



# ***After Hierarchy?***

## ***The Differentiated Impact of the European Commission and the Council of Ministers on Domestic Executive Governance***

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## Abstract

This study offers an organisation theory approach arguing that the *differentiated* organisational constellation of the European Union contributes to a *differentiated* penetration of domestic government decision-making processes. It is argued that the European Commission *mainly* activates the lower echelons of the domestic government hierarchies, notably professional experts within sector ministries and agencies. Furthermore, the European Commission arguably weakens domestic politico-administrative leadership, the Foreign Office and the Prime Ministers Office. By contrast, the Council of Ministers arguably strengthens domestic politico-administrative leadership, the Foreign Office and the Prime Ministers Office. An illustrative empirical analysis of decision-making processes within the central administrations of Norway and Sweden is offered to illustrate the differentiated domestic impact of the Commission and the Council. Based on a rich body of survey and interview data this analysis reveals that intimate processes of interpenetration between the European Commission and the Norwegian and Swedish central administrations occur largely outside the control of the domestic politico-administrative leadership, Prime Ministers Office and Foreign Office. In Sweden this tendency is somewhat counterbalanced by the inter-sectorally interlocking effect of the Council of Ministers.

## Introduction

The debate on the Europeanisation of national executive institutions are plagued with problems of empirical operationalisation, validation of causation as well as problems of assessing the degree of transformation of domestic executive governance (Knill and Lenschow 2001). Recent literature demonstrates forcefully multiple roads to differentiated processes of Europeanisation within domestic executive institutions. Notably, the institutionalist and social constructivist schools has revealed how the “EU effect” is filtered and mediated through pre-existing domestic institutions, rules, norms and cultures (e.g. Bulmer and Burch 2005; Checkel 2005; Hèretier et al. 2001). Less scholarly attention has been paid to how differentiated processes of domestic executive governance may reflect the differentiated organisation of the European Union (EU) institutions.

This study offers an organisation theory perspective to account for how the *differentiated* organisational structure of the EU contributes to a *differentiated* penetration of domestic government decision-making processes. According to this approach, different EU institutions, notably the European Commission (Commission) and the Council of Ministers (Council), accompany differentiated decision-making processes within domestic executive institutions. For mere illustrative purposes a comparative assessment is made between the EU member-state Sweden and the associated member-state Norway. These countries are differentially integrated into the EU institutions. Whereas the Swedish EU membership has integrated the Swedish administrative apparatus into both the Commission *and* the Council, the Norwegian associated membership (through the EEA agreement) has (partly) integrated the Norwegian government fabric to the Commission system. Effectively, the cases of Norway and Sweden serve to illustrate how the Commission contributes to partly circumvent the domestic executive decision-making hierarchy whereas the Council mainly contributes to uphold domestic executive control. However, the Swedish and the Norwegian

cases also demonstrate that ten years of differentiated integration in the EU have not fundamentally transformed decision-making processes within the domestic central administrations. The differentiated effect of different EU institutions is modified, filtered, edited and translated within each EU institution as well as through pre-existing domestic executive institutions, rules, practices and traditions.

Past literature has demonstrated that multi-level interaction between EU institutions and civil servants in domestic sector ministries and subordinated agencies has become an institutionalised habit (Beyers and Trondal 2004; Olsen 2003a). The EU institutions have opened a multifaceted arena for direct and intimate interaction between the public administrations of the member-states and the community institutions (Egeberg, Schaefer and Trondal 2003). The contribution of this study is to theorise how the differentiated organisational composition of the Commission and the Council contribute to a differentiated penetration of decision-making processes within domestic core-executive bodies. Arguably, because the Westphalian territorial logic of state-by-state politics is transcended by politics by sector within the Commission, it tends to weaken the domestic Prime Ministers Office (PMO), the Foreign Office (FO) and the domestic politico-administrative leadership. By contrast, due to the classical territorial organisation of the Council, it arguably strengthens the domestic PMO, FO and the politico-administrative leadership. Yet, the differentiated impact of the Commission and the Council may also be mediated by compatible organisational specialisation underneath the Commission and the Council as well as by pre-existing domestic institutions, rules, practices and traditions.

One yardstick of whether European integration strengthens or weakens domestic government systems is how it transforms actual decision-making processes within domestic core-executive institutions. Hence, the dependent variable of this study is the actual decision-making processes unfolding within domestic central

administrations generally, and particularly the degrees of hierarchical decision-making processes therein. The empirical yardstick of hierarchical decision-making is the extent to which the politico-administrative leadership ultimately controls the decision-making processes that unfold within domestic government institutions. Hierarchical decision-making denotes that “the most important policy decisions [are] taken at the apex of a government organisation ... and those lower down in the hierarchy merely ... carry them out” (Page 1992:61). De-hierarchisation refers to the fact that important decisions are crafted autonomously by civil servants in the lower echelons of the government hierarchy. Decision-making behaviour refers to the web of contacts, co-ordination processes and priorities made by civil servants. A de-hierarchisation of decision-making behaviour thus denotes civil servants having few contacts with the politico-administrative leadership, receiving few priorities from this leadership, and/or co-ordinate more among fellow peers horizontally than with the leadership vertically.

The article proceeds as follows. The next section outlines an organisation theory approach claiming that different EU institutions have profound and differentiated impact on hierarchical governance within domestic central administrations. The second section provides a comparative illustrative analysis on how the Commission and the Council impact differently on degrees of hierarchical decision-making processes within the Norwegian and the Swedish central administrative institutions.

### **An organisation theory approach**

This section outlines an organisation theory approach that render understandable how different EU institutions impact differently on degrees of hierarchical decision-making processes within domestic executive institutions. One advantage of applying a general or ‘cosmopolitan’ approach like organisation theory is the

possibilities of drawing general inferences from single-case studies (Kohler-Koch 2003:7). An organisation theory perspective assumes that civil servants employed in government institutions are bounded rational faced with information overload, computational limitations and a complex web of roles to play. The role as a civil servant is ambiguous with a multifaceted and complex set of role-expectations embedded. The vertical and horizontal specialisation of public administration serves to systematically buffer the information and role expectations relevant for each civil servant, thereby simplifying their preference formation and ultimately choice of decision-making behaviour (Egeberg 1999; Thelen and Steimno 1992). The local rationality of civil servants is systematically aggregated by this buffer function into organisational rationality (Gulick 1937; Simon 1957). Consequently, the organisational selection of relevant information, premises for decision making and role enactment affects how civil servants think, feel and act.

Organisational dynamics are triggered when organisational borders are crossed in day-to-day decision-making processes (Egeberg 1999). Several studies have revealed how the organisational borders between domestic administrative systems and the EU institutions are increasingly by-passed and weakened (e.g. Kohler-Koch 2003). The EU institutions and domestic government apparatuses interact in day-to-day policy-making through a complex web of EU committees, the system of seconded civil servants, through embassies, as well as multilevel networks of civil servants (Egeberg, Schaefer and Trondal 2003; Lewis 2000; Trondal 2004a; Van Schendelen and Scully 2003). Assumable, civil service systems that frequently interact tend to become increasingly similar in organisational terms, with respect to the decision-making processes unfolding, as well as the public policy crafted (Powell and DiMaggio 1991; Wessels 1998). Assuming that formal organisations focus the attention of bounded rational actors, domestic executive institutions with intimate contact towards EU institutions are likely to become systematically penetrated with respect to their day-to-day decision-making processes.

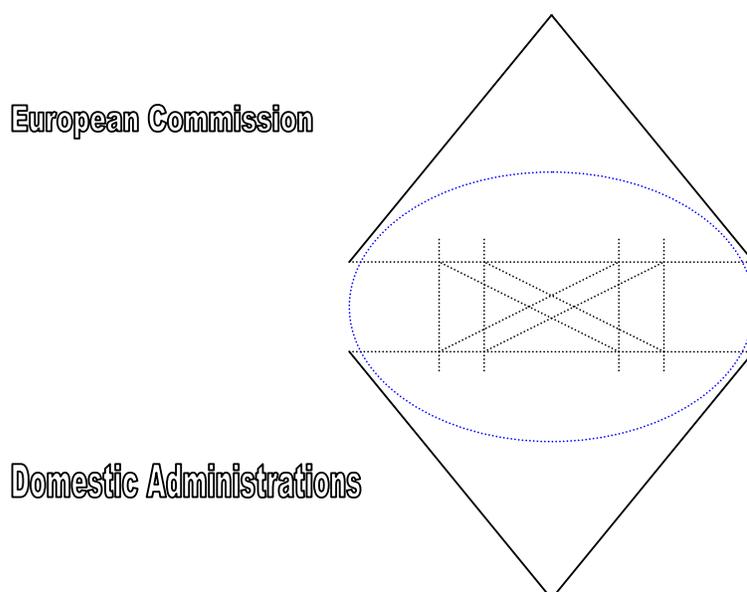
According to the classical administration school of Luther Gulick (1937), organisations may be horizontally specialised according to four generic principles: purpose, process, territory and clientele. The horizontal principles of purpose and process are observed in most domestic sector ministries and agencies, in the Commission DGs, in the subordinated agencies of the Commission as well as in the web of Commission expert committees (Egeberg and Trondal 1999; Peters 1995:147). Arguably, civil servants who frequently interact within administrative systems organised by purpose and process are assumed to evoke decision-making behaviour that reflects their sectoral portfolios and professional skills, respectively. These civil servants are likely to perceive themselves as Weberian civil servants abiding rules and established practices within their portfolios as well as independent and neutral experts, respectively. These officials are less likely to act on fixed mandates issued by the politico-administrative leadership or to negotiate within the Council on the basis of fixed national mandates written by the domestic FO and PMO. The latter behavioural pattern is arguably activated within territorially specialised organisations, such as the Council and domestic FOs (see below).

According to an organisation theory approach the decision-making behaviour evoked by individual civil servants is contingent on the organisational properties of the administrative systems in which they are embedded. Henceforth, different EU institutions – notably the Commission and the Council – are likely to condition domestic decision-making processes differently. Whereas the Commission is likely to foster a horizontal fragmentation of domestic decision-making processes and a weakening of domestic politico-administrative leadership, the Council is likely to accompany domestic horizontal integration across policy sectors and a demand for coherent national positions provided by the domestic politico-administrative leadership (Egeberg and Trondal 1999). Whereas the Swedish EU membership has integrated the Swedish administrative apparatus into

both the Commission *and* the Council, the Norwegian associated membership (through the EEA agreement) has (partly) integrated the Norwegian government fabric *solely* to the Commission system.

The Commission has been pictured as constantly ripped between national interests, concerns, roles and loyalties and overarching community interests, concerns, roles and loyalties (Christiansen 1997). This tension is not only challenged during large-scale intergovernmental conferences where the future constitutional fabric is negotiated (Moravcsik 1998), but also during day-to-day decision-making processes within the Commission (Haas 1958). Organisationally, the Commission is a horizontally pillarised system of government specialised by purpose and with fairly weak organisational capabilities for horizontal co-ordination at the top through Presidential command (Dimitrakopoulos and Kassim 2005). The Commission DG and unit structure is a prominent example of this horizontal principle of specialisation (Egeberg and Trondal 1999). A second principle of horizontal specialisation also present within the Commission is the principle of the major process utilised – like administration, legal service, personnel services, etc. (Gulick 1937). Within the Commission the Internal Services like Legal Service and DG for Translation illustrates the process principle. Arguably, the horizontal principle of purpose and process within the Commission apparatus encourages the horizontal disintegration of domestic sectoral ministries and a weakening role for domestic co-ordinating ministries like the FO and the PMO. Figure 1 illustrates, simplified, that intimate interaction between domestic sector ministries and the Commission contributes to turn the domestic pyramidal hierarchy of governance upside-down. Assumable, the Commission activates the lower echelons of the domestic government hierarchies, notably sector experts within sector ministries and agencies. Moreover, the Commission weakens the domestic politico-administrative leadership, the FO and the PMO.

Figure 1: A model of sector-integration across levels of governance



However, organisational properties conducive to sectoral integration of domestic executive institutions also exist in the Commission. First, the Commission is headed by a political College which is increasingly marked by party politisation (MacMullen 1997). Secondly, the Commission is staffed by civil servants from the member-states that partly serve as an enduring territorial component within the Commission (Egeberg 2006). Finally, the Commission has delegated power from the Council in areas of Pillar I, often governed by comitology committees. Past research clearly demonstrates that comitology committees are indeed intergovernmental committees representing member-state preferences rather than community preferences (Egeberg, Schaefer and Trondal 2003).

However, the main territorial organisation of the EU is the Council. According to Luther Gulick (1937) organisations may be organised to accommodate territorial interests and concerns. Domestically, local prefectural offices as well as FOs are examples of territorially organised government bodies. The FO has the

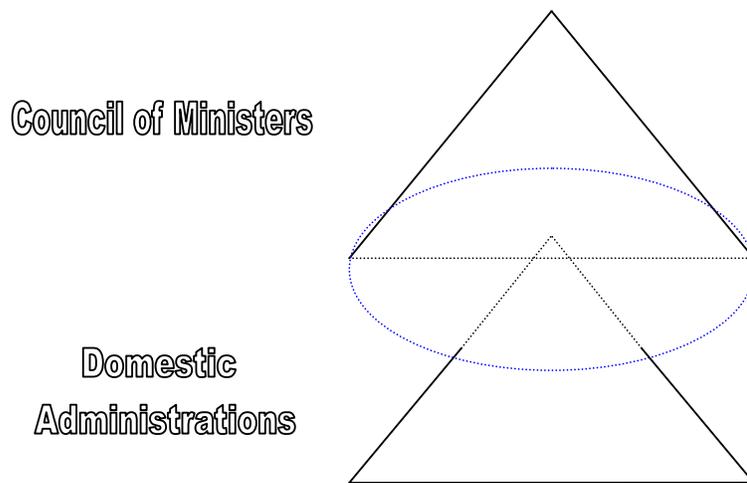
task of diplomatic representation abroad and to integrate national preferences that cross-cuts the portfolio of sector ministries. Traditionally the FO has been organised outside the domain of 'domestic' politics and outside the institutional turf-wars between sector ministries and the Finance Ministry (Christensen 1996). By this specialised organisational solution issues pertaining to other states as well as to international organisations are supposed co-ordinated by the FO. At the EU level the best example of territorial organisation is the Council, particularly at the Minister level and the COREPER – including the Antici and Mertens groups (Egeberg and Trondal 1999; Sherrington 2000). Examples of organisation by purpose and process, however, are also present within the Council, notably at the level of working groups and within the Council Secretariat (Christiansen 2001). However, national civil servants participating in Council working groups are *expected to* represent their governments and speak with “one voice” (Beyers and Trondal 2004; Larsson 2003:164). Still, studies show that supranational dynamics indeed are institutionalised within the Council working groups and the COREPER (Byers and Trondal 2004; Lewis 2000). Also, the Council Secretariat has become a co-executive to the Commission in Pillar II and III issues (Christiansen 2001). Taken together, the Council is organised mainly according to a territorial principle and its *modus operandi* is mainly territorial. However, segments of sectoral organisation and supranational dynamics co-exist within this intergovernmental body.

Arguably, the territorial component of the Council activates compatible territorially organised domestic ministries like FOs and PMOs. Moreover, FOs and PMOs contribute to a domestic filtering of the sectoral dynamics that penetrate from the Commission (Egeberg and Trondal 1999). The Swedish EU membership allows Swedish civil servants to participate in the Council whereas the EEA agreement excludes Norwegian civil servants from attending Council meetings. Accordingly, the Council system is likely to strengthen *hierarchical* decision-making processes within the Swedish central administration and not

within the Norwegian central administration. Hence, the Swedish FO is likely to be activated when ‘national interests’ are at stake in the Council. Consequently, the Norwegian civil service is likely to be *solely* penetrated by the sector-dynamics of the Commission and subsequently experience a decline of the powers of the FO, PMO and the politico-administrative leadership (Figure 1). By contrast, the Swedish FO and PMO are likely to be partly empowered by the Council (Figure 2) *and* partly weakened by the Commission (Figure 1).

Figure 2 illustrates, simplified, how intimate interaction between domestic ministries (and agencies) and the Council may contribute to uphold the domestic pyramidal hierarchy of governance.

*Figure 2: A model of territorial integration across levels of governance*



Finally, bureaucratic organisations tend to develop added value “beyond the technical requirements of the task at hand” (Selznick 1957:17). Processes of infusion ultimately contribute to give the organisation an embodiment of purpose that provides a conservative institutional logic preserving existing decision-making processes (Sryker and Strathan 1985). Processes of infusion create a unique

culture, identity, or soul to organisations, promoting resistance against abrupt change patterns (Christensen and Lægveid 2002). Institutionalised organisations are fairly robust against abrupt changes in administrative structures, routines and decision-making processes (March and Olsen 1989). Accordingly, the differentiated impact stemming from the Commission and the Council may thus be filtered, edited and translated through pre-existing domestic decision-making routines and practices (Knill 2001; Olsen 2003b).

Organisational boundaries are more than buffers to the attention of decision-makers. Organisational boundaries are normative, ethical, symbolic and temporal orders (Egeberg 1994:85). They grow, blossom and die through long “historical processes of interpretation, learning and habituation” (Olsen 1995:28). Drawing and redrawing organizational borderlines not only affect decision-making behaviour on the basis of cognitive search-processes, but also on the basis of matching identities and role perceptions to particular situations (Brunsson and Olsen 1998). Parallel to the ‘hermeneutic circle’, path-dependencies denotes that future changes of decision-making processes are conditioned by past and present decision-making practices (Adler 1997:321). One impact of this argument is that archaeological layers of decision-making routines and practices are stored within government institutions. Accordingly, it becomes easier to adopt new decision-making practices than to remove old ones due to the added value attached to existing practices (March and Olsen 1989). It also becomes easier to reorganise the balance between pre-existing behavioural practices than to add new practices or to subtract old ones. With March’ words: “An individual who has been negotiating a tough contract as an antagonistic lawyer carries that identity over to the role of diner in a restaurant or driver on a highway” (March 1994:70). In the EU-context, national officials who have just arrived at the EU meeting are likely to re-activate pre-established decision-making behaviour, preferences and roles of a domestic origin.

## **Data and method**

The next section benefits from a multitude of existing data streams that are a result of a several empirical research projects. Two important sources of survey data on the Norwegian case are provided by a large-scale survey study among Norwegian civil servants in 1996 (N = 1479 at the ministerial level and N = 1024 at the agency level) (Christensen and Egeberg 1997) as well as a recent comprehensive survey study among civil servants in the Norwegian central administration (N = 510) (Audit General of Norway 2005). Additionally, a comparative study of Norwegian *and* Swedish civil servants attending Commission expert committees and Council working groups (N = 116) is utilised together with a large scale comparative study of the Nordic central administrations (N = 260 on the Norwegian central administration, N = 345 on the Swedish central administration) (Jacobsson, Læg Reid and Pedersen 2004; Trondal 2001).

One caveat is needed: The empirical data presented are not produced on a joint comparative template at the same point in time. Neither are they based on similar proxies. Hence the data do not warrant a thorough test of the causal relationships claimed by the above theoretical perspective. The next section is thus organised by country and not by theoretical perspective. Furthermore, the space of this article does not allow for extensive empirical presentations, only for discerning empirical patterns.

## **Illustrative examples from the Norwegian and Swedish central administrations**

Constitutionally there are significant differences between the Swedish and Norwegian government systems (Petersson 1994:127). The government of Norway applies ministerial rule and administrative monism accompanying a closer formal relationship between the minister, his Cabinet, and subordinated agencies

(Lægreid and Pedersen 1999). In this system, “the ministers are always accountable for the actions of a directorate” (Jacobsson, Lægreid and Pedersen 2004:16). There are currently 17 Norwegian ministries employing approximately 4000 civil servants. The average Norwegian ministry contains 235 civil servants. The Norwegian FO is by far the largest with 659 officials (St.prp. nr. 1 (2004-2005)). In Sweden ministerial rule is not permitted and the central administration is divided into ministries and semi-autonomous agencies (administrative dualism). The 12 Swedish ministries are larger than the Norwegian ministries, employing approximately 4300 officials. The Swedish FO is by far the largest with 1500 civil servants (Premfors et al. 2003: 148). The average Swedish ministry contains 361 civil servants. Moreover, several tens of thousand Swedish officials are employed in the subordinated Swedish agencies (Pettersson 1994:130). Both Norway and Sweden are unitary states with well developed parliamentary democracies and stable administrative systems. In both countries directorates beneath the ministry level enjoy substantial *de facto* autonomy. Therefore, the differences between the Norwegian and the Swedish central administrative apparatuses are less significant in practice than judged by the Constitutional texts.

Ten years ago referendums were held almost simultaneously in Norway and Sweden on the question of EU membership. In Norway 52 percent voted in favour of rejecting a EU membership, while in Sweden 52 percent voted in favour of a EU membership. Consequently, Sweden and Norway has experienced ten years of differentiated integration into the EU. Analytically, this offers an opportunity to compare how two fairly similar government systems have been affected differently by the EU.

### *The Norwegian central administration*

The Norwegian central administration shows evidence of a de-hierarchisation of day-to-day decision-making processes. A comprehensive study of the decision-making processes within the Norwegian central administration in 1996 showed that approximately 50 per cent of the civil servants were affected by the EU and/or the EEA agreement. 22 per cent of the officials in the sector ministries and 13 per cent of the officials in the subordinated agencies reported having attended Commission expert committees. Few of these officials had experiences from the comitology committees (Egeberg and Trondal 1999). Moreover, the Norwegian central administration, with the exception of the FO, had witnessed a remarkable stable level of participation in the Commission expert committees from 1994 to 1999: 252 committees in 1994, 200 committees in 1995, 207 committees in 1996, 211 committees in 1997, and 200 committees in 1999 (Egeberg and Trondal 1999: 138; Statskonsult 2001:15). At present a minority of Norwegian top civil servants belong to the core segment of very active EU committee participants (Jacobsson, Lægreid and Pedersen 2004:51). Norwegian government officials attending EU committees are mostly from the agency level and the majority is employed in lower rank positions. They are typically professional experts with fairly loose ties towards the domestic politico-administrative leadership (Statskonsult 1999:6:27). Yet, when attending Commission expert committees, these officials tend to perceive their role as that of a national representative in addition to the role as independent expert and a supranational agent (Trondal 2004b). Notably, Norwegian government officials participating in the Commission expert committees attend with ambiguous mandates. They generally receive few clear instructions and signals from the politico-administrative leadership (Statskonsult 1999:6:44). According to one Norwegian civil servant, “the EEA work does not get the necessary daily attention from the top management” (Statskonsult 2002:5:19 – authors’ translation).

Few Norwegian government officials are accustomed to a written procedure for co-ordinating EU dossiers, and inter-ministerial co-ordination processes are often done *post hoc* to the EU committee meetings, marginally involving the politico-administrative leadership (Jacobsson, Lægreid and Pedersen 2004: 39; Sætereng 2001). The Norwegian central administration is more adequately co-ordinated *intra*-ministerially than *inter*-ministerially when approaching the Commission. Moreover, these co-ordination processes are less formalised and routinised than intended by the Norwegian PMO and FO. More generally, the formal co-ordination apparatus for EU/EEA dossiers is activated less frequently than officially intended by the Norwegian PMO (Audit General of Norway 2005). This domestic co-ordination apparatus is more active *post hoc* when implementing EU regulations than *ex ante* in the agenda setting phase of the Commission expert committee meetings (Statskonsult 1999:6 and 2002:5:37). However, ministries heavily affected by EU dossiers and strongly involved in EU committee meetings seem to have better co-ordination capacities than those ministries less involved in EU affairs (Statskonsult 2001:15: 15). Finally, the ministry-level seems better co-ordinated than the agency-level, and officials in top rank positions (typically heads of unit) are more adequately mandated than officials in lower rank positions (Statskonsult 2001:15:16; Trondal 2004b).

The above observations parallel the observations of Swedish agency officials attending Commission expert committees (see the next section). Trondal and Veggeland (2003) show that Norwegian and Swedish officials attending Commission expert committees evoke fairly *similar* roles – national, functional and supranational roles (ordered by importance). The Commission expert committees, however, have a stronger functional dynamic than both the Council working groups and the comitology committees, accompanying lower levels of inter-ministerial co-ordination among participants in the Commission expert committees than among participants in Council working groups and comitology committees (Egeberg, Schaefer and Trondal 2003).

During the so-called 'interim period' for Norway in 1994, when Norway prepared for EU membership, Norwegian civil servants attended Council working groups. Trondal (1999) shows that this period was marked by increased inter-ministerial co-ordination and a substantial co-ordinating role for the Norwegian FO vis-à-vis meetings in the Council working groups and the COREPER. After 1994 Norway lost the right to attend Council working groups. One notable impact was that the degree of inter-ministerial co-ordination decreased, and that the co-ordinating role of the Norwegian FO diminished relative to the co-ordinating role of sector ministries and agencies (Christensen 1996; Trondal 1999). Moreover, the relative power that the Norwegian PMO has on EU affairs seems to correlate with the political party in office. For example, whereas Prime Minister Brundtland from the Labour party "was personally strongly committed to EU membership and made it a central part of her political agenda for the 1990s" (Narud and Strøm 2000:141), the current Prime Minister Bondevik from the Christian Democratic party is a reluctant European that seldom activates the PMO to pro-actively co-ordinate EU dossiers.

The declining role of the FO vis-à-vis the sector ministries is a long trend in all EU member-states (Wessels, Maurer and Mittag 2003). In Norway East (1984:127) reported early that officials in the Norwegian FO tended to be more concerned with *intra*-ministerial co-ordination than with *inter*-ministerial co-ordination, and that the Norwegian FO has been more adequate on inter-ministerial co-ordination on bilateral issues that went beyond Europe. By contrast, the international activities of Norwegian agencies' are more narrowly oriented towards the European hemisphere (Underdal 1987:182). Hence, the Commission seems to accelerate an already ongoing weakening of the Norwegian FO (Christensen 1996). EU dossiers handled by the Commission are highly technical, requiring specialised knowledge to disentangle and influence successfully. As typical generalists in foreign affairs and diplomatic encounters, most Norwegian FO officials lack the professional capabilities available to sector-

experts in the sector ministries and agencies to substantially and instrumentally handle EU dossiers (Claes 2003:92). For example, relatively few officials from the Norwegian FO attend Commission committee meetings (Egeberg and Trondal 1999:138). These observations support the organisation theory approach outlined above picturing of The Norwegian FO as that of a “post-box” between the Norwegian sector ministries and agencies and the Commission (Trondal 1999).

Officials at the Norwegian Delegation to the EU have more direct contact with sector ministries than preferred by the Norwegian FO (Statskonsult 2002:5:18). Also, Norwegian ministers are loosely coupled to negotiations within Council meetings (Statskonsult 2002:5). Moreover, Norwegian MPs are less actively involved in EU/EEA affairs than the MPs of most EU member-states. The Norwegian Parliamentary EEA committee have few meetings, handle few EU dossiers instrumentally, and have weak administrative resources to control the Norwegian central administration on EU dossiers (Melsæther and Sverdrup 2004; Sørensen 2004). The Norwegian Parliamentary EEA committee may not issue mandates to the Government on EU/EEA dossiers. Notably, some Norwegian political parties have better access to the European Parliament through their European party federations than the Norwegian Parliament as an institution (Nordby and Veggeland 1999:89; Statskonsult 2002:5).

Hence, the Commission indeed has weakened the politico-administrative hierarchy within the Norwegian core-executive. The Norwegian central administration is no exception. The Norwegian central administration seems more sectorally de-coupled, de-politicised and fragmented than territorially integrated, politicised and co-ordinated when handling EU dossiers. With respect to how the Norwegian central administration handles EU dossiers, it is pictured as reactive, de-politicised and horizontally fragmented (Jacobsson, Lægveid and Pedersen 2004), even vertically disintegrated “whereby ‘micro-decisions’ tend to be de-coupled from the overall policy purpose and strategy” (Underdal 1987:170). EU

dossiers are largely integrated into the day-to-day decision-making routines of Norwegian sector ministries, agencies, divisions and units (Egeberg and Trondal 1997: 342). Hence, the Norwegian central administration displays more horizontal fragmentation than co-ordination between ministries, and more horizontal fragmentation between ministries than within them. The Norwegian case indicates that ten years of intimate relationship between national sector ministries and the Commission has strengthened trends towards horizontal inter-ministerial fragmentation. Secondly, ten years of interaction between Norwegian sector ministries and the Commission has accompanied a weakening of hierarchical decision-making processes within the Norwegian central government apparatus (cf. Figure 1).

#### *The Swedish central administration*

The principle of ministerial rule is not applied in Sweden. The Swedish central administration consists of the Government and its office (the Chancery) and the central administrative authorities underneath (agencies). These agencies are accountable to the Government as a collective. The Chancery is divided into 12 ministries, but is nevertheless supposed to function as a collective unit. The largest number of civil servants works at the agencies, not at the Chancery and they have substantial *de facto* autonomy (Larsson 2002). Prior to the Swedish EU membership in 1995 the autonomy of the Swedish agencies was never seriously questioned by the Swedish Government.

The relationship between the ministries and the agencies may be pictured as interdependent. The ministries are small compared to many agencies, which means that their expert knowledge is limited (Pettersson 1994). Expert competences are often found among civil servants at the agencies. Due to the size and complexity of the Government's agenda, the Government depends on the active participation of agencies in the preparation and formulation of policies. In

addition, many of the civil servants in the ministries have been recruited from the agencies underneath. Furthermore, it is not uncommon for senior civil servants of agencies to have previous careers in the Chancery, a fact that contributes to the development of shared epistemic and normative communities that span the ministry/agency divide (Larsson 1993).

The Swedish Constitution describes a Government with far-reaching collective responsibility and a Chancery with a well integrated organisation for hierarchical co-ordination and planning. Partly due to the EU membership Swedish ministers have become administrators of their own ministerial portfolios. Therefore, Swedish ministers act in much the same way as ministers in other EU member-states – according to their sector portfolio (Page 1992). The organisational boundaries between Swedish ministries are intact, and the civil servants often have well developed instincts for ministerial territories (Premfors et al. 2003: 151). What constitutionally appears to be a tightly horizontally integrated government system often displays weak hierarchical co-ordination. However, the Swedish EU membership has added increased pressure on the Government to further improve the co-ordination of EU dossiers and strengthen the co-ordination role of the PMO and the FO (Sundström 1999).

The Swedish EU membership has observable implications on decision-making processes within the Swedish central administration. One notable effect is seen on processes of horizontal and vertical co-ordination within the Swedish government. Notably, the Commission has challenged pre-existing processes of hierarchical co-ordination intra-ministerially and vertically between ministries and agencies. At the same time the Council has increased the sheer volume of horizontal and vertical co-ordination has increased within the Swedish government system (Sundström 1999). In particular, the co-ordinating role of the Swedish FO is increasingly supplemented by co-ordination responsibilities of the PMO and by co-ordinating activities of medium rank civil servants within sector ministries and agencies. The typical mode

of co-ordinating Swedish EU dossiers, mostly towards the Commission, is through informal personal contacts without written agendas and instructions. A problem that soon became obvious after 1995 was the problem of holding on to the principle of collective decision-making. Since the Swedish Constitution stipulates an extensive collective responsibility by the Government the Swedish Government has adopted a tradition of frequent Cabinet meetings (Larsson 1986). The EU membership has made it harder to stick to the principle of collective decision-making.<sup>1</sup> Even the old Cabinet method of mutual exchange, i.e. of important documents, is severely challenged due to the externally (EU-determined) deadlines of the Commission (Ekengren 2002). The difficulties that the Chancery had with co-ordination prior to the EU accession have multiplied after the EU accession. Hence, despite increased need for co-ordination by the Cabinet towards the Council, the capacity for co-ordination is reduced by the sheer pace-making role of Commission deadlines (Ekengren 2002).

The Swedish EU membership has accompanied new administrative perceptions of time (Ekengren 2002). The decision-making processes within the Swedish central administration have always followed fixed circular rhythms dictated by routinised events and rituals (Larsson 1986). However, the Commission has added external, faster and more ambiguous rhythms and time schedule to the Swedish central administration, challenging the potential for politico-administrative control over domestic EU decision-making processes (Ekengren 2002). In short, the entry of Commission timing in Swedish government has led to an increased need for, but a lack of capacity for, inter-ministerial co-ordination. Inter-ministerial co-ordination efforts are most visible in the later stages of the decision-making process, when dossiers enter the Council negotiations (cf. Figure 2). In the agenda setting phases in the Commission Swedish ministries and agencies have a much freer hand to formulate idiosyncratic agendas (cf Figure 1). Still, across the Commission-Council spectrum, Ekengren (2002:152-153) shows that “EU time” have propelled a weakening of domestic hierarchical governance.

A survey by Jacobsson, Læg Reid and Pedersen (2004) shows a similar pattern. A large majority of the heads of unit in Swedish ministries, heavily involved in Commission decision-making processes, feel a lack of time to consult the political leadership, the EU secretariat of the FO, and the PMO. The co-ordinating role of the sectoral ministries and agencies have grown while the role of the Swedish FO is increasingly pictured as that of a "post box" (Sundström 1999). Different parts of the Swedish bureaucratic machinery have established independent relationships with Commission DGs, bypassing overall co-ordination by the Swedish FO. The informal work patterns within the Commission expert committees accompany weak incentives for domestic inter-ministerial co-ordination (cf. Figure 1) (Statskontoret 2004:6:24). Towards the Council, much co-ordination activity seems to be achieved through informal personal contacts without written agendas (cf. Figure 2) (Sundström 1999). The survey of Jacobsson, Læg Reid and Pedersen (2004) indicates a stronger effort for co-ordination between ministries and especially internally *within* each ministry (cf. Statskontoret 2004:6). The Commission and the Council thus seem to have differentiated impact on *intra*-ministerial and *inter*-ministerial co-ordination processes within the Swedish central administration. In 2004 a special secretariat for the co-ordination of everyday EU affairs (especially those related to the Council) moved from the FO to the PMO. This reform indicates that the Swedish Prime Minister has an ambition to tighten the co-ordination of EU affairs in the Swedish central administration.

The co-ordination of Swedish positions towards the EU is also conducted by the Parliamentary committee for EU affairs in the Swedish Riksdag. EU dossiers to be discussed in upcoming meetings in the Council must be discussed *ex ante* by the advisory committee for EU Affairs in the Riksdag. This routine forces the central administration to inform the political leadership prior to their confrontations in the Riksdag (cf. Figure 2). However, the Riksdag may not, in contrast to the Danish system on which it is modelled, issue formally binding mandates on the Government (Bergman 1997, Hegeland 1999). A recent study demonstrates that

the EU advisory committee of the Riksdag convene more meetings, handle more dossiers and have stronger administrative resources than the corresponding Norwegian Parliamentary committee (Melsæther and Sverdrup 2004:15). Nevertheless, the Swedish Riksdag has had severe difficulties in entering the early stages of the decision-making process of the Commission (Riksdagskommittén 2004). The Swedish co-ordination system is based on the centralised British and Danish system with great emphasis on formal control of domestic representatives. The importance attached to the role of the Riksdag relates to the Swedish belief that the democratic legitimacy of the EU system is ultimately vested in democratic processes within the member-states and a belief in centralised institutions and hierarchical processes as means of gate keeping the pooling of authority from national to supranational governments (Beyers and Trondal 2004).

The Commission often consults external expertise when initiating new pieces of legislation (Van Schendelen 1998). In Sweden this usually means that civil servants from the agencies are consulted (Trondal 2001). In contrast to deliberations in the Council working groups and the comitology committees where civil servants work under domestic instructions, the role perceptions of Swedish officials attending Commission expert groups are more ambiguous (Beyers and Trondal 2004). Sometimes this creates conflicting role perceptions for Swedish representatives in the Commission expert committees (Statskontoret 2000:20A:35). Whereas Swedish officials who attend Commission expert committees may arrive with ambiguous mandates, Jacobsson (1999) observes that Swedish civil servants from sector ministries became increasingly aware of their national role after entering the Council system in 1995. The Swedish EU membership spurred a demand for co-ordinated Swedish positions among sector-experts who attended the Council working groups (cf. Figure 2).

## Conclusions

Ten years after Norway and Sweden integrated differently into the EU we see a profound and differentiated impact on the day-to-day decision-making processes unfolding within the Norwegian and Swedish central administrations. This study illustrates that the decision-making processes within the Norwegian central administration are strongly sector-penetrated by the Commission. Similar observations are found within the Swedish administrative fabric accompanying a de-hierarchisation of the everyday decision-making processes (cf. Figure 1). The Commission fosters a rift between domestic Government responsibility and domestic Government control over the decision-making processes unfolding within the Norwegian and Swedish central administrations. Networks between the Commission and the Swedish regulative agencies have upheld tendencies towards a de-hierarchisation of executive politics within the Swedish government machinery. These observations support the organisation theory approach as outlined in this study. The Commission activates the lower echelons of the domestic government hierarchies, notably sector experts within sector agencies and sector ministries. The Commission fosters a weakening of the domestic politico-administrative leadership, the FO and the PMO. Henceforth, the empirical observations indicate that the actual decision-making processes that unfold within domestic government institutions are indeed conditioned by the Commission structure, as indicated in Figure 1. However, the Council has led to increased co-ordination activity within the Swedish FO, PMO and generally among the politico-administrative leadership in the Swedish central administration (cf. Figure 2). Notably, the Council seem to strengthen the domestic pyramidal hierarchy of governance (cf. Figure 2).

However, the differentiated impact of the Commission and the Council is also received differently within different parts of the Norwegian and Swedish government apparatus. This study reveals a stronger de-hierachisation of decision-

making processes at the agency-level than at the ministry-level in both countries. When agency and ministry officials attend *the same* Commission expert committees, ministry officials tend to be more strongly co-ordinated from the politico-administrative leadership than agency officials; and officials from the FO tend to be more strongly mandated than officials from the sector ministries. EU dossiers are largely organised into existing ministerial structures and procedures both within the Norwegian and the Swedish central administrations. These observations indicate that despite ten years of differentiated integration into the EU, domestic government structures and procedures leave strong imprints on decision-making processes within the Norwegian and Swedish central administrative fabric. Hence, this study also reveals how domestic government institutions mediate and filter the differentiated impact of the Commission and the Council.

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