Europeanisation in a Global Context

A Study of a National Maritime Safety Agency's Work with Global and European Rules

Christer Gulbrandsen

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Abstract

Do the characteristics of the European executive order engender administrative behaviour by national agency officials that differ from those engendered by the traditional intergovernmental order, and if so, how? That is the question asked in this doctoral dissertation, which is made up of three articles concerned with individual aspects of this problem within the maritime safety sector: The impact on practical implementation by 'street-level bureaucrats', the impact on administrative behaviour within a national agency and the impact on intra-EU coordination at negotiations in a global international organization, the International Maritime Organization.

The dissertation finds three mechanisms whereby the EU changes administrative behaviour: Firstly, compliance with EU rules become more important than compliance with IMO rules. Secondly, the EU directly transforms the practical implementation of both EU and IMO rules. Thirdly, the EU imposes a coordination regime that fundamentally alters the relationship of EU states with the IMO.

However, the dissertation also finds three limitations to this transformation: Firstly, the IMO is a more comprehensive regulator within the sector. Secondly, the formal aspects of relations between nation-states and IMO have not changed. Thirdly, the EU is emphatically *not* granted any special status in the IMO, demonstrating that it faces challenges in being recognized abroad as the kind of entity it is recognized as internally.

Table of contents

Preface
List of abbreviations

Introduction 1
Topic and research question 1
Relevance 2
Analytical framework 6
Research design, case selection and methodology 19
Contributions of the individual articles 35
Piecing together the findings 39
Concluding remarks 44

Article 1: The EU and the implementation of international law: The case of 'sea-level bureaucrats' 47
Abstract 47
Departure 48
The stars we manoeuvre by 48
Oceanography 53
Tools 55
Catch of the day 58
A new officer on the bridge? 65
Conclusion 66

Article 2: Neptune or Poseidon: Implementing EU and global maritime safety law in a national agency 69
Abstract 69
Points for practitioners 69
Introduction. 70
Theory 71
Methodology 75
EU and IMO functions and capacities and the Norwegian case 77
Empirical materials 80
Discussion 86

Article 3: Navigating from conflict to working arrangement: EU coordination in the International Maritime Organization 89
Abstract 89
Introduction 90
The Commission as executive centre 92

Methodology 96
The EU and the IMO case 97
Empirical materials...98
Discussion 106

References 109

Annexes 119
Annex 1: List of informants 119
Annex 2: Interview guide samples 122
Annex 3: Information letters to informants 135

Preface

In a long-term perspective, Europe is changing rapidly. What was once a continent riven by war and divided by ideologies and religion, has managed to create a political super-structure in the European Union (EU) that provides a common basis for living together. Even if this structure can also be said to have stumbled from crisis to crisis, and is constantly evolving and finding its form, the EU has undeniably had a great impact on how politics is done in Europe. A side-effect has been that the EU has provided political scientists with a fascinating laboratory – a place to test and develop theories of political organisation. The result has been a wide-ranging literature that is yet to reach a consensus on the conceptualization of *Europe*.

As fascinating as this is, I always have found the little things intriguing. 'The devil is in the details', and so it is with Europeanisation. We all see that Europe is changing, but how? This dissertation has grown out of an interest in the processes that occur on a daily basis in national administrations, and to understand what is going on in the hearts, minds and meetings of those employed there when faced with 'Europe'. From this starting point, I excavated more and more of a policy sector that I had few dealings with from before – the maritime safety sector – to find out what was going on. How was the EU changing the everyday life of an agency director, a ship inspector or an engineer?

Being an institutionalist, my starting point was to expect that the EU's extensive new functions and capacities would provide it with comparably great forcefulness in changing a national administration, but also that this would have to be compared to what existed there from before. In the end, I found that the EU has had an important, transformative impact on how national officials deal with practical and legal implementation of rules both from the EU and from the International Maritime Organization (IMO), and of how they behave in global negotiations on maritime safety rules. I argue that the EU has helped transform the Norwegian Maritime Directorate (NMD) into a two-track organisation, where some have to deal with implementing less welcome and more alien EU rules as the rest work with more familiar IMO rules. I also argue that the transformation of practical implementation that the EU manages to do through training efforts also may impact on the implementation of IMO rules, and that this function as an interpretative filter that the EU has appropriated in turn transforms the relationship between a global, intergovernmental international organisation (IO) – the IMO – and its member states. The reason why is that the nation-state in the EU no longer wholly defines by itself what position to take on all global rules or even how to implement them. Finally, this also entails the transformation of national officials' participation in EU coordination at the global level – they become part of a European collective. However, these transformations also have their limits, as the IMO is a robust institutional structure, which still regulates several aspects of maritime safety that the EU does not, and whose fundamental, formal relationship with member states is retained. The IMO is still predominantly a platform for inter-*governmental* negotiations. As the dissertation provides rich context, it is also possible to see how these findings may be transferrable to other sectors.

This dissertation is article based. This means that the three articles within make up the bulk of it. They are adapted to publication in journals, and therefore are quite brief on some points of theory and methodology. They also provide some similar context for the research in order to make sense as independent articles. Therefore, some repetition has been inevitable. The introduction is intended to combine the articles into a whole, and attempts to alleviate the consequences of the articles' brevity by providing a more thorough theoretical background for the research conducted and a broader methodological exposition.

As the articles provide more detailed descriptions of the case I have chosen, the introduction deals only summarily with explaining the case itself. It is not possible to include everything in a dissertation like this – and the introduction should be kept quite brief. I have therefore had to leave some things out also here, but I hope that the end result is clear and concise enough to provide the reader with a satisfying understanding of the research I have undertaken and the justifications for it. The articles are included as they were published or submitted for publication, but with a few changes. Acknowledgements and so have been omitted, and reference lists are collected at the end of the dissertation. Reference styles – which vary between journals – have been harmonized throughout the dissertation, and abbreviations that have been introduced previously in the thesis are not explained again in the articles as included here. Instead, a list of abbreviations is provided. A few other minor corrections have been made as well.

The dissertation is composed as follows. The introduction provides a brief exposition of the topic, research question and relevance of the research, and the analytical framework is presented in some breadth. It provides a thorough exposition of the methodology applied, including a discussion on the generalizability, reliability and validity of the research, before the contributions of the individual articles are summarized. Then, the final part of the introduction pieces together and discusses the findings. After the introduction, the individual articles are presented as they have been submitted for publication. Annexes at the end of the dissertation provide more detailed information pertaining to the interviews that formed the bulk of the empirical materials utilized in this dissertation.

The first article, 'The EU and the implementation of international law: the case of "sea-level bureaucrats"', is published in 2011 in the *Journal of European Public Policy*, vol. 18, no. 7, pp. 1034–1051. The second article, 'Neptune or Poseidon: Implementing EU and global maritime safety law in a national agency', is submitted for consideration to the *International Review of Administrative Sciences*, and is currently under review. The third article, 'Navigating from Conflict to Working Arrangement: EU Coordination in the International Maritime Organization', will be published in the *Journal of European Integration*.

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A dissertation like this is never the product of one person's mind. Rather, it comes about through engaging with literature, colleagues and friends to get new ideas, fresh perspectives and an outlet for frustration. I began work on this project in May 2008, and four years is a long time to be pregnant with a single project. I could not have pulled this off without the support of many people around me.

I would never have ventured out on a limb like this and hung onto it for so long without the encouragement, guidance and wisdom of my supervisor, Morten Egeberg. When I was lost in the woods of theory, he provided me with a steady compass and a reference point; when insecurity got the better of me, he pointed out the strengths of my research, and when hubris was about to bring me too close to the sun he asked me the questions that helped me find firm ground. He has introduced me into the academic community in a way which has greatly facilitated my work. I am eternally grateful.

I have spent these four years working at ARENA – Centre for European Studies at the University of Oslo, and I am thankful for it. ARENA has provided me with a stimulating and academically challenging workplace and ambitious colleagues that both inspire and provide support. The ARENA seminars have been a source of vital inspiration. I would especially like to thank my colleagues Jarle Trondal, Johan P. Olsen, Marianne Riddervold, Meng-Hsuan Chou and Nina Merethe Vestlund for taking time in busy schedules to read and comment on my work; Frode Veggeland, Ulf Sverdrup and Åse Gornitzka in 'institusjonsgruppa' at ARENA for stimulating discussions; and Guri Rosén, Pieter de Wilde and Rune Gjelvold for being wonderful – and patient – office partners at one time or another. Guri, Hsuan, Marianne, Nina and Espen Olsen also deserve special thanks for being the wonderful people and friends they are, providing support, understanding and laughs.

This dissertation is largely based on interview materials, and without the cooperation of many individuals I have promised not to name it would not have been possible. I thank them all for their patience and help. I would also like to thank *Nærings- og handelsdepartementet* (the Norwegian Ministry for Trade and Industry (MTI)) and *Sjøfarts-direktoratet* (the Norwegian Maritime Directorate (NMD)) for helping me organise interviews with so many of their staff and helping me participate at the IMO's Maritime Safety Committee's 87th Session (MSC87) as an observer. I would especially also like to thank Haakon Storhaug at the NMD for his valuable help with understanding the intricacies of the maritime safety sector.

I would also like to thank Lea Sgier and the good people of the Essex Summer School in Social Science Data Analysis for the inspiration I got from the course in 'Qualitative Data Analysis: Methodologies for Analysing Text and Talk' that I took there in 2009, which proved very helpful in structuring my odyssey into the empirical.

I have presented drafts of various articles and elements of this dissertation at several workshops and conferences. I would like to thank the participants at the ARENA workshop on 'The transformation of the Executive Branch in Europe' in Oslo, 4–6 June 2009, at the Norwegian Political Science Conferences 2010 in Kristiansand and 2011 in Bergen, at the European Consortium of Political Research (ECPR) Conference on Regulatory Governance in

Dublin in 2010, in the panel on Implementation and Transposition of EU Policies at the 12th Biennial Conference of the European Union Studies Association in Boston 3–5 March 2011, at the workshop on Public Administration in the Multilevel System in Berlin 23–24 June 2011 and at the ECPR Conference in Reykjavik in August 2011 for valuable questions and comments. I also would like to thank eight anonymous reviewers for their comments on articles 1 and 2 during the review process.

Finally, I would like to thank my many friends and my family for their inestimable support throughout the process. This dissertation is dedicated to three people: Olav Nikolaysen, my late grandfather, who awoke the passion for knowledge in me; Terje Gulbrandsen, my late father, who fostered ambition in me; and my mother, Ellen Nikolaysen, for all she has done.

Christer Gulbrandsen,
Oslo, April 2012

List of abbreviations

CJE	Court of Justice of the EU
Commission	European Commission
Community	European Community (used as conversational shorthand by informants)
Council	Council of the EU
CWP	Council Working Party
DG	Directorate-General of the Commission
DG MOVE	The Directorate-General for Mobility and Transport
EC	European Community/European Communities
ECPR	European Consortium of Political Research
ECSC	European Coal and Steel Community
EEA	European Economic Area
EFTA	European Free Trade Association
EMSA	European Maritime Safety Agency
EP	European Parliament
ESA	EFTA Surveillance Authority
EU	European Union
FAO	Food and Agriculture Organization of the UN
FoCs	Flags of Convenience
HR	The EU's High Representative for Foreign Affairs and Security Policy
ILO	International Labour Organization
IMCO	Inter-Governmental Maritime Consultative Organization
IMO	International Maritime Organization
IO	International organisation
ITCP	The IMO's Integrated Technical Co-operation Programme
ME	The Norwegian Ministry for the Environment
MSC87	The 87th Session of the IMO's Maritime Safety Committee
MTI	Norwegian Ministry for Trade and Industry (Nærings- og handelsdepartementet)
NGO	Non-governmental organisation
NMD	Norwegian Maritime Directorate (Sjøfartsdirektoratet)
PMoU	Paris Memorandum of Understanding on Port State Control
PSC	Port State Control

UK	United Kingdom of Great Britain and Northern Ireland
UN	United Nations
UNGA	United Nations General Assembly
Union	European Union (used as conversational shorthand by informants)
VIMSAS	Voluntary IMO Member State Audit System
WTO	World Trade Organization

Introduction

Topic and research question

The EU's many faces make it into a strange beast in the fauna of IOs, and political scientists have attempted to grasp it in a variety of ways. For instance, is it a quasi-federal state, building on a long tradition of European federalist thought (Burgess, 2000)? Is it basically a servant of the states, albeit more complex (Moravcsik, 1998)? Is it the result of state delegation to agents who have acted as 'engines of integration' (Pollack, 2003)? Is it an audit democracy, a federal multinational democracy, or a regional-European democracy (Eriksen and Fossum, 2012)? Although it shares important characteristics with other IOs, the consensus seems to be that it also has some features akin to those of a state, such as a large, formally independent executive in the Commission which differs from other IO bureaucracies in several respects (Trondal *et al.*, 2010) and a directly elected popular assembly in the European Parliament (EP). One strand of research has argued that this amounts to a new, territorial centre-formation in Europe (Bartolini, 2005), which has at its core the development of the Commission as a new executive centre at the head of a multi-level EU administration (Egeberg, 2006b). Such an executive centre-formation at the European level may indeed have a transformative potential vis-à-vis the nation-states, perhaps amounting to an emergent, executive order in Europe (Curtin, 2009; Curtin and Egeberg, 2008; Trondal,

2010) which takes up elements of the previous, intergovernmental orders of Europe in a layering process (see Thelen, 2003 on 'layering' as a concept), but also transcends these previous orders by engendering supranational, epistemic and departmental logics in addition to intergovernmental logics, all of which cut across territories and administrative levels (Trondal, 2010). In this dissertation I will take this strand of research as my point of departure and ask what the practical manifestations of such an order are: How does the EU transform national administrations? And how pervasive can such an order be, if it is up against a heavily institutionalised pre-existing intergovernmental order? Does the EU penetrate into practical implementation processes at the ‘street-level’, and does it penetrate ‘upwards’ as well, into the global level? Are nation-states ‘internationalised’ (Howlett and Ramesh, 2002) or ‘Europeanised’ (Börzel and Risse, 2000; Goetz, 2000, Olsen 2002)?

This dissertation first and foremost contributes to the mapping of the extent and practical consequences of the European executive order by examining in-depth its effects on a national administration in a policy sector that has not been examined from this perspective before. Also, I investigate policy-making processes at the international level previously not studied from this angle. I compare the effects of a traditional IO and the EU in a national administration in a novel manner in this field of study, and demonstrate that the European executive order is able to manifest itself in a traditionally highly intergovernmental sector by way of influencing ‘street-level bureaucrats’ directly, by way of engendering institutional adaptation between the Commission and national officials in negotiations in another IO, and by way of influencing how a national agency deals with application, incongruent policy agendas and non-compliance.

To summarise, the main research question asked in this dissertation is whether, and if so, how, the characteristics of the European executive order engender administrative behaviour by national agency officials that differ from those engendered by the traditional intergovernmental order.

Relevance

From its inception as the European Coal and Steel Community (ECSC), the EU has had exceptional capabilities. Even the Commission’s predecessor, the High Authority, was a particularly independent type of international bureaucracy. Gradually, the evolution of the EU from the ECSC via the European Community/ European Communities (EC) included task expansion at the Commission, the evolution of the remit of the Court of Justice of the EU (CJE), the introduction of direct elections to the EP, territorial expansion, competence expansion with new policy areas subsumed under the EU's umbrella and then a proliferation of European agencies and task expansion for other existing EU entities than the Commission, such as the European Council (Burgess, 2000; Dedman, 1996; Groenleer, 2009; Martens, 2010). The Commission is a vital part of what separates the EU from other IOs. The Commission has three important powers which ensure that the EU is different. Firstly, it has a monopoly on legislative initiatives. Whereas states in other IOs may freely propose whatever they wish, when they wish it, in most policy areas in the EU they have to rely on the Commission to put forward the proper proposals. Secondly, it monitors and guides national implementation of EU rules, and may initiate procedures of enforcement – which in the end may end up with tangible sanctions in the CJE. Thirdly, it has comparably comprehensive administrative capacities and independence in organising its administration. Thus, the Commission has developed into an executive entity at the European level with the power to constrain and perhaps also direct member state action in several key policy fields.

This is all well and good, but one of the questions it begs is how this affects the European nation-states. What is the extent of 'Europeanisation' (Börzel and Risse, 2000; Olsen, 2002) – i.e. does the EU transform the nation-states? This is a broad topic and addressing it requires a delineation of what we mean when we think of transformation of the nation-state. Do we think of Europeanisation as a transformation of the political and administrative structures of the state? Or are we thinking of social and cultural changes in national societies? Is it whether national policies end up being in line with European policies that is most salient? Or is national administrative behaviour relevant? All of these are interesting approaches. The articles contained in this dissertation are best suited for addressing the last question – how the EU affects national administrative behaviour, and more specifically national administrative behaviour related to global and European rules. National administrative behaviour in this context is highly relevant for understanding policy as it is experienced by citizens. After all, as several generations of implementation research has taught us, what ‘street-level bureaucrats’ do to a very large extent decides how ‘policy in action’ will be felt. If we are curious about the practical consequences of Europeanisation, this is a vital piece of the puzzle.

Implementation research has developed in several waves ever since pioneering studies of the 1970s and -80s. Two perspectives have been dominant (Hupe, 2011) – the ‘top down’ perspective known from Pressman and Wildavsky (1973) and the ‘bottom up’ perspective of Lipsky (1980). Today, these perspectives can be regarded as complementary. The ‘top down’ perspective’s focus is on how policy implementation deviates from the intentions of policy-makers, and has traditionally been preoccupied with the variety of factors that may work in favour of or against ‘proper’ implementation. The ‘bottom up’ perspective focuses on the situation of those who have to implement these policies in the end – the administrative officials who have to reconcile various policies and goals under resource constraints – and how they shape ‘policy in action’.

Implementation studies have been part and parcel of the research on Europeanisation, and Treib (2008) identifies three waves of implementation scholarship devoted to the implementation of EU policies. The first wave of research focused on institutional efficiency, with policy objectives and the organisation of the state apparatus as important variables; the second wave of research utilised the (mis)fit between European rules and pre-existing traditions to explain implementation performance. Whereas these first two waves had a markedly top-down perspective, the third wave had a larger degree of theoretical and methodological differentiation. However, and this is also supported by the reviews made by Mastenbroek (2005) and Sverdrup (2007), the EU-oriented implementation literature is dominated by a top-down perspective often relying on statistical information, which can perhaps be explained by the ready availability of statistical data, such as the Commission’s regularly published Internal Market Scoreboards. Comparably, the number of qualitatively based studies which offer insights into practices of the lower echelons of national administrative hierarchies which work on implementation of European rules has been limited – notable examples include studies by Versluis (2007) and Falkner *et al.* (2005; 2008). Even these studies apply a ‘top down’ perspective – discussing what enhances and hampers implementation.

A related literature which does not deal with implementation directly deals with administrative processes and organisation. Egeberg *et al.* (Egeberg, 2006b) have studied the development of the executive at the European level and its relations with national executives (Curtin, 2009; Curtin and Egeberg, 2008; Trondal, 2010; Trondal *et al.*, 2010). This literature has roots in the literature on multi-level governance and networked governance (Hooghe and Marks, 2001, 2004; Kohler-Koch and Eising, 1999), and tries to understand the developing 'European administrative space' (Hofmann, 2008) and the modes of governance it brings with it (Héritier, 2002, 2003; Treib *et al.*, 2007). A particular object of attention has been the proliferation of European agencies (Busuioc, 2009, 2010, 2011; Groenleer, 2009; Groenleer *et al.*, 2010) and the way they connect to their national counterparts (Martens, 2010) – a process which is also intimately tied in with the proliferation of semi-independent regulatory agencies also at the national level (Christensen and Lægreid, 2006, Yesilkagit 2011). This 'agencification' literature demonstrates how a complex European administrative system has developed. In it, the Commission now shares power with these other executive entities, but it also exerts influence over them. Together, the Commission and the agencies form an executive nexus central in networks and as the European 'hat' for 'double-hatted' national agencies in what is becoming a multi-level EU administrative system (Egeberg, 2006b). At a more abstract level, this is then interpreted as a vital component of the formation of a 'European executive order'.

The implementation literature and this more organisational literature complement each other in their contributions to understanding the EU. Simply put, the organisational literature tries to come to terms with what sort of beast the executive system in Europe is, whereas the implementation literature tries to determine what this beast actually is able to do. However, both these literatures leave two important holes, which this dissertation aims to help fill.

Firstly, the organisational literature does not factor in (at least not to a large extent) the global level. It does not often examine the organisational interplay between the global level on the one hand and the European and national levels on the other hand, even if the literature on the European executive order compares this order to pre-existing intergovernmental orders (Curtin and Egeberg, 2008). Trondal *et al.* (2010) has compared the Commission to other international bureaucracies, but even if this is valuable in itself, it does not amount to a discussion of the roles of other IOs and the EU vis-à-vis a national administration in the same policy field. This dissertation aims to remedy this. The three articles show that the EU can be important to understanding how global rules are applied, that the IMO's and the EU's differing functions and capacities when compared alongside each other result in different effects within a national administration when it comes to influencing practical application, dealing with non-compliance and in creating conflicts, and that the EU impacts policy-making processes at the global level – which in turn impact the rules the EU creates and implements.

Secondly, as the EU implementation literature is to a large extent a top-down 'compliance' literature, the perspective on implementation processes becomes limited and focussed on explaining policy outcomes. Processes are used as an explanatory factor, not as something to be explained. This dissertation aims at directing attention more towards processes – leaving aside (direct) questions of what enhances compliance and what hampers it. The EU implementation literature has also mostly been concerned with national implementation of EU rules, but there are studies which compare compliance between the EU and other IOs (Kaeding, 2006), although not in the manner done here.

In the next section, we will examine the analytical framework applied in this study in more detail.

Analytical framework

This dissertation is rooted in the two streams of literature outlined above: the institutional-organisational literature about the multi-level EU administrative system, and implementation literature. In this section I will detail what I have drawn from these literatures to enhance the analysis. First, I will discuss what analytical tools organisational and institutional theory has provided at a general level; then I will discuss how implementation perspectives are utilised in this dissertation, before moving on to discuss the overarching concept of institutional orders.

Organisational and institutional theory

It is not possible for a social science researcher to appropriate all possible perspectives on what governs administrative behaviour at once. Choices must be made, and these choices will inevitably structure what is observed and what goes unnoticed – or what is given emphasis, and what is only mentioned in passing. There are three main levels of theory we can apply: Micro-level theories attempt to explain behaviour by reference to the actions of individuals and how they aggregate. Even if they may appropriate more structural background explanations, the focus in many dominant theories is on individual applications of rationality. Examples of this are rational choice theory, theories of bounded rationality (Kahneman, 1997; March, 1978; Simon, 1957) and communicative action theory (Habermas, 1984). At the other end of the spectrum, macro-level theories attempt to explain behaviour by reference to structural factors working on the individuals. Examples are Marxist explanations (Marx, 1887) and functionalist explanations (Durkheim, 1952; Parsons, 1952). In between these are what is often called meso-level theories, or mid-level theories (Merton, 1957). These are theories that are less 'law-like' than micro- or macro-level theories are, but which still attempt to reach insights into what governs human behaviour. These types of theories identify elements of social structure that work on individuals, but which can also be identified as consequences of individuals' actions and which individuals may consciously adapt to or modify – the reflexivity of these elements is important (Giddens, 2001: 680). Examples of this type of theory are dramaturgy/symbolic interactionism (Goffman, 1959), organisation theory (Egeberg, 2003; Gulick, 1937; Selznick, 1948) and institutional theory (March and Olsen, 1984, 1996).

As with many typologies, the distinction between micro-, meso- and macro-level theories is one with porous borders, and various theories may complement each other. Thus, institutional and organisational theories draw not only on insights from each other and from symbolic interactionism, but new institutionalism is also highly informed by bounded rationality theory.

The literature on the European executive order has been written within the paradigms of institutional and organisational theory. For the sake of communication with this literature, because these theories have proved a robust tool-kit for comprehending public administration and because these theories as applied in political science have been used for understanding administrative behaviour for generations, this dissertation is grounded in these theoretical perspectives. What does this imply?

Institutionalism, as understood after the advent of 'new institutionalism' (March and Olsen, 1984; Peters and Pierre, 2007; Selznick, 1996), has been defined in a variety of ways which share some basic themes (Scott, 1987). Based on these themes, this dissertation will take the view that institutionalism entails the following concepts:

1. Human action is constrained and enabled by social institutions, and in a political-administrative setting primarily the types of social institutions that relate to political and administrative behaviour. This does not discard human, individual agency, and individuals may even break with institutions, but not without potentially great social costs.

2. Institutions are structures, physical or abstract, such as organisations, formal rules, informal norms, buildings, role-conceptions and organisational culture, which are infused with value and meaning and which provide scripts for human action. Institutions are created, reified and changed through social interaction, and represent a summation of collective human experience. However, although institutions may constrain human action, they are also continually subject to change and modification through this same action – change is an inherent feature of institutions (Olsen, 2010).

3. Institutions are maintained when they are respected by human actors. They act upon individuals either by providing convenient solutions to complex decision-making problems, or through the medium of social sanctions and rewards. Although institutions do not have agency independent of the individuals that maintain them, institutions are more than the sum of the individual actions that have created them. Institutions as analytical elements can therefore be seen as working on individuals and other institutions – but this must not be confused with independency.

Thus, institutions are not reducible to individual action, and take on a 'life of their own'. This is consistent with human experience – fighting against institutional conventions is time-consuming and difficult.

Formal organisations form a subset of institutions, and for many is probably what they first and foremost think of when speaking colloquially of ‘institutions’. Formal organisations are abstract structures (but which may be endowed with physical infrastructure) set up to organise collective human efforts, and which have defined structures and rules. However, formal organisation should not be analysed in purely formal terms (as in ‘old’ institutionalism), as they are usually home to a plethora of informal institutions as well, which may well be inseparable from the organisation and necessary to make it work (Selznick, 1948). As opposed to informal institutions, formal organisations are deliberately designed to perform specific functions and to work in a certain manner. This design may or may not be particularly efficient, and may or may not run into difficulties when faced with informal institutions that run counter to the formal structure, and the design may or may not also suffer from the problems of collective decision-making. Whether the design is well thought out or not, it is still an ‘institutional fact’ (Searle, 1995) and people react to it. The structure of organisations help create decisional shortcuts and structure attention (Egeberg, 2003), something which is necessary as the human mind is probably quite unable to make completely rational decisions based on full information etc. (Kahneman, 1997). Thus, the principles that structure the organisation help decide which problems receive attention, and which are overlooked or marginalised; whether an organisation is organised after a territorial or a functional principle, for instance, matters (Gulick, 1937). Concomitantly, how an issue is framed and what organisation or sub-organisation is tasked with dealing with it may have great impact on how the issue is resolved (if it ever is), and actors may have an interest in framing an issue a certain way to get it dealt with in a certain manner, or they may have an interest in getting a certain organisational department to deal with the issue (Baumgartner and Mahoney, 2008). Different kinds of framing of an issue or choice of organisational venue may mobilise different actors to deal with it.

In this dissertation, the core problem is what happens when a specific organisational actor – the EU – enters the scene and the institutional playing field changes, and the consequences I am interested in investigating are primarily of a behavioural nature. Some of the concepts used in the analyses later on are commonly applied in institutional analyses and warrant some introduction here. These concepts must be understood as related – perhaps especially those of historical institutionalism and the evolutionary perspective as described here – and provide complementary intakes to understanding the same problems.

One important institutional perspective utilised throughout this dissertation is that of historical institutionalism (Hall and Taylor, 1996). As I will understand it here, historical institutionalism focuses our attention on how previous institutional choices restrict future ones. The concept of 'path-dependency' implies that choices made at so-called 'critical junctures' make it more difficult to deviate onto another path; the metaphor indicates that doing so would require that you either turn back in an attempt to get back to the critical juncture, or that you have to venture off the path to try to reach through the woods to another path. An example from this study: Historically, nation-states have chosen to solve their maritime safety problems nationally, and institutionalisation at the international level came slowly. It was the global level which became formally organised first, with the establishment of the IMO. Consequently, the initial forays of the Commission into maritime safety came up against strong opposition from the EU's member states, but when they first acquiesced, they passed a critical juncture which in turn has made it increasingly more difficult for EU member states to turn back and divest the EU of competence in maritime safety matters. I will regard path-dependency as relevant for the analysis when we see informants describing situations in which previous actions have restricted their available options.

Learning is another concept central to the analyses in this dissertation. As actors encounter obstacles, they learn how to deal with them, and learning can be defined as 'a process of exercising a judgement based on an experience or some other kind of input that leads actors to select a different view of how things happen (learning that) and what courses of action should be taken (learning how […])' (Zito and Schout, 2009: 1103). For an individual, the mechanism behind can be quite simple and elegant, for instance in the manner modelled famously in the language of game theory by Axelrod (1984). However, at an institutional level, learning also entails that institutions change; that groups of actors in the face of experience change their behaviour and perhaps also their beliefs in a way that alters the behavioural scripts, and possibly also the meanings they are imbued with. Here, learning will be seen to be relevant when informants make reference to it themselves, or when it can be inferred from a description of behavioural change set in a context of experience.

Then, we have an evolutionary perspective from public administration theory that incorporates a policy streams approach (John, 1998; Kingdon, 1984). Institutions evolve to adapt to new settings. For instance, national administrations need to adapt to living with EU enforcement, and national and Commission officials at the IMO need to adapt to each other if EU coordination is mandatory. However, central to these mechanisms of adaptation is how individual (or collective) policy entrepreneurs introduce solutions to problems at times when 'windows of opportunity' are open. Such a case is when the Commission appointed a new permanent representative to the IMO, who chose to frame EU coordination differently – not as a matter of 'competence' (indicating a battle of legal rights between the Commission and the states) – but as a matter of 'common interest' (indicating that the Commission and the states were in it together). Windows of opportunity will here be seen as instances where crises occurred or institutional or personnel changes allowed other institutional changes to occur. Policy entrepreneurs are here understood as individuals who used their institutional position to affect changes in the institutional processes.

Institutional isomorphism (DiMaggio and Powell, 1983) and institutions as belief systems and rituals – or 'myths' and 'ceremony' (Meyer and Rowan, 1977) – also play a part in the analyses herein. Institutional isomorphism deals with how organisational or institutional templates are borrowed. When a suitable solution already exists, a policy entrepreneur can reach for it to solve another problem, even if it means importing that solution from a wholly different organisation or setting. And then, some aspects of these solutions – or of the existing institutional structure – may have lost their original meaning, or have acquired such value in and of themselves that they are more important than the problems they were intended to solve. Here, institutional isomorphism will be identified as being a factor when existing institutional forms are borrowed into a new arena, such as when the Commission uses intergovernmental forms to facilitate agreement on common positions of EU member states in IMO negotiations – something which is ultimately part of the different, European mode of cooperation, which is imbued with more supranational characteristics. Institutional 'myths' and 'ceremonies' are relevant when the value and meaning of institutional norms seem paramount.

These pieces of institutional theory fit together. Historical institutionalism highlights the 'big choices' – the critical junctures, and the evolutionary/policy streams approach may help us to understand what happens at these critical junctures: How policy entrepreneurs utilise institutional scripts they may have picked up through learning to initiate change. However, institutions also evolve through incremental changes brought about by all the (sub-)conscious choices made daily by the actors involved, and just as genetic evolution is imperceptible in the short run, but brings about great changes in the long run, so can institutional evolution be seemingly invisible in the short run, but still affect great change in the long run (albeit on a much shorter time-scale than genetic evolution). And just as in genetic evolution, some elements of institutions lose their original function, and/or may acquire other functions as well – institutional 'myths and ceremonies' may be important as rituals that facilitate group cohesion, even if they no longer serve other practical purposes. Sometimes, institutional evolution creates institutional tensions that bring about crises or a perceived need for change, and institutions may then be consciously designed to resolve this situation. At other times, change is more externally driven – a key person may be replaced by an employer, or a shift in economic conditions may necessitate a novel regulatory approach. Some institutions may be in a state of flux; they might not have any sort of equilibrium state, or they may be new, still finding their form. Other institutions may be well established and resilient to great changes; one reason may be that they consist of a complex of mutually reinforcing norms and institutional structures that counteract any impulses for grand reforms. In this case, the IMO seems to exhibit some such characteristics and can be described as 'thickly institutionalised' as a social reality (Selznick, 1994: 234–235) or 'institutionally robust' (Ostrom, 1990), whereas the EU arguably may be more of an unsettled polity (Eriksen *et al.*, 2008).

This, then, provides a backdrop for how we may conceive of the comparative impact of the European executive order versus the intergovernmental order – as represented by the EU and the IMO, respectively – on a national administration. On the one hand, the EU represents a novel approach to the organisation of international institutions, with capabilities that far surpass those of traditional IOs. These new capabilities should enable the EU to affect national administrative processes more comprehensively, such as we see in the development of a multilevel EU administration. However, the novelty of the EU works against it. Thus, even if the IMO has fewer formal capabilities than the EU, its institutional robustness may mean that it is more difficult for the EU to gain a foothold in the IMO's own policy sector. This study aims to shed light on the balance between these two countervailing tendencies – and through that learn more about the mechanisms at work when IOs impact national administrative behaviour. However, in order to do so, we need to specify which parts of national administrative behaviour we are interested in, and that is the topic of the next section.

Policy stages and implementation

Stages models of political and administrative processes may sometimes go too far in reducing complexity and overlooking the reflexivity of policy processes (DeLeon, 1999). However, they also have their mission in helping us organise our analyses. At the most general level, the policy process or policy cycle can be divided into three types of consecutive stages: Policy-making, implementation and evaluation, with evaluation feeding back into policy-making. Broadly construed, policy-making consists of those activities performed to develop and debate the contents of a policy proposal leading up to and including the moment when the policy is formally adopted in the organisational body concerned. Policy-making can thus involve a host of actors, ranging from bureaucrats and government officials who prepare policy proposals and parliamentarians who debate them to lobbyists and media who influence them. Implementation consists of those activities involved in putting policies into practice: It can consist of governments drafting regulations to implement a law, bureaucrats who appropriate funds within the framework of a budget, the granting of licenses or the enforcement of laws on citizens and businesses. Finally, evaluation consists of feedback activities, both in terms of formal and informal, structured and unstructured feedback – evaluations, letters from citizens, research reports etc.

However, what stage we are talking about when examining a specific activity may vary depending on the institution we are concerned with. Debating a law in Parliament may constitute policy-making at the national level, but if that same law is made in order to give life to an EU directive, this will constitute implementation seen from the vantage point of the Commission. Within a non-governmental organisation (NGO), drafting a response letter to a public hearing may constitute policy-making in the board, but for the government organising the hearing, it may be part of the evaluation process. The articles in this dissertation deal with the stages of the international policy process that the NMD were involved in: The IMO's policy-making and the implementation of IMO and EU rules.

Article 3 deals with EU coordination at the IMO. Seen from the vantage point of the IMO, this is clearly a policy-making stage: The goal of the process is to discuss and ultimately adopt IMO rules on maritime safety. In one respect, it also represents policy-making for the Commission and the states: What is done at the IMO frames European and national policies to come. However, in other respects it also constitutes implementation: The EU member states and the Commission are implementing the provisions of the EU treaties regarding coordination in other IOs, and the national officials are implementing instructions from their national governments and broader principles of national policies towards the IMO and the EU. It is through the implementation of these provisions, policies and principles that the European executive order ends up impacting the IMO's policy-making process, and it is especially the impact of the EU on this aspect of national administrative behaviour that I am interested in investigating. As I discuss in this article, this stage has usually been investigated as pure international policy-making or as international relations, and not so much as an instance of administrative behaviour – or with a view to the implementation aspects of the processes at this level.

Article 2 deals with the NMD's implementation of EU and IMO rules. There are two sub-stages to this, which are treated together in this article: Legal and practical implementation. Legal implementation constitutes the transposition and incorporation of international rules into national ones. Seen from the vantage point of the nation-state, this may be regarded as policy-making (depending on who is doing the transposing and incorporating), but from the vantage point of the EU and the IMO, it is clearly implementation. In most EU implementation and compliance studies, this stage is the one that has received the most attention; probably because it is the one with the most accessible data (Mastenbroek, 2005; Sverdrup, 2007; Treib, 2008). Practical implementation – often called 'application' – consists of all activities putting rules and policies into practice which do not involve making new rules. This has not been as extensively studied in EU implementation studies, but there are important exceptions (Falkner *et al.*, 2005; Falkner *et al.*, 2008; Versluis, 2004, 2007).

Article 1 delves deeply into practical implementation when looking at ship inspectors and their training at the European level.

Clearly, then, this dissertation is mostly concerned with implementtation – either of international rules at the national level, or of European and national policies at the global level. We should therefore spend some time on reviewing the most important points to be learned from the implementation literature described earlier, and to delineate implementation from 'compliance'.

The interest in implementation began when, after the positivist optimism of the post-war era, administrative scholars in the 1960s and 1970s started to become puzzled by why seemingly well-constructed government programs failed to deliver. The seminal study of Pressman and Wildavsky (1973) of social programs in Oakland was followed by a host of other studies employing the 'top-down' perspective: Why was implementation incongruent with the intentions of policy-makers (Hupe, 2011)? From another angle, Lipsky (1980) then investigated how front-line civil servants, or 'street-level bureaucrats' (e.g. teachers, police officers, and case workers) ended up shaping policy in action because they were the ones who actually had to reconcile conflicting policy goals under conditions of limited resource availability. Although later reviews have identified a plethora of variables impacting on implementation that have been used by various researchers, the main insight we can take away from this kind of research is that implementation never can be 'perfect', and that complex policies and complex organisational structures both increase the likelihood of incongruent implementation and the difficulties for the administrative officials who have to practically apply these policies. For the purposes of this dissertation, this indicates two things: That studying implementation is vital to understanding how policy is actually performed, which further leads to the conclusion that we need to study implementation processes if we are to understand the practical impact of the EU and other IOs. The second implication is that imperfect implementation should not be surprising or puzzling, but rather be taken as a given in this research – especially as the involvement of multiple levels of governance complicates implementation even more. This leads to my next point, the relationship between this study and compliance studies.

Implementation research related to the EU (and also to other IOs) seems to have focussed to a large extent on the concept of 'compliance' (Chayes and Handler Chayes, 1993; Mastenbroek, 2005; Sverdrup, 2007; Tallberg, 2002; Treib, 2008). 'Compliance' can be understood as the degree of correspondence between the formal provisions of a rule and the actual implementation of that rule. Thus, compliance research aims at identifying and explaining discrepancies between rules and their implementation – it is a 'top-down' perspective. This kind of research carries an implicit (not necessarily intended) normative undercurrent. Although it is interesting in itself to understand the shifts that occur as policy moves from policy-making through administrative levels to implementation, framing implementation research as compliance research also entails making judgements about the desirability of compliance. Even if we postulate that respecting one's commitments is desirable in general, the actual degree of compliance represents a trade-off between multiple concerns, such as resource efficiency, other valid policy goals, democratic deliberation and participation and so on. If compliance research does not take into account these factors in order to discuss what a satisfactory balance between compliance and other concerns may be, it may end up helping to further policy goals that the researcher did not intend to help, or may even find ultimately unethical. I am not advocating a departure from compliance research, but rather that compliance research needs to be explicit about the assumptions it makes about the desirability of compliance.

Another alternative is to do what I have attempted to do: Study of implementation processes where the degree of compliance itself only represents part of the context in which these processes occur. I may not have been completely successful in altogether avoiding inadvertent, implicit normative judgements about more or less desirable administrative behaviour, but I have endeavoured to showcase the value judgements made by the officials involved in the processes and to problematise different aspects of the dilemmas they face. This is especially relevant in articles 1 and 2, which are the ones that most clearly deal with implementation at the national level.

If I have not wished to investigate compliance, which aspects of implementation have I then investigated? I have operated with two basic distinctions between types of implementation throughout the articles, which are linked to the two institutional orders investigated.

The first distinction has been between direct and indirect implementation, a distinction taken from the concepts of direct and indirect administration developed by Hofmann (2008) to understand EU administrative space. This distinction relates to how IO rules are implemented; either directly by the IO, or indirectly by other actors, member states being most relevant here. The standard method of implementation for IOs has been predominantly indirect, whereas the EU over time has grown out of this mould to incorporate also more direct implementation.

The second distinction is between enforcement and a support approach to indirect implementation. This builds on the concepts of 'hard' and 'soft' tools (Nye, 2004) and of enforcement and management approaches to compliance (Tallberg, 2002). The standard approach of IOs has been to use various supporting (or 'managerial') tools to enhance member states' compliance with their rules. This is rooted in the way they are constituted under international law, which entails that states are only bound by international commitments when they choose to be bound. Few international bodies possess enforcement tools – the United Nations Security Council is one example, but one which is still reliant on its member states to perform enforcement. The EU, with its infringement procedures and institutional bodies dedicated to enforcement thus stands out as an IO with wide-reaching supranational powers and capacities.

The intergovernmental order as ideal-type relies mainly on indirect implementation, with a supporting role for the IO. Actual IOs, such as some United Nations (UN) agencies, may perform direct implementation such as through field offices in certain development projects. In the case of the IMO, however, this is a very minor aspect of its operations. Indirect implementation is clearly predominant.

In contrast, the European executive order combines indirect implementation with more direct or hybrid features, such as the case has been where the Commission has a role in competition, or when the European Maritime Safety Agency (EMSA) maintains an oil spill preparedness of its own. In addition, it combines support of indirect implementation with enforcement. This must not be confused with a purely supranational approach. Rather, the EU mixes intergovernmental and supranational elements, and adds in more traditional executive dynamics of epistemic and departmental logics (Trondal,

2010) to create hybrid forms of implementation. In a historical institutionalist light, this can be interpreted as 'layering' (Thelen, 2003), a process whereby new elements add to, rather than subtract from, older institutional elements.

Institutional orders

Before we turn to questions of research design and case selection, one last theoretical concept used in this dissertation needs to be discussed, namely that of 'institutional orders'. Throughout the articles, this concept has been applied, but only implicitly defined. 'Order' is a concept used by many authors (see e.g. Olsen, 2007 for a recent example). As the concept seems to be understood, an institutional order in political science can be described as an agglomeration of institutions and organising principles for these institutions, the whole of which functions as a paradigm for the organisation of political life within the political community under study. Such an order may not be coherent – i.e., it may exhibit contradictory dynamics, and is probably never designed, but in order to constitute an order it has to have at least some consistent defining characteristics. Most importantly, an institutional order is only an analytic entity – it is a tool for the researcher to analyse and understand social realities in the political sphere. For the purpose of this dissertation, the intergovernmental order and the European executive order constitute two such institutional orders.

It is important then, to distinguish between the EU as actor and the EU as order. Whereas the IMO here is picked as a representative of the traditional intergovernmental order, the institutional architecture of the EU, understood to include the relationship between EU institutions and the nation-states, constitutes the European executive order. This is a problem with the concept of this order, as it may be easy to just conflate the activities of the EU with the organising principles of the European executive order. It is therefore necessary to attempt to maintain an analytical distinction between what the EU does and how the EU functions as order. This is most easily done by first acknowledging that the EU never acts as a whole, it acts through its institutions. If we analytically 'break up' the EU into its constituent parts, we can identify broader organising principles that work across institutions, and thus get to the characteristics of this order, separate from the individual actions of each institution.

With this analytical framework as a backdrop, we can now investigate the research design of this dissertation.

Research design, case selection and methodology

The stated aim of this project has been to understand the practical consequences in terms of administrative behaviour at the national level that stem from the differences between the European executive order and the traditional intergovernmental order. At one level, this is exploratory and descriptive – an attempt to further map out the field of the European executive order, in a new sector, in more detail, at new policy stages and at new levels, compared to the existing literature. In itself, this is an important aspiration. It provides new knowledge about a policy sector or about the institutional dynamics of a certain organisation. For practitioners too, such knowledge may be quite valuable. However, such a project may also do something more and aspire to a more theoretical impact. Indeed, this is what I have wanted to do. New empirical angles and extending coverage of a literature to new cases may provide two different types of contributions to theoretical development: A test of existing theories and hypotheses, and modification and refinement of concepts – and perhaps even the creation of new ones (Andersen, 1997; George and Bennett, 2005; Ritchie and Lewis, 2003; Stake, 2008; Yin, 1994). In this project, the emphasis has been on the development of theoretical concepts, and not so much on testing theories and hypotheses. This is not to say that I have not also (implicitly) done this, but it has not been the main aim. In this section, I will first outline the research design and methodology of the project, before I discuss the potential for generalisation to theory in more detail.

This study has been an embedded single case study (Yin, 1994), in which multiple aspects of a single case (the NMD's engagement with international rules in the maritime safety sector) has been investigated. The three articles have looked at different stages and levels of the policy process in which the NMD has been engaged: Article 3 looked at policy-making at the global level, article 2 investigated implementation processes at NMD headquarters and article 1 investigated 'street-level' implementation by NMD ship inspectors. The main source of empirical materials has been interviews, supplemented by documentary evidence and participant observation. In the following, I will elaborate on case selection,

selection of information sources and choice of interview and analysis techniques, before finally discussing issues of generalisation.

Case selection

At the outset, I wished to study the Europeanisation of maritime safety policy as my PhD project. This interest started from working experiences as a stagiaire in a Brussels-based consultancy firm with an engagement with shipping. However, the project had to be changed early on, as a literature survey uncovered that this had been extensively researched by the start of my project in 2008 (Pallis, 2002; Ringbom, 2007; Selkou and Roe, 2004; Stevens, 2004). Input from my academic supervisor and others led me in the direction of exploring the practical consequences of the development of the Commission as an executive centre through a case-study of the maritime safety sector. Even though the sector had originally been chosen for empirical rather than theoretical reasons, I found that the sector had not been researched from the theoretical perspective of European executive centre-formation at work, and as the highly intergovernmental nature of the IMO allowed for a comparison of the traditional intergovernmental order it represented and the emergent European executive order, it could provide a valuable arena for investigation of the mechanisms at work in the European executive order. This would necessitate an in-depth familiarisation with the politico-administrative processes in this sector. In addition to the literature survey and documentary research I had done of the websites and major conventions of the salient IOs (the IMO, the EU with EMSA and the Paris Memorandum of Understanding on Port State Control (PMoU)) I began acquainting myself with the sector through discussions with a couple of professionals in the field who my colleagues at ARENA were familiar with. At this point, it became evident that thorough familiarisation with the sector would require talking to a broad range of informants, but also that I would have to decide on a 'cut' of the sector that was manageable.

As one of the primary roles of executives is implementation, I found the implementation of international policy to be of particular theoretical interest. It therefore seemed most prudent to me to focus my attention on the national level, in order to see how national officials were dealing with rules coming from international sources. Inspired by the concept of 'double-hatted agencies' (Egeberg, 2006b), I settled on primarily investigating the NMD. It was close at hand, fairly open and easy to communicate with – both in terms of physical proximity, culture and of language. Thus, I ended up with my project being centred on the NMD's involvement with EU and IMO rules as a case of the effects of the European executive order in the making at the national level. As the project progressed and informants took me in new directions, I ended up expanding information gathering to include NMD activities at the global level in IMO negotiations as well.

Thus, the process of case selection was very much driven by empirical, theoretical and practical concerns working together. Case selection was not simply deduced from an abstract theoretical starting point as a 'critical test' of an existing theory, or found as a 'unique or rare event' or even out of an intention to be 'revelatory' – all of these Yin's (1994: 44) justifications for studying single cases. Neither was case selection done with a special view to clear-cut, theoretically pre-defined variables, such as the process George and Bennett (2005) focus on. Rather, I subscribed to the view of Stake (2008) that, although case selection will always be informed by theory in that we select cases based on what seems to us to be of relevance to the problems we wish to investigate, and that theory will inform the 'cuts' we make to examine 'reality', each case as it ends up being defined by the researcher must be evaluated within its own context first. I agree with George and Bennett that typological theorising is a productive way of capturing and representing social 'realities', but I believe that squeezing cases into a dependent-independent variable dichotomy based on our theoretical preconceptions, such as they also suggest, not only molests 'reality', but also runs a great risk of producing tautological theories: What we look for is what we see, and we may end up misinterpreting information or losing out on vital clues to understanding.

However, case studies with this purpose may also provide added value for more theoretically oriented research by 'refining theory, suggesting complexities for further investigation as well as helping to establish the limits of generalizability' (Stake, 2008: 141). Thus, I selected my case on the basis that it had *relevance* as an instance of national officials' adaptation to the dual institutional orders of the global, intergovernmental regime and the European executive order, but deliberately avoided detailed specification of *a priori* theoretical variables. Rather, I decided that I wished to examine stages of the policy process that would help highlight national officials' adaptation

– i.e. those stages where they were involved directly. The role played by theory in this selection of the case goes beyond the 'revelatory' case of Yin, but steers clear of the more deductive approach of George and Bennett as well. It is not quite a 'grounded theory' approach (Glaser and Strauss, 1967), but still a theoretically informed, bottom-up approach to research.

Selection of information sources

When I had settled on a case, I had to start out gathering information on it. There were basically four alternatives for doing this: Reviewing documentary evidence, observation, quantitative interviews and qualitative interviews. An initial review of publicly available documentary evidence yielded only basic contextual information. What were available were international rules, websites with general information about the organisation and activities of relevant organisational entities, the maritime strategy of the Norwegian government and the yearly reports of the PMoU and EMSA. In the bottom-up inspired approach, quantitative interviews were out of the question, since these would entail pre-definition of highly specified and operationalised variables. Observation of meetings was desirable, but would be of little value without more information about 'behind the scenes' activities. I therefore chose to utilise qualitative interviews as my main information source, which I was later able to couple with observation of MSC87 and the Norwegian coordination meeting in advance of MSC87. I also asked for access to EU coordination meetings at MSC87, but this was not feasible. Initially, I used two unstructured talks with one international business NGO representative and one employee of the NMD whom I was introduced to by colleagues to catch some of the main controversies and actors in the sector over the last few years. Armed with this insight, I contacted the NMD and asked if I could interview the Acting Director of the NMD, as well as the management group there. I desired to examine the entire organisation of the NMD from top to bottom to trace the impact on various echelons of national officials by the two institutional orders, and I deemed it vital to gain approval from management in order to comprehensively approach informants on the lower rungs of the hierarchy.

Senior management officials were quite open and forthcoming. However, they preferred that I cooperated with them in selecting informants within the organisation, as this would make the interviews less of an obstruction to day to day business in the NMD. Even if I harboured initial scepticism to this potential source of censorship, it turned out that this approach extensively enhanced my legitimacy vis-à-vis informants, and the interviews I conducted later convinced me that I had been given full and free access for all intents and purposes. Informants were frank and did not seem to hold back. In order to secure sufficient variation among informants I specified that I wished to speak to NMD staff with varying degrees of international experience as well as length of employment in the NMD, and that I wished to speak to all departments in the NMD, except for accounting, human resources and archives. Apart from a few cases where practical problems led to the cancellation of interviews, I was able to speak to most informants that I wanted within the NMD. In total, I attempted to interview 40 NMD headquarters staff at the level of adviser and above, and succeeded in interviewing 36.

A special case was that of ship inspectors. These were part of the NMD, but posted at decentralised stations around the Norwegian coast. Working together with the heads of the relevant NMD department, four stations were selected for interviews. One was located in Haugesund, together with NMD headquarters, and interviews here were improvised at an early stage. Of the remaining three, two stations agreed to participate. At these two stations, station managers were interviewed, together with those ship inspectors who were available at the time of my visit. In Haugesund, only two inspectors were available for interviews, one being acting manager that day. In total, I interviewed 12 employees at NMD stations.

At an early stage I also considered including a parliamentary dimension in my study. In order to do this, I interviewed outgoing parliamentarians in the summer of 2009 about maritime safety policies. A total of four Norwegian parliamentarians from the relevant committee were interviewed, which were those who had responded positively to my request for interviews. Although these interviews did shed light on the involvement (or rather lack thereof) of parliamentarians in maritime safety affairs and thus the very administrative nature of this policy sector, these interviews ended up only providing context and could not be included in the three articles.

The NMD is also subordinate to the MTI in most maritime safety issues, although some issues fall under the purview of the Ministry for the Environment (ME). After having performed interviews at the NMD, I realised that it would be necessary to interview staff at the MTI to get a full picture, especially of EU relations. Due to a high workload for MTI officials, this took some time to organise, but in the end I was able to interview staff from all three sections of the MTI's Maritime Department: The Head of Unit for the Maritime Markets Section, the Head of Unit and a Senior Adviser for the Maritime Policy Section, and the Head of Unit, his deputy and a Senior Adviser in the Section for Maritime Safety and Regulations. These interviews yielded valuable insights into the division of labour between the MTI and the NMD and of various international processes involving Norwegian officials. In addition, these informants opened the door for participation at MSC87, as MTI backing allowed me to join the Norwegian delegation there as an observer, and even to sit in on a Norwegian coordination meeting. Through this participation, I was also introduced to five additional informants at MSC87: One Norwegian labour organisation representative, one Commission official, two permanent representatives from EU member states and an IMO secretariat official. The latter four informants provided core information for the third article.

In the end, 63 informants were recruited for this project, but not all interviews have been utilised in the articles, and some informants have provided information relevant for more than one article. This broad approach was necessary to capture various interconnected aspects of the 'life' of the NMD – both within the organisation and outside it (Berg, 2009: 322).

Interview techniques and analysis

Interviews were performed as semi-structured conversations (Rubin and Rubin, 1995; Silverman, 2006: 110) based on a pre-developed topic guide that was used as an *aide-memoire* for me as an interviewer (Arthur and Nazroo, 2003). The main aim of the interviews was to understand the respondents' worlds and their reactions to it (Fontana and Frey, 2008). Rather than adopting a positivist stance of just using interviews as a medium for getting at 'facts', I adopted the more emotionalist stance of seeing interviews as representative of subjective experience (Silverman, 2006: 123); after all, social acts are always imbued with meaning, and loses an essential aspect of their nature if regarded disconnected from this meaning. Thus, immersion in the informants' worlds made it possible to grasp more clearly the amount of conflict and cooperation in the triangle of NMD-IMO-EU, and how informants interpreted shifts in these relationships over time.

As interviewing progressed, I was not only able to refine the topic guide, but also to integrate it more seamlessly into conversations, approaching a more open-ended interview. Indeed, as I became more surefooted and confident of the institutional surroundings in the sector, I established an improved rapport with my informants – drawing on the advice given by Hermanowicz (2002) on seeing the interview as a situation akin to a romantic date (in some matters, not all!). However, some aspects of the interviews were more formal. Firstly, due to data protection regulations, I had to obtain the approval of the University Data Protection Ombudsman (http://www.nsd.uib.no/personvern) for my research project. This involved providing assurance that informants would be giving free and informed consent to how I would obtain, analyse and store any data gathered about them. Part of this was sending informants a letter beforehand (see annexe 3) outlining the intention of the interview and advising them about the data protection measures that would apply. I was worried that this might create unnecessary distance between me and the informants (after all, who sends out a data protection letter to a prospective date?), but it turned out that informants either did not worry too much about this, or, in most cases, found it rather reassuring. There were only a couple of cases where informants were worried about data protection.

The second formal aspect of interviews was the artificiality of the setting. In most cases, interviews were conducted in informants' offices, or in a meeting room at their workplace. Meeting room interviews made it more difficult for me to adjust to each individual, as they were often part of a series of interviews done during one day at an NMD section or station. However, it seems that this did not impact informants' comfort with being interviewed very much. Some interviews were conducted in informal settings, such as a café or a smoking terrace. These interviews took an even less structured turn, as it was more unnatural (or even cumbersome) to have a topic guide physically at hand.

All interviews, apart from the two initial unstructured talks, were recorded for the sake of accuracy (Silverman, 2006: 113). One recording was lost, as it was made on a cell phone that broke down.

The other interviews were made with a separate digital recorder. Apart from one interviewee who was uncomfortable with being recorded, and a couple of interviewees who were somewhat cautious about what they would say about a specifically sensitive question when being recorded, informants quickly adjusted to – or forgot – the recorder. At a couple of occasions the battery went flat, which was distracting during interviews, but still only a minor inconvenience.

The recordings (apart from the one missing interview, where I instead had substantial notes to go on) were transcribed by the use of the transcription software HyperTranscribe or NVivo (the latter only for two interviews). Transcription involves a host of methodological choices, as this is the way in which talk is converted to text, which is a medium much easier to handle for analysis (Berg, 2009: 54). However, during this process much of the information which goes into communication is lost (Kohler Riessman, 2008: 21–52). The decision to only do a voice recording and not a video recording, for instance, already eliminates the possibility of examining visual cues such as body language as carriers of meaning. However, a lot of other auditory cues remain on a voice recording, and approaches such as conversation analysis have developed quite sophisticated notation systems to capture a host of these in transcription (Peräkylä, 2008). Preserving this amount of information leads to an extremely time-consuming transcription process, though, and should only be done if necessary for the research at hand. At the other extreme, you have transcription techniques which only summarise the main points in a sentence or statement, and in between these two a range of intermediate approaches to transcription (Kohler Riessman, 2008: 21–52). As I had stated in my application to the University Data Protection Ombudsman that I would delete the interviews at the end of my project period, I settled for a verbatim transcription of interviews with a view to being as complete as possible, but without denoting stuttering, hesitation and the like. This still meant that transcription ended up taking between three and five times the lengths of interviews, but provided the benefit that interviews may be stored in an accessible format for me or other researchers for quite some time, even if they have to be anonymised, and ensures that interviews retain the most central information for this type of analysis.

The transcribed interviews were coded and analysed with the help of the qualitative data analysis software HyperResearch. This software allows for inductive coding and codes that overlap, so that multiple meanings in a sentence, word or statement can be captured at once and utilised for analysis. This process was done separately for the three articles. Article 1 was based on the first batch of interviews to be transcribed and then analysed. For that article, the coding process basically consisted of identifying and typologising statements related to training and its impact on ship inspectors' work. Statements concerning the same topic were then grouped together to identify various types of relationships with training. This meant that quotes and statements made by individual inspectors were taken out of their contexts and reassembled to provide a cross-cutting structuring of information. Thus, the focus became less on the individual inspectors and more on the ways in which they could react to training.

Article 2 was based on a similar approach. However, where the number of informants for the first article was 13, the number of informants for the second article was 41. Thus, the information contained in interviews had to be aggregated at an even more abstract level. Again, this meant using coding and typologies to identify more general themes in the material, disembodying statements from their contexts, but also that more abstract statements were counted up and presented in a summarised version, rather than in informants' own words. Finally, article 3 adopted a slightly different, more narratively focused approach. The number of relevant informants was much lower for the analysis of how national officials and the Commission resolved the institutional mismatch between international orders at the IMO-EU interface – I ended up with six key informants for this article – and so it was feasible to structure the information according to informants, and not according to themes. Here, HyperResearch was used primarily to identify the possible informants. In the article, excerpts from each interview were presented chronologically as they appeared in the conversation, interspersed with summaries of less illustrative points. This allowed me more easily to take into account the organisational position and background of each informant, even if I still had to reduce the narratives to the information pertinent to the research question in the article.

In all of the articles I attempted to work as inductively as I could – to 'let the case define the concept' (Becker, 1998: 123). However, no one is a *tabula rasa*, and which concepts I found, how I organised statements and what conclusions I drew was very much impacted by the ideas of 'new institutionalism' type theory. Thus, the analysis I did mostly identified concepts connected to normative structures and organisational features of political life.

Before I finalised writing of the articles, I was also concerned with how the empirical materials were presented at a more ethical level as well. Given the way in which I have emphasised respect for the case-in-context, this is not trivial. How does one provide a representation of informants that is true to their meanings, as well as to the researcher's integrity? The sheer amount of informants and information produced in interviews meant that it was not possible to represent informants in anything but the most cursory manner. In article 1, there was room for direct quotes from informants, but these quotes were cut out of their context and pieced together anew. In article 2, direct quotes were replaced by more general abstractions from a number of interviews, whereas article 3 – with only six informants – had room for a more coherent depiction of each informant's individual narrative – even if highly summarised and compressed. Still, even in article 3 I had to make a highly critical selection of relevant parts of interviews. In order to ensure that my representations were faithful to informants' original meanings, I sent early drafts of the articles to informants for feedback (Borland, 2004). I did not get much in the way of responses to article 1, but I got several responses to article 3, and also some to article 2. I allowed informants to 'clean up' their quotes, as long as this did not change the original meaning, and a couple of informants offered valuable clarifications where I had misunderstood some finer points of the maritime safety sector in the draft to article 3.

However, it was impractical to send several consecutive drafts to informants with highly busy schedules, and articles change over time. Thus, the final versions deviate quite significantly from the original drafts sent to informants, but with respect to empirical materials mostly by replacing quotes with shorter summarisations.

Generalisation

Given the research design and methodology outlined above, how generalisable will findings from this project be? Or rather – what kind of generalisation can we do?

This is a perennial problem of social science research. On the one hand, one may ask whether research that cannot be generalised from to cover cases outside that which has been researched is 'research' at all, and on the other hand, we might ask if it is at all possible to generalise about social phenomena. This is a long debate which I cannot do justice here. However, I had real problems and dilemmas connected with generalisation in my research, stemming from my utilisation of a single case research design. For instance, several scientific journals openly discourage submissions from single case studies, precisely out of a concern for generalisation.

What is the broader relevance of this single case study I have performed, as I have no statistics drawn from a representative sample of hypothetical cases, and I provide no explicit comparisons between various national administrations? How can I be sure that my findings are not only applicable to the NMD, and not only in the time-period studied? How can I make sure that my findings are not irredeemably obscured by the idiosyncrasies of the maritime safety sector, when the ambition has been to go beyond the 'revelatory' (Yin, 1994) or 'a-theoretical' (Andersen, 1997: 61–68) case study? Faced with the empirical materials, I have used established theoretical concepts (e.g. 'institutional orders', 'norms', 'path-dependency' etc.) to grasp, organise and interpret them, and these – and related – concepts were also part of informing my original case selection and information gathering and production. Thus, I have perhaps performed what Andersen (1997: 68–73) describes as theoretically interpretative studies where existing theoretical concepts are applied to a case. However, I have deliberately attempted to go beyond just application of theory. After all, I have applied my concepts not only to a new policy sector, but also in some cases to administrative levels they have rarely been applied to before, and what I have found has not only replicated findings, but also provided surprises and modifications of the existing literature on the European executive order and multilevel EU administration. I have developed new thoughts about the mechanisms that may be at work at the more detailed level in national administrations to create the 'new' order in Europe, and I have compared the European executive order to an established intergovernmental order. Thus, I have contributed to developing theoretical concepts further, which may then be applied to other settings and further refined. This is what Ritchie and Lewis (2003: 264–267) call 'theoretical generalisation', where 'theory' is understood as 'a fluid collection of principles and hypotheses'; something between the 'law-like universal theories of the natural sciences on the one hand, and the assertion that there can be no meaning outside the individual context on the other'. I believe the theoretically informed, but highly context-sensitive approach I have utilised may contribute to this, as I have been highly conscious of allowing for new and unexpected findings. However, in order for such an approach to be of value to other researchers, and for the generalisations to be of interest, they have to be both reliable and valid. In Ritchie and Lewis' understanding, reliability in a qualitative research context like this hinges on a notion of (hypothetical) replicability: If another researcher had done this study with the same approach, would the findings also be similar? In practice, this boils down to reassuring the reader that the quality of empirical information and its interpretation is sound, by detailing the research process sufficiently. This entails identifying and correcting for any 'bias' in selection of the case, ensuring consistency in fieldwork and allowing informants to cover relevant ground, carrying out a systematic and comprehensive analysis that checks the consistency of classifications and checking that the research design allows for all perspectives to be identified (Ritchie and Lewis, 2003: 272). With regards to research validity, the central concept they identify is whether the researcher is 'accurately reflecting the phenomena under study as perceived by the study population', which can be checked by ensuring that sample coverage of informants is sufficient, that participants are able to fully express their views, that labelling of phenomena reflect the meaning attributed by informants, that the evidence for interpretation is sufficient and that findings are displayed in a way that is 'true' to the original data. This view can be broadened with the categorisations of validity done by Maxwell (2002): Validity in qualitative research can be described in terms of descriptive validity – are descriptions true and undistorted reports which respect the meanings attributed to actions and narratives by informants? It can also be thought of as interpretative validity – are the interpretative concepts used constructs that are closely connected to what participants mean? Then, we have the concept of theoretical validity – is the 'application of a given concept or theory to established facts' legitimate within the research community – if is it possible to establish an agreement about the facts? Furthermore, how generalisable are findings – in terms of being used to make sense of similar persons or situations? Whereas Ritchie and Lewis regard validity as a precondition for generalisability, Maxwell thus sees generalisability as a form of validity. And finally, we have evaluative validity – how valid a normative judgement about a situation is.

Many of the choices I made during the research process were guided by these understandings of validity and reliability. For instance, the decision to transcribe as completely as practically possible for me was taken in order to ensure that I did not misread informants' statements, and I consciously strived to display variation in informants' statements across the board. I am therefore quite confident that the descriptions of processes and the meaning attributed to them that is found in my articles are sound, reliable and valid. I have also ensured that the theoretical concepts applied were applicable and that the findings spoke to these concepts and theories in a legitimate manner.

In this context, two points deserve closer attention: The relevance of the maritime safety sector and of Norway as cases. If we are to generalise to theory, we need to ensure that sector- or country-specific idiosyncrasies do not eschew our findings too much. Why can the specific combination of sector and country examined in this study be seen as representative of processes that may have a more general application?

The maritime safety sector is a good case to study for three reasons: First of all, it is a sector which is fairly easy to delineate from other policy sectors. Because it is largely regarded as a technical sector where the specific rules are the domain of experts rather than politicians to a large extent, the 'spill-over' from other policy sectors is relatively low. This is not to say that it does not occur – the maritime sector is highly sensitive to economic trends, and environmental issues seem to have become progressively more important – but it does not constitute a 'wicked issue' sector where complex problems from many policies interweave, such as climate change or human rights issues do. Thus, it is easier to isolate explanatory factors which derive from organisational and institutional aspects of the sector. Secondly, the maritime safety sector provides an institutional landscape that closely approximates the ideal-typical distinction between the intergovernmental and the European executive orders. As underlined again and again by different informants, the IMO is a highly intergovernmental organisation, serving as a 'platform' for member states, rather than an actor in its own right. Conversely, maritime safety matters within the EU fall clearly under shared competence between the EU and the member states, and is subject to the 'ordinary legislative procedure' (formerly 'co-decision') in which the supranational institutions of the EU play a role. This is the type of EU issue which most clearly informs the idea of a European executive order – the Commission, the EP, the Council of the EU (Council) and the CJE play an important role, but it is still the member states who implement EU rules and policies (for the most part). As the two orders also overlap (see Ringbom, 2007 for details on legislative overlap), they interact and it is possible to compare their effects in a national administration. Thus, we can be fairly sure that it is appropriate to investigate the effects and interactions of the intergovernmental and the European executive orders in this sector. Thirdly, the chronology of EU engagement in the sector also fits the chronology outlined by Curtin and Egeberg (2008) for the development of the European executive order in relation to the intergovernmental order: The EU engaged with maritime safety in the shadow of pre-existing institutional arrangements in the sector, rather than the other way around. Thus, it is easier to distinguish which findings may be attributed to the IMO's role and which may be attributed to the EU's role in the sector. Still, if this study was done in a vacuum, it would have been problematic to rely on the findings from this sector alone. Thankfully, others have investigated the European executive order in other sectors (Egeberg, 2006b), and it is therefore possible to use this sector to put findings from other sectors in relief, even if the research design has not been explicitly comparative.

The decision to primarily investigate a single country in two of the articles, and one which is not an EU member-state to boot, may be more controversial. However, single-country case studies are not unheard of, and given that they provide ample opportunities for in-depth investigations of processes as well as sensitivity to a rich context, they are a vital part of any research tool-kit. What they demand, though, is that these two aspects are taken advantage of, and that specific idiosyncrasies are taken into account.

In this case, a Norwegian agency has been the object of study. Norway is a small, northern European state with a strong, open resource-based economy, an important maritime sector and a close affiliation with the EU through the European Economic Area (EEA) Agreement. Participation in multilateral IOs coupled with a close alliance with the United Kingdom (UK) and the United States through the North Atlantic Treaty Organization is a corner-stone of its foreign policy, but it has twice rejected EU membership by popular referendum. It seems to have an international reputation as a state that generally complies with its international commitments. What does this imply for this study? Its small size means that it has a fairly transparent public sector with small hierarchies. Its open resource-based economy implies that it has a vested interest in market access and a level, international playing field for its goods. Norway's geographical location on the ice-free north-western sea-border of Europe means it has developed strong maritime traditions which in turn have contributed to the development of a maritime service sector that today comprises most of the functions related to shipping, such as protection and indemnity insurance companies, law firms, classification societies, shipping companies, ship-building companies and production of maritime equipment. It also provides extensive training of maritime professionals. Thus, it has access to valuable know-how. The relatively high labour costs in Norway ensure that Norwegian maritime industry has an interest in promoting high quality shipping. However, Norway is also a major ship registry, and less exposed to the problems of visiting sub-standard shipping than many other EU countries. Thus, Norway behaves mostly as a so-called 'flag state', where most EU states (Greece and Malta being the most notable exceptions) are so-called 'port states'. Indeed, this has been taken into account as a possible explanatory factor for one of the findings in article 2, and it helps explain why Norwegian officials prefer the IMO to the EU as a policy arena in article 3 (although this is not relevant for the research question in that article). Furthermore, Norway's affiliation with the EU has the practical consequence that Norwegian officials for all practical intents and purposes (in this sector) have to implement EU rules in the same way as EU member states. The enforcement mechanisms are similar, but the institutions performing enforcement are not the same: the Commission's functions are performed by the European Free Trade Association (EFTA) Surveillance Authority (ESA) and the CJE's functions are performed by the EFTA Court. However, ESA is assisted by EMSA in enforcement in this sector. The EEA Agreement is politically sensitive in Norway, and this political sensitivity may contribute to explaining the findings regarding how non-compliance with EU rules is handled in article 2. Also, Norway does not participate in EU policy-making to any great extent. However, in this sector and for this study, this is less relevant than in other cases. It may be part of the reason why EU rules fit less well with national policy agendas, but judging from the literature on the development of maritime safety legislation in the EU (Pallis, 2002; Ringbom, 2007; Stevens, 2004) and what informants from EU member states described for article 3, this misfit is something not specific to Norway. In any case, Norwegian officials participate to a much larger extent than they have the right to in EU coordination in the IMO (article 3), and generally are involved in Commission expert groups in this sector in the preparation of EU policy proposals. Thus, the major difference between national officials in EU member states and Norwegian officials as regards participation in the policy-making processes in the EU which may in turn affect attitudes in the implementation process is found in Council processes. Here, Norwegian officials do not participate. However, given that the scepticism voiced by EU member state officials and Norwegian officials is largely the same towards EU rules this is probably of little relevance for the findings in this study. Norway's preference for multilateralism, but rejection of EU membership could inform resistance towards EU rules, but I did not find evidence of this; rather, in article 2, informants' scepticism towards EU rules were framed in more technical terms. Finally, if Norway is a state that generally complies with its international obligations (for instance if it is true that it is part of a 'world of law observance' (Falkner *et al.*, 2008)), this would certainly entail that it has an administrative culture that rewards compliance and punishes non-compliance. Even though it seems that the desirability of compliance is uniform within the NMD, and officials may have a self-conception that they generally are doing what they should (article 1), the extent to which compliance is prioritised does seem to depend on other factors related to the IO who produced the rules and the content of the rules themselves, as we see in article 2. However, Norway's reputation may be part of the explanation for why it is included in EU cooperation (article 3) – if it is reliable, it is easier to take its officials seriously as partners.

The above discussion demonstrates that high context-sensitivity is important to understand the transferability of findings to other contexts. It has enabled us to formulate relationships between various institutional factors which in turn can be tested and refined in other contexts. In some instances, this single country is representative of other states with similar parameters. In other respects it may be different, and taking this into account lets us know more about what to expect in other contexts.

I believe that this study adds to our understanding of how the European executive order interacts with the traditional intergovernmental order at the national and global levels, as I have been cautious to qualify statements appropriately and not overstretch concepts. Done in this way, I believe a single case study with the starting point of theoretical *relevance* that I have performed, is valuable beyond itself in terms of generalisations to theory. It is therefore now time to investigate more in-depth the specific contributions of the individual articles, and to piece these together to see what the overall picture that emerges from this project may be. That is the topic for the next two sections.

Contributions of the individual articles

In this section I will review the contributions made by the individual articles in the order they have been submitted for publication and appear in this dissertation.

Article 1: The EU and the implementation of international law: the case of 'sea-level bureaucrats'

Article 1 asks what the influence of the EU is on 'street-level bureaucrats' (Lipsky, 1980), in this case ship inspectors in the NMD. Interviews with 11 ship inspectors and NMD station managers, as well as two managers at NMD headquarters demonstrated that the European executive order was relevant in the maritime safety sector, and that ship inspections seemed to have become europeanised through ship inspectors' participation in courses organised in cooperation between EMSA and the PMoU. Training is a typically 'soft' tool for enhancing compliance and ensuring harmonization across borders, which is also discussed elsewhere in this dissertation. This article does not deal with whether compliance actually increases, but rather examines whether ship inspectors report that they changed behaviour following training courses. Furthermore, what happens when global and European rules mesh together and are supposed to be implemented by the same people at the national level? For the ship inspectors, it matters little what origin the rules have – they relate to the Norwegian rulebooks. The European training courses are more extensive than in-house training seminars in the NMD, and inspectors' reports – albeit with variations – describe specific behavioural changes that indicate that there would be greater variation from how EU or PMoU decision-makers would like to see things done in practice if the European training courses had not taken place. In contrast with officials at NMD headquarters, who emphasised the IMO (see article 2), ship inspectors mentioned *both* the European actors EMSA and PMoU *and* the IMO as important for defining frameworks for their job. Furthermore, the direct influence of the EU on 'sea-level bureaucrats' may indicate a move towards a more direct or hybrid kind of administration in Europe, in line with the 'double-hatted' agencies literature (Egeberg, 2006b). As European and national rules are mostly developed within the IMO (Ringbom, 2007) and European training courses provide guidance as to how these rules should be implemented, the EU is not replacing global rules with European ones, but rather defining some of the interpretation and application of global rules. Perhaps it is warranted to speak of the EU as an interpretative filter that has inserted itself between the IMO and the nation-state for those rules adopted by the EU.

This article broadens the European executive order literature by examining lower levels of administrative hierarchies than has been usual in this literature, by connecting internationalisation and Europeanisation and by dealing with a new sector.

Article 2: Neptune or Poseidon: Implementing European Union and global law in a national agency

This article moves one step up from the 'sea-level', and examines implementation processes at NMD headquarters. Here, the EU and the IMO as representatives of the two institutional orders are compared in the way their functions and capacities impact on the NMD's implementation of their rules. With information taken from interviews with 36 NMD and five MTI officials, this comparison helps nuance the picture of the similarities and differences between the intergovernmental order and the European executive order. The analysis is structured around the administrative, legal and organisational capacities the EU and the IMO have to fulfil four functions: Policy-making, implementation, enforcement and support. Where the EU has the capacities to fulfil all four functions, the IMO itself provides mainly a supporting function, and utilises member state capacities to perform a policy-making function. The empirical materials indicate that the overall respective presence of the EU and the IMO in the everyday affairs of NMD officials is the reverse of what we might expect, given these IOs' capacities: The IMO is the dominant IO. This is probably due to the institutional robustness of a global maritime safety regime established decades before the EU entered the arena. The EU and the IMO both seem to impact the practical application of their rules, but through different aspects of the supporting function. Where the EU demonstrates its capacity for influencing national officials through training and information management, the IMO relies on member state capacities to provide a framework for peer reviews through voluntary audits of member states. The article also examines how the national administration faces non-compliance, and tentatively concludes that in the putatively rare cases of non-compliance in the NMD, non-compliance with IMO rules may be easily acknowledged, but not necessarily perceived as urgent to fix, whereas non-compliance with EU rules may be more difficult to uncover, but rather urgent to do something about. There are several institutional factors which may help account for this, but one possibly important factor may be the strictness of the enforcement regime of the IO: The stricter the regime, the less publicity about non-compliance, but the more urgency to do something about it. Finally, the article finds that the EU seems to generate more conflict over its rules than the IMO, and connects this to how the independent powers of EU institutions like the Commission and the EP vis-à-vis member states increase the risk that EU policies will deviate more from those of the state than the IMO's policies. Taken together, the IMO and the EU co-exist, and are both still important to understand the workings of the national administration, even if the EU has brought new mechanisms into play.

This article extends the executive order literature by providing a novel comparison of how an intergovernmental IO and the EU actually influence a national agency, which demonstrates the entrenched position of the intergovernmental order, how the European executive order layers itself on top of it within a national administration and some specific mechanisms by which the European executive order differs from the intergovernmental one.

Article 3: Navigating from conflict to working arrangement: EU coordination in the International Maritime Organization

Whereas the two preceding articles deal with various aspects of national implementation of international rules, this article moves the perspective to the global level and examines how national officials and the Commission have made EU coordination at the IMO work in spite of the institutional mismatch between the IMO and the EU. Through the eyes of six key informants, supplemented with my own observations at a Norwegian coordination meeting in advance of MSC87 and observation at MSC87 itself, we see how a working arrangement has been created that seems to be 'layering' (Thelen, 2003) at work. Theoretically, this paper also takes as a point of departure the distinction between a traditional, intergovernmental order and the emergent, European executive order. International affairs have been regarded as an executive prerogative and as pivotal to the conception of national sovereignty. We would therefore not expect EU member states to submit willingly to coordination under EU auspices on this arena. However, an extensive international relations based literature on EU coordination has showed that they do coordinate and that they agree (Jørgensen, 2009b; Laatikainen and Smith, 2006a; Riddervold, 2011), and the question then becomes how this is made to work. This article extends the executive order literature to analyse the global level and a new policy sector, as well as providing a reconceptualisation of EU coordination as an instance of European executive centre-formation at work, and enhances our understanding of how EU coordination in an otherwise intergovernmental setting is made to work. In the article, six institutional factors are identified which contribute to understanding the working arrangement arrived at: The strong norm for consensus decision-making in the EU Council may have provided an important normative backdrop for getting to a working arrangement. This has probably been reinforced by the legal-normative framework provided by EU treaties, which oblige EU member states to coordinate, and which has been strengthened by the Transport Council backing the Commission in creating maritime safety legislation in the first place. However, the normative framework seems to have been meeting with some resistance, which has been resolved through a combination of learning on the part of the Commission and national officials and of entrepreneurship from the Commission in using learning to inform a choice of 'interests', rather than 'competence', as the focus of coordination. This was probably especially important in the context of previous institutional choices, which have made it progressively more difficult for member states to break away from EU coordination. Finally, the solutions arrived at may have been informed by institutional isomorphism as well: The intergovernmental elements of the EU and the IMO may have provided the templates for organising a coordination process that as little as possible threatens national sovereignty and the intergovernmental mores of the IMO without directly undermining the EU's normative framework.

Thus, this article not only extends the empirical coverage of the literature on the European executive order and re-conceptualises policy-making at the global level as an instance of implementation of EU/national rules and policies. It also provides a new and detailed examination of how and why EU coordination in an IO is made to work from an institutionalist perspective and in a so far unexplored case, thereby adding to the literature on EU international relations.

Piecing together the findings

The main research question in this dissertation is whether and if so, how, the characteristics of the European executive order engender administrative behaviour by national agency officials that differ from those engendered by the traditional intergovernmental order. The empirical materials in the three articles have provided some clues as to which mechanisms may be at work here. The topic for this section is the bigger picture that emerges. It is evident that in this sector, the European executive order manifests itself at all levels of the political system: From global negotiations at the IMO, to the activities of ship inspectors along the Norwegian coast. Perhaps it is warranted to go so far as to call this a transformation of governance within the maritime safety sector, which may have consequences both within Europe and for other countries as well. However, the term 'transformation' should be used cautiously, as the articles also demonstrate the robustness and tenacity of *l'ancien régime* – the intergovernmental order.

I will now discuss the transformative aspects of the European executive order on this system, before I move on to discussing the limits of this transformation. Finally, I will provide some reflections on the ramifications of this for other sectors – do we have any transferable findings? In order to discuss transformation, we must first, however, outline how the policy sector has developed.

The IMO has been eminently intergovernmental in its set-up for more than 50 years. This reflects its heritage – from the first International Convention for the Safety of Life at Sea was adopted at an intergovernmental conference following the TITANIC disaster, it took more than 30 years for the world's governments to adopt a convention establishing the Inter-Governmental Maritime Consultative Organization (IMCO) in 1948 – and another 10 years for the convention to gather enough ratifications to enter into force. The 'Consultative' was not dropped from IMCO's name until 1982, when the name was changed to the International Maritime Organization, and the IMCO/IMO has gradually expanded the coverage of common, global maritime safety rules (International Maritime Organization, 2011a). However, the IMO has very much relied on its member states – as one informant stated in an interview, the IMO as such does not 'do' anything, it is only a platform for negotiations. Thus, the IMO's most important role, as seen by its member states, has probably been that it has provided a forum where national officials – mostly sector experts (engineers, mariners and lawyers) – have come together to discuss rules. As another informant put it, the IMO can be seen as an 'epistemic community' of professionals (see Haas, 1992); and one at that in which 'politicisation' of negotiations is viewed with scepticism. The rules which are produced within the IMO only enter into force when ratified by a certain number of member states (which varies from instrument to instrument), and are usually only binding on signatories which have ratified the instrument. Furthermore, implementation of these rules is then fully under the discretion of the individual member states. Even if some mechanisms have been put into place over the last 30-odd years to provide 'soft' incentives for compliance (Port State Control (PSC) and the Voluntary IMO Member State Audit System (VIMSAS), most notably), the IMO regime is firmly based on the independence and sovereignty of nation-states.

For EU member states as well, this was the regime by which maritime safety was governed up until the 1990s. This was not for a lack of trying on the Commission's part, but because member states firmly resisted giving any authority over this sector to the EC/EU. This is understandable, as the maritime sector is economically important to many larger EU states, as EU states do not necessarily have common interests with regards to shipping (just compare Greece and the UK) and as shipping is a primarily global industry where regionalisation could end up erecting technical barriers to trade. However, as decolonisation gave rise to so-called 'flags of convenience' (FoCs), European shipping faced fierce competition from cheap, often substandard ships, which ended up creating an irresistible combination of economic and environmental incentives to intervene. It was probably rational for European governments to pool their resources via the EU and use the leverage this would give them to raise the standard of shipping globally, thereby both ensuring the safety of the European environment and of European work-places. Several high-profile shipping disasters demonstrated the environmental and safety dangers of sub-standard shipping, and helped provide the Commission with allies among national politicians who had to face an angry public. Thus, maritime safety policy was 'Europeanised' during the 1990s and early 2000s by the passage of several legislative packages in EU institutions. (Pallis, 2002; Ringbom, 2007; Selkou and Roe, 2004; Stevens, 2004).

In turn, this has engendered three processes that are examined in detail in the articles here. Firstly, the EU made compliance with its rules more important. Where non-compliance with IMO rules seems to be perceived as less problematic (perhaps also because of the nature of the non-compliance), non-compliance with EU rules is much more problematic and less 'normal' than non-compliance with IMO rules. Although 'everyone' intends to comply with IMO rules, compliance seems less acute than for EU rules. It seems likely that this is due to the putative consequences connected to non-compliance with EU rules. The Europeanisation of maritime safety policy made it necessary for national administrations to put into place systems to apply European rules. As European legislation has direct effect in EU member states, this meant that national administrations suddenly had to relate to maritime safety legislation which had not been through the process of national ratification – they could be sanctioned if found non-compliant. For all practical purposes, this also applies to NMD officials. Thus, the fundamental logic underlying EU rules was different from that underlying IMO rules. Whereas IMO rules are made through a collective effort where national experts come together in large committees for years and years on end to discuss every bit and piece of a new rule, and whereas this collective effort is followed by national officials being able to enact these rules in a manner highly sensitive to national needs, EU rules are made in a swifter process which includes fewer national officials, and at a higher administrative level, and where the Commission plays a significant role. The implementation of EU rules is non-voluntary and has to be done within strict guidelines. This process is examined in article 2, which demonstrates how administrative behaviour towards these rules differs from that towards IMO rules. EU rules are seen as less legitimate in terms of their quality, and where working with IMO rules is something 'everyone' in the NMD does, working with EU rules is to a larger extent compartmentalised. Thus, the EU transforms the national agency itself into a two-track organisation, where one part has to work with implementing rules that are less welcome and more alien.

However, the transformative aspects run deeper than this, as secondly, the EU is also directly transforming the practical implementation of both EU and IMO rules, as we see evidence for in article 1. Although training is organised also under IMO auspices (mostly under the Integrated Technical Co-operation Programme (ITCP) aimed at developing countries, which no NMD officials I encountered had participated in), as well as within the NMD, and even if training of ship inspectors is done in a cooperation between EMSA and the formally independent PMoU, ship inspectors described specifics of how they had changed behaviour through EMSA/PMoU training efforts, and how this affected the implementation of both EU and IMO rules. However, it is not only by organising training that the EU helps define the interpretation of IMO rules. As EU rules are mostly based on IMO rules (Ringbom, 2007), the EU also defines through its own legislation how national officials should understand and apply certain IMO rules. Even if EU rules do not cover all IMO rules (as the competence discussion in article 3 also shows), the EU seems to act as an interpretative filter for those IMO rules which it covers, and perhaps also for the IMO rules it formally does not cover through training that is far more intensive than what the IMO (and perhaps also the NMD) does. After all, the implementation of EU and IMO rules in a national administration do not happen independently of each other. The national administration not only has to allocate resources to processes regarding both, but the methodologies applied in working with those rules that overlap may often apply to those rules which are IMO rules only as well. If the EU has inserted itself between the IMO and its European member states in this manner, this provides a profound transformation of the relationship between the global IO and the nation-state as well, as the definition of how a nation-state will implement global rules becomes partially removed from the nation-state, thus complicating the symmetrical relationship between nation-state-controlled policy-making and nation-state-controlled implementation at the global level. As the EU is a strong, economic actor, the potential consequences of the EU acting as an 'interpretative filter' for IMO rules in this manner may be felt outside Europe as well. This brings us to the next point.

For the third transformative aspect, article 3 demonstrates that the EU also influences policy-making at the global level, and the informants also outlined how the EU is a force within the IMO – both because it provides increased leverage if you get the EU countries behind your position, and because it can act as what one informant described as a 'power for good'. The informants underlined how the EU by threatening unilateral action could force the hand of other IMO member states. This is possible, as much maritime trade has to pass through European ports, and the ships carrying it thereby have to abide by EU rules in many areas. However, it is also only viable if EU states act in a coordinated manner at the IMO, and article 3 outlines how EU member states and the Commission have developed a working arrangement for EU coordination which seems to strike a balance between the intergovernmental forms of the IMO and the EU's demands for coordinated action. In the end, EU member states' behaviour at the IMO seems to have been transformed: Their officials now perceive themselves as parts of a European collective – they habitually coordinate and have learnt what it is like to 'work with EU competence', as one informant put it. Thus, for these states, their relationship with the IMO has been fundamentally altered by the EU, and the IMO itself may be changing as a result as well.

The three transformative aspects outlined above indicate not only that the EU represents a qualitatively distinct international order, but also that it interacts with the pre-existing intergovernmental order and transforms it. However, the empirical materials provided in this dissertation also show us the limits of this transformation and the robustness of the traditional regime.

For one, the IMO regulates several aspects of maritime safety which the EU does not, and even if the opposite is true as well, the IMO is evidently far more comprehensive in this sector. This provides an important explanation for why most NMD officials deal with IMO rules, but much fewer deal with EU rules. In turn, this means that the NMD has a much more IMO-oriented culture. The IMO is taken for granted and the EU is seen as a foreign element, which likely decreases the justifications needed to see IMO policies as legitimate within the NMD. This is not to say that IMO rules will be more easily complied with, but is relevant as the amount of conflict and 'noise' over a rule may spill over into later policy processes, in addition to the frustration it may potentially create among administrative staff.

Secondly, the fundamental, formal aspects of relationships between nation-states and the IMO have not changed. Although some EU legislation may require EU member states to ratify and implement IMO rules, member states by and large still retain the freedom and sovereignty vis-à-vis IMO rules that they historically have enjoyed. Likewise, as I saw at MSC87, the relationship between IMO member states and the IMO Secretariat does not seem to be changing in emulation of the more activist executive we see in the EU. Rather, attempts at expanding the remit of the IMO Secretariat meet with intense resistance from IMO member states. The IMO as a platform for inter-governmental negotiation still holds firm.

My final point on this builds on the conclusion to the second point above. Even if the EU has been active at the IMO for decades, both in terms of a Commission presence and in terms of a gradually increasing amount of cooperation between EU member states, the EU as such, whether represented by the Commission, by the member states as a group or by the Council Presidency, is not formally recognised as an actor at the IMO different from any other observer IOs. The Commission as IO may voice its opinions, but there is a strict norm for 'one state – one vote', which means that EU member states still have to take the floor individually to support common or agreed positions. Whereas other IOs have allowed the EU as such to become a member (the World Trade Organization (WTO) and the Food and Agriculture Organization of the UN (FAO) stand out), this is off the table at the IMO (Ringbom, 2007), and seen as irrelevant by my informants. However, as the underlying realities have been changing – the EU does now act more as a unified block, it seems – a pertinent question becomes whether this state-centrism is about to become more 'myth and ceremony' – a ritual signifying some sort of common heritage among member state officials at the IMO, than actual power structure. However, such rituals may hold importance in and of themselves, and as such represent a feature of the IMO that may hold for years to come.

Concluding remarks

As the discussion above illustrates, this dissertation provides important nuances to our picture of the European executive order. Largely, it confirms the institutional insight that orders may co-exist and build on each other (Olsen, 2007), but it also showcases the rich transformative potential of the European executive order – and the limits of this potential – at several levels and stages of the policy process in a manner which adds to existing knowledge. Although these findings have been made in the maritime safety sector, and are based on the perspectives of one national agency, they highlight the importance that the broader repertoire of functions and capacities that the EU retains has for affecting actual change beyond the immediate EU institutions. The combination of direct and indirect administration (Hofmann, 2008) and of enforcement and management approaches to compliance (Tallberg, 2002) of the EU provides a forceful apparatus, even in the face of an entrenched, established intergovernmental regime. We should therefore expect the impact of the EU to be even more transformative in other sectors where other IOs are weak, and should not be surprised to see similar transformations as identified in this dissertation occurring even in other sectors with more established IOs where the EU has comparable functions and capacities.

With this introduction in mind, I hope that the following three articles will provide the reader with interesting and illuminating richness to the conclusions I have provided.

Article 1

The EU and the implementation of international law
The case of ‘sea-level bureaucrats’

Abstract

Is the EU influencing national bureaucracies’ implementation of international law? This paper reports findings from interviews with ship inspectors and their superiors about European training aimed at harmonisation. The maritime sector’s highly institutionalised global regime may constitute an unlikely case for European influence over national bureaucrats for historical, institutional and economic reasons. This examination of ‘sea-level bureaucrats’ shows how European executive capacity is acquired at the national level even in this sector, adding to our insights on implementation and compliance in European governance. We find evidence that inspections seem Europeanised, and together with research on other sectors, this indicates the development of a new, international, multilevel administrative order with stronger traits of direct implementation. In it, the EU may have developed into an interpretative filter for national implementation of global maritime safety rules.

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Departure

How can the EU influence nation-states' bureaucracies, and what does this imply for implementation of international law at the national level? This study aims to contribute to answering these questions by empirical analysis of training influencing practical implementation of international maritime safety legislation. It focuses on the lowest level of implementation – the 'sea-level' – a level not usually studied in detail in EU implementation and administration studies. I ask if and how European training efforts influence ship inspectors' practices of implementing global, European and national legislation. Building on EU compliance, implementation, and governance literature, I attempt to use an in-depth study of one national agency, the NMD, to shed some light on a larger question in international administrative systems: What is the potential for Europeanisation of nation-states and their relations with other international organisations? My findings suggest the EU is building executive capacity at this level of national bureaucracies, moving from indirect implementation practices to a more direct kind of implementation.

The first section broadly summarises theory, research questions and case selection, followed by a section on the empirical seascape, a methodology section, and one on empirical findings. Implications of these findings are discussed in the last section.

The stars we manoeuvre by

What consequences for implementation does a European training regime entail? Can training regimes make a difference and tell us anything about the EU's role between nation-states and global international organisations?

We can think of different frameworks for implementing international rules directly or indirectly. The standard intergovernmental method for international policy-making and implementation is simple. Governments negotiate international agreements at international conferences or in the context of intergovernmental organisations (IGOs), national parliaments ratify them and they are then incorporated into national legislation which in turn is implemented by national administrations. We can call this 'indirect implementation', just as Hofmann (2008: 667) talks about indirect and direct administration. Conversely, 'direct implementation' would be when international organisations themselves apply rules and decisions without going through national governments.

Between these ideal types of direct and indirect implementation there may be many composite ways of implementing international regulations (Hofmann 2008: 667). To ensure compliance and harmonisation, we can imagine that international organisations may have at their disposal both 'hard' and 'soft' tools. Examples of 'hard' tools would be rules and regulations with direct effect, enforcement through court judgements and fines, as well as military means. 'Soft' tools on the other hand could range from inter alia voluntary audits and inspections for 'naming and shaming', via training activities, to information exchange through databases and networks. The closer we get to direct implementation, the more we would expect harmonisation of practice to increase.

These three types of implementation – direct, indirect and composite – relate to three broad perspectives on international cooperation. Indirect implementation corresponds with a state-centred view, such as that of neo-realists and intergovernmentalists. Direct implementation is related to concepts such as supranationalism. The composite mode is connected to concepts such as networked governance (see e.g. Kohler-Koch and Eising, 1999), multi-level governance (Hooghe and Marks, 2001) and 'double-hatted' agencies in a multi-level administration (Egeberg, 2006b).

Since what I study is if lower levels of national bureaucracies are directly connected to international levels of organisation and what kind of structure this constitutes, and not so much what the outcomes produced in this structure are, this study does not focus on national compliance with international rules in itself, but rather works from the assumption that international commitments in general will be respected, as suggested by Chayes and Handler Chayes (1993: 177–187). I assume there is both will and ability to comply, since this is a central task for the examined agency – something also indicated by my informants.

One of the less costly 'soft' tools for ensuring compliance that Chayes and Handler Chayes (1993*:* 204–205) outline is technical and financial assistance, which would include training efforts. We know that these are utilised by EMSA and PMoU, underlining the fruitfulness of this study.

Taking a national perspective, any harmonisation processes of implementation may also be labelled after geographical scope. Harmonisation in relation to global rules might be labelled 'internationalisation' (Howlett and Ramesh, 2002), and in relation to European rules 'Europeanisation' (see also Goetz, 2000). There seems to be little research yet linking global and European legislation and practice from an implementation perspective. What happens when European and global rules mesh together and are supposed to be implemented by the same people at the national level? Are different influences on this implementation possible to disentangle?

These questions are intimately connected with changes in governance. Researchers have shown that new governance modes have emerged or spread – both nationally and internationally (Héritier, 2002, 2003) (but see Treib *et al*. (2007) for the view that the labels 'new' and 'old' have little analytical value). Although cases of direct implementation are still rare, many examples of composite implementation have been found within Europe (see Egeberg, 2006b). A critique with much of the 'implementation' literature is that it focuses little on what can be labelled 'implementation' proper – i.e. applying rules and regulations in practice – but instead on 'legal implementation'; the process of transposing and incorporating international or European rules into national legislation. What happens at lower levels of administrative hierarchies is far less studied in this context.

We should look to the first generations of implementation studies (e.g. Kaufman, 1967; Lipsky, 1980; Pressman and Wildavsky, 1973), which showed that what is done at the bottom of hierarchies among front-end civil servants is vital for shaping the outcomes of policies decided at higher levels, although they may be hemmed by other factors (Meyers and Vorsanger, 2003). Their actions and inactions define much of policy towards those who encounter it, such as when shipping companies, ship builders and ship masters face 'sea-level' bureaucrats – ship inspectors.

In reviewing EU implementation research Treib laments the lack of current studies of what he terms 'enforcement and application' (Treib, 2008: 6, 18). There is not a complete lack of such studies, however (see also the overview provided by Mastenbroek, 2005: 1105–1107), and he does point out several who have done this kind of research. At the same time he identifies three waves of EU implementation research: A first wave dealing with institutional efficiency, where 'clearly stated policy objectives and the availability of a well-organised state apparatus' (Treib, 2008: 7) are main explanatory variables for the outcomes of the implementation processes of transposition, application and enforcement; a second wave dealing with 'degree of fit or misfit between European rules and existing institutional and regulatory traditions' (Treib, 2008: 8) to explain implementation performance, and a third wave marked by theoretical and methodological differentiation following 'a desire to broaden the theoretical and empirical perspective in order to get a fuller picture' (Treib, 2008: 10). Within the third wave many have focused on transposition (or 'legal implementation'), but some have gone further to deal with enforcement and application. Treib reiterates that 'studies covering not only transposition but also enforcement and application have become a very small minority in recent years' (Treib, 2008: 14). The main exceptions he points out are Versluis' (2007) study of inspectors in the field of chemical safety, and Falkner *et al.*'s (2008) study on implementation of social policy directives in Central and Eastern Europe. Falkner *et al.* (2005) suggest that several of the new member states in the EU make up a 'world of dead letters', where transposition is successful, but enforcement and application are flawed.

Researchers studying the lowest levels of bureaucracies seem to have had a very policy-oriented approach centred on explaining outcomes. However, we do have strands of organisational research centred primarily on explaining administrative behaviour as such. The work of Egeberg *et al.* (Curtin, 2009: 166–169; Curtin and Egeberg, 2008; Egeberg, 2006b; Egeberg and Trondal, 2009) on 'double-hatted' agencies and the European executive order has raised questions of whether national administrations serve two 'masters' and are becoming part of an integrated European administrative system or not (see also Hofmann, 2008 on the concept of a 'European administrative space'). However, these studies seem to have concentrated their attention on higher-level officials in national administrations, rarely dealing with happenings in our type of 'sea-level' services.

We have little, then, to guide our expectations from examining the effect of training as a 'soft tool' for harmonisation. The transposition literature suggests we should find a 'world of law observance' (Falkner *et al.*, 2008: 321–333) because I study a Norwegian agency, whereas Versluis' work (2007) suggests that we should be wary of assuming findings regarding transposition can be transferred by some sort of analogy to the last stages of application. Taking seriously the suggestions from Treib's review and turning to insights from domestic implementation research, we should not be surprised to find that 'street-level' bureaucrats have to reconcile conflicting goals to such an extent that implementation may be much less than 'perfect' (Lipsky, 1980), so it is necessary to be open to large variations in actual practices.

If the 'world of law observance' thesis of Falkner *et al*. turns out to hold for this detailed, practical level of application, and not only for transposition, we should expect training sessions to have little or no relevance to ship inspectors, since they would already be going about their business in the manner prescribed by European authorities. This would manifest itself in descriptions of courses being of little use as inspectors already do what they should. If inspectors' mind-sets are geared to indirect implementation, wherein only national guidance is deemed relevant, it is also conceivable that inspectors find training sessions to be of little use but with symbolic importance. This would manifest itself in them stating that they participate because they are told they should, but without linking it to what they normally do or seeing any practical uses of the training. If on the other hand we have composite implementation, we should expect that inspectors attach practical importance to these training sessions, describing changes in the behaviour of themselves or others who are linked to participation in training as well as other influences. As Pruitt (1979) has shown, professional background may provide an important explanation for behaviour. If the inspectors see these training sessions mainly as furthering their education and general training, then we should also expect that training will have a higher impact.

If inspectors attribute practical value to training sessions, then this shows a way in which the European level may be directly affecting how inspectors do their job. Other international organisations, in this case the IMO and the International Labour Organization (ILO); do not have comparable means of ensuring system-wide harmonious operationalisation of legislation. If there are no other contact patterns between inspectors and these organisations, the European level gets to define more of how international legislation is to be interpreted and practiced at the national level. Organisations structure attention (Egeberg, 2003); more organisational focus on what European institutions prefer to have attention towards at the level of practical implementation provides an opportunity for them to influence actual administrative behaviour in more extensive fashion than any other international organisation ever has. If this is the case, then European institutions may be transforming the intergovernmental order at a more profound level than previously assumed, adding to evidence of complex multilevel structures that may also raise questions of democratic accountability (Curtin and Egeberg, 2008).

Any development entailing an increased role for European institutions will raise the question whether this out crowds global or national institutions or not. If inspectors keep doing what they have been doing, but start attending European training sessions as well, then we seem to have an instance of how 'layering' of institutional structures (Thelen, 2003) serves to increase the complexity of the administrative system, as opposed to European institutions replacing something else.

In summary, the questions to be answered in this article are these:

- Do European training courses have effect on the practices of ship inspectors?
- If so, does this have any implications for systems of international governance?

My interest lies on the internal mechanisms of the implementation processes of international rules – not the outcomes from them, in line with research performed by Egeberg *et al*.

In the next section, I elaborate on the empirical seascape, before turning to how I have ventured to answer the questions outlined above. After that, we turn to the actual findings.

Oceanography

Strategically and economically important to many states, the maritime sector retains a powerful grip on imaginations. Coastal nations in Europe's north-eastern corner associate it with national pride, connections to the wider world and great pasts. Maritime affairs also have an intrinsic cross-boundary nature. This once fiercely guarded domain of national legislators with commercial self-regulation was from the 1950s onwards subject to intensified international safety regulation under the auspices of what is now the IMO. This was prompted by technological innovation and economic developments in the wake of de-colonisation. Successive increases in regulation have meant safer and cleaner ships. However, so-called FoCs became registries for large parts of the world's tonnage from the 1960s, and by the 1990s European states faced labour market, environmental and safety challenges from ships registered in FoCs – highlighted by major shipping accidents in the 1980s and 1990s (Selkou and Roe, 2004: 35–36; Stevens, 2004: 135).

European states, initially reluctant to act within the EC on maritime matters, retained as much national sovereignty as possible by creating the purely intergovernmental PMoU in the early 1980s. Several ship disasters made it clear by the 1990s that common PSC regulations alone would not be sufficient to enforce satisfactory ship safety standards and the EU began legislating on other matters as well (Stevens, 2004). Most EU legislation adopted since then still enforces IMO rules or makes voluntary IMO rules mandatory, but has also in a few cases gone beyond or slightly modified and adapted global rules (Ringbom, 2007). Seen in light of the early 1980s' resistance, this development is not uncontroversial and central components of EU legislative and regulatory efforts within maritime safety are still consolidation and strengthening of a PSC regime in Europe built on the PMoU. The aim is to ensure high standards on ships calling at European ports, avoiding reliance on flag states' control alone. In 2002 the EU acquired limited operational capabilities after establishing EMSA, now headquartered in Lisbon. This development strengthened the EU's role in defining the European PSC framework.

Today EU member states and EFTA members Norway and Iceland enforce both EU and IMO legislation. Ship inspections are performed nationally, but the EU relies on databases and training efforts to harmonise inspection practices. In PSC matters, EMSA and PMoU cooperate on inspection protocols and training of national PSC officers. As I will show, cooperation between EMSA and the PMoU is so tight that it is sometimes difficult for outsiders to distinguish who does what.

Training is done through a combination of distant learning programs on CD-ROMs and workshops where inspectors from EU/EFTA and/or PMoU member states gather for lectures on rule developments, exchange of experiences and to work together on specific cases. Some of these workshops are organised by EMSA, some by the PMoU, but usually, it seems, in cooperation between them (European Maritime Safety Agency, 2009; Paris Memorandum of Understanding, 2009). It is clear from my interviews with management at the NMD in spring 2009 that ship inspectors must participate in these training sessions to become certified PSC officers.

With these empirical soundings we are ready to move on to methodology, before turning to the empirical findings themselves.

Tools

I have interviewed nine ship inspectors and two managers at three of the NMD's regional stations during 2009. At any time, there are approximately 100 NMD employees, most of these ship inspectors, at a total of 19 regional stations. Two of the interviewees have engineering backgrounds. The rest are former sailors and ship masters. Interviews were semi-structured (Rubin and Rubin, 1995: 5), conducted in Norwegian and recorded with a digital recorder. They were then transcribed, anonymised and the quotes used here translated. All interviewees were promised anonymity. All interviews covered the same topics and mostly the same questions, but to allow for the natural flow of conversation and avoid restricting informants' responses, topic guides were used more as *aide-memoires* than as questionnaires. In some instances it was not always possible to ask all informants the full set of questions for practical reasons. Interviews lasted up to an hour, and were conducted in conjunction with a broader set of 36 interviews at NMD headquarters. Two of these latter interviews are also used in this paper as a control against inspectors' interviews.

The interviews dealt with job situation, experiences with international activities and organisations and national and international contact patterns. Inspectors' international participation turned out to be limited, so we could go in-depth about it. I also asked about how colleagues' international participation affected their own work. I have relied on inspectors' self-reporting on whether or not participation in international activities, mostly training, had been useful and changed their way of doing things, and on how difficult or not harmonisation across Europe is. Relying heavily on self-reporting carries risks, but I believe it is the best possible source of information here. Full scale observation and comparison of different inspectors' actions would be extremely time-consuming, but would also not be meaningful, even if I were a fully trained ship inspector or engineer myself. It would be near impossible to reliably record differences in the minutiae of ship inspections, and interfering with inspections, and thereby distorting data, would have been unavoidable.

After interviews with the inspections department's management, its assistant deputy director and I chose which regional stations to conduct the interviews at. To ensure that interviewees were representative, the stations were chosen based on the extent and type of international work they had participated in. Also, to ensure a larger number of interviewees with varied backgrounds, larger stations were chosen. Out of these, we selected those which were easier to reach. Of the four stations we selected (of a total 19), three stations agreed to participate. To avoid biased interviewee selection, but not disrupting inspections, all available inspectors and managers at the day of my visit at each station were interviewed. One group was not sought out for interviews; those at the smallest stations. They have less infrastructure, and could have fewer opportunities for participating in training, but training sessions are still necessary for certification as PSC officers. Also, to avoid potential effects of any conceivable yearly cycles on interviewee selection, visits to stations were spread out in time. At the first station I interviewed two inspectors, at the second two inspectors and one manager and at the third five inspectors and one manager respectively. All inspectors interviewed were active inspectors, and had differing areas of expertise, various attitudes and differing seniority. Without interviewing most or all inspectors I cannot be certain that I have captured all variations, but time and resources have limits and judging from interviews at the rest of the NMD I believe that little additional variation would be captured by producing more interviews. Based on the above-mentioned criteria, I believe the findings should provide appropriate and meaningful answers to the questions asked in this article.

The importance of this case depends on the potential for 'analytic' (Yin, 1994: 30–32) or 'inferential' generalisation (Ritchie and Lewis, 2003: 267–268) to a wider context. I will argue that this case is important mainly for three reasons. Firstly, Norway is not an EU member, but has to implement EU rules under the EEA Agreement; is an active and important IMO member with a large maritime sector[1]; and has, according to several interviewees in the MTI and the NMD, previously been sceptical towards regionalisation of maritime affairs. These are all reasons for any hypothetical Norwegian administrative and political resistance towards Europeanisation. Secondly, EU member states did long hesitate to act on maritime affairs, and still, again according to my interviewees in the NMD, from time to time attempt to restrict European coordination within the IMO. This should indicate that maritime safety would be an area with little room for a European role as such. Thirdly, decisions made by ship inspectors and the ways in which they reach their decisions are not trivial matters. Detaining a ship or entering negative findings into international databases may entail significant costs for shipping companies, perhaps in the millions, delays for industry, as well as possible discomfort and increased workload for inspectors. These three reasons combined suggest that we should expect less harmonisation.

If on the contrary we still find that ship inspectors' behaviour is influenced in a non-trivial manner by European institutions through training, such findings then suggest not only that the European level may be transforming implementation practices in this case, but may also add to the body of evidence indicating that a change in the international administrative order may be occurring more generally – with an increased role for the EU. In addition, this case may help illuminate the relationship between global-level and European-level rules and implementation.

Finally, it is necessary to ask if ship inspectors' tasks are suited for this examination. They perform physical ship reviews, going over documentation, structures and technical installations to check if they comply with relevant regulations. Time and resource constraints and practical restrictions on the legislation's specificity means that they may have a significant amount of discretion when deciding what to examine and whether or not to let a ship sail. Since this entails that there are different ways of going about the job, I assume that any guidance they receive is important for influencing which of the many possible approaches they practice. It is therefore necessary to establish that they actually can exercise discretion or that practice can vary.

The scene is set and the tools lain out, so we can turn to the actual findings from my interviews. The findings in the next section are referenced only by the anonymised reference numbers of the individual interviewees[2]. I discuss the implications that arise from them in the section after the next.

Catch of the day

Norwegian ship inspectors perform varied tasks. Interviewees gave revisions of classification societies, inspection of ships in dry-dock, measuring leisure vessels and performing port state control inspections as examples. Vessels range from the smallest leisure boats to the largest cruise ships and tankers. Stations also cover large swathes of the coast and inland waterways. Since most Norwegian ports have relatively limited numbers of ships calling, inspectors must be generalists. Other countries may have dedicated PSC inspectors. In Norway all inspectors double as PSC officers and station managers also perform inspections.

Common European/PMoU databases seem to be important tools for inspectors. In combination with national databases on ships calling in ports they are used to select ships for inspections, and information entered into databases by inspectors constitute outputs from inspections and inputs to other countries' authorities in turn.

PSC officers must attend regular training sessions to retain certificates. All interviewed inspectors, with the exception of two who planned to attend such courses, have participated in one or more training sessions by the PMoU and/or EMSA.

There seemed to be some variation between stations regarding the relative importance of PSC inspections versus other tasks, but PSC tasks do not seem insignificant anywhere. One station's management reported their main tasks as certifying newly built ships, while another had more to say on PSC, reflecting activity profiles in the ports and surrounding regions. Inspectors' estimates of time spent on PSC inspections relative to other tasks varied; one inspector reported a share of 25 percent of all inspections (SI007), another 5–10 percent of all time spent at work (SI005). The inspectors differ widely in their estimates of how much time they spend in the field – SI001 reported spending 20% of his time out of the station; SI011 reported spending 70% of his time aboard ships.

Overall, inspectors and their managers seem to emphasise the importance of rules and to be conscious of the wider organisational context within which they are operating. One could expect this to generate widespread uniformity, but instead the inspectors' opinions actually differ when it comes to a fundamental characteristic of the rules they operate under: the room for exercising discretion in practice. SI004 says: '[...] (T)here's no room for discretion, at all, really. But there's interpretation. Depending on how you interpret the rules, if you interpret them correctly or interpret them wrong, then you might talk about discretion, but […]'.

Conversely SI010:

> [...] If you find a small thing on a [...] boat [...] you can just correct it by talking to the skipper. If you find many small things, on the other hand, you'll want to collect them and write an order. But if you find one thing, you can rather talk about it than write it down. But you're supposed to; the regulations say you should write it down.

SI001 seems to see the rules as both highly uniform and somewhat discretionary at the same time:

> SI001: [...] that's when we get differences, if we bend the rules. If we stick to the rules we have, then there isn't a problem. That's how I see it!
>
> Interviewer: So do you see the rules as having not much room for discretion?
>
> SI001: There's room for discretion, but I mean, when a rule is pretty clear […] Everything can be interpreted differently, but if I'm in doubt when interpreting a rule, I usually contact the station manager first, and if he can't answer, I contact colleagues. In case anything can be understood differently than what I've thought.

SI003, on the other hand, is very clear: 'There's lots of room for discretion, yes.'

SI006 says the rules are standardised, but: 'You see, we decide for ourselves how far we wish to go.'

Not only do rule conceptualisations vary, there seems to be varying practices as well. Consider these statements:

> There probably is [variation in interpretation]. They might be interpreted wrong or too strictly or too leniently.
>
> (SI004)

> [...] You can't deny that there's differential treatment. Some let the boats go too early.
>
> (SI002)

> [...] he [a foreign inspector] thought we were perhaps too lenient with our inspections, because there was a punctuation error in a certificate or something like that, something we don't think poses a threat to the vessel. It won't sink or burn because of a punctuation error in a certificate. But they would have detained the vessel until it could get a corrected certificate [...].
>
> (SI003)

> [...] at least the reporting is the same, but again there's the individual things when you do inspections, what you look for and what you write in your book and what you report, I think that can vary between individuals.
>
> (SI006)

SI010 and SI011 seem to support this view as well, whereas SI007 sees practice as fairly homogeneous throughout the PMoU area and SI008 said rules have less room for discretion and individual variations than before. The last three interviewees were not asked this question and did not voice any opinion about it.

The above quotes communicate variations in how maritime safety inspections can be and are performed. Although inspectors are not very clear on why this is so, one explanation may be what is seen as salient aspects of the regulations, such as when SI003 and a foreign inspector disagreed on specifics of a certificate (see Versluis, 2007 on 'issue salience'). Another, perhaps even more important aspect is their individual, professional judgements of what constitutes 'safe' and 'unsafe' situations (cfr. Pruitt, 1979). We see this in the distinction between 'one' and 'several' small things drawn by SI001 above, the individual variations in what is written down mentioned by SI006, or just the opinion voiced by several interviewees that there are 'right' and 'wrong' or 'too lenient' interpretations of the rules.

This room for discretion and the actual individual variations in rule conceptualisations and usage means that harmonisation effects from training may be observable. It also indicates that to alter practice entails more than just changing the rules – an insight in line with the first generation of implementation literature discussed earlier. Even rules as detailed and technical as those on maritime safety run into implementation challenges. A Nordic country like Norway should be expected to be part of the 'world of law observance', but it is not always clear what the law to observe is. In light of this, how do inspectors describe participation in international training courses by EMSA or PMoU? Are they seen as practically useful education by inspectors and managers? It turns out that the answer seems to be 'yes' – with the exception of one interviewee, all evaluate the courses positively. SI005 has a representative description:

> [The course] was about doing Port State Inspections. And it was very interesting to see how you should go about it. [...] It was very interesting and a learning experience to see how others perform a Port State Control, and how we do it, and the differences and such.

The two inspectors who had not yet been to any courses, but are going in the near future, also had positive expectations. Of all 11 interviewees, only SI003 expressed reservations about the utility of the course he had attended. Still, even he found meeting and discussing with colleagues from other countries very useful: 'If you take an overall look at the course, I didn't find it very useful [...]. But what were useful were those things we inspectors from different countries discussed after the course, in the evenings. That was incredibly useful [...].'

Interviewees were not only asked a vague question of usefulness, I also asked what they learnt and if they changed behaviour. When probed in this way, several inspectors did describe specific learning outcomes impacting on their work – even SI006, who in his own judgement should have waited with the course:

> [...] as I said I didn't have enough background when I went to that course [...]. But I got started, after that course, I think. Not just a little bit either; I made a quantum leap forward with getting started and doing it independently.

When asked if they changed behaviour, SI010 and SI011 said:

> SI010: You learn something new every day. And after these meetings I can be more thorough with things I haven't been as thorough with earlier.
>
> Interviewer: Does it have consequences for the ships?
>
> SI010: Yes, very much so [...].
>
> SI001: I probably do things more correctly, if we've been told how to do things.

Also SI003, who we remember as more cautious on general usefulness, as well as SI005 and SI007 seem to echo these views. However, there were also other perspectives on the outcome of training sessions. SI002 sees his own station's practice as so good that training does not change it, something SI009 agreed with:

> Interviewer: Does this [training] lead to you doing things differently than you would have before those courses?
>
> SI002: No, I don't mean to brag about us, but we did in fact undergo an audit from Paris MoU here for [our station] [...] and they were actually impressed with how we handled it here [...].
>
> SI009: [...] I just got a confirmation that what we are doing here, in Norway, is what we are supposed to do.

Then you have SI001, who presents a statement contradicting itself, but that clearly describes learning as something useful:

> Interviewer: Did you learn anything there that made you start doing things differently?
>
> SI001: Not directly, perhaps I only became more [...] conscious of being more tactful, of observing the person, body language, and facial gestures and such, watch when I give them orders and such. I have actually after that course received positive feedback from those I have inspected.

SI004 also seems to regard the courses as necessary, but not always useful, perhaps indicative of an understanding of the courses as being mostly of symbolic importance:

> Interviewer: Did you pick up things at that course which made you change the way you were doing things here?
>
> SI004: No, I wouldn't say that.
>
> Interviewer: [...] is it mostly useful for everyone, do you think?
>
> SI004: Yes. Yes, yes. It's completely decisive. You must have it, should have it.

Although opinions about these courses are far from uniform, with answers ranging from descriptions of practical learning outcomes via attributions of symbolic importance to self-affirmation, when we look at the inspectors as a group, several point out effects of these courses that seem above the trivial – with real consequences for ships, changes in inspectors' communication styles and so on.

Would inspectors be doing the same things the same way if there were no training sessions, just the rules and regulations? Probably not. Although some inspectors may already be doing things the way these courses teach, others' reports of behavioural change – not to mention the probable room for discretion – indicates that there would be greater variation from how EU or PMoU decision-makers would like to see things done if these courses had not taken place.

Do the courses and other activities relate to perceptions at this level of who the most important actors for setting the agenda for the inspectors' work are? When asked about whom they come into contact with the most and who they see as the most important actors in defining their job – first with an open question and then guided by a diagram (see Figure 2: 153) – the interviewees uniformly pointed to industry as their main and most important contact. This is hardly surprising, as industry is the subject of their work. They also indicated NMD headquarters as important, although the extent to which they were in contact with headquarters varied between stations, with some inspectors feeling that they had to fend for themselves to a larger extent than before (attributed to a loss of personnel and know-how at headquarters after it moved from Oslo). Others seemed content with their contact. SI008, who otherwise stated he had much to do with headquarters, also stated that training of inspectors as such – i.e. not purely technical training – was mostly done at the station and at international courses. In general, these inspectors had little or no direct contact with any international organisations apart from training courses.

Most inspectors pointed out both EMSA and PMoU as important actors for defining frameworks for their job, together with the MTI, the IMO and the ILO. Interviewees SI002–006 and SI009 all mentioned both PMoU and EMSA in this regard. SI001 and SI008 only mentioned EMSA, whereas SI007 only mentioned PMoU. SI010 and SI011 were not asked this question, but SI011 underlined the importance of EU rules in general. SI001–008 mention the IMO as important, and all of these, except SI001 and SI007, also mention the ILO. SI010 and SI011 were again not asked about this, but SI010 highlighted the IMO as an important rule-maker and SI011 the ILO as becoming more important. When we discussed the training activities inspectors had participated in, few distinguished actively between EMSA and PMoU as organisers. This is not surprising, given the close cooperation on training PSC officers. However, the answers by the inspectors clearly stand out from those in the NMD itself. The 36 interviews in other parts of the NMD showed much more variation in the importance attached to EMSA and the PMoU. Although the IMO and ILO are seen as highly important rule-makers also by inspectors, these IGOs are not directly involved in implementation, and are naturally more remote for inspectors than EMSA and PMoU. It seems like influences on inspection practices from the IMO and the ILO are predominantly channelled indirectly through the Ministry and then NMD headquarters by way of rule change, whereas influences from EMSA and PMoU reach inspectors more directly through training.

The answers from the inspectors on the importance of training seem to be in line with impressions in directorate management. Two of my interviewees in the NMD, SD003 and SD011, were managers placed to have a good overview of inspectors' activities. They both stated that there is significant room for exercising discretion when applying rules. They also underlined that inspectors are encouraged to – and often do – discuss rule application with each other, their managers and NMD headquarters. They also said inspectors' participation in international training was important and extensive. Although SD003 reported that there were a higher number of national than international training sessions for each inspector, this person also said: 'You might say we have been perhaps more superficial, and that they have gone more in-depth on some of the courses they have down there, since they span several days.'

SD003 also mentioned that the value of international training sessions lie in 'finding things and seeing why' things are done the way they are, connecting with other administrations and in discussing with colleagues from other countries – although SD003 also states that there is probably seldom need for adjusting Norwegian practices. SD011 answered affirmatively when asked if training was valuable. SD011 also said it was important to send people with good dissemination skills to expert training sessions, which indicates that these courses are important sources for information used in in-house training activities as well. If these courses are used as 'training for trainers', then the impact these courses have on practice is probably even stronger than my other findings indicate.

Having examined the findings from interviews, we can now turn to discussing the implications these findings may have in the next section.

A new officer on the bridge?

It seems that Norwegian ship inspectors' behaviour is changed and shaped to some degree directly by European institutions (PMoU and EMSA), as well as by national ones. Disentangling what stems from the PMoU and what stems from EMSA is not all that important in this context. The PMoU started as an intergovernmental alternative to the Community method (Stevens, 2004: 125–126) and today encompasses all coastal EU states and non-EU members Canada, Russia, Iceland, Norway and Croatia. It cooperates closely with the EU through the Commission and EMSA, for instance in developing a New Inspection Regime. As the EU has legislated on PSC[3], the activities of the PMoU fall within EU competence, so that EU member states have to adhere to common positions when acting within the PMoU[4]. Since they comprise the vast majority of member states, the PMoU seems to mainly serve the purposes of the EU's port state regime, although Canada and Russia will probably be accommodated to some degree. The reasons for not incorporating the PMoU into the EU altogether, is probably mainly to involve Russia and Canada in the same PSC regime – and perhaps also still for member states to retain more control over this regime than they can within EU decision-making procedures.

If we accept that the PMoU and EMSA mostly serve EU interests and directly influence ship inspectors' practices, this seems to go beyond traditional, indirect implementation, perhaps indicating a development in the direction of direct implementation within composite implementation of international rules. This case of Norwegian ship inspectors may then provide yet another instance of civil servants serving multiple interests in a complex, multilevel administrative system – flying two flags, as it were (or being 'double-hatted' (Egeberg, 2006b)).

These findings have implications for the wider international system. Although others in the NMD also deal with applying IMO, ILO and EU rules to ships, inspectors perform a significant amount of tasks related to rule application, both through flag state inspections, safety management audits and following up on other case handlers' decisions. As I have shown, EMSA and PMoU trainings provide guidance as to how rules should be practiced – rules that are mostly developed in the IMO and ILO originally; although the EU has gone further in recent years in going beyond the requirements of global rules (Ringbom, 2007). The EU is not supplanting global rules with regional ones to any great extent, but rather seems to be defining some of the interpretation and implementation of global rules. If this is so, the EU seems to have inserted itself between global organisations and the nation-state as an interpretative filter. Its member states together are economically important, and it is difficult for ships to avoid calling at European ports. We should not discount the practical importance of such a 'filtering' function, although it does not affect all IMO and ILO legislation. Economic clout provides a reason for the European PSC regime, and this regime seems to provide the EU with tools to make a mark on practical global shipping policy. It influences even a non-member state with an important shipping sector and vested interests in global harmonisation through the IMO: Norway.

Conclusion

Going beyond studies of ministries or agency headquarters to study 'sea-level' bureaucrats, I have shown that the EU with the PMoU through soft training tools non-trivially directly influences 'sea-level bureaucrats' in their application of global and European rules. Ship inspectors' practices seem shaped by forces both inside and outside the nation-state – in this case the Norwegian government and European institutions. This international acquisition of executive capacity may, together with similar trends in other sectors, be indicative of a gradual shift from indirect towards direct implementation that allows the EU to insert itself as an interpretative filter for global maritime safety legislation, contributing to change in the traditional intergovernmental ways of doing things.

Notes

[1] The Minister for Trade and Industry emphasised this in the Norwegian daily Aftenposten, stating that the Norwegian maritime cluster employs around 10, 000 people and stands for a value creation of approximately 12 billion euros each year (de Lange, 2010).

[2] SI0XX refer to ship inspectors, SD0XX to NMD interviewees.

[3] Directive 2009/16/EC, OJ L 131, 28.5.2009: 57–100.

[4] Interview Directorate-General for Mobility and Transport (DG MOVE) official.

Article 2

Neptune or Poseidon
Implementing EU and global maritime safety law in a national agency[*]

Abstract

Arguably, the EU represents a qualitatively different international order from traditional intergovernmental IOs, as it has accumulated functions and capacities beyond these. This paper compares how the EU and the IMO impact three aspects of a national agency's implementation of international rules: Application, conflicts over policy agendas and how it deals with non-compliance. Interviews reveal that the EU and the IMO are more similar than expected, but still different. Whereas application seems impacted by various supporting functions of both IOs, the EU's heavy enforcement mechanisms may possibly hamper the detection of non-compliance and its independent agenda-setting powers may create animosity among national officials over the content of EU rules.

Points for practitioners

This article not only outlines similarities and differences between the EU and the IMO within the maritime safety sector, it also helps identify various channels whereby different types of IOs may impact administrative processes at the national level. It should be of interest to those who work with construction and management of international regimes, as it explores practical effects they may have.

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Introduction

Based on their various functions and capacities in relation to their member states, IOs can be categorised into ideal-typical institutional orders. The development of the EU over the last 60 years has prompted Curtin, Egeberg and Trondal (Curtin and Egeberg, 2008; Egeberg, 2006b; Trondal, 2010) to outline two such ideal-types: A traditional intergovernmental and an European executive order. The intergovernmental order is characterized by IOs having a low degree of independence from national governments and limited abilities to influence national implementation. The European executive order is characterised by the EU's formation of an independent executive centre and bypassing of national ministries to co-opt national agencies as parts of multilevel EU administration. If this is a fruitful approximation to reality, what practical effects do these orders' characteristics have? One policy stage where we can investigate such effects is implementation. This article will explore how the EU and a more traditional IO differ in their impact on national processes of implementing international policies and rules.

For this purpose, a sector where both the EU and a traditional IO are involved and where national administrations have to implement the policies and rules of both organisations must be found. Maritime safety provides one such policy sector. The IMO is primarily seen as an intergovernmental arena where national governments negotiate new global maritime safety rules. However, over the last 20 years, the EU has actively legislated in this sector too, with maritime safety policies developed under the supranational 'Ordinary legislative procedure' (formerly 'co-decision').

In order to compare these IOs' effects on national implementation processes, I have chosen to eliminate variations between states and to investigate these processes in one national agency only. This is also a highly resource intensive study, and it has therefore not been viable to extend it to other countries as well. The agency studied is the NMD. There are both theoretical and pragmatic reasons for this. Norway is a major maritime nation, ensuring that the implementation of maritime safety policies is non-trivial to its officials. Norway is not only an important IMO member, but also implements EU policies on maritime safety as a signatory to the EEA Agreement. Even as a non-member of the EU, in implementation it is so similar to EU states that it for all practical purposes may serve to highlight general issues of national implementation of EU rules compared to global rules. The only major difference is that NMD officials are slightly less involved in EU policy-making than their counterparts in EU member states, but as we will see, this most likely has little impact on the findings here. Finally, I am based in Norway, which has made it easier to gain in-depth access to the NMD.

Based on the findings from sectors such as competition, statistics, environmental policies, food safety and telecom, (Egeberg, 2006b) we would expect the EU to be extensively involved in national implementation and the activities of the national agency, even if it originally is based on a more indirect model of implementing international law, like the IMO. In turn this implies that national sovereignty is under pressure. As we will see, this case indicates more similarity between the EU and the IMO than expected.

I will proceed now by outlining this article's theory and methodology, before describing the EU's and the IMO's functions and capacities and the Norwegian case. The empirical materials will then be presented and discussed.

Theory

The distinction between a European executive order and a traditional intergovernmental order can be seen in terms of how the *functions* and *capacities* of IOs relate to national implementation processes. This section will first define functions and capacities, and then connect these to the two types of orders. Finally, three dimensions of the implementation process that we will see are affected, are outlined.

This article's treatment of national administrative behaviour in implementation processes may hold relevance for those interested in 'compliance' – i.e. implementation outcomes in light of policy intentions, and will also be informed in part by compliance studies' findings on administrative processes. 'Compliance' is also an important motivation for many IO actions directed towards national implementation. However, this is not directly a compliance study – my interest lies with the nature of how the implementation process as such is organised and performed.

IOs may serve different intended and unintended purposes, comprising their functions. Four relevant basic functions related to the implementation process can be identified: A *policy-making function* is performed when the IO's constituent bodies develop rules and other policies. An *implementation function* is performed when the IO itself implements said policies and rules. Based on the enforcement and management approach to compliance described by Tallberg (2002), we can define two functions for how IOs influence national implementation directly: An *enforcement function* is performed when the IO coerces others to implement its rules and policies. A *support function* is performed when the IO undertakes tasks that are aimed at assisting member states' implementation.

The IO's capacities enable it to perform these functions, which can be divided into *administrative capacities*, comprising personnel, economic and physical infrastructure resources available to the IO; *organisational capacities* comprising the various organisational structures (secretariats, agencies, courts etc.) of the IO; and *legal capacities* comprising mandates to undertake certain actions, such as taking member states to court for non-compliance. We will now see how these functions and capacities differ in the ideal-typical orders.

In the intergovernmental order the IO has weak capacities to perform policy-making independently from member states. Policy-making takes place in state-dominated bodies, such as councils and assemblies. Secretariats may be small and mainly serve the purpose of assisting member states in their negotiations. However, the IO, by utilizing member-state capacities, may still be a quite prolific rule-maker. Furthermore, such an IO will have few – if any – implementation functions, and weak or non-existent enforcement functions. Inspired by Hofmann's terminology (Hofmann, 2008), implementation is intended to be 'indirect'. However, the IO may have supporting functions and its secretariat may possess both organisational and administrative capacities for performing such functions, thus relying on a managerial/supporting approach to enhance compliance (Chayes and Handler Chayes, 1993; Tallberg, 2002).

In the European executive order, the EU has gradually developed a wider range of functions and capacities in a broader set of policy sectors through successive treaty changes. Today the EU has several institutions that are quite independent from member states and operate according to epistemic, departmental and supranational logics where a traditional IO may primarily operate according to intergovernmental logics (Trondal, 2010). The most important of these independent institutions are the Commission, the CJE and the EP. However, state-centred institutions which have developed from an intergovernmental heritage co-exist with these. The most important is the Council. The Commission and the EP have administrative and legal capacities enabling them to pursue policy agendas independently of national governments, and the EU is a quite prolific rule-maker. Furthermore, the EU also performs implementing functions, for instance through semi-independent EU agencies, thus implementation in the EU is a combination of direct implementation by the EU and indirect implementation by member states (Hofmann, 2008). The EU can also to a certain extent coerce member states through strict enforcement mechanisms – the agencies, Commission and CJE have the legal, organisational and administrative capacities to do so. Finally, the EU possesses a broad array of supporting functions and corresponding capacities and even co-opts national agencies into becoming parts of an EU multilevel administration (Egeberg, 2006b). Thus, it combines enforcement and management approaches to compliance.

In order to see how these two types of IO may impact on national implementation of international rules and policies, I will investigate three *dimensions* of implementation processes to structure the analysis, based on the topics that recurred in the interviews with informants: Application, dealing with non-compliance and agenda-setting and conflict.

In national implementation of international rules, *application* is a stage of practical implementation following incorporation or transposition of international rules into national rules. National officials put rules and policies into practice through specific actions. Examples of activities in application here are certification of ships and sea-farers, inspections of ships and schematics, information to the public and the granting of various licences. Here, I will assume that officials are conscious about the choices they make and that their actions are intentional and purposive. Their actions and choices lead to outcomes, which can also be read as 'compliance'. I will investigate how application is touched by the supporting function of IOs' work, as activities such as training and peer-review are intended to influence administrative behaviour. I will therefore examine if administrative officials report that they change behaviour through such supporting measures or find such activities useful in their daily work.

Non-compliance is when the international rules are not implemented, legally or practically, or if they are implemented incorrectly, and is a regular feature of implementation. Shirking, goal drift, misunderstandings, lack of capacities at national or international levels, veto players and goal incongruence are just some reasons why policies *in action* may differ substantially from policies *on paper*, and this is a finding from the general implementation literature and the (European) compliance literature (Falkner *et al.*, 2008; Hupe, 2011; Kaeding, 2006; Lipsky, 1980; Pressman and Wildavsky, 1973; Stiles, 2010; Sverdrup, 2007; Treib, 2008; Tsebelis, 1995)). Although states may intend to comply (Chayes and Handler Chayes, 1993), the sheer number of levels between policy-making arenas and administrative officials implementing the policy may be enough to complicate implementation. If we take this as given, an interesting topic is how national administrative officials react to non-compliance when it is identified: What administrative processes does non-compliance set off, and how are these processes affected by the functions and capacities of IOs in the different orders, and how can this be explained? As we know that formal and informal institutions (rules, regulations, standard procedures on the one hand, and organisational culture, informal norms, established practices and collective habits on the other hand) provide scripts for administrative behaviour (March and Olsen, 1984), we should look for references to such institutions in informants' discussions of non-compliance, whether they discuss non-compliance identified by themselves, or by external actors (e.g. auditors) to understand why they choose certain methods of dealing with non-compliance. We would expect there to be a strong normative push towards complying, since this is what the state under international law is obliged to do. Thus, whether or not there are formal rules and procedures in place to correct non-compliance, we might also expect there to be an organisational culture in which officials try to openly acknowledge and correct instances of non-compliance. On the other hand, if non-compliance is seen as normal or resources to correct non-compliance are scarce compared to the problems at hand, non-compliance may be tolerated to a certain extent. If non-compliance is met with few sanctions we would expect this to increase this tolerance. Heavy sanctions against non-compliance are intended to provide incentives for both detecting and correcting non-compliance more quickly, but may have unintended effects in practice. If non-compliance carries political ramifications for the government, we might for instance see officials attempting to avoid the untimely revealing of non-compliance. The functions and capacities of an IO are thus relevant to how non-compliance is dealt with in at least two ways. Firstly, an active IO creates a greater demand on national administrations, making compliance more difficult. As we will see, this may result in administrative officials developing a culture where certain kinds of non-compliance are not very acute problems. Secondly, if an IO is expected to perform enforcement, and the stronger its administrative, organisational and legal capacities to do so are; we would expect enforcement sanctions to be heavier, which we will see may cause problems of detecting non-compliance.

Goal incongruences and shifting policy agendas may create conflicts in implementation processes. Policy-making processes may produce compromises by smoothing over conflicting agendas, and 'street-level bureaucrats' end up having to make these policies work in practice (Lipsky, 1980). Thus, the *relationship between agenda-setting and conflict* will be the third dimension of implementation investigated here. Administrative officials implementing conflicting policies perform actions which consciously or unconsciously prioritise some policies before others. If they get conflicting directions from IOs, they need to resolve the situation. Such conflicts can be identified when informants tell us that rules from one organisation or the other do not fit in. As the EU is more independent of national governments than the IMO, we would expect it to set more independent agendas. A natural consequence of this is that national officials may feel subjected to conflicting agendas. They will most likely follow the agenda of national administrations and perhaps even voice opposition to other agendas. If we find such opposition, this can indicate that independent policy-making capacities at the IO level indeed may lead to conflicting policies for the national level to implement.

With these concepts as our foundation, we can now examine the methodology applied in this study. That is the subject of the next section.

Methodology

In this study, I investigate *one* agency and its implementation of international rules. This is done in order to trace the impact of individual IOs on these processes by reducing the 'noise' from other variations in administrative structures. Thus, there is a comparative component to this study, wherein the case of national implementation of IMO rules is compared to the case of national implementation of EU rules within the same organisation. In the terminology of Yin, this would be called an embedded single case study (Yin, 1994: 38–41). A single case study like this cannot be fully representative of other cases. Indeed, IOs may relate differently to different states, such as when the IMO differentiates whom it offers training to (see below). However, single case studies still provide valuable theoretical insights that are relevant beyond the case. They can be used to refine and develop theoretical concepts and provide rich opportunities for context-sensitivity, and can therefore aid 'theoretical generalisation' (Ritchie and Lewis, 2003). Here, the aim is to refine our understanding of the similarities and differences between the two ideal-types of institutional orders by applying these concepts in a new policy sector and to perform a novel comparison of the practical impact of the two orders on a national administration.

The empirical materials in this study derive from qualitative, semi-structured, in-depth interviews (Rubin and Rubin, 1995). They have provided information about officials' actions and choices in NMD implementation processes, and the officials interviewed are experts and highly skilled professionals qualified to serve as key informants on the nature and quality of processes they are involved in.

To prepare for interviews, I explored some of the most important maritime safety conventions and the websites of EMSA, IMO, the EU, the PMoU, the NMD and the MTI, the NMD's parent ministry. Between April 2009 and May 2010 I interviewed 36 NMD and 5 MTI officials. NMD informants were senior and mid-level managers and advisers from all relevant departments, and MTI informants were senior and mid-level managers and advisers from its Maritime Department. Informants were selected through a 'snowball' method, starting with NMD senior management. They assisted me in selecting other informants based on my criteria, which enabled me to talk to both NMD 'veterans' and new employees and staff with and without international experience. Informants' tasks mostly consisted of implementing national and international rules. For the purposes of another study, I had also interviewed one Commission official, one IMO Secretariat official and two officials from EU member states who participated in IMO proceedings. Although asked about the role of Norway, they did not provide any information that added to or contradicted what the informants used in this study had said. Thus, I am confident that the picture provided here fully takes into account relevant context.

Informants were asked about the role IOs play in different aspects of their work and how they evaluated the impact and importance of different IOs. Interviews lasted from 25 to 120 minutes, and were recorded digitally for transcription. Transcripts were inductively coded for analysis and organisation of materials. Informants were promised anonymity, and an early version of this paper was sent to informants for feedback and to avoid unnecessary interpretative conflict (Borland, 2004).

With this methodological background, we may now turn to the empirics. First, we will in the next section become better acquainted with the case through the functions and capacities of the EU and the IMO and the role of Norway, and then, in the following section, we will examine the empirical materials produced in this study.

EU and IMO functions and capacities and the Norwegian case

The IMO began operations in 1958 (International Maritime Organization, 2011a), and has since become the dominant global rule-maker on maritime safety. It can be described as a classic, intergovernmental IO: Its primary function is to be a platform for intergovernmental negotiations. Over time it has also taken on some supporting functions primarily related to training of national officials, mainly in developing countries through the ITCP and by coordinating VIMSAS. The IMO's webpages also provide some statistical databases as part of the Global Integrated Shipping Information System. The IMO is not intended to perform any implementation or enforcement functions.

In terms of administrative capacities, the IMO Secretariat is not intended to perform major policy development, implementation or enforcement tasks, so its size is limited. Whereas the ILO, for instance, has a secretariat of about 2700 (International Labour Organization, 2011), the IMO Secretariat has about 300 staff (International Maritime Organization, 2011b). IMO headquarters are located in a building owned by the United Kingdom government. Other administrative capacities rest primarily with member-state governments. In terms of organisational capacities, IMO decision-making takes place in various hierarchically structured bodies (Assembly, Council, Committees and sub-committees) made up of national officials and with a workload generated mainly by member states, other IOs and non-governmental actors. The IMO Secretariat facilitates policy-making, although it runs some supporting functions of the IMO. IOs and non-governmental actors take part in IMO bodies without voting rights. VIMSAS provides a peer-review audit that member states may voluntarily submit to, where the outcomes are recommendations for improved implementation of IMO rules. VIMSAS is thus a part of the IMO's supporting function, and not an enforcement activity. Although states may be seen to have a moral obligation to implement IMO rules, the rules do not bind states until ratified. The IMO does not have a court or arbitration body of its own, and cannot take states to other international tribunals in cases of non-implementation.

Although the EU is older than the IMO, EU member states guarded their national sovereignty with regards to maritime transport for many years, so the EU did not start acting on maritime safety until the treaty framework had developed sufficiently by the 1990s to overcome member-state resistance. As environmental concerns were on the rise, environmental shipping disasters prompted the first legislative packages on maritime safety in the EU (Pallis, 2002; Ringbom, 2007; Selkou and Roe, 2004; Stevens, 2004). A search in the EU's online legislative database EUR-Lex (2012) per 21 December 2011 now lists 31 regulations and 55 directives under the directory code 'Safety at sea'. Most EU maritime safety rules are based on IMO rules, but also extend their application by making non-binding rules binding (e.g. for fishing vessels), extending the topical scope of rules (e.g. applying rules to new types of vessels) or extending the geographical scope of rules (e.g. applying international rules to domestic traffic) (Ringbom, 2007).

The EU thus performs a policy-making function in maritime safety. It also performs a supporting function; in 2002 EMSA was set up, which performs such tasks as information-gathering and database maintenance, satellite oil pollution surveillance for member states and training of national ship inspectors (Groenleer *et al.*, 2010; Gulbrandsen, 2011). Several activities are done in cooperation with the independent, but EU-dominated, PMoU. EMSA also performs some direct implementing tasks, e.g. maintaining a European oil spill preparedness capacity, so the EU performs an implementing function too. Lastly, the EU performs an enforcement function. The Commission, assisted by EMSA, monitors states' transposition and application of EU rules, and if a state is non-compliant the Commission may initiate various infringement proceedings, the most drastic and final step of which is to take a case before the CJE to sanction a state. For Norway ESA and the EFTA Court under the terms of the EEA Agreement perform the enforcement functions of the Commission and the CJE, respectively. EMSA assists ESA in this regard. With regards to the EU's implementation and supporting functions, however, Norway relates to the EU in the same way as an EU member-state for all practical purposes related to this study.

The EU has several relevant organisational structures. First, we have the bureaucratic bodies of the Commission, EU agencies and the Council's General Secretariat. The Council's General Secretariat is facilitator for the Council, and in this respect is the body most similar to other IO's secretariats. However, the powers of the Commission with regards to policy-making, implementation, enforcement and support, the role of EU agencies in implementation, enforcement and support and the enforcement role of the CJE ensure that the EU is endowed with organisational capacities far beyond those of any traditional IO.

The Commission is headed by a College of Commissioners and comprises a host of different Directorates-General (DGs) which operate as portfolio 'ministries', as well as a Commission General Secretariat and some other auxiliary bodies. The relevant DG for maritime safety is DG MOVE. EMSA is organisationally separate from the Commission and headquartered in Lisbon and advices the Commission and helps monitor member-state implementation through mandatory audits of member states. EMSA is headed by a board composed of both member-state and Commission representatives, but is probably in reality most closely connected to the Commission (Busuioc, 2009, 2010, 2011). In terms of administrative capacities, DG MOVE has a total of 448 officials, and EMSA has above 200 staff (European Commission, 2011; European Maritime Safety Agency, 2011).

EU maritime safety policy-making follows the so-called 'Ordinary legislative procedure', where the Commission has monopoly on legislative initiatives and the Council and EP have to agree on new rules. The Council is structured into a hierarchical set of bodies composed of national officials that are progressively more sector-oriented the further down into the structure you get (Hayes-Renshaw and Wallace, 1997). The EP is a parliamentary body of directly elected national officials. These various organisational principles in the EU policy-making process structure agendas and attention according to different cleavages in different organisational bodies (Egeberg, 2003), where some (the Commission and the EP) are more independent of national governments.

Thus, the EU possesses both organisational and administrative capacities to perform policy-making, implementation, enforcement and supporting functions. The treaty framework gives the EU legal capacities to perform these functions, and provides EU secondary legislation (i.e. non-treaty rules) with direct effect in member states. In contrast to the IMO, the EU may sanction states directly.

A few words about the Norwegian case are warranted here. Norway is a small state with an open economy and a large maritime sector. It is generally seen as living up to its international commitments. A cornerstone of its foreign policy has been to support multilateralism. It has consistently ranked high on the Commission's Internal Market Scoreboards as a dutiful implementer of EU rules. Although not an EU-member, Norway is integrated into large parts of the Internal Market through the EEA Agreement (Europautredningen, 2012). As a case for the study of implementation of international rules, Norway therefore provides an example of a state with an all-round high degree of compliance and where IOs should generally meet little resistance.

With this overview of EU and IMO capacities and functions and the note on the Norwegian case, we can investigate what effect these capacities and functions may have on implementation processes in a national agency. In the next section, I elaborate my findings.

Empirical materials

In this section, I will first briefly outline how informants described the NMD and the implementation process there, before we turn to examining the impact of the EU and the IMO on the three dimensions of the implementation process.

The MTI, NMD and the implementation process

In the Norwegian government, the MTI is the ministry responsible for most shipping and maritime issues. Maritime safety falls under its Maritime Department's Section for Maritime Safety and Regulation, with its staff of 9 lawyers. The ME governs environmental aspects of maritime safety. Subordinate to both ministries is the NMD, an executive agency with approximately 300 staff, mostly technical experts such as mariners or engineers. Both ministries have delegated powers to make regulations, which may in turn be re-delegated to the NMD, and often are. The NMD is governed through a mix of signals in budget propositions to Parliament, government reports and appropriation letters. There is no NMD board.

The NMD's organisation is made up of departments subdivided into sections, which are then cross-cut by topic-oriented disciplinary groups and ad hoc project groups dealing with e.g. legislation and international meetings. The Regulation and International Affairs Department coordinates transposition and incorporation of international rules as well as national rule-making.

According to the informants, transposition and incorporation starts when IMO rules are ratified or accepted, or when EU rules have become binding through EEA mechanisms, with the drawing up of lists of instruments that need to be transposed. An individual position is dedicated to follow up international obligations in this respect. Officials from Regulation and International Affairs and the relevant technical departments cooperate in developing the corresponding Norwegian legal text(s), keeping the MTI informed during the process. Only if legislation needs parliamentary approval or creates noise is the MTI directly involved. NMD officials follow EU and IMO rule developments, but are only fully part of decision-making in the IMO. In the EU, national administrative officials are only involved in Commission expert groups and the Council arm of the EU legislative process, and thus have less control over rule-making. Even if Norwegian officials are not EU members, they are involved in EU decision-making as observers to Commission expert groups. Thus, they miss out on some of the aspects of the Council's decision-making procedures, even if there seems to be a great deal of overlap between Commission expert groups and Council Working Parties (CWPs), especially in preparations for IMO meetings. In this study, this difference is only relevant for analysing conflicting policy agendas, and as we have seen that EU maritime safety rules have met general resistance from EU member states, we should not overemphasise this particular idiosyncrasy when explaining the scepticism I find towards EU rules below.

Application involves a host of different activities, described earlier, and during application officials interpret and act upon rules through readings of their Norwegian text, often with regard to international sources. We will now first examine the impact of IO capacities and functions on application.

Application

Is there variation in how NMD officials are impacted by the support functions of the EU and the IMO?

The two IOs differ in several respects when it comes to how they support the NMD. It seems that between them these two IOs provide support we can categorise into three types: Training, peer-review and information management.

Both the EU and the IMO provide *training* courses for national officials: The EU through EMSA, in coordination with the PMoU, and the IMO through the ITCP. I did not encounter any NMD officials who had attended IMO courses, whereas five of the interviewed NMD officials had participated in EU training. In addition, the NMD's ship inspectors have to participate in EU/PMoU courses. In the case of the ship inspectors, participation in such training courses has been found to have a certain impact on their actions and choices in application (Gulbrandsen, 2011). The 5 informants found participation in these courses 'useful'. That NMD officials do not participate in IMO training (which anyway is directed towards other types of states) does not mean that NMD officials are not subject to learning from the IMO, but rather that this occurs in a different way: Of the 36 NMD informants, 15 had participated in IMO policy-making meetings, and 9 had participated at EU meetings related to policy-making (one of which also had participated at courses). This indicates that whereas the EU to a certain extent may rely on directly teaching national officials the 'EU way' of doing things through training, diffusion of any putative 'IMO norms' occurs mostly indirectly through national officials' participation in policy-oriented meetings. Training is probably the more powerful of these mechanisms, due to its direct relation with implementation, and the EU has greater capacities to undertake training activities. It has legal capacity to require some officials (ship inspectors) to participate in courses to gain authorisation as PSC officials, organisational capacity through EMSA to link support with enforcement and administrative capacities to follow national officials more closely. Informants could point out very little relevance of attending IMO meetings for their daily work, even when asked directly.

Peer-review mechanisms within the maritime safety field take the form of audits. VIMSAS is an IMO scheme where a member-state may request auditing by a team of other member states' national officials picked by the IMO's Secretary General. Although EMSA audits national administrations on behalf of the Commission/ESA, this is neither peer-review nor support – it is enforcement. Thus, only the IMO of these two provide this support mechanism in this sector. In other sectors, the EU may use the 'open method of coordination' or various implementation-oriented networks to provide peer-review (see e.g. Martens, 2006). There is only one such network here, related to leisure boats, a rather marginal part of the sector, and only one informant participated in it. Aggregated results from PSC inspections of individual ships may contribute to peer-review when distributed by the PMoU or EMSA.

The NMD was audited by both EMSA and VIMSAS between 2007 and 2009. As far as I could gather, the negative findings from VIMSAS mostly revolved around keeping legal references to incorporated rules up to date and about making transposition and incorporation more transparent. According to management and senior staff, the VIMSAS audit had been useful, although the findings were not surprising. However, they had given a push for revisiting the methodology of transposition to ensure better consistency over time. Thus, even though the IMO does not have very strong capacities for this aspect of support, even this 'soft' mechanism may change administrative behaviour.

Finally, the EU and the IMO perform certain *information management* functions. For the IMO this is most pronounced with statistical datasets and documents on its webpages, and in comparison to the EU this aspect of support seems quite weakly developed. EMSA provides amongst other things oil spill satellite monitoring, a 'rule check' database which pinpoints the exact rule set applicable to individual ships, hosts the management unit of the EQUASIS database on the world's merchant fleet (see www.equasis.org) and runs SafeSeaNet, a vessel traffic monitoring system. In general, EMSA's systems were described as useful.

Dealing with non-compliance

As non-compliance is a regular feature of implementation, we would expect there to be rules, procedures or organisational cultures that have developed to deal with it, especially since there are probably strong norms favouring compliance over non-compliance. How is non-compliance with IMO and EU rules dealt with in the NMD in light of the rule-making and enforcement functions and capacities of these two IOs?

The informants indicated to me that non-compliance indeed occurred both for IMO and EU rules, even if they generally seemed to regard compliance with international legislation as both mandatory and desirable. However, there were indications that the two IOs' rules were treated somewhat differently within the organisation.

Informants described a situation where it was difficult to keep up to date with IMO rules. However, not only had this led to a process of rethinking the legal methodology, but was also openly acknowledged and discussed in the organisation. Informants were forthcoming in outlining their practical difficulties. On a whole, the problems were connected to the tempo of IMO rule-making, as well as difficulties with organisational resources to follow it after a major reorganisation of the NMD just a couple of years previously. However, there were no sanctions connected to non-compliance of this kind, and although these problems were generally discussed as something the NMD was working on, they did not seem the most urgent of problems for the NMD. This can probably be explained by the following factors: The issue was not very salient (Versluis, 2007), as the lack of updated textual references to various international rules poses few immediate risks for maritime safety, and thus more pressing tasks were prioritised. Then, non-compliance of this kind with IMO rules could be seen as a 'normal' state of affairs – a practical problem people had learned to work around. Furthermore, the IMO is a prolific rule-maker, which raises the difficulty of staying current. NMD reorganisation and the allocation of scarce organisational resources meant that this would be even more difficult. And finally, the lack of sanctions against non-compliance with IMO rules also may have decreased urgency.

In the case of EU rules, somewhat fewer officials work directly with EU rules as there are fewer rules coming from the EU, but I still had a number of informants who worked with EU issues. In general, specific problems of implementing EU rules were not touched upon, apart from a brief mention of the findings from the EMSA audit. However, two centrally placed key informants revealed some larger problems with implementing specific EU rules (which I gathered to be other than those discussed in the audit), but that this was something that for political reasons could not be discussed until after elections later in 2009. Another informant pointed out when reading an earlier draft of this article that the reason for this behaviour is probably connected to the legal ramifications if non-compliance with EU legislation is detected. In the case of EU rules, non-compliance is not in any way regarded as a 'normal' state of affairs. Rather, non-compliance leads to tangible sanctions, and the EU is not only supposed to perform an enforcement function, but also has the resources to do so. Thus, sanctions may be brought to bear which may carry weight with the national government. The special situation of Norway as an EEA member may increase the political sensitivity of non-compliance by perhaps lifting it from the administrative to the political sphere more than in EU member states. Furthermore, if the EU produces fewer rules in this sector than the IMO, and since the rules mostly build on existing IMO rules, there are fewer reasons of national capacities to tolerate non-compliance with EU rules than with IMO rules. In this case, one key informant attributed the non-compliance to a misfit between the EU rules and the technical requirements of Norwegian waters. Seen from this vantage point, the rules were probably difficult to implement, and this dilemma seems resolved by attempting to avoid – or at least postpone – detection. Although this may be a very special case, and with the caveat that the information is based on a limited number of informants, this finding suggests that heavy sanctions may have the perverse effect of leading to the hiding of non-compliance in cases where there are severe political or practical difficulties with complying.

Agenda-setting and conflict

As outlined above, IOs who can make policy more independently of national governments may use these to set agendas that may come into conflict with those of national governments. If national officials remain loyal to the national agency we would expect conflict over the policies of the more independent IO.

In the case of the IMO, policy is basically made through negotiations between national officials, so it is not very independent. In the NMD, we see this reflected in informants' attitudes towards the IMO. NMD informants for various reasons described the IMO as the most important international decision-making arena for them, but some informants went further and described it as the *best* international decision-making arena in the sector; and they explicitly worried about regionalisation of the global maritime safety regime. The only negative complaints about the IMO were about its long-winded decision-making process.

In the EU, the Commission and the EP are two important policy-making actors that are independent of national governments. In turn, this may lead to EU policies deviating from national policies, and subsequently to conflict at the implementation stage. Indeed, 9 informants from all levels of the NMD indicated that EU instruments were not always welcome; they 'made noise', were controversial or – said one informant – outright bad. Conversationally, terms such as 'forced upon us' or 'silly' were used about EU rules a couple of times. This opposition was not voiced in terms of a specific Norwegian euro-scepticism, but in terms of technical and practical difficulties connected with EU rules and the problems that arise when both EU and IMO rules regulate the same issue, but are at variance with each other. As the Norwegian administration is firmly committed to the IMO as primary rule-maker and contrary to the EU emphasises the concerns of 'flag states' over those of 'port states', this seems to be about conflicting agendas. These conflicts are well-known in other EU states as well (Pallis, 2002; Ringbom, 2007; Stevens, 2004). EU rules thus seem less in tune with national policies than IMO rules, and the independent policy-making powers of the Commission and the EP may cause this.

Discussion

Is the EU more directly and strongly involved in national implementation than the IMO? The empirical findings above indicate that the differences between the EU and the IMO in this sector are smaller than initially assumed. Informants say the IMO is more important to them than the EU. Both the EU and the IMO provide training for national officials. The IMO provides a peer-review mechanism (VIMSAS) that the EU does not, and various implementation networks with the Commission at their nexus that are found in other EU sectors barely exist here. Thus, the EU seems more remote for national officials in this sector than in others, and the IMO seems less remote than we might initially expect.

Sector-specific reasons may account for this discrepancy between our expectations and findings. The maritime safety sector is governed by a strong global regime which seems to exhibit significant institutional robustness. The trans-boundary nature of shipping and its strategic and economic importance means that nation-states have good reasons for jealously guarding their sovereignty. This is in line with the IMO's intergovernmental mode and runs counter to the EU's more mixed and supranational mode. However, some notable differences between the two which seem connected to the characteristics of international orders remain.

Even if the actions and choices national officials make in application are impacted by both IOs' support, the EU and the IMO seem to have this impact for different reasons. The EU's capacities ensure it has what seems like a strong position on training and information management, whereas the IMO, relying on member-state capacities, has acquired an important peer-review function the EU lacks in this field.

How the national administration faces non-compliance seems to be impacted by several factors: Issue salience, how normal non-compliance is seen to be, the resources available to the national administration, the sanctioning mechanisms available to the IO and capacities to utilise them and the rule-making activity of the IO. In the perhaps rare cases of non-compliance in the NMD, non-compliance with IMO rules may be easily acknowledged, but not necessarily perceived as urgent to fix, whereas non-compliance with EU rules may be more difficult to uncover, but rather urgent to do something about. The publicity of non-compliance may increase when sanctions against non-compliance decrease. This certainly warrants further investigation.

Finally, the EU seems to generate more conflict over its rules than the IMO. The nature of the conflicts may be connected to the independent agenda-setting powers of the Commission and the EP within the EU, which mean that EU rules may be more out of sync with national policies than IMO rules.

These findings suggest that differences between the impact of the European executive order and the intergovernmental order are intimately connected with the functions and capacities available to the EU. This study has provided insight into the details of such differences in the light of sector-specific idiosyncrasies. In turn, this may help us to understand the complex landscape centre-formation at the European level has created: The EU certainly brings mechanisms different from those of more traditional IOs into play, but the rise of the EU does not necessarily entail other IOs being marginalised. The differences between them may be like the difference between Neptune and Poseidon: They may share many aspects, even if they're not identical.

Article 3

Navigating from conflict to working arrangement EU Coordination in the International Maritime Organization

Abstract

National officials from EU member states who participate in negotiations in other IOs are often obliged to coordinate on the basis of proposals from the Commission. As many IOs represent an intergovernmental order and the Commission can be seen as an executive centre in development within an executive European order with supranational traits, EU and other IOs may be institutionally mismatched and conflicts between EU member states and the Commission over coordination may ensue. In this paper EU coordination in the IMO is examined, to see how such conflicts have been resolved. In a state-dominated arena where the Commission acquired an agenda-setting role of some importance vis-à-vis EU member states, the institutional mismatch has been overcome through a learning process necessitated by pre-existing institutional configurations in which an important entrepreneur – the Commission's permanent representative – has used intergovernmental form to secure EU coordination.

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Introduction

When EU member state officials participate in negotiations in other IOs, they often coordinate under the auspices of the Commission. Many IOs' intergovernmental nature and the more supranational role of the Commission in several policy sectors mean that in many cases these national officials will have to manage institutional mismatch. How do they do this, and in what ways are the potential conflicts between the intergovernmental order of traditional IOs and the supranational elements of the emergent European executive order of the EU resolved through the creation of working arrangements for EU coordination? This is the topic of this paper, which presents the findings of a case study of EU coordination at the IMO.

Arguably, the EU represents a new kind of international order in Europe characterised by the formation of an executive centre (i.e. the Commission) at the international level capable of independent agency vis-à-vis national governments, combining direct and indirect administration (Hofmann, 2008) and co-opting semi-autonomous national agencies into a multilevel EU administration (Curtin, 2009; Curtin and Egeberg, 2008; Egeberg, 2006b; Trondal, 2010). This deviates from the established intergovernmental order, where policy-making is done by representatives of national executive centres (i.e. national governments) in diplomatic negotiations facilitated by IO secretariats and with indirect administration by nation-states.

This paper focuses on the interaction between national officials and the Commission, but in a different setting than the authors above. Semi-autonomous national agency officials are not only involved in implementing international policies from the EU and other IOs, and perhaps even co-opted by the Commission in the process (Egeberg, 2006b; Gulbrandsen, 2011); they are also engaged in developing these policies through a host of other IOs. The modern state delegates technical matters in the international sphere to its expert officials. Depending on the type of policy, these experts may in practice have considerable autonomy in deciding national positions on individual policy issues negotiated at the global level, in turn framing the policies that national governments implement.

As we will see, the EU is actively coordinating international activity. However, it seems that this has yet to be interpreted as an instance of European executive centre-formation at work. The literature on the

European executive order has first and foremost been preoccupied with the Commission within the EU and in relation to national implementation of EU rules, and has painted the Commission as an embryonic executive centre which is relatively autonomous of national governments, but not with full control over implementation. Although the Commission and EU agencies directly implement some EU policies, national officials implement the rest indirectly, and the Commission attempts to influence them through various methods of enforcement and managerial support (Tallberg, 2002). Rather than supplanting the intergovernmental order, the European executive order can be seen as a new layer (Thelen, 2003) which augments it.

However, being an executive centre does not only entail autonomy and control of implementation, but also control of a polity's external representation. In principle, national governments are national polities' single recognised voice in international law. In cases where the Commission acts as the external representative of the EU polity, it moves at the borderline between the European executive order and the intergovernmental order. As the international system is primarily state-centric, this may create institutional mismatch. If national officials feel they have to submit to the Commission in the international arena, it is likely that this will constitute a threat to a core part of the concept of national sovereignty, and thereby engender conflict – even if national officials have accepted a stronger role for the Commission in EU internal affairs. However, EU states do actually coordinate under Commission auspices in negotiations in IOs. To help explain how this can come about, this paper will apply perspectives from institutional theory (March and Olsen, 1984) on a setting where states have traditionally been the pivotal actors, but where the EU over the last 15–20 years gradually has gained a role: The maritime safety sector.

The maritime safety sector is a policy sector with an already institutionalised and entrenched intergovernmental order in which considerations of national sovereignty are still strong. I have interviewed six key informants with intimate knowledge of the IMO and EU coordination to shed light on some mechanisms employed by national officials to reconcile elements of different orders into a working arrangement. Initial conflict has been replaced by national officials' acceptance of the need for EU coordination and the Commission's adaptation of a pragmatic approach which is less threatening to national sovereignty. In addition, current arrangements also attempt to avoid offending against the state-centric norms predominant in the IMO. Applying institutional perspectives on the empirical materials, the explanation seems to be a combination of five salient and interlocking factors: strong norms of consensus decision-making within the EU; a legal-normative EU treaty framework that requires EU states to coordinate; the role of the Commission permanent representative as policy entrepreneur; reciprocal learning between the Commission and EU member states and pre-existing institutional configurations – or path-dependency.

The findings suggest that the Commission acts as a rather weak executive centre that is heavily reliant on the states, but which still has an agenda-setting role of some importance that does constrain EU member state action at the otherwise state-dominated IMO. Thus, the Commission is something more than an ordinary international bureaucracy (Trondal *et al.*, 2010) and prompts changes in institutional arrangements beyond the immediate EU polity. As it lacks the coercive tools and power resources of an executive centre proper in the international arena, it is most appropriately described as an 'embryonic' executive centre in this context as well. This article adds to our body of knowledge by expanding the literature on the European executive order to a new setting, by contributing insights into EU coordination in a policy sector little researched by EU scholars, and by reconceptualising EU coordination under Commission auspices as influenced by executive centre-formation at the EU level.

Next, I examine the nature of the Commission as an executive centre with regards to the EU's external relations. Then, the methodology applied in this paper is outlined, and the case described. Finally, the empirical materials are presented and discussed.

The Commission as executive centre

In this section I will first discuss the concept of 'executive centre formation', before examining some literature on the Commission's role in international negotiations to see what can already be said about the Commission as executive centre.

Executive centre formation

The European executive order is characterised by how organisational factors, such as the autonomy of the Commission, leads to an executive centre at the European level activating behavioural dynamics among national administrative officials that cut across territorial tiers and are additional to those of the intergovernmental order, linked to supranational, departmental and epistemic logics (Trondal, 2010). The Commission is a unique executive organisation at the international level (Egeberg, 2006a: 1; Trondal *et al.*, 2010) which 'transcends' the intergovernmental order as an executive centre in the making (Curtin and Egeberg, 2008: 639). The development of the Commission's role can be seen as part of a broader process in which the EU develops a new political centre in Europe (Bartolini, 2005: 116–176).

For the purposes of this paper, an executive centre is an entity that performs executive functions such as the preparation of legislative proposals, implementation of legislation, external representation of the polity and the setting up and manning of administrative and physical structures necessary to perform these tasks. Autonomy from other entities at the centre of a state is a part of this.

According to Curtin, Egeberg and Trondal (Curtin, 2009; Curtin and Egeberg, 2008; Egeberg, 2006b; Trondal, 2010), the Commission has acquired some of these features in the EU. It has monopoly on legislative initiatives, oversees implementation through direct and indirect administration (Hofmann, 2008) and is fairly autonomous in its staff policy and organisation. However, implementation still rests primarily with member states, and European implementing capacities may rest with European executive agencies (Groenleer, 2009). Thus, the Commission can at most be described as an embryonic executive centre, as it has not acquired the full extent of capacities accorded to a national government, and still has to share some of its capacities with other actors. Let us now examine the extent to which the Commission acts as executive centre when it comes to external representation.

The Commission on the international stage

Writers on the executive order in Europe have not particularly engaged with the role of the Commission on the international scene, but other writers have, and we will now examine some findings from this literature which are of relevance here.

The Commission has gradually become a more important external representative of the EU polity. In issues under exclusive EU competence, such as the common commercial policy, the Commission has gained extensive legal rights of representing the EU. However, if one reads the current treaties and compares to what a national government may do in the external sphere, it is striking how the Commission has to share external representation with other actors, such as the Council Presidency, the High Representative for Foreign Affairs and Security Policy (HR) and the newly created European External Action Service.

An anthology edited by Jørgensen (Jørgensen, 2009b) explains the changing relationship between the EU and IOs (Jørgensen, 2009a: 2). It demonstrates that EU member states in IOs often coordinate under Commission auspices and that the Commission is represented in a variety of IOs. The Commission's role varies from that of a full member in the WTO (Mortensen, 2009) via an observer that speaks for the EU on occasion in the UN, to that of an observer on a par with other IOs represented at meetings. Jørgensen (2009a) points out two trends in the literature of interest to us here: Firstly, legal-institutional studies focussing on the EU's legal personality and competences, such as Brückner (1990), showed how EU coordination in the UN was characterised by the 'blurry' nature of EU-member state competence delineation and of EU member states creating working arrangements that adapted the legal framework to practical demands. Furthermore, Govaere *et al.* (2004) described a still complicated situation for competence issues 14 years later, perhaps even more so with the introduction of the HR. An example is how in the FAO the Commission has also been a full member, but alongside EU states. Competence lists have been drawn up that state when the Commission and the states have the respective right to vote – but even here, 'grey areas' remain.

Secondly, we have literature on the EU as international actor focused on EU foreign policy, mostly at the UN and its General Assembly (UNGA). When Johansson-Nogués (2004) evaluated the voting cohesion of 'old' and 'new' EU member states in the UNGA 1991–2002, cohesion among all had gradually increased. Laatikainen and Smith edited a volume (2006a) addressing the EU's 'actorness' – whether the EU is an 'actor in its own right within the UN' or 'merely serve[s] […] as a diplomatic forum for member states' (Latikanien and Smith, 2006b: 4). They found that 'Europeanisation is occurring in various degrees across the UN system' (Latikanien and Smith, 2006b: 13), but member states' foreign ministries are 'privileged players'. The Commission serves a supporting role (Latikanien and Smith, 2006b: 14), even if it pushes forward a 'logic of synthesis'. However, EU member states adapt to EU diplomacy, and even the powerful have their behaviour 'shaped', if not 'constrained', by the EU. Thus EU behaviour may be coordinated, but the extent to which the Commission asserts itself varies between policy sectors. In this volume, Farrell (2006) examined the organisation and development of EU representation at the UN, and demonstrated that the complex competence issues created by the EU's pillar structure maintain a division of EU representation between member states, the Council Presidency and the Commission at the UN.

The literature surveyed above demonstrates that the EU has come to play an important role in framing the foreign policy of EU member states. It also demonstrates that even if the Commission plays an important part in this, there are other important actors on the scene within the EU. Indeed, even where the EU holds full membership in IOs (the FAO and WTO) and the Commission may be seen as the main protagonist, member states are still very much present. In the more common case the Commission is represented alongside member states as an observer, and shares the outwards representation of the EU with the Council Presidency or the HR. Apart from in the FAO and WTO, and in those cases where it is permitted to speak on behalf of the entire EU, the Commission's most important role thus seems to be the one it plays in coordinating member states' positions in IO negotiations. This is a far cry from being a fully formed executive centre, but the Commission is definitely something more than any IO secretariat, as it may even manage to 'shape' the behaviour of the EU's more powerful member states. Even if member states in the end decide on their common or agreed positions in IOs, this is done on the basis of Commission proposals where the issue is not of exclusive member state competence or under the remit of the HR. The Commission may well be an 'embryonic' executive centre: It has close to full executive powers in the WTO, but almost no executive powers in the area of the Common Foreign and Security Policy, and some executive powers in a host of other areas.

Cases where the Commission only has some executive powers are the analytically most interesting for observing the institutionalisation of working arrangements while it is happening. Where competence issues are not clear cut and the issues at stake may have a varying relationship with the EU treaty bases, procedures have to be negotiated from area to area and evolve over time. This is a scenario where the Commission and EU member states have to define the borders between the traditional intergovernmental order and the European executive order as they go along, and which can therefore teach us about how they adapt and shape working arrangements that make up practical consequences of European executive centre-formation. In this paper, I study one such case, and in the next section we will visit the methodology applied in this study.

Methodology

To learn about how member states and the Commission adapt and shape working arrangements at the interface between the intergovernmental and European executive orders, we need to get close to the processes. Gaining access to decision-makers at this level is time-consuming, since these officials are busy and international negotiations may be quite sensitive. For these reasons, I had to focus my attentions on one single case, and chose EU coordination within the IMO. The IMO is a 'standard' intergovernmental IO, and issues of EU competence on maritime safety are not definitively settled. The information this case provides may thus be relevant for 'theoretical generalisation' (Ritchie and Lewis, 2003), as it helps us explore and identify mechanisms of institutional adaptation which may shed light on the way in which the European executive order layers itself on top of the intergovernmental order at a level little examined in the extant literature on institutional orders in Europe.

This paper is based primarily on information from two sources: Observation of MSC87 in May 2010, as well as interviews with six key informants involved in the IMO and EU coordination. Five were interviewed at MSC87 and one earlier in Oslo, Norway. These informants were centrally placed and could provide complementary perspectives on a coherent story. Informants were recruited by previous informants. This ensured access as well as informants' trust in me. The informants provided a coherent narrative, and I am therefore confident that new informants would not have added much relevant, new information, and that the findings in this paper provide an accurate representation of the way EU coordination at the IMO has developed in recent years. To ensure the accuracy of the information contained herein and to avoid unnecessary interpretative conflict

(Borland, 2004), a previous version of this paper was sent to informants for feedback.

The next section will introduce the case in more detail to provide empirical context before the section after that introduces the empirical materials.

The EU and the IMO case

In this section, I will describe the relationship between the EU and the IMO in the maritime safety sector.

The IMO is the predominant global rule-making arena for maritime safety, and began operations in 1958 (International Maritime Organization, 2011a). It has a membership of 169 states, and a secretariat of about 300 staff in London. Only states can become members. My informants saw it as mainly a platform and facilitator for states' negotiations. Decision-making takes place in various collective bodies (Assembly, Council, committees) where NGOs and other IOs are observers. Observations at MSC87 indicate that task expansion at the secretariat is quite controversial in the IMO. Furthermore, implementation is wholly in the hands of member states, with the IMO only providing support in terms of a technical co-operation programme and a voluntary member state audit scheme for peer-review purposes. In Tallberg's vocabulary, the IMO's approach to compliance is a managerial one (Tallberg, 2002). It thus represents an ideal-typical intergovernmental IO.

The EU we know today has developed since the early 1950's, but did not legislate on maritime safety until the 1990s. Member states preferred to guard their sovereignty on this issue and work through intergovernmental channels. It was not until the 1990s that the treaty foundations of the EU were expanded to include transportation safety, and only after major shipping disasters did EU policy-makers develop binding maritime safety legislation. Today, the Commission enforces member state compliance with this legislation, and the EU has gained competence on several maritime safety issues in IOs. In addition, the EU set up EMSA in 2002 to assist with implementation and enforcement. EU maritime safety legislation is mostly built on IMO rules, but with regional adaptations and extensions. (Pallis, 2002; Ringbom, 2007; Selkou and Roe, 2004; Stevens, 2004).

In the intergovernmental IMO setting the EU represents a problematic case; we may see the EU and the IMO as institutionally mismatched. The EU cannot become a member of the IMO, and the IMO does not have mechanisms for recognising regional blocs. As in other IOs (Farrell, 2006: 32), the intricacies of the internal, exceptional (and fluctuating) divisions of labour and competences within the EU confuses other actors. Formally, it is only the Commission, as an observer, which represents the EU at the IMO, but EU member states coordinate their actions and act as a collective. However, as IMO norms clearly restrict an actor's ability to speak on behalf of others, the Commission in practice represents itself only, and it is the states who voice the common positions of the EU through their individual interventions in meetings. Attempts by the Commission to gain IMO membership has met with resistance (Ringbom, 2007). As the EU is a relative late-comer in the arena, we would expect national officials to be socialised into a thoroughly intergovernmental approach that leaves little room for EU coordination and the more supranational actions of the Commission – especially given the conflict-ridden history of the EU's engagement with maritime safety. However, the EU treaties demand that EU member states coordinate on the basis of Commission proposals. Thus, the stage should be set for conflict. In the next section we will investigate how this institutional mismatch has been resolved in practice.

Empirical materials

In this section, the EU coordination process is examined from the different informants' perspectives to see how member state and Commission officials have resolved the institutional mismatch between the EU and the IMO setting. First, though, the basic stages of the coordination process will be described, as reported by informants IMO002–004.

Stages of coordination

The Commission's permanent representative to the IMO and the Council Presidency plan EU coordination meetings based on the schedule of IMO committee sessions. There is always an on-the-spot meeting in London, and if necessary an advance meeting in Brussels. The permanent representative sends committee session documents to relevant Commission officials and their responses inform a coordination document. During this process the status of the issue with regards to EU competences is evaluated; something which is complicated in the IMO too:

> […] [A]bout 10–20 per cent of what IMO is dealing with, is covered by European legislation. Then, there is another 20–30 per cent that is a bit in a grey area, where you can argue either way, that it is covered by European legislation, but you could also argue that it is not covered by European legislation, and that leaves roughly 60 per cent which is undisputedly exclusive member states competence.
>
> (IMO003)

Coordination meetings are usually formally convened as Commission expert group meetings to allow non-EU member states of the EEA (Norway and Iceland) to attend. After discussions, they leave the room and meetings are reconvened for a few minutes as a CWP to formally sanction common/agreed positions (hereafter 'common positions'). Common positions are decided by qualified majority on the basis of a Commission proposal.

The Commission and the Council Presidency then agree on strategies for IMO plenary meetings. The Commission rarely speaks, so the Presidency primarily voices the positions of the EU group. My informants assume it is mostly understood that even if they are stated as the Presidency state's own views they are those of the other EU states as well. If necessary, other EU states speak up in order to support the common position, as the chair counts interventions to see where the majority lies. Finally, the permanent representative reports back to Brussels on how member states complied with common positions. EU member states rarely coordinate outside the EU group or without the Commission and almost always accept the Commission's proposals.

IMO001: The IMO secretariat

Informant IMO001 was a mid-level manager who had worked in the IMO secretariat for some years. This informant had closely observed intergovernmental negotiations and had contact with many different IMO member states and secretariat employees, and thus provides important context on EU coordination.

Early on, IMO001 stated about the EU that they '[…] are gaining what they call "competence" on more and more areas. That is, they dictate member state positions.' IMO001 stated that the IMO secretariat, EMSA and the Commission share many goals, despite having opposing views on the desirability of regional regimes. The EU was described as coordinating a lot, but the extent of EU coordination and how rigidly common positions were followed seemed to depend on the Council Presidency. However,

> [...] there's variation, for in some places the Commission has competence and are sometimes out to use the whip on the delegations, whereas in other things where they don't have competence, it's freer. [...] [S]ome member states do not care about the common position, and I've heard from the Commission that that's a head ache that they don't really know what to do about.

IMO001 describes the Commission's role in ambivalent terms: It may 'dictate member state positions' or 'use the whip', but seems to have problems of enforcement vis-à-vis some EU members. This ambivalence accords well with what we have seen from other IOs.

IMO003: The Commission

Informant IMO003 had been with the Commission for a few years after previously working with IMO-related tasks in a national administration and had intimate knowledge of IMO processes and EU coordination within the IMO.

IMO003 stated that the Commission had a relatively low profile as an observer, but that '[...] the role is a little bit more important than that, because it also coordinates the positions of the European member states on issues as they come up in the IMO [...]' Also: 'The job is to try and get EU member states to [...] express the same positions, the same views, on proposals that are on the table at the IMO.' Later on in the interview, IMO003 described the Commission as 'the driving force' of the EU.

In a discussion on EU member states' treatment of Commission proposals, IMO003 said discussions on where competence resides could be very time-consuming, so that the permanent representative

> has taken a very pragmatic approach. [...] If we happen to agree with each other on a voluntary basis [...] it is not relevant if it is

> Community competence. [...] To put it in other words, we have thus been able to avoid raising the issue on whether a particular subject is Community competence or not.

Instead, the Commission marks IMO agenda items as issues of common *interest*. The Commission cannot enforce coordination when an issue is not of EU competence, but if there is sufficient common interest, they 'try extra hard to reach consensus on a voluntary basis.' This pragmatic approach carries over to enforcement of common positions. If one or two member states express a different opinion and it will take too much time to get agreement on the competence issue, the Commission will let it go.

Since this perspective comes from inside the Commission, it is not surprising that IMO003 accords the Commission great importance. What is interesting though, is the Commission's pragmatic approach towards negotiations, and how this seems to result from experience. 'Competence' is a legal issue which may take long to resolve, so a focus on common interests facilitates efficient proceedings. The Commission's invocation of 'interest', which is less threatening to national sovereignty than 'EU competence', thus seems to contribute to resolving the institutional mismatch between the IMO and the EU.

IMO002 and IMO004: EU member state administrations

IMO002 hailed from a northwest European member state and was a high-level representative to the IMO and the EU with decades of background in a national administration, much of it working with maritime policy. IMO002 described how the IMO is very intergovernmental, and added that: 'The basic principle for our national policy is that we try to solve things through the IMO, and European legislation should only be a fall back if the IMO is not working for whatever reason.'

The role of the EU in maritime policy was seen to have increased over time, with the Commission using incidents to strengthen its own competence: '[...] we had a feeling that there was just nothing we could do about it, but we were not happy about it. We accepted it, because we had to accept it on a political level.'

'Building bridges' between the EU and the IMO to avoid European isolationism was challenging: 'I think it has improved now, over the years, but certainly, the first years after the ERIKA, and definitely the

PRESTIGE disaster, it was not easy for a European country to act here.' The preferred EU role was to facilitate national implementation of IMO rules, rather than to create separate EU rules, this preference justified '[…]from the general principle that we think we need a global level playing field, both for our flags and for our ports. We think it is a risk to act unilaterally or in this case EU-laterally.'

IMO002 thought it best if the EU's role in the IMO was member state driven, but that the Commission had acquired a strong role after gaining competence, even if they had to rely on support from the Transport Council to do anything. This process had been quite difficult for the member states. However, the Commission's approach was changing as the current permanent representative had a better understanding of how the IMO worked than his predecessor:

> We are not forced into coordinated positions just because the Commission says, 'well, this is Community competence'. Now we try at least to discuss, consider [...] the best option. Not just on the basis of competence, but [...] even more on the basis of common interest.

In addition, the member states had adjusted during the last decade from everyone speaking up on the same subject in the IMO to being more tactical. Finally, '[the member states] have learnt to know how it is to work as an EU member state, how we have to work with Community competence. [...] I think most of [the member states] understand it now, very well.'

IMO002 also described the extent of EU coordination within the IMO as reduced, which was seen as a good thing.

IMO002's perspective is that of a member state official rooted in an intergovernmental approach to maritime safety policy in a situation where the EU has gained competence. The conflict created by institutional mismatch has subsided as both the Commission and the member states have adjusted to each other and to the broader IMO context. This is in line with the story we got from IMO003.

IMO004 was another permanent representative to the IMO hailing from a northwest European member state, with about a decade of experience from the policy field.

IMO004 underlined the intergovernmental nature of the IMO, and was worried about increased influence by non-state actors. The EU was seen as very influential in the IMO, and the Commission's role was seen as problematic:

> I think they're seen by some of the member states of the Union, as well as non-EU member states, as being very controlling, Messianic […] it's almost like the Middle Ages [...] they're like the monks who are making sure nobody's doing anything they shouldn't do.

On the Commission's actions in IMO meetings, IMO004 said: 'They have this thing, the [Commission], of actually making statements in the plenary which are all about the internal workings of the Union, which other people are not interested in, and actually find offensive [...]'

EMSA was seen as a 'power for good' in the IMO, as a technical body that could cooperate well with the IMO secretariat.

IMO004 said EU coordination had moved from being ad hoc, unfocussed and even rambling to become 'slicker' and 'more organised'. Today, coordination is done under an informal 'gentleman's agreement' in order to not constrict member states. On competence versus interest, IMO004 said:

> [O]bviously, where an issue is of exclusive external competence to the EU, then we have to take the line. If it's of community interest or it isn't exclusive competence of the Union, but it's shared with the member states, then we can obviously argue about it, but still try and achieve a common position, and then of course when there's no competence at all, you can sort of go your own way.

IMO004 demonstrates the controversial nature of the Commission's actions in the IMO setting. However, IMO004's emphasis on the 'gentleman's agreement' and how it avoids constricting member states lends credence to the interpretation of the 'interest' focus as less threatening to national sovereignty even if IMO004 then goes on to discuss coordination as defined by competence – showing how the legal basis still frames the process.

SD008 and SD017: The Norwegian officials

SD008 was a senior NMD official who had worked there for more than ten years, but only recently started working directly with the IMO. SD008 came from a social science background.

SD008 described the IMO as a member state run 'small society, with certain rules' where heads of delegations stayed on for years. The perception of the EU was that member states were stronger than the Commission in IMO meetings, and that the Council Presidency and the Commission were not always well coordinated in plenary, even if the EU was coordinating 'all the time' and mostly agreeing with each other. The EU was sometimes seen as 'trying to grab jurisdiction'. It was important to influence the IMO in order to influence EU rules in turn, and because industry preferred global rules to regional ones. However, the EU also was seen as playing an important role in IMO rule development because of EU member state officials' expertise.

When discussing conflicts within the EU, SD008 emphasised that Norway would try to avoid 'making waves', and that conflicts occurred mainly between large 'flag states' on the one hand, and the Commission and remaining 'port states' on the other.

Being part of EU coordination was not seen as unproblematic: 'We do have our hands tied behind our backs to some degree [...]. That has probably been a handicap to a certain degree. How important that is, that's another question [...]'

When asked if the member states or the Commission were the most important to accommodate, SD008 replied:

> The Commission [...] prepare[s] the documents discussed during coordination meetings, so they come up with proposals for positions. And in the IMO you have this guy who's been there for quite some time, and who knows the history of many issues, so he's kind of into it. Often you encounter Commission officials who don't know the field at all, and then they have a weak position.

As a partial outsider, SD008 emphasises the relative strength of the member states versus the Commission within the IMO. It seems that for SD008, even if the EU is a somewhat problematic actor, the institutional mismatch is dealt with by attempting to influence EU rules through influencing IMO rules. The Commission may not be seen as equally powerful as the member states, but is still a salient actor due to its monopoly on initiative *and* the personal qualifications of the current IMO permanent representative. This latest point seems also to explain how the Commission developed its more pragmatic approach.

SD017 came from an engineering background, and had held various positions within the NMD, accumulating several years of experience from attending IMO meetings. On being bound by common positions, SD017 said:

> This can often be tricky, but mostly it works fine. Often a few strong within the EU lay down the positions. However, we also have an opportunity to present our positions to the EU member states, and if our position is agreed as a coordinated position, we get support from 27 countries when we get [to the IMO], and that's valuable. So, there are advantages and disadvantages, as with all such agreements. But it's very rare that we are on a collision-course with them and there is a tendency within the EU that the number of coordinated positions decreases. We have however on a few occasions opposed the common EU positions on issues that we believe to be too important to keep silent, but that requires a 'go' from our superior ministry.

The IMO was described as very important to Norway, since Norway was not an EU member and had more impact on the IMO than on the EU, and the EU based itself on IMO rules. Also, the IMO had a broader remit in maritime safety than the EU, so it was possible to cooperate with non-EU members on important issues. EU directives were seen as forced upon the state. On the EU's importance in the IMO, SD017 said:

> You see, the IMO doesn't regard the EU as the EU, because every EU member is an individual member of the IMO. As these countries now aren't allowed to speak their mind, I believe it is a handicap for the IMO as many EU countries have contributions to make to the IMO, but other IMO member states become so tired by these 27 flags going up to support each other, that it just sours the mood. So it's a little bit about losing respect, and then you also may lose the individual suggestions

> you've had before, since the Commission now has to approve everything before it's submitted. So you don't get the open, free discussion you used to have.

SD017 also sees the intergovernmental IMO as the primary international rule-making arena in the sector. The EU is not only 'second order', but may indeed pose a hindrance for effective influence in the IMO at times, even if it does provide leverage on other occasions. The Commission is important in EU coordination. Even if we do not get much information on how coordination has changed over time, motivations for submitting to EU coordination are mixed. Even a non-member state like Norway might find the benefits of coordination outweighing the costs. EU member states even more closely entwined with the political structures of the EU than partially integrated Norway will not have likely 'exit' options, and thus have to find coordination arrangements that are as comfortable for them as possible, and this is indeed what seems to have happened.

The next section discusses the implications of these findings for our understanding of how Commission and member state officials have resolved the institutional mismatch between the EU and the IMO.

Discussion

The informants map out a sector where intergovernmental institutions are strong. Not only is the IMO the predominant rule-making arena, it is also the *preferred* rule-making arena for national officials. The EU's legislative activity on maritime safety has been controversial from the start (Pallis, 2002; Ringbom, 2007; Selkou and Roe, 2004; Stevens, 2004) and still is. The Commission's role in the IMO seems to be particularly problematic. Clearly, the intergovernmental institutions of the IMO and the more supranational institutions of the EU are mismatched. However, EU member states and the Commission have still been able to create a pragmatic arrangement that seems to work to their satisfaction. Drawing on insights from institutional theory, how can we account for this?

Firstly, the EU Council has strong norms for consensus decision-making (Tallberg, 2010), arisen due to informal trade-offs over time on issues between member states and maintained by the spread and internalisation of norms in a setting of 'cultural homogeneity, shared values and collective identity' (Tallberg, 2010: 643), and this may cause negotiators to seek compromises first. However, the member state officials who meet in the IMO setting may be somewhat disconnected from other parts of the EU Council structure, something IMO002 and IMO004 indicated. We need therefore further reasons to explain this pragmatic arrangement.

A second factor may be the legal-normative EU treaty framework. EU member states are obliged to coordinate, and the Commission must enforce coordination. When the Commission has the Transport Council behind them, national administrative officials may have no choice but to do what their principals (national ministers) have ordered. Thus, the power structures within the EU influence the room for manoeuvre by national officials, and provide the Commission with the necessary clout to enforce coordination. However, we know from the implementation literature (e.g. Pressman and Wildavsky, 1973) that implementation, which this is an instance of, for various reasons may be less than perfect. In fact, it seems that when the Commission insisted on working on the basis of legally defined 'competences', member states resisted coordination more.

Other factors may therefore be relevant, and entrepreneurship (John, 1998: 19) seems to stand out in the empirical materials. The Commission's permanent representative's personal qualifications meant that he was in a position to revise the Commission approach when he saw it created unnecessary conflict. This may however be a consequence of a fourth factor: Learning.

Whether learning is understood as the result of repeated games (Axelrod, 1984) or of socialisation, it seems that the Commission as an organisation had learned that shifting the focus to interests meant less resistance from states than insistence on legal prerogatives. At the same time, member states were also in a learning process, learning 'what it was like to live with EU competence'. As actors learn from experience, existing institutional arrangements may be developed further, or get new 'layers' (Thelen, 2003), and in this process behavioural scripts providing templates for later action are developed and adapted as short-cuts for human decisions and conflict-reducers (March and Olsen, 1996; Simon, 1957).

This institutionalisation process may depend on previous choices, and we should therefore also take into account what a historical institutionalist perspective (Hall and Taylor, 1996) might call the 'path-dependency' of the institutional configuration. The option to 'exit' cooperation (Hirschman, 1970) has been progressively closed off with the widening of EU competence, and 'voicing' opposition is time-consuming. Thus, maintaining an overall 'loyalty' to the system of EU coordination in the IMO seems the most rational long-term strategy.

Finally, institutional isomorphism (DiMaggio and Powell, 1983) may have played a role. The EU and IMO have some similarities, despite the institutional mismatch. The intergovernmental nature of the EU Council provides Commission and member state officials with templates for adapting their processes to the IMO. Thus, when Commission and member state officials developed the pragmatic, interest-oriented working arrangement for EU coordination in the IMO, they could borrow from their experiences within both the EU and the IMO. As long as they generally coordinate, they can do this in a way that appears to conform to the intergovernmental structure of the IMO. The 'policy image' and venues (Baumgartner and Jones, 1991) could be changed from threatening to non-threatening ones, as coordination based on common interests conforms to national sovereignty, and formally acting as individual states in the IMO conforms to the norms of the larger IMO 'society'.

Thus, the Commission acquisition of an agenda-setting role of some importance vis-à-vis EU member states in a traditionally state-dominated arena created institutional mismatch which was resolved through a learning process necessitated by pre-existing institutional configurations in which an important entrepreneur – the Commission's permanent representative – used intergovernmental form to secure EU coordination. The role of the Commission has thus been not only an agenda-setter for coordination, but also a pivotal 'process engineer'. Thus, this reconceptualisation of EU coordination at the international level as an instance of European executive centre-formation has helped us see how national officials and the Commission may adapt in circumstances of institutional mismatch, shedding light on how the emergent European executive order is manifested at the global level.

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Annexes

Annex 1: List of informants

The informants have been promised anonymity. This list is therefore limited to place of employment, type of position and date of interview. Type of position is mostly based on descriptions given by informants themselves, but had in some cases to be inferred by me. Top-level managers are those in the top management group of an organisation, whereas their assistant directors and department/section heads are categorised as mid-level managers. Senior personnel who are either mariners or engineers are categorised as senior engineers, whereas others with unclear background, but clearly at a senior level, or the title senior adviser are categorised as senior advisers. Clerical staff is designated as such, and the rest are categorised as adviser/legal adviser depending on their background/function.

Nærings- og handelsdepartementet, Maritim avdeling (MTI, Maritime Department)

M001	Mid-level manager	17 November 2009
M002	Mid-level manager	10 November 2009
M003	Mid-level manager	9 November 2009
M004	Senior adviser	11 November 2009
M005	Senior adviser	17 November 2009

M006	Mid-level manager (recording lost; not transcribed)	Date not registered

Sjøfartsdirektoratets hovedkontor (NMD headquarters)

SD001	Top-level manager	14 April 2009
SD002	Top-level manager	14 April 2009
SD003	Top-level manager	14 April 2009
SD004	Top-level manager	14 April 2009
SD005	Top-level manager	14 April 2009
SD006	Senior adviser	19 May 2009
SD007	Legal adviser	19 May 2009
SD008	Senior adviser	15 June 2009
SD009	Senior adviser	8 July 2009
SD010	Senior engineer	8 July 2009
SD011	Mid-level manager	8 July 2009
SD012	Adviser	8 July 2009
SD013	Senior adviser	9 July 2009
SD014	Senior adviser	9 July 2009
SD015	Legal adviser	9 July 2009
SD016	Legal adviser	9 July 2009
SD017	Senior adviser	20 May 2010
SD020	Mid-level manager	10 September 2009
SD021	Legal adviser	10 September 2009
SD023	Legal adviser	11 September 2009
SD025	Legal adviser	10 September 2009
SD026	Mid-level manager	7 September 2009
SD027	Legal adviser	7 September 2009
SD028	Mid-level manager	7 September 2009
SD029	Legal adviser	7 September 2009
SD030	Senior engineer	8 September 2009
SD031	Senior engineer	8 September 2009
SD032	Mid-level manager	10 September 2009
SD033	Senior engineer	8 September 2009
SD034	Senior engineer	8 September 2009
SD035	Mid-level manager	11 September 2009
SD036	Senior engineer	9 September 2009

SD037	Mid-level manager	10 September 2009
SD038	Mid-level manager	9 September 2009
SD039	Senior engineer	9 September 2009
SD040	Senior engineer	9 September 2009

Sjøfartsdirektoratets stasjoner (NMD stations along the Norwegian coast)

SI001	Ship inspector	13 October 2009
SI002	Station manager	29 October 2009
SI003	Ship inspector	13 October 2009
SI004	Station manager	13 October 2009
SI005	Ship inspector	29 October 2009
SI006	Ship inspector	13 October 2009
SI007	Ship inspector	13 October 2009
SI008	Ship inspector	13 October 2009
SI009	Ship inspector	29 October 2009
SI010	Ship inspector	9 July 2009
SI011	Ship inspector	9 July 2009
SI012	Clerical staff	13 October 2009

Stortinget (Norwegian Parliament, members of the Industry committee)

K001	Member of Parliament	19 June 2009
K002	Member of Parliament	19 June 2009
K003	Member of Parliament	Date not registered
K004	Member of Parliament	8 June 2009

Informants at the MSC87

IMO001	IMO Secretariat, mid-level manager	11 May 2010
IMO002	EU member state permanent rep.	18 May 2010
IMO003	Commission official	12 May 2010
IMO004	EU member state permanent rep.	21 May 2010
IMO005	Norwegian labour representative	19 May 2010

Annex 2: Interview guide samples

Interview guides were adapted to each individual interview, and including them all would take too much space. However, I have included some sample interview guides which represent the most important variants used. I could not include interview guides tailored to the informants at MSC87, as these reveal too much information about the informant.

Sample 1: Interview guide used in the MTI.

1. Innledning
   a. Samtykke til opptak
   b. Gjennomgang av informasjonsskriv
   c. Spørsmål?

2. Oversikt over arbeidsområde og arbeidssituasjon
   a. NHDs rolle: Hva er NHDs rolle?
   b. Beskrive avdelingens/seksjonens oppgaver: Hva er denne avdelingens/seksjonens oppgaver, slik du ser det? Hva gjør denne avdelingen/seksjonen mest av?
   c. Avdelingens oppbygning: Hvor mange jobber i avdelingen/seksjonen?
   d. Egne oppgaver: Hva er dine arbeidsoppgaver?
      i. Fordeling mellom ulike oppgaver i tidsbruk: Hva bruker du mest tid på?

3. Kontaktflate og informasjonsstrømmer
   a. Internt: Hvem har du mest kontakt med i det daglige? Her på avdelingen/seksjonen? I andre avdelinger? Hvordan er dette for avdelingen/seksjonen som helhet?
   b. Eksternt: Hvem har du mest kontakt med utenfor NHD? Hvem har avdelingen/seksjonen mest kontakt med utenfor NHD?

4. Forholdet til Sjørfartsdirektoratet (Sdir)
   a. Sdirs rolle: Hva ser du på som Sjøfartsdirektoratets rolle?
   b. Kontakt med Sdir: Hvor mye kontakt har du med Sdir? Hvem? Hvordan foregår denne kontakten? Hvem andre i din avdeling har kontakt med Sdir, og hvordan?
   c. Oppgavesamarbeid: Hvilke oppgaver samarbeider dere med Sdir om? Hva er overlatt til Sdir? Hva har dere beholdt i avdelingen/seksjonen?

5. Internasjonalt arbeid

a. Deltakelse:

i. Type aktivitet: Hva har du deltatt på av internasjonalt arbeid? (Om mye, avgrens til siste året). Hva er det i hovedsak du deltar på? (Probing: Policyutforming? Informasjonsutveksling?, Beslutningstaking? Opplæringsaktiviteter?)

ii. Omfang: Hvor mye av dette har du deltatt på? Hvor mye tid tar det? (Forberedelser, deltakelse, etterarbeid, evt. avspasering)

b. Samarbeid om deltakelse:

i. Hvem: Har du reist sammen med noen dit? Evt hvem?

ii. Hvordan: Hvordan delte dere oppgaver dere i mellom?

iii. For-/etterarbeid: Hvordan forberedte du/dere aktiviteten? Hva ble gjort etter du/dere kom tilbake?

iv. Var Sdir involvert? Hvordan?

c. Innhold:

i. For hver aktivitet: Hva ble diskutert? Hva ble utfallet?

d. Vurdering av deltakelsen:

i. Nytte: Hvor stort utbytte var det generelt av aktiviteten? Hva var utbyttet for NHD? For deg?

ii. Viktighet: Hvor viktig/nyttig er det at noen deltar på aktiviteten?

e. Kontaktmønster:

i. Generelt: Hva slags kontakt har du internasjonalt i det daglige?

ii. Bilateralt: Hva slags kontakt har du med kolleger i andre land/andre lands myndigheter?

iii. Hva slags kontakt har du med internasjonale organisasjoner? Hvilke?

iv. Hvordan arter kontakten seg? Hva diskuteres? Hvor hyppig er kontakten? Hvem har du kontakt med?

v. Har dere hatt eller organisert noen form for utveksling med andre lands myndigheter?

f. Sdirs internasjonale aktivitet

i. Hva oppfatter du som de viktigste internasjonale kontaktene Sdir har? Hvordan foregår denne kontakten?

6. Ulike aktørers viktighet

a. Refleksjoner rundt krysspress: Jeg har oppfattet det slik at det er mange aktører i det maritime feltet. Oppfatter du at det er

ulike eller kryssende forventninger til hva dere skal gjøre? Til hva Sdir skal gjøre?
b. Hvem oppfatter du som de viktigste premissleverandørene for deres arbeid? For Sdirs arbeid?
c. Probing: Se på denne plansjen (vise Chart 1). Hvem oppfatter du som de viktigste premissleverandørene for deres arbeid av disse? Hvordan? Hvorfor?
d. Probing: Se på denne plansjen (vise Chart 2). Hvem oppfatter du som de viktigste premissleverandørene for Sdirs arbeid av disse? Hvordan? Hvorfor?

7. Avslutning
a. Da er jeg ferdig. Er det noe du føler du ikke har fått sagt?
b. Har du noen spørsmål til mitt forskningsprosjekt? Hva jeg gjør eller er ute etter å finne?

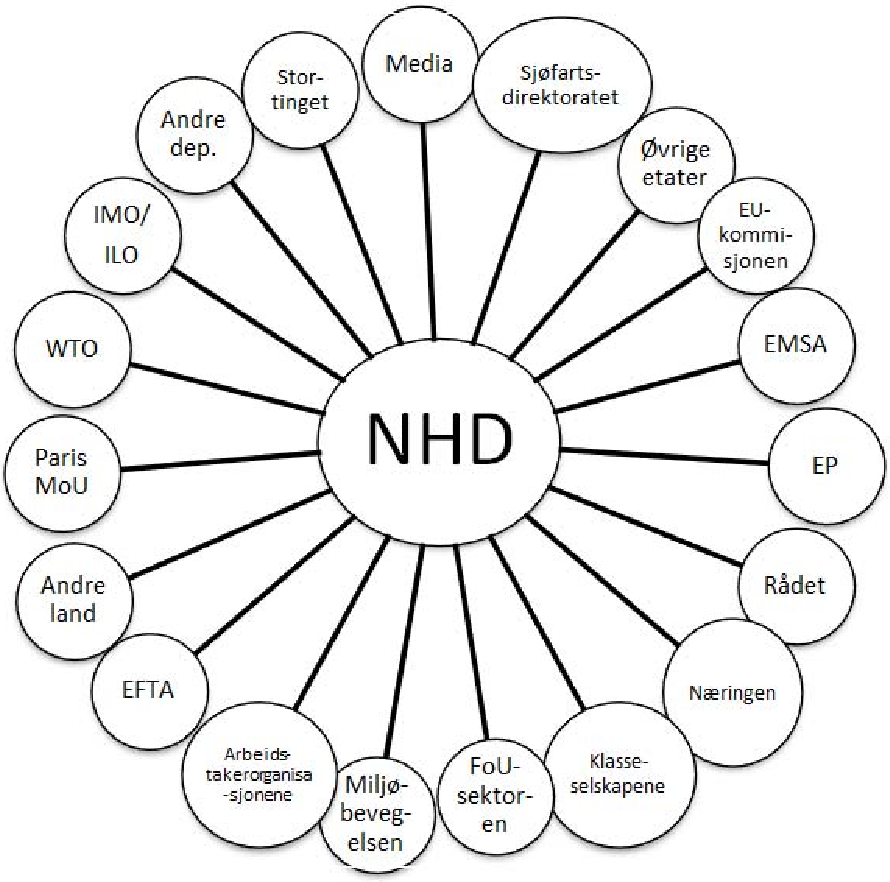

Media
Stortinget
Sjøfartsdirektoratet
Andre dep.
Øvrige etater
IMO/ ILO
EU-kommisjonen
WTO
EMSA
NHD
Paris MoU
EP
Andre land
Rådet
EFTA
Næringen
Arbeidstakerorganisasjonene
Klasseselskapene
Miljøbevegelsen
FoU-sektoren

Figure 1: Chart 1 (see question 6c).

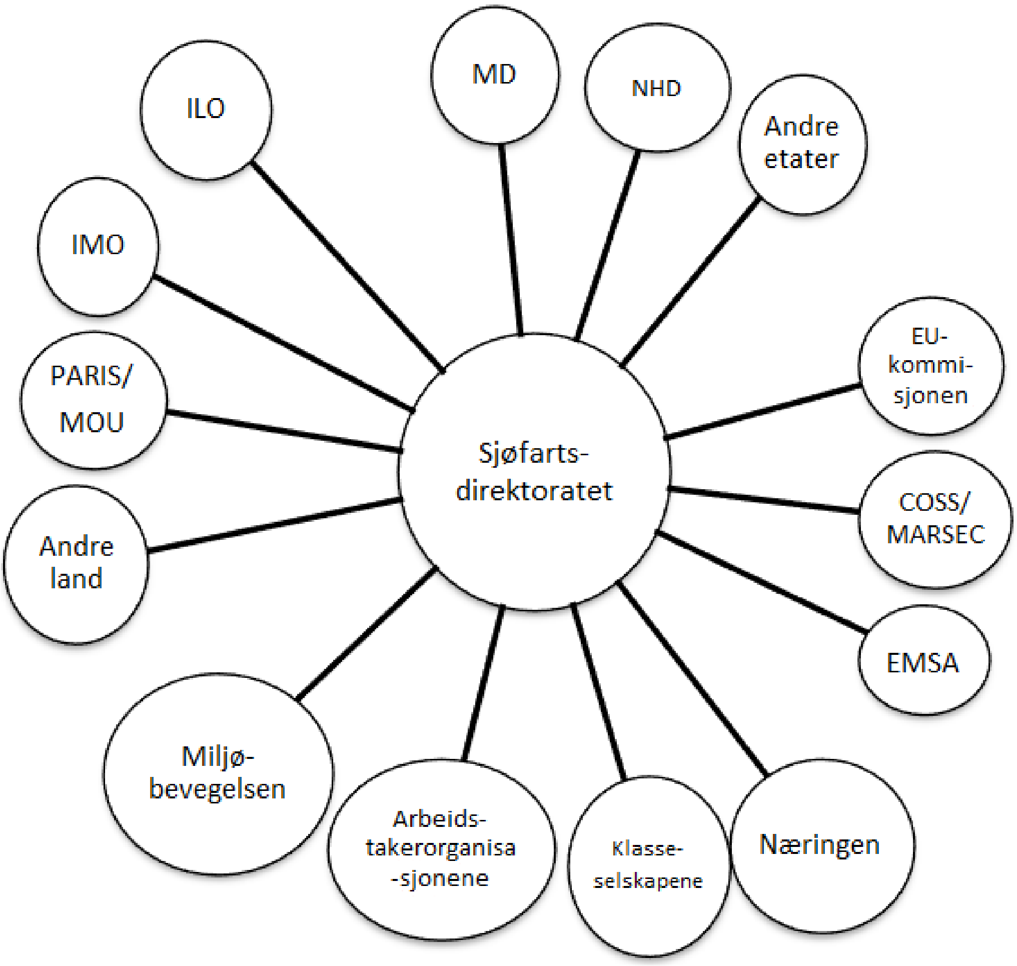

Sjøfarts-direktoratet
ILO
MD
NHD
Andre etater
IMO
PARIS/ MOU
EU-kommi-sjonen
COSS/ MARSEC
Andre land
EMSA
Miljø-bevegelsen
Arbeids-takerorganisa-sjonene
Klasse-selskapene
Næringen

Figure 2: Chart 2 (see question 6d, also used for question 18 in sample guide 3 and 17 in sample guide 4).

Sample 2: Interview guide used in an interview with top-level management in the NMD

INNLEDNING

Jeg arbeider med hvordan forvaltningens daglige arbeid påvirkes av internasjonale organisasjoner, og jeg har valgt å ta utgangspunkt i sjøsikkerhet. Målet med dette intervjuet er å få et litt overordnet blikk på hvordan dette ser ut fra ledelsesnivået i Sjøfartsdirektoratet, og hvordan ledelsen i direktoratet er i kontakt med internasjonale organisasjoner.

Jeg tar opp intervjuet for å få nøyaktig informasjon, men jeg bruker i hovedsak data som er anonymisert. Hvis jeg ønsker å sitere noe som ikke lar seg anonymisere vil jeg ikke gjøre dette uten ditt forhåndssamtykke. Jeg vil da ta kontakt med deg hvis det behovet oppstår. Ellers må du gjerne se hvordan jeg bruker informasjon fra deg i analysen når et utkast foreligger.
Er det ellers noe du lurer på før vi begynner?

For å sette ting litt i sammenheng – kan du fortelle meg hva jobben din går ut på?

Hvem har du tettest kontakt med i det daglige?

Hvordan ser du på Sjøfartsdirektoratets rolle?

INTERNASJONALT ARBEID

Hvis vi begynner med direktoratet litt generelt – hvordan arbeider dere internasjonalt (utadretta)?

Oppfølging: Hvor/på hvilke nivåer i organisasjonen skjer dette?/Hvordan skjer dette på ulike nivåer/steder i organisasjonen?

Er det internasjonale perspektiver eller internasjonalt arbeid integrert i det daglige arbeidet i direktoratet? Hvordan?

Oppfølging: Hvor/på hvilke nivåer i organisasjonen skjer dette?/Hvordan skjer dette på ulike nivåer/steder i organisasjonen?

Hva har din del av det internasjonale arbeidet bestått i de siste par årene eller det siste året?

Oppfølgingsspørsmål: Hvordan var det å delta på […]? Hvordan var besøket fra[…]? Var det nyttig? Var det noe du kunne ta med tilbake/noe dere kunne bruke videre i arbeidet i direktoratet?

Hvordan opplever du at resten av organisasjonen oppfatter det arbeidet du har drevet internasjonalt? Hvordan tas det i mot når du er tilbake?
Det er jo mange aktører direktoratet skal forholde seg til – hvordan opplever du det?

Probing: Opplever du at det er sprikende forventninger eller krav til direktoratet?

Probing: Se på denne plansjen [See figure 3] – opplever du at noen av de forbindelsene her er mer sentrale for direktoratet enn andre?

Når oppfatter du at ulike aktører har størst betydning?

Hvor viktig opplever du at IMO er for det daglige arbeidet som drives i direktoratet? Hvordan?

Hvor viktig opplever du at Paris MoU er for det daglige arbeidet som drives i direktoratet? Hvordan?

Hvor viktig er Kommisjonen?

Hvor viktig er EMSA?

Hvordan tror du resten av organisasjonen ser på det arbeidet som gjøres opp mot IMO? Opp mot Paris MoU? Opp mot Kommisjonen? Opp mot EMSA?

AVSLUTNING
Er det noe du føler vi ikke har dekket som du har lyst til å fortelle om?
Er det noe du har lyst til å spørre om?

[…]

Takk for at du tok deg tid.

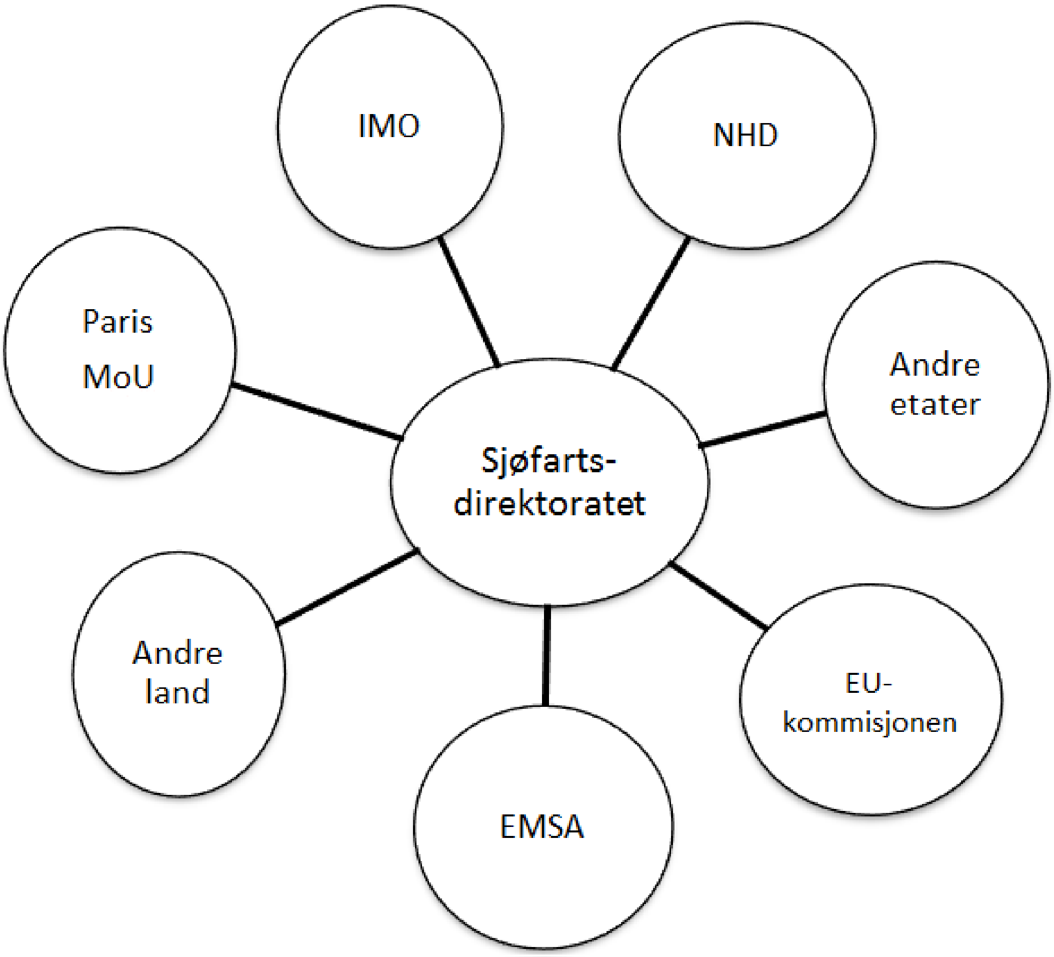

IMO
NHD
Paris
MoU
Andre
etater
Sjøfarts-
direktoratet
Andre
land
EU-
kommisjonen
EMSA

Figure 3: Chart used for probing

Sample 3: Interview guide used with informant in the NMD

INNLEDNING

Jeg arbeider med hvordan forvaltningens daglige arbeid påvirkes av internasjonale organisasjoner, og jeg har valgt å ta utgangspunkt i sjøsikkerhet. Målet med dette intervjuet er å få et inntrykk av hvordan dette ser ut fra ditt ståsted.

Selv om jeg tar opp intervjuet av hensyn til nøyaktighet, bruker jeg i hovedsak data som er anonymisert. Hvis jeg ønsker å sitere noe som ikke lar seg anonymisere vil jeg ikke gjøre dette uten ditt forhåndssamtykke. Jeg vil da ta kontakt med deg hvis det behovet oppstår. Ellers må du gjerne se hvordan jeg bruker informasjon fra deg i analysen når et utkast foreligger. Intervjuet blir slettet når jeg ikke lenger har bruk for det, og senest 30.04.2012, når prosjektet slutter.

Er det ellers noe du lurer på før vi begynner?

1. Jeg tenkte det er greit for meg å ha litt oversikt over hva jobben din går ut på generelt først?

2. Hvem er det du har tettest kontakt med i det daglige?
    a. Internt i Sdir?
    b. Eksternt?
    c. Hvem snakker du med om ting som skjer på jobben og hvordan du skal utføre krevende oppgaver – hvem spør du oftest om råd?
    d. Hvem av dem du snakker med er viktige for deg å lytte til? Hvem lærer du mest av å snakke med?

3. Hvordan oppfatter du hva som er Sjøfartsdirektoratets rolle?

4. Hva slags kontakt har du med andre avdelinger i direktoratet?
    a. Hva slags kontakt? Hva innebærer den? Gir eller får du informasjon?
    b. Hva er viktig for deg av det som skjer i andre avdelinger?
    c. Hvordan er ulike avdelinger viktige for jobben Sjøfartsdirektoratet skal gjøre?
    d. Hvordan tror du de ulike andre avdelingene ser på det arbeidet dere gjør?

5. Hva slags kontakt har du med andre etater og departementet?
    a. Hva inneholder denne kontakten? Gir eller får du informasjon?

INTERNASJONALT ARBEID
6. Kan du si litt generelt om hva arbeidet i denne avdelingen du jobber i går ut på? Hva tar mest tid? Hva er viktigst? For avdelingen? For deg?

7. Hvordan er arbeidsoppgavene fordelt i avdelingen? Hvem gjør hva?

8. Har du deltatt i noen form for internasjonalt arbeid? Hva? (Spm. 9–12 + 14, evt. også 16 bare hvis ja på dette).

9. Hva slags internasjonalt arbeid har du deltatt i? Er det hovedsakelig policyutformingsmøter, opplæringsaktiviteter eller informasjonsutveksling du er med på? Eller andre ting? Hvor mye involvert er du i planlegging av den typen aktiviteter?

10. Har du hatt kontakt med [IMO/ILO/Paris MoU/EU-kommisjonen/EMSA]? Hva slags?

11. Hva slags folk er det du møter i … (de ulike organisasjonene) – hvilke roller/jobber har de? Hva er din rolle på slike møter? Hvem reiser du sammen med?

12. Hvordan oppfatter du deltakelsen på disse møtene/aktivitetene (vær spesifikk i spørsmålsstillingen – ta ett og ett møte)? Er det nyttig for direktoratet? Hva får du personlig ut av det? Hva føler du at du bidrar med? Hva opplever du at du tar med deg tilbake?

13. Er det nyttig når andre deltar i internasjonalt arbeid? Hvordan? Er det nyttig for deg? Kommer du i kontakt med arbeidet de har gjort internasjonalt på noen måte? Hvordan? Hva skjer når folk kommer tilbake fra internasjonalt arbeid – er det noe dere er opptatt av?

14. Hva skjer når du kommer tilbake? (antakeligvis fokus på formell prosess først, dernest det mer uformelle: snakker dere om det som har skjedd i etterkant? Bare med de som var med, eller med andre også? Hvordan opplever du at interessen for det du har gjort ute er?

Hvordan tror du folk i avdelingen ser på jobben du gjør ute? I andre avdelinger?)

15. Har dere besøk fra andre land her? Reiser dere ut på besøk?

16. Hva slags kontakt har du med folk i andre land /folk i organisasjonene/byråene *mellom møter*? Hvordan er den uformelle kontakten?

ULIKE AKTØRERS BETYDNING

17. Det er jo mange aktører som direktoratet skal forholde seg til. Hvordan opplever du det? Reiser det noen problemstillinger som er aktuelle for arbeidet ditt? Er det sprikende forventninger eller krav til direktoratet?

18. Hvilke aktører oppfatter du som mest sentrale for det arbeidet som skjer i direktoratet? (Probing: Se plansjen [See Figure 2]). Hvordan? Hvem er mest sentrale i ditt arbeid?

AVSLUTNING

19. Nå har vi jo vært gjennom en god del, men det kan jo være ting du ser vi burde ha snakket om, som jeg ikke har sett. Er det noen ting du vil legge til?

20. Er det noen ting du lurer på i forhold til prosjektet mitt?

Sample 4: Interview guide used for ship inspectors and station managers

INNLEDNING

Du har jo fått et informasjonsskriv fra meg om dette intervjuet, men jeg tenkte jeg skulle si et par ord før vi begynner. Er det forresten greit for deg at vi tar opp dette intervjuet?

Intervjuet er anonymt, og jeg kommer ikke til å sitere deg på en måte som gjør at du kan identifiseres uten ditt samtykke. Du må også gjerne se et utkast når det foreligger, slik at du kan se hvordan jeg har brukt informasjon fra deg. Intervjuet blir slettet når jeg ikke lenger har bruk for det, og senest 30.04.2012, når prosjektet mitt slutter.

Vi skal prate litt om dine erfaringer og opplevelser med eget eller andres internasjonale arbeid. Hvis det er noe som er uklart i løpet av intervjuet må du ikke være redd for å spørre eller be meg oppklare ting. Vi kommer til å bruke inntil en time.

Er det ellers noe du lurer på før vi begynner?

1. Først tenkte jeg at det er greit for meg å vite litt om hva jobben din går ut på og hva du gjør for noe?

2. Hvordan oppfatter du hva som er Sjøfartsdirektoratets rolle?

3. Hvem er det du har tettest kontakt med i det daglige?
    a. Internt i Sdir?
    b. Eksternt?
    c. Hvem snakker du med om ting som skjer på jobben og hvordan du skal utføre krevende oppgaver – hvem spør du oftest om råd?
    d. Hvem av dem du snakker med er viktige for deg å lytte til? Hvem lærer du mest av å snakke med?

4. Hva slags kontakt har du med andre avdelinger i direktoratet?
    a. Hva slags kontakt? Hva innebærer den? Gir eller får du informasjon?
    b. Hva er viktig for deg av det som skjer i andre avdelinger?
    c. Hvordan er ulike avdelinger viktige for jobben Sjøfartsdirektoratet skal gjøre?

d. Hvordan tror du de ulike andre avdelingene ser på det arbeidet dere gjør?

5. Hva slags kontakt har du med andre etater og departementet?
    a. Hva inneholder denne kontakten? Gir eller får du informasjon?

INTERNASJONALT ARBEID

6. Kan du si litt mer om hva arbeidet på denne stasjonen går ut på? Hva tar mest tid? Hva er viktigst? For avdelingen? For deg? [Eventuelt utdyping av svar på spm 1]

7. Hvordan er arbeidsoppgavene fordelt i avdelingen? Hvem gjør hva?

8. Har du deltatt i noe internasjonalt arbeid? [Hvis nei, gå videre] Hva slags? Er det hovedsakelig policyutformingsmøter, opplæringsaktiviteter eller informasjonsutveksling du er med på? Eller andre ting? Hvor mye involvert er du i planlegging av den typen aktiviteter?

9. Har du hatt kontakt med [IMO/ILO/Paris MoU/EU-Kommisjonen/EMSA]? Hva slags?

10. Hva slags folk er det du møter i … (de ulike organisasjonene) – hvilke roller/jobber har de? Hva er din rolle på slike møter? Hvem reiser du sammen med?

11. Hvordan oppfatter du deltakelsen på disse møtene/aktivitetene (vær spesifikk i spørsmålsstillingen – ta ett og ett møte)? Er det nyttig for direktoratet? Hva får du personlig ut av det? Hva føler du at du bidrar med? Hva opplever du at du tar med deg tilbake? Endrer det måten du gjør ting på? Hvilke vurderinger du gjør?

12. Er det nyttig når andre deltar i internasjonalt arbeid? Hvordan? Er det nyttig for deg?

13. Hva skjer når du/de kommer tilbake? (antakeligvis fokus på formell prosess først, dernest det mer uformelle: snakker dere om det som har skjedd i etterkant? Bare med de som var med, eller med andre også? Hvordan opplever du at interessen for det du har gjort ute er? Hvordan tror du folk i avdelingen ser på jobben du gjør ute? I andre avdelinger?)

14. Har dere besøk fra andre land her? Reiser dere ut på besøk?

15. Hva slags kontakt har du med folk i andre land /folk i organisasjonene/byråene mellom møter? Hvordan er den uformelle kontakten?

ULIKE AKTØRERS BETYDNING

16. Det er jo mange aktører som direktoratet skal forholde seg til. Hvordan opplever du det? Reiser det noen problemstillinger som er aktuelle for arbeidet ditt? Er det sprikende forventninger eller krav til direktoratet?

17. Hvilke aktører oppfatter du som mest sentrale for det arbeidet som skjer i direktoratet? (Probing: Se plansjen [See Figure 2]). Hvordan? Hvem er mest sentrale i ditt arbeid?

AVSLUTNING

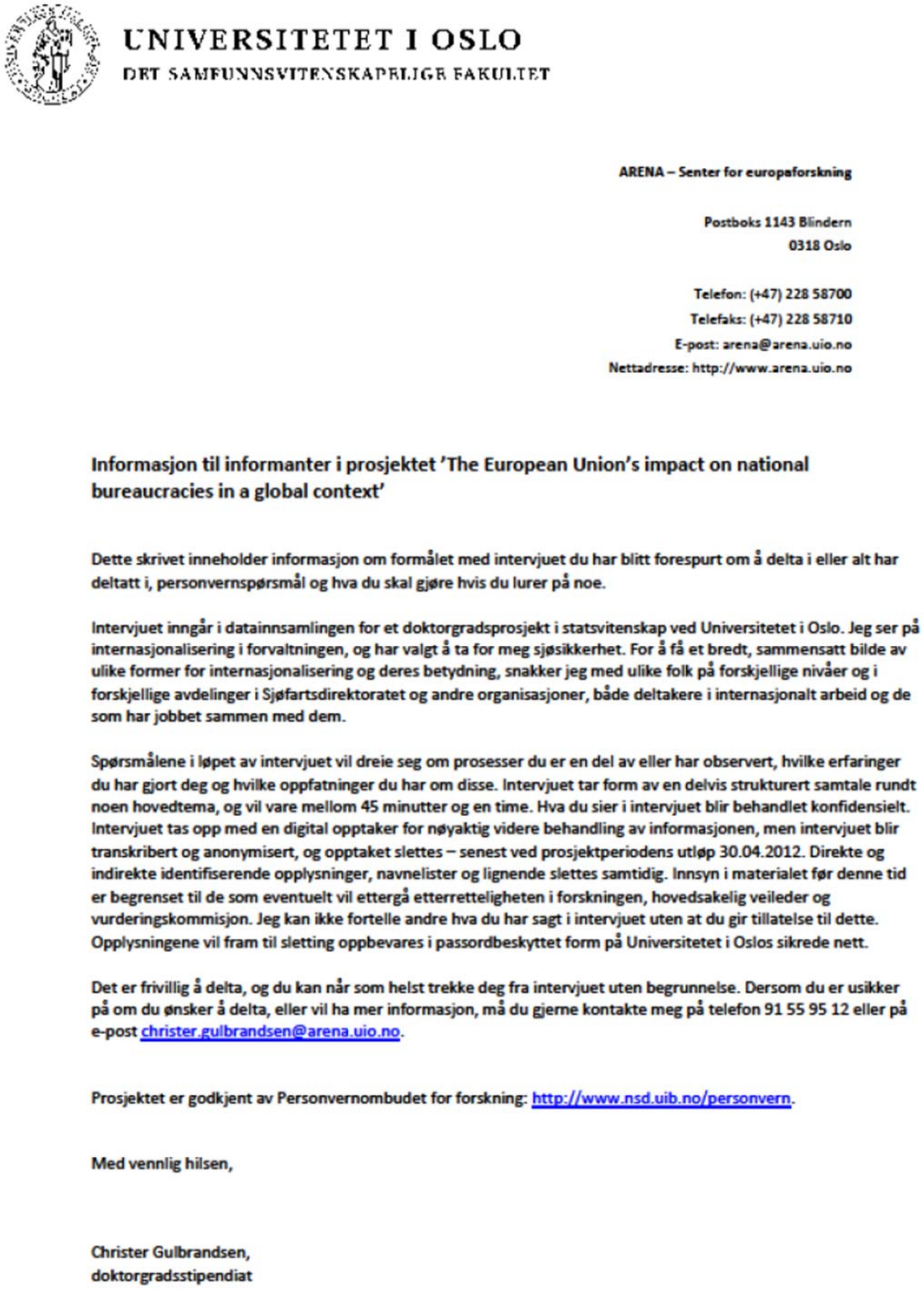
18. Nå har vi jo vært gjennom en god del, men det kan jo være ting du ser i det internasjonale arbeidet som du føler vi burde ha snakket om, som jeg ikke har sett. Er det noen ting du vil legge til?

19. Er det noen ting du lurer på i forhold til prosjektet mitt?

Annex 3: Information letters to informants

The facsimile below (Letter 1) contains the letter sent out to Norwegian informants before interviews concerning the interview and data protection. Letter 2 is a facsimile of the similar letter provided to English-speaking informants.

Letter 1: Information letter to Norwegian informants



UNIVERSITETET I OSLO
DET SAMFUNNSVITENSKAPELIGE FAKULTET

ARENA – Senter for europaforskning

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0318 Oslo

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Telefaks: (+47) 228 58710
E-post: arena@arena.uio.no
Nettadresse: http://www.arena.uio.no

Informasjon til informanter i prosjektet 'The European Union's impact on national bureaucracies in a global context'

Dette skrivet inneholder informasjon om formålet med intervjuet du har blitt forespurt om å delta i eller alt har deltatt i, personvernspørsmål og hva du skal gjøre hvis du lurer på noe.

Intervjuet inngår i datainnsamlingen for et doktorgradsprosjekt i statsvitenskap ved Universitetet i Oslo. Jeg ser på internasjonalisering i forvaltningen, og har valgt å ta for meg sjøsikkerhet. For å få et bredt, sammensatt bilde av ulike former for internasjonalisering og deres betydning, snakker jeg med ulike folk på forskjellige nivåer og i forskjellige avdelinger i Sjøfartsdirektoratet og andre organisasjoner, både deltakere i internasjonalt arbeid og de som har jobbet sammen med dem.

Spørsmålene i løpet av intervjuet vil dreie seg om prosesser du er en del av eller har observert, hvilke erfaringer du har gjort deg og hvilke oppfatninger du har om disse. Intervjuet tar form av en delvis strukturert samtale rundt noen hovedtema, og vil vare mellom 45 minutter og en time. Hva du sier i intervjuet blir behandlet konfidensielt. Intervjuet tas opp med en digital opptaker for nøyaktig videre behandling av informasjonen, men intervjuet blir transkribert og anonymisert, og opptaket slettes – senest ved prosjektperiodens utløp 30.04.2012. Direkte og indirekte identifiserende opplysninger, navnelister og lignende slettes samtidig. Innsyn i materialet før denne tid er begrenset til de som eventuelt vil ettergå etterretteligheten i forskningen, hovedsakelig veileder og vurderingskommisjon. Jeg kan ikke fortelle andre hva du har sagt i intervjuet uten at du gir tillatelse til dette. Opplysningene vil fram til sletting oppbevares i passordbeskyttet form på Universitetet i Oslos sikrede nett.

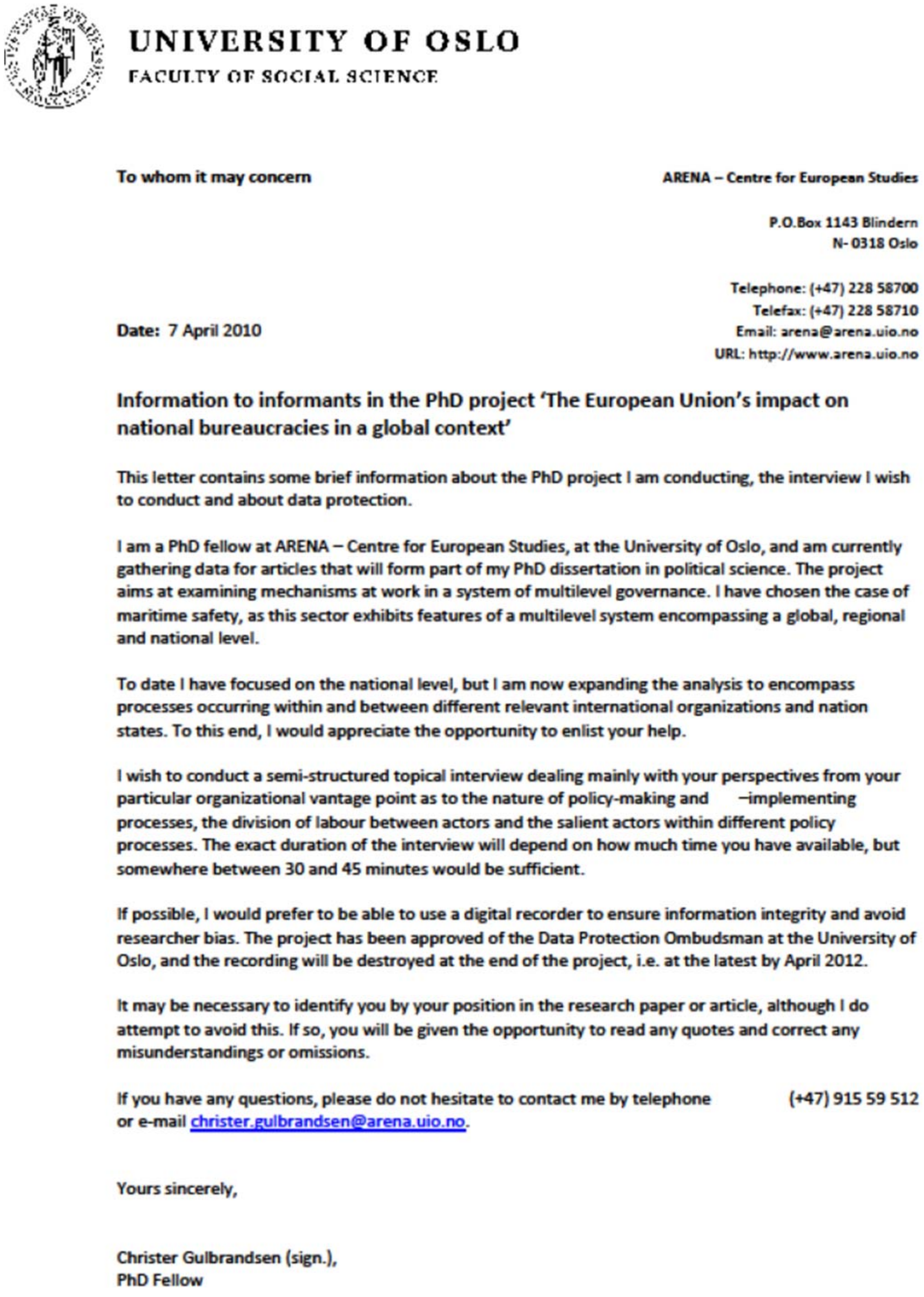
Det er frivillig å delta, og du kan når som helst trekke deg fra intervjuet uten begrunnelse. Dersom du er usikker på om du ønsker å delta, eller vil ha mer informasjon, må du gjerne kontakte meg på telefon 91 55 95 12 eller på e-post christer.gulbrandsen@arena.uio.no.

Prosjektet er godkjent av Personvernombudet for forskning: http://www.nsd.uib.no/personvern.

Med vennlig hilsen,

Christer Gulbrandsen,
doktorgradsstipendiat

Letter 2: Information letter to English speaking informants



UNIVERSITY OF OSLO
FACULTY OF SOCIAL SCIENCE

To whom it may concern

ARENA – Centre for European Studies

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N- 0318 Oslo

Telephone: (+47) 228 58700
Telefax: (+47) 228 58710
Email: arena@arena.uio.no
URL: http://www.arena.uio.no

Date: 7 April 2010

Information to informants in the PhD project 'The European Union's impact on national bureaucracies in a global context'

This letter contains some brief information about the PhD project I am conducting, the interview I wish to conduct and about data protection.

I am a PhD fellow at ARENA – Centre for European Studies, at the University of Oslo, and am currently gathering data for articles that will form part of my PhD dissertation in political science. The project aims at examining mechanisms at work in a system of multilevel governance. I have chosen the case of maritime safety, as this sector exhibits features of a multilevel system encompassing a global, regional and national level.

To date I have focused on the national level, but I am now expanding the analysis to encompass processes occurring within and between different relevant international organizations and nation states. To this end, I would appreciate the opportunity to enlist your help.

I wish to conduct a semi-structured topical interview dealing mainly with your perspectives from your particular organizational vantage point as to the nature of policy-making and –implementing processes, the division of labour between actors and the salient actors within different policy processes. The exact duration of the interview will depend on how much time you have available, but somewhere between 30 and 45 minutes would be sufficient.

If possible, I would prefer to be able to use a digital recorder to ensure information integrity and avoid researcher bias. The project has been approved of the Data Protection Ombudsman at the University of Oslo, and the recording will be destroyed at the end of the project, i.e. at the latest by April 2012.

It may be necessary to identify you by your position in the research paper or article, although I do attempt to avoid this. If so, you will be given the opportunity to read any quotes and correct any misunderstandings or omissions.

If you have any questions, please do not hesitate to contact me by telephone (+47) 915 59 512 or e-mail christer.gulbrandsen@arena.uio.no.

Yours sincerely,

Christer Gulbrandsen (sign.),
PhD Fellow

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Do the characteristics of the European executive order engender administrative behaviour by national agency officials that differ from those engendered by the traditional intergovernmental order, and if so, how? That is the question asked in this doctoral dissertation, which is made up of three articles concerned with individual aspects of this problem within the maritime safety sector: The impact on practical implementation by 'street-level bureaucrats', the impact on administrative behaviour within a national agency, and the impact on intra-EU coordination at negotiations in a global international organization: the International Maritime Organization.

The dissertation finds three mechanisms whereby the EU changes administrative behaviour: Firstly, compliance with EU rules become more important than compliance with IMO rules. Secondly, the EU directly transforms the practical implementation of both EU and IMO rules. Thirdly, the EU imposes a coordination regime that fundamentally alters the relationship of EU states with the IMO. However, the dissertation also finds some limitations to this transformation.

Christer Gulbrandsen obtained his PhD from the University of Oslo in 2011. He has been affiliated with ARENA during his fellowship period.

ARENA Centre for European Studies at the University of Oslo promotes theoretically oriented, empirically informed studies, analyzing the dynamics of the evolving European political order. ARENA's primary goal is to establish high quality research on the transformation of the European political order, with a particular emphasis on the European Union.

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