

## **Europeanisation as a contest: The EU and sub-national governance in Bulgaria**

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### **Introduction**

Since the establishment of a European Regional Development Fund (ERDF) and a fully fledged EU regional policy there has been a considerable scholarly interest in the link between processes of integration at the European level and of regionalisation within member states. Academic debates on the mobilisation of sub-national elites and their participation in what was termed a system for multi-level governance gradually extended in the context of EU enlargement to Bulgaria and other applicant states. In particular, connection was sought between national decisions on regionalisation and regional policies (jointly sub-national governance) and requirements to approximate with EU regulations and practices in view of membership. The concept of conditionality was used to explain how the EU linked carrots and sticks to exercise active leverage on the timing and substance of reforms in Central and Eastern European Countries (CEECs) (Grabbe 2001). The concept of EU conditionality drew on the *demandeur* position of Bulgaria and other applicants which allowed the EU to dictate the terms of entry (Moravcsik and Vachudova 2003). The Copenhagen criteria for accession (stability of institutions and the rule of law, existence of market economy and ability to apply the *acquis* upon membership) were considered a prime example of the EU's active leverage. While in the short term their fulfilment was costly, the longer Bulgaria waited the more demanding EU membership was likely to become since the process of EU integration continues to deepen. The EU's active leverage was stronger with regard to applicants threatened by exclusion from membership and, by extension, with regard to second wave candidates (Brusis 2005: 293). The Bulgarian government faced toughening EU conditions and external scrutiny but also significant public pressure to accomplish the long-awaited 'return to Europe' (Nikolova 2006b). The prospect of economic benefits from membership and the possibility to sit on the EU decision-making table also provided reform incentives.

Consequently, Bulgaria was more eager than the first-wavers to make itself ‘appealing’ for the EU in areas where formal criteria were not specified (Nikolova 2006). This suggested that the EU had a passive leverage or ‘traction’ on candidate states ‘merely by virtue of its existence and its usual conduct’ (Vachudova 2005: 65).

The link between the EU’s passive and active leverage and their impact on domestic reforms are captured by the concept of Europeanisation. Originally developed for member states, it differentiates between areas in which the EU has substantial *acquis* and others in which its achievements are at best thin. In the first case the EU exercises pressure on Bulgaria to adapt, in the second it remoulds domestic opportunity structures and provides national actors with a justification for domestic reforms or for specific policy options. There is no EU *acquis* with regard to institution-building at the sub-national level and there are only minimalist principles in regional policy and structural funds implementation. Using the example of Bulgaria this article argues that in such cases of ‘ambiguous’ conditionality (Hughes et al 2004) changes in sub-national governance can be initiated by domestic actors who following a ‘logic of consequentialism’ use the EU strategically in national politics or get infected by ‘appropriate’ EU ideas and transfer them into national policies (March and Olsen 1989, Richardson 2000: 1017-20). These processes of ‘intended’ and ‘responsive’ Europeanisation (Ioakimidis 2001: 74-5) can, and often do take place simultaneously. Furthermore, in a context of uncertain performance benchmarks and uneven *acquis* the Commission’s preferences (or domestic actors’ perceptions of such preferences) matter for the course of reforms. Although entrepreneurial, the Commission itself is hardly a unified and consistent actor.

This article assesses the reforms in sub-national governance in Bulgaria in the years of post-communist transition and pre-accession (1991-2005) in order to make conclusions about Europeanisation and domestic responses in candidate states. It draws on a number of Bulgarian policy documents and Commission reports and on forty semi-structured interviews with officials of the European Commission, Bulgarian national ministries and sub-national authorities in the period April-August 2004. The article proceeds by briefly outlining the theoretical framework. Europeanisation is a concept originally developed for member states and it is therefore necessary to take into account the specifics of the enlargement process at the theoretical level in order to be able to apply it to Bulgaria. In the second part of this article it is argued that the models provided by the EU in the area of sub-national governance are fuzzy, the Commission preferences were incoherent across DGs and over time, and the tools

for exercising EU pressure (the mechanisms for Europeanisation) leaked out EU influence and allowed models and pressures from elsewhere to filter in. The third part of this paper examines the reforms in the administrative-territorial organisation of Bulgaria while the fourth section focuses on the creation and content of the national policy for addressing territorial disparities (regional policy). The concluding part reflects upon the utility of the concept of Europeanisation to explain processes of change beyond the EU territorial boundaries and about the challenges of future Europeanisation research on recent entrants as Bulgaria.

### **1. Europeanisation East**

As an academic concept Europeanisation is contested. The large number of definitions featuring in studies of member countries (Dyson 2000, Green Cowles et al. 2001, Featherstone and Radaelli 2003, H eritier et al 2001) and candidate and non-member states (Featherstone and Kazamias 2001; Grabbe 2003; Kux and Sverdrup 2000; Schimmelfennig and Sedelmeier 2005) is evidence of a vibrant debate in an emerging academic field. But extensive empirical application presents the danger of ‘conceptual stretching’ (Sartori 1970). This article endorses Radaelli’s (2003: 30) definition of Europeanisation as a dynamic process, with the qualification made by Grabbe (2003) that Europeanisation in the context of eastward enlargement (Europeanisation East) is about the *diffusion* and *institutionalisation* at home of EU formal rules, policy principles, shared beliefs and norms. A process of *construction* of a regional policy and of understandings of good and participatory governance is also underway at the EU level, since widening has gone hand in hand with deepening in the EU history (Nugent 1992). However, leaving the process of construction out of Europeanisation East helps highlight that applicants for membership ‘are not yet acting within the EU policy cycle’ but rather ‘interact with the EU system at different levels and with different degrees of intensity’ (Lippert et al 2001: 984). It can be argued that prospective members influenced rules and policies adopted at the EU level through participation in the joint pre-accession institutions, or by means of their observer status in EU bodies and in the European Convention. Votes taken by incumbent member states on the reform of spending policies such as structural funds may have also incorporate considerations of forthcoming accessions of poorer neighbours (Miles et al. 1995: 181, Begg 1998; Marshal 2004). But there is still little systematic research to support claims that early interactions of applicants with the EU system amount to actual influence over it. Europeanisation East is therefore presumed to be a top-down process in the sense that Bulgaria can only download EU models and policy

ideas but cannot upload its national preferences and practices into the EU's 'regulatory patchwork' and reduce the costs of adaptation (Heritier 1996). Instead, Bulgaria has to rely on the EU to shoulder part of the burden by means of pre-accession assistance and later structural funding.

With regard to the possible outcomes of Europeanisation, Radaelli (2003) identifies four types of responses: retrenchment of existing structures and practices, lack of change (inertia), absorption within the existing domestic repertoires, and transformation. Europeanisation East could not result in retrenchment or inertia because overt non-compliance with EU requirements would be equivalent to non-membership. This argument presumes asymmetry of power between the EU and Bulgaria, high domestic salience of accession and credibility of the EU's threat of exclusion or postponement of membership (Grabbe 2001). When EU requirements coincide with domestic arrangements, they will simply be absorbed into the existing Bulgarian repertoires. But should the coupling of EU conditionality and passive leverage suggest that in the alternative case of lack of 'fit' (Borzel 2001) between EU requirements and Bulgarian arrangements Europeanisation East would always result in substantial change? Lang (2003: 160) makes a useful distinction between short-term domestic responses to EU influence and long-term changes as a result of Europeanisation. He differentiates between substantial and isolated change. In the short term substantial change is only possible when reforms of domestic structures and policies are underpinned by already existing favourable national traditions and practices. Underlying informal traditions, practices and understandings of appropriate behaviour change much slower than formal rules and structures. It is possible in the short term EU influence to result only in isolated change whereby formal structures demonstrate compliance but the key processes and outputs remain unaffected. In the long run these parallel systems can consolidate, or a transformation of underlying patterns can result in the merger of the two parallel systems and therefore to substantial change.

The mechanisms through which Europeanisation can occur are vertical and horizontal (framing) (Radaelli 2003). Vertical mechanisms rely on thick EU *acquis* to define the direction of domestic change and ensure compliance of applicant countries. There are other, 'soft' mechanisms of Europeanisation that only provide a frame for domestic reforms when the EU *acquis* is thin (general guidelines or minimalist regulations). National actors may use EU policy developments strategically to 'frame' domestic reforms, redefine domestic

problems and expectations or ‘inseminate’ new solutions to old debates (Dyson, 2000). When actors make choices, they may follow a situation-specific ‘logic of appropriateness’, rather than one of rational calculus. Decisions taken appropriately are legitimate in the eye of observers but not necessarily optimal. Norms of appropriateness and rationality may well be culturally-determined myths enacted ceremonially (Meyer and Rowan 1991), ‘window dressing’ used by powerful manipulators in the struggle over political outcomes (March and Olsen 1989: 51-2). Europeanisation is also possible when no explicit EU guidelines exist and the EU is used as a platform for policy transfer (Bache, 2000; Bomberg and Peterson, 2000). Finally, Europeanisation can disseminate in domestic politics modes of governance that render the balance of power between actors and levels irrelevant. The network mode of governance may influence perceptions of legitimate governance altogether and have powerful long-term effects on domestic politics *per se* (Kohler-Koch and Eising 1999).

A final point should be made with regard to the role of the Commission in Europeanisation East. Héritier (2005) has argued that its preferences are bound to matter more to candidate than to member states. There was a widespread recognition that although member states took the major political decisions, it was the Commission that kept the enlargement process on track when the Council was preoccupied with more pressing matters. The Commission acted as an important gatekeeper at each step of the enlargement process. It could spell out concrete reform steps even where the EU *acquis* was thin. Applicant states were likely to follow since the Commission was the one to keep the enlargement door open. The Commission can also represent a strategic asset in domestic politics. Mitchell Smith (1997: 172) has argued that invoking the Commission quickly alters the terms of the national debate. If an actor could unequivocally establish that the recommendations or the evaluation reports by the Commission precluded particular policy options, ‘the policy preferences of actors favouring these outcomes will necessarily shift’. This was because the Commission appeared to be ‘objective’ and fair; it had thorough knowledge of the developments in Bulgaria, and an ‘inside-out’ understanding of the EU *acquis*. But the Commission has its own policy preferences and an interest in developing its executive powers in areas where the EU *acquis* is thin (Smyrl 1998).

It is therefore important first to establish the type and density of the EU *acquis* in relation to sub-national governance and the possible mechanisms at work in the process of Europeanisation East. The thinness/thickness of the *acquis* and the reliability of the

mechanisms will circumscribe the possible outcomes of Europeanisation as will domestic formal and informal institutions.

## **2. EU models and mechanisms**

The question of whether the EU can offer to Bulgaria a model of sub-national governance should consider two complementary perspectives: first, is there a unified model of administrative-territorial organisation at the intermediate level (regionalisation) across the EU, and second, are there principles common to member states in the implementation of regional actions and policies under the EU structural funds. With regard to the first question, Bullmann (1997) has argued that regionalisation processes in the EU have taken an extremely asymmetrical course and that the majority of EU member states are still unitary in character. Jones and Keating (1994) have also observed very diverse patterns of institution-building at the intermediate (regional) level, sometimes involving the establishment of regional governments while in other cases simply providing a regulated framework for interaction among institutions already operating on a particular territory. Indeed, as Keating has noted (2003: 11), different notions of 'space' have informed national policies of regionalisation (territorial, political, social, economic, functional space). Nation-states were forced into ceding power either by constant cultural, ethnic and social demands from below or as part of a global drive for modernization of the national political systems in industrialized states (Bullmann 1997: 9-10).

The process of European integration contributed to the emergence of a 'new regionalism' (Keating 1998) because it confronted member states with widening territorial disparities but also provided a supranational solution in the guise of an ERDF and later a fully fledged EU regional policy. The Commission promoted partnership with sub-national actors as one of the principles of ERDF implementation, together with additionality of Community and national funding, concentration of aid on most needy regions and programming of regional development measures (Allen 2000). Partnership suggested that responsibility for targeting and implementing regional funding is shared among the Commission, the national governments and the sub-national actors and that there should be complementarity and co-operation in their actions. For Hooghe (1996a: 89) partnership was not only a policy principle but also 'a set of organisational structures for collaboration' among different levels of government built in the process of formulation and implementation of EU regional policy. As

a consequence of the partnership principle direct links were created between the Commission and sub-national actors, many of which opened offices in Brussels and got involved in trans-national coalitions and networks (Mazey and Richardson 1993).

Some authors depicted the EU as a multi-level system of governance in which member states' central executives, although powerful, are only one set of actors among others; supranational, national and sub-national levels of decision-making have overlapping competences (Marks, 1996, Marks and Hooghe 1997). Regional authorities have the potential to circumvent the traditional channels of representation and to influence EU policies on structural funding (Mény 2001). This sometimes has led to the slogan 'Europe of the Regions' (Rhodes 1974) and was expected to spur in Central and Eastern Europe a struggle from below for regionalisation. Yet Le Gales and Lequesne concluded that in practice regions of member states 'seem to be rather minor political actors in European governance' (1998: 8; see also Rhodes et al 1996: 372). National governments established themselves as important gatekeepers in regional policy and contested the principles of implementing structural funding; since 1993 the designation of partners has been fully subjected to national institutional arrangements (Bache 1998). Bullmann (1997: 17-8) has argued that where an intermediate tier exists or has been created, the actual impact of the sub-national authorities on EU governance has depended on the economic, political and institutional capacities of the regional structures, and on the social and cultural demands that they articulated (for a similar conclusion see Bailey and De Propis 2002). To put it differently, mainly economically affluent and ethnically determined sub-national entities created a bottom-up push for more political influence domestically and at the EU level. But what can be the stimuli for an economic laggard like Bulgaria with no history of regionalisation? Can 'peripheral regional elites' create a bottom-up push and will the EU provide a pull for sub-national governance (Syssner 2006)? Or could the impetus stem exclusively from a post-communist concern for increased administrative efficiency and improvement of service provision at the closest to the citizens level? Before considering the specific domestic constellation of actors and the distribution of power in the relevant constitutional framework (sections 3 and 4), let us first examine by what means the EU influences regionalisation and regional policy in Bulgaria.

Grabbe (2001) has pointed out the gatekeeping power of the EU at different stages of the accession process, most notably in the frame of accession negotiations. The EU also provided pre-accession assistance, advice and expertise through Twinning but this was conditional

upon the fulfilment of certain reform objectives and the creation of the necessary structures, procedures and programming documents for their management. The European Commission is assumed to have played a substantial role in operationalising the Europeanisation mechanisms because it was in charge of drafting the Opinion on Bulgaria's application for membership and the subsequent annual Reports on progress towards accession that identified national weaknesses and outlined reform goals. These were complemented by regularly updated Accession Partnerships containing short- to mid-term objectives to be met by the national government in all *acquis* areas. After the Accession Treaty was signed by Bulgaria the Commission drafted two Monitoring Reports that could trigger a super-safeguard clause and delay the country's membership by a year. The Reports by the Commission and the Accession Partnerships represented an important benchmarking and monitoring exercise through which EU influence was channelled.

Chapter 21 Regional Policy and Structural Instruments was, as Friis (2003) put it, among the 'super heavyweight' chapters of the accession negotiations because of its significant implications for the EU budget and the economic development of Bulgaria. Among the last negotiating chapters to be opened in late November 2001, it was only closed as part of the end game in June 2004 together with the contentious chapters on financial control, financial and budgetary provisions, agriculture and competition. Bulgaria did not request any transition periods since this could cause phasing-in of financial transfers. The opening and closure of Chapter 21 were an important milestone on Bulgaria's road to membership and a clear indication of the future membership benefits. While chapters such as Competition required significant effort by Bulgaria with regard to legislative approximation, Chapter 21 was quite scarce on concrete EU requirements. In its Guide to the accession negotiations, the Commission (2003) pointed out the need for Bulgaria to establish the 'appropriate' legal framework for structural funds implementation, as well as the requirement to develop the national programming and administrative capacity for structural intervention and to strengthen provisions for financial and budgetary management. Bulgaria was also expected to ensure the implementation of the partnership principle and to define clearly the tasks of all bodies and institutions involved in the preparation and implementation of structural and cohesion projects. The lack of any specific guidance on how these outcomes to be achieved should not be mistaken for an EU indifference about how money is spent (this was addressed in Chapter 28 Financial Control) but compared to member states' freedom to choose the best domestic arrangements for achieving the required EU objectives (the so called 'obligation of

results'). A Commission official thus remarked that the structural funds did not expect Bulgaria to establish a regional level of self-government. Yet from a practical point of view it could add value to the national policies for regional development by promoting ownership of projects and help with targeting measures.

The thinness of the EU *acquis* in regional policy opened a window of opportunity for the Commission to promote to Bulgaria principles of EU regional policy contested by member states (most notably partnership) and to encourage the introduction in CEECs of a regionalised territorial organisation. The main leverage of the Commission was the NUTS classification; the need to fit structures into the Commission's categories affected the 'choices on size and boundaries' of sub-national entities and in that sense 'the Commission was imposing a model' on CEECs (Dehaene and Krok-Paszowska 2001: 113, 121). The Guide to accession negotiations specified that Bulgaria needed to agree with the Commission a provisional NUTS classification for the implementation of the Structural Funds. The NUTS II level served statistical purposes as the most appropriate level for analysis of socio-economic disparities in view of distributing structural funding. Structural funds projects were drafted and funded at this level. It could be expected that the prospect of significant EU transfers at NUTS II level would encourage Bulgaria to re-organise its administrative-territorial division by introducing a corresponding regional tier of government. Hughes et al (2003: 75-7) have documented the perception of actors from CEE states that the Commission expected this process of administrative regionalisation to be accompanied by a transfer of political powers.

However, Kohler-Koch (2002: 3-4) identified a tendency to overestimate the capacity of the EU carrots and sticks and the role of the Commission in shaping sub-national governance. Furthermore, for Grabbe (2001) the Commission itself was unsure how far it could go in recommending models in sensitive areas such as sub-national organisation where member states have exclusive competences. Dehaene and Krok-Paszowska (2001: 113) concluded that the 'Commission should encourage decentralization, or at least deconcentration, but it should be wary of imposing structures' considering the small size of many CEECs, the specific domestic political context and historical traditions. Contents of Regular Reports suggest that there was indeed an outright Commission insistence on the creation of comprehensive regional policy in Bulgaria but no explicitly stated requirement for regional self-government. Recommendations for action under Chapter 21 concerned mainly capacity building in the central administration. Similarly, the goals set in the Accession Partnerships

addressed programming and implementation weaknesses in the national ministries. In its Action Plan on Judicial and Administrative Capacity the Commission recommended the building of 'appropriate structures at central, regional and local level' but without formally specifying what was 'appropriate' (Commission 2002: 12). A noteworthy exception was the Commission's critique of the vague definition of competences at the NUTS 2 level and of other bodies involved in the preparations for structural funding (Commission 2000: 70, 2001: 74, Commission 2003: 19). Attention was also drawn to the need for further clarification of powers between the political (NUTS III) and administrative (NUTS II) levels in order to ensure smooth implementation (Commission 1999: 47). But in contrast to the ambiguous conditionality on regionalisation, the Regular Reports did focus on the application of the partnership principle when formulating policies for regional development. The 2001 Regular Report insisted 'genuine partnership structures' to be created at the NUTS II level including regional and local authorities and economic and social actors 'in line with the partnership principle' (Commission 2001: 74-5). The 2002 and 2003 Reports recommended further steps to be taken to 'enhance the application of the partnership principle' without specifying requirements for regionalisation (Commission 2002: 101).

Previous research on the Commission has emphasised its nature of a 'multi-organisation' where Directorates General (DG) have varied policy remits and administrative cultures, and where officials are faced with a menu of sometimes incompatible motivations and options (Cini, 1996; Cram, 1994, Hooghe 1997, McDonald 1997). In the context of EU enlargement and regional policy Hughes et al (2004) have argued that the partnership preferences of the European Commission shifted over time due to practical 'value for money concerns' and divergent views of DGs on the involvement of sub-national actors. Following the Santer debacle the Commission became extremely preoccupied with financial management and control. Since administrative capacity at the sub-national level was very weak, the Commission encouraged centralisation of pre-accession aid management. Its efforts focused on institution and capacity building in the central administration where tougher control on spending could be exercised. Thus until as late as 2003 Bulgarian district authorities were cut off from Phare economic and social cohesion funding. Furthermore, the speed and intensity of the enlargement process itself gave the central government a monopoly over the relations with the EU. A Commission official recognised that during accession preparations they did not have the time to 'go down' to the sub-national actors; it was left to the Bulgarian central government to find the best way to include them in the preparations for accession. This was a

significant setback in terms of knowledge and expertise accumulation at the sub-national level and hindered bottom-up mobilisation in favour of regionalisation or representation at the EU level. There was also disagreement within the Commission as to whether sub-national actors had to be involved. An official from DG enlargement claimed that the implementation of the pre-accession funds was the responsibility of the national governments, while an official from DG Regional Policy argued that partnership was the key principle. Yet all Commission officials underlined that they never required Bulgaria to establish regional self-government and that if there was pressure it had come not from the Commission but from the Committee of the Regions or from regions in member states.

The Phare-funded Twinning projects placed national civil servants from member states in the Bulgarian public administration and thus provided a channel for socialisation and transfer of models from member states. Contrary to its policy leadership in the setting up of the Twinning instrument, the Commission's involvement in the implementation of Twinning projects was low key. It endorsed the projects, monitored their implementation and assessed whether they helped address the weaknesses identified in the Regular Reports and the Accession Partnerships. However, it was Bulgaria that chose the partner member state regardless of costs and the two had the main responsibility for the project implementation. It is undeniable that Twinning was an appropriate capacity building tool in the sense that it took into account the wide variety of administrative traditions and sub-national structures in member and applicant states. But it is much less clear to what extent it constituted a mechanism for channelling EU influence since it opened Bulgaria to influences from individual member states and in some cases private consultancy bodies. It may be claimed that as a framing mechanism it offered an opportunity for socialisation into the partnership rhetoric but as a vertical mechanism it could hardly contribute to the transfer of an EU model where it existed.

The Twinning instrument formed part of the Phare pre-accession programme which, together with Ispa and Sapard, provided money to Bulgaria to address weaknesses identified in the Regular Reports and the Accession Partnership. The Ispa programme funded transport and environment infrastructure projects while Sapard helped with the implementation of the agricultural and rural development acquis. The two programmes were managed by the central government but sub-national authorities could be beneficiaries of projects. Their implementation rules were designed by the Commission to provide Bulgaria with a learning-

by-doing exercise on managing money from the Cohesion and agricultural funds respectively. Phare was revised in 1997 and again in 2000 to support institution- and capacity-building at the central and sub-national levels through transfer of know-how and physical investment in key regulatory institutions. The 2000 Phare review identified the additional challenge of orienting Phare national structures and procedures into a form suitable for absorbing structural funds upon membership. It also funded Cross-Border Co-operation projects between regions. While Phare did not have a unique and direct successor after accession, its Economic and Social Cohesion strand was intended to pilot-test the types of activities financed by the ERDF and the European Social Fund for member states. It aimed to support small projects managed by sub-national partners and thus help them with capacity-building. An additional task of the pre-accession funds was to enhance accountability in the corruption-ridden post-communist administrations of CEECs. The transfer of money through Phare, Ispa and Sapard was made conditional on the setting up of the appropriate management structures, programming documents and rules for financial control and monitoring (Nikolova 2007). In 2000 no CEE state received Sapard money; this provided a good example that the Commission would not release earmarked funds if structures were not in place or institutional capacity was lacking. The Commission responsibilities in the area of management of EU aid to CEE were 'unique' even by national standards (Christiansen 2001: 103). Bulgaria was expected to adapt its policies and institutions to fit into the Commission requirements. In this way the 'incentive structure' was altered and institutions were set up to gain available funding (Dehaene and Krok-Paszkowska 2001: 122).

### **3. Administrative-territorial reforms in Bulgaria**

Bulgaria has traditionally been a highly centralised state. In 1964 there were 28 intermediate entities (*okrug*) and a large number of municipalities. In 1987 the *okrug* were replaced by nine districts. Regulations on self-government of territorial communities were improved and municipalities and their executive bodies - mayoralities - became the main units of territorial management. Districts were given limited functions only, including control and coordination. The post-communist Constitution of 1991 established Bulgaria as a unitary state with local self-government and no autonomous territorial formations. Priority was given to the municipal decentralisation although the approach of designating municipalities was top-down. As early as 1991 a Local Self-Government and Local Administration Act was adopted establishing directly elected Municipal Councils (local parliaments) and mayors (executives).

This was perceived as an important stage of the post-communist transformation, a tool for improved administrative efficiency and by implication government legitimation (Djildjov 2002). Until 1998 Bulgaria's administrative –territorial division was complemented by the aforementioned nine intermediate administrative units. It was only in 1999 that administrative-territorial reforms were undertaken at the intermediate level with the reinstatement of the 28 administrative units from 1964, now to be called districts, and the creation of six planning regions at NUTS II level. The districts (*oblasti*) are territorial units at NUTS III level where state authority is deconcentrated but no directly elected bodies exist. District Governors are appointed by the Council of Ministers and their work is co-ordinated by the Ministry for Regional Development and Public Works. The district administrations staffed with civil servants are entirely dependant on financial transfers from the state budget as they, in contrast to the municipalities, have no property or own sources of revenue. Municipalities, although authorised to rise local taxes also depend significantly on grants from the central budget. Since the 28 districts were too small to be compatible with the objectives of EU regional policy and structural funding, six planning regions (*rayoni za planirane*) were introduced at NUTS II level. They represented amalgamated entities for the purposes of planning and programming of regional development policy (see Box 1).

Box 1. Macro-regions, their administrative centres and constituent districts

Planning macro-regions in Bulgaria (NUTS II):

1. North-Western (*Severozapaden*) with centre Vidin, covering the *oblasti* of Vidin, Vratsa and Montana
2. North-Central (*Severen tsentralen*) with centre Russe, includes the *oblasti* of Russe, Veliko Tarnovo, Gabrovo, Pleven and Lovech
3. North-Eastern (*Severoiztochen*) with centre Varna, comprising the *oblasti* of Varna, Targovishte, Shumen, Razgrad, Silistra and Dobrich
4. South-Eastern (*Yugoiztochen*) with centre Bourgas, covering the *oblasti* of Bourgas, Sliven and Yambol
5. South-Central (*Yuzhen tsentralen*) with centre Plovdiv, including the *oblasti* of Pluvdiv, Kurdzali, Haskovo, Pazardzik, Smolyan and Stara Zagora
6. South-Western (*Yugozapaden*) with centre Sofia, covering the city of Sofia and the *oblasti* of Sofia, Kyustendil, Blagoevgrad and Pernik.

Source: Regional Development Act 2004

In 2000 inter-ministerial Commissions for Economic and Social Cohesion were established at the macro-regional level with consultative functions. They also included representatives of local administrations and economic and social partners and were intended to provide input in the process of preparation of programming documents for regional development. The European Commission strongly criticised the weakness of the inter-ministerial Commissions

as partnership structures (Commission 2002: 101) and even qualified them as ‘dormant’ (Commission 2003: 92). The revised Regional Development Act of 2004 replaced the Commissions for Economic and Social Cohesion with Regional Development Councils (RDC) with decision-making functions in the process of planning and programming. It should be emphasised here that the RDCs were simply a newly institutionalised meeting venue for already existing sub-national entities (districts and municipalities) and central ministries (senior civil servants or deputy-ministers for Regional Development, Finance, Environment, Agriculture, Economy, Labour, Transport). But it was only the representatives of municipalities (one per participating district) that were directly elected officials. Furthermore, the only permanent structures at the NUTS II level were the small technical support units located in the administration of the macro-regional centre that drafted the planning and programming documents and provided expertise to applicants or final beneficiaries of funding.

The six macro-regions and the RDCs were established in order to help with the planning and programming for regional development and EU funding. The RDCs approved the draft Regional Development Plan of the respective macro-region and agreed the measures to be included in the National Operational Programme for Regional Development. They also ensured the coherence of the Development Plans drafted by the districts. The 2005 Monitoring Report by the Commission endorsed these administrative-territorial arrangements and stated that ‘Bulgaria is meeting its commitments and requirements arising from the accession negotiations in relation to territorial organisation’ (Commission 2005: 58). Consequently, preparations for EU accession have not resulted in a process of regionalisation in Bulgaria. At the early stages of conception of administrative-territorial reforms there were some indications that self-government may be introduced at district (NUTS 3) level but this was never implemented (Commission 1997: 92; Djildjov 2002: 79).

The issue of introducing an intermediate level of self-government never stood high on the political agenda. The Saxe-Cobourg Government promised at the start of its mandate to encourage a discussion on the future of local self-government and the possibility of establishing an intermediate tier of self-government ‘corresponding to the requirements for Bulgaria’s EU integration’ (CMRB 2001: 117). However, this opportunity was not pursued. The only political party that explicitly declared support for an elected second tier of self-government was the Turkish minority party Movement for Rights and Freedoms (MRF 2005).

The MRF floated the idea of granting self-government to the district of Kurdzali (bordering Turkey) where elections for local authorities and National Parliament were traditionally won by the MRF. But the MRF did not get much practical or rhetorical support from other parties, including from its coalition partners in government. At a 2003 meeting with the EU Committee of the Regions an MRF representative promoted the introduction of self-government at the intermediate level (*Dnevnik.bg*, 17/9/03). This arguably represented an attempt to use the EU as an additional resource in domestic politics but it did not bear fruit largely because other domestic actors did not support it. There was never an outright opposition to MRF aspirations by other political parties either. It is possible that debates took place in closed political circles but were never made public because they would have been detrimental to Bulgaria's minority rights record. Thus the EU accession criteria on minority rights protection precluded domestic debates but, contrary to expectations, not in favour of regionalisation.

Spiridonova and Grigorov (2000) have argued that the adoption of the 1999 Regional Development Act stirred considerable interest in Bulgaria. However, a substantial political debate on administrative-territorial division first took place between February 2003 and March 2004, when the new Regional Development Act was considered by Parliament. National MPs were lobbied by a number of interests, district governors and mayors. Some district governors expressed hopes that the 2004 Regional Development Act would introduce directly elected bodies at NUTS III level to increase legitimacy and to allow for own financial resources. Own sources of income meant more opportunities for applying for and co-financing regional development projects. Parliamentary discussions on the draft Law, however, focused on matters substantially different from regionalisation. The most contentious issues proved to be the centres of which districts should become the administrative centres of the new macro-regions and how areas for targeted support should be determined. The administrative centres of macro-regions might become important gatekeepers because they host the technical support units for co-ordinating, planning and programming of regional assistance. The areas for targeted support were designated the main beneficiaries of regional development funding for specific handicaps. On these two issues MPs from the same constituency teamed together regardless of party membership to achieve a better deal for their people. This might be seen as the emergence of a sort of common regional economic identity or might well be just populist politics. The debates on the 2004 Regional Development Act thus focused on determining the 'pragmatic' criteria for distributing EU and national money

for regional development and not on ‘paradigmatic’ debates about redefining constitutional powers amongst levels of governance. With regard to Europeanisation, the EU clearly changed the domestic opportunity structure but this was not enough to produce change. What mattered were domestic actors as utility maximisers and the resources they had, or were willing to invest to effect change.

#### **4. Regional Policy in Bulgaria**

The 1991 democratic Constitution referred to the responsibility of the state to ensure the balanced development of each of the country’s regions by means of its financial, credit and investment policy. Until 1998 regional development was the outcome of sectoral plans and decisions by individual ministries on the location of investment, production and settlements (Stoyanov 2003: 59-60; Spiridonova and Grigorov 2000: 81). The 1994 National Directives for Regional Development specified that structural adjustment policies developed on a sectoral basis could include considerations of regional problems. In its 1997 Opinion on Bulgaria the Commission observed at the national level a realisation that regional policy was separate from, although interlinked with, sectoral measures and that sub-national levels of government could help address the rising regional disparities. At the same time, the domestic capacity to translate this vision into a coherent set of policy strategies and budgetary instruments for a regional development policy remained weak. The first legislative framework - a Regional Development Act (RDA) - was adopted as late as 1999, prior to the opening of accession negotiations between Bulgaria and the EU and coincided with the launch of a new approach to pre-accession funding. This was a first attempt to establish a regional policy. Considering the absence of national traditions and expertise in regional policy it should come without a surprise that Bulgaria’s draft legislation was ‘based on EC practices’ (Commission 1997: 93). A National Plan for Regional Development for the period 2000-6 was drafted as the main instrument for formulating a coherent policy and forecasting financial resources. It stated that regional policy

is undoubtedly necessary and justified by the fact that regional disparities give rise to social, political and economic problems, the fact that the national economy is strongly dependent on its regional components and the fact that market forces cannot by themselves ensure balanced regional development. On the other hand, it [the National Plan for Regional Development] *is a response to the requirements in the area of regional policy and economic and social cohesion stemming from Bulgaria’s accession to the EU, and the opportunities for utilising EU pre-accession assistance* (CMRB 1999: 1, emphasis added, translation mine).

Thus EU accession preparations were put on a par with domestic concerns about regional disparities. A further pragmatic reason for adopting the 1999 RDA was to provide a legislative framework for the conduct of EU funded cross-border co-operation initiatives and to allow the formation of Euroregions as institutional structures. In its 1999 Regular Report the Commission (1999: 46) noted that the RDA 'aims at establishing prerequisites for sustainable and balanced development of the different regions, reducing disparities in employment and income, carrying out regional and cross-border co-operation and European integration'. However, the main pre-accession efforts focused on strengthening programming and co-ordinating capacities at the central level, for example by creating a Regional Development Directorate within the Council of Ministers administration in late 1999, and restructuring the Ministry of Regional Development to meet its responsibilities under the pre-accession funds.

The 1999 RDA and the National Plan for Regional Development 2000-6 represented a first stage in interpreting and translating the EU regional policy requirements. The second stage of updating the domestic arrangements was launched in 2004, with the adoption of a new Regional Development Act. This happened somewhat at the eleventh hour, when legislation *had to* be drafted if negotiations were to be closed and EU funds channelled. Bulgarian authorities approached the Commission (DG Enlargement and Regional Policy) for advice while drafting the 2004 RDA and the accompanying strategies. Some of the Commission recommendations were not accepted but a Commission official argued that this was 'not dramatic' since the EU only required the adoption of framework legislation and it was Bulgaria that knew best what would work on the ground. The explanatory note accompanying the proposal for a new RDA explicitly linked it to the requirements of Chapter 21 and to Commission evaluations. In particular, the 1999 criteria for designating areas for targeted support to reduce intra-regional disparities were not accepted by the Commission and had to be redefined (Stoyanov 2003: 65). The Commission's Third Report on Economic and Social Cohesion was also influential because its new priorities for regional development were incorporated in the long-term National Strategy for Regional Development 2005-15 (NSRD) (Commission 2004). The NSRD stated that the principles and aims of the EU's regional policy were reflected in the vision, aims and priorities of Bulgaria's regional development policy. It referred in particular to the principles of structural funds implementation (programming, partnership, additionality and concentration) and the EU's Lisbon and Gothenburg Strategies (CMRB 2005).

This suggests that regional development was no longer seen as a central government prerogative. Yet despite this change in policy rhetoric the central government remained the gatekeeper. District authorities had weak administrative capacities to implement EU funding. This was to some extent caused by the shift in Commission preferences towards more centralised management of EU funds and the fact that during accession preparations its main interlocutor was the national government. Furthermore, the severe economic crisis that struck Bulgaria in 1996-7 had unfavourable implications for financial decentralisation; sub-national authorities remained dependent on state grants. Because of the principle of additionality district and municipal authorities were extremely limited in applying for EU pre-accession funding. It was also difficult for them to pay membership fees in trans-national networks and attend meetings of regional authorities from across the EU. In the period 2001-5 just two districts, Rousse and Haskovo, were members of the Assembly of the European Regions (AER). In 2004 only Sofia had a *bureau de representation* in Brussels located in an inexpensive building and staffed by one person. Several other cities considered opening representations but no such plans were made at the macro-regional level. Local authorities also had their own channel for international co-operation - the National Association of Municipalities in the Republic of Bulgaria had concluded a number of bilateral agreements with partner associations and was a member of the Council of European Municipalities and Regions (CEMR) (Nikolova 2006a).

Regionalisation in the years of pre-accession was essentially an elite-driven, top-down process. There was hardly any bottom-up 'push' for regionalisation for several reasons. First, Bulgaria had strong traditions of centralism. Second, following the two world wars Bulgarian territories were annexed to neighbouring states and people in historical regions parts of which were lost were keen to reassert their Bulgarian, rather than their regional identity. Bulgarians remained extremely sensitive to any developments that can result in further loss of territory i.e. self-government claims by the Turkish minority. Finally, new regional identities take long to develop. At the level of the planning macro-regions there were no significant economic disparities that could facilitate this process of identity formation. With the exception of the South-Western macro-region (including the capital Sofia), where the GDP per head was 40 per cent of the EU25 average, the remaining five macro-regions were at approximately the same level of development – around 25 per cent of the EU25 average (CMRB, 2005). Substantial disparities, however, were established at the municipal level (Spiridonova and

Grigorov 2000). For that reason the Regional Development Act provided for the definition of areas for targeted support within the planning macro-regions comprising one or more municipalities. Funding had to flow to areas for economic growth or in industrial decay, to backward border, rural and mountainous regions. The areas for targeted support were decided by the RDCs on the basis of criteria adopted by the Council of Ministers in mid-July 2004. These included socio-economic and demographic trends, geographic position and infrastructure endowment. When a municipality no longer satisfied the relevant criteria it had to be excluded from the area for targeted support and from substantial amounts of funding. In that sense the Regional Development Act created prerequisites for 'negative competition' because municipalities had to contend to be laggards to become eligible for targeted funding. Since District Governors participated in the RDCs they were also likely to compete at the macro-regional level to fit municipalities from their district into as many areas for targeted support as possible in order to receive maximum funding. Within the timeframe adopted by this article (1991-2005) definition of areas for targeted support was still ongoing. However, a sub-national official expressed concerns about inconsistency of priorities within the planning region because actors were hostile to each other. On one hand there was the competition for limited resources, on the other there was the perception of a 'democratic deficit', since District Governors were not directly elected by the people but had the responsibility by law to exercise control over municipalities.

The pre-accession period was intended to provide actors at different levels of government with a framework for learning how to define together what was best for everyone, to help change culture and mentalities and introduce a more inclusive mode of governance. In other words identity needs to emerge in each planning region by articulating common economic interests rather than by fostering aid-dependency and contests for funding. This process is one of evolution, rather than revolution and will continue for some time after Bulgaria's accession. In the short term, however, the emergence of such identity in administrative regions was not evident and antiquated political and administrative cultures lingered on in the state institutions especially below the national level. If such underlying patterns are not adapted it will be hard to use effectively EU regional funding simply because the needs of the regions will not be known or recognised. In one Bulgarian municipality where buildings of local and district administrations happened to sit at the opposite sides of a square officials referred to their partners as 'the people on the other side' and it was exactly this mentality that

needed to change if partnership was to acquire substance and help address territorial disparities.

## **Conclusion**

The EU has had only a limited impact on administrative-territorial reform in Bulgaria. An opportunity existed for EU requirements to be interpreted as an obligation for establishing a second tier of self-government but this did not coincide with the interests of powerful domestic actors. Instead, national political elites opted for a purely pragmatic way of accommodating EU requirements by introducing six NUTS II planning macro-regions but not granting self-government either to these new entities or to the already existing districts. Only District Governors and the Turkish minority party MRF supported an intermediate level of self-government but they could not draw on formal institutional resources or economic disparities among macro-regions to push such major reform through. In contrast, the role of the EU was substantial in the formulation of a regional policy in Bulgaria. The EU regional policy served as a benchmark for designing approaches and instruments and defining priorities for regional development. Prior to the opening of accession negotiations, regional measures formed part of sectoral policies. The first RDA was adopted in 1999 but it was only in 2004, in view of closing negotiations on Chapter 21, that more detailed and systematic legislation for planning and programming of regional development was drafted and rendered operational. A sceptic may argue here that macro-regions were required for the planning and programming of a national policy for regional development, rather than for EU funding. But it should be emphasised that prior to the opening of membership talks a coherent regional policy did not exist in Bulgaria and when it was introduced it was largely inspired by EU requirements and principles of funding implementation. Furthermore, post-communist concerns for modernisation of the state administration were largely satisfied as early as 1991 with the introduction of local self-government and, to a lesser extent, with the reinstatement of the 28 districts. There were no other stimuli for Bulgaria to reform further its administrative-territorial division except EU accession and funding. Even if EU requirements were not the main cause for change, they certainly modified the incentive structure in the direction of introducing macro-regions.

Although formal structures and rules changed and ideas of participatory governance were incorporated into the national policy for regional development, traditions and understanding

on the ground remained antiquated. Actors originating from different levels found it difficult to co-operate and this was exacerbated by the need to compete for EU funding within macro-regions. In the short term Europeanisation resulted only in isolated change. It remains to be seen whether in the long run the two parallel systems, the formal and informal one, will consolidate or whether underlying administrative and political traditions will transform and open the way for a common, albeit economic regional identity and optimal use of EU funding. The long-term impact of the EU influence will only be observable several years after Bulgaria joins. But the accession will reshape the conditions under which the process of Europeanisation takes place in at least two ways: firstly, by offering Bulgaria the possibility to upload its national preferences and secondly, by gradually dissolving the enlargement power asymmetry and depriving the EU of its conditionality leverage. In fact, it is possible that upon membership domestic reforms get reversed, providing a real evidence of the influence EU conditionality had been able to exert prior to accession. Europeanisation in the long run may not be a simple continuation of the processes taking place during the years of pre-accession and this poses a challenge to our conceptual tools.

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