-JH-01 <i>Completed</i>	Strengthening of the court system	D
HU01/IB-JH-02	Training of judges and prosecutors	D, F

Employment projects

EE99/IB-CO-01	Institution Building for the Social Acquis (Labour Market and Social Security)	DK
EE00/IB-OT-02	Support to the Balanced Development of the Labour Market Services	D, S

Social security projects

HU99/IB-CO-01	Social security of migrant workers	NL, E
HU01/IB-FI-01	Health financing	D

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