A Struggle for Influence: A Multi-leveled Appreciation of the Europeanization Process

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Introduction

The European Union (EU) played a significant role in setting the reform agenda for the candidate states of Central and Eastern Europe (CEE) and, more recently, the Balkans. Domestic change resulted from a process of persuasion, negotiation, and coercion referred to as “Europeanization.” Unfortunately, the Europeanization literature has been so infrequently applied to EU-candidate state relations that many contemporary renderings fail to include the intricate and multi-leveled processes crucial to the development and implementation of acquis-related reforms. As Heather Grabbe (2003, p.303) states, “the domestic effects of transferring policies and institutions to them[candidate states] are likely to be comparable…” to what is observable in member states, but the political synergy that exists between the EU and the candidate countries certainly “affects how Europeanization occurs”.

The scant literature that addresses the Europeanization of the candidate states relies on the experiences of Central and Eastern European countries (CEEC). These countries offer a wealth of material on the subject because for much of the last 20 years they have been obliged to accept the EU’s demands in order to attain their goal, EU membership. In some cases, these countries were asked to implement reforms that challenged the very fabric and history of their political arrangement, begging the question, why would the candidate states accept demands that threaten their political status quo? The most common answer is that the candidate countries were/are being “Europeanized” by an asymmetric process of “downloading” wherein the candidate states are forced to adopt the EU demands as a “package deal” (Grabbe, 2006, p.2).

Extensive research has been conducted on this “top-down” rendering of Europeanization (see Olsen 1996; Börzel 1999; Knill and Lehmkuhl 1999; Risse et al. 2001; Börzel and Risse 2003). An understanding of the asymmetric processes and manipulative relationships that exist during accession reveals much about the EU’s ability to coerce candidate states into limiting their demands and complying with EU initiatives. However, this singular version of events does not take into account the domestic manipulation of the acquis communautaire that undoubtedly affects how Europeanization occurs. Börzel (2002, p.193) postures that “Europeanization is a two-way process; it entails a ‘bottom-up’ and a ‘top-down’ dimension”. The bottom-up approach assumes that domestic actors have the ability to “upload” their preferences to the EU and that subsequently those preferences may be reflected in EU policy. Yet, even a “two-way” conception of Europeanization does not recognize the significance of transgovernmental relations and transnational networks.

Using data from Croatia’s accession process I argue that Europeanization “theory” must integrate a “middle” or horizontal level into its conception (Howell, 2004, p.2). Contemporary conceptualizations scantily address the role of transnational actors in the development and implementation of acquis-related reforms (see Radaelli, 2003; Howell, 2004). As such, I elaborate on the middle level of Europeanization and integrates it into a multi-leveled
conceptualization of Europeanization that refutes the two dimensional process currently advanced by the literature.

This paper is organized into two distinct sections. Section I introduces the “top-down” and “bottom-up” conceptions of Europeanization and refutes their ability to explain the entirety of the Europeanization process, demonstrating a need for a “middle” level of influence. Section II illustrates the multi-leveled nature of the Europeanization process, using specific examples from Croatia’s accession to challenge traditional notions of the process. The concluding section amalgamates the three conceptions of the Europeanization process into one multi-leveled appreciation and suggests a new research agenda focused on adding more specificity and empirics to the study of Europeanization.

Section I: Conceptualizing the Europeanization Process

Conceptions of the Europeanization process must define who and what is being Europeanized (Olsen, 2002). Nearly twenty years of scholarship from leading researchers like Ladrech (1994), Knill and Lehmkuhl (1999; 2002), Börzel and Risse (2000), Radaelli (2000; 2003; 2004), Cowles et al. (2001), Buller and Gamble (2002), Olsen (2002), Featherstone (2003), Mörth (2003), and Howell (2004) have approached these questions from either a top-down or bottom-up perspective. However, the field has not remained static; it has continued to integrate new ideas about the structures of influence at play during the Europeanization process. As such, a brief overview of the field is necessary before offering a new contribution to the literature.

1.1 Widely Accepted: Top-Down and Bottom Up Europeanization

Europeanization has traditionally been conceived as a top-down, or impact driven process of interaction. Ladrech (1994, p.69) rendered this approach as:

“...an incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and policy-making”

Inherent to this conception is the position of the EU as an influential actor in the policy and institutional development of the Europeanized state. It assumes that domestic actors, structures, institutions, norms, and values comply with the EU as a result of some undefined process. In other words the who for this conception is the domestic polity, while the what are institutional and policy-making systems that differ from EU practice. Yet, this early conception makes several key assumptions that illustrate its inability to rationalize an Europeanization process that empirics show is not always dominated by the EU.
First, Ladrech’s conception privileges the position of the EU and asserts that its “political and economic dynamics” are exogenous to those of the member and candidate states. The implications of this assumption limit the applicability of the top-down approach when considering the Europeanization of the candidates. Certainly, the EU utilizes the *acquis communautaire* in order to set the requirements for membership. Candidate states must comply with these requirements in order to enter the Union. However to the extent that these requirements become a part of the organizational logic of the candidate states is unclear. The EU possesses but a few institutional and policy models (e.g. democratic governance, market capitalism) which the candidate states can emulate when implementing the *acquis*. For the rest of the *acquis* the candidate states’ compliance is very much an organic process involving domestic, transgovernmental, and transnational actors.

Page and Wouters (1995, p.202) recognized that “there is no clear EC model, distinctive and relevant to the national bureaucracies of nation states, that is likely to find its way through contagion, emulation, the demonstration effect or the natural process of adaptation to an important source of political power”. From another perspective it could be claimed that the EU simply has too many different political and economic examples. As the EU has grown so to have the number of institutional, legislative, and policy arrangements used by the member states to deal with EU requirements. While many member states share similar monetary policies (Buller and Gamble, 2002), there are conversely many different variations of transport and regional policy (Radaelli, 2000; Grabbe, 2006). With so many arrangements which political and economic model would the EU choose to download to the candidate states?

A normative question that arises from Ladrech’s conception is whether it is appropriate for the EU to download a specific set of requirements to the candidates. Subsequently I would also ask whether in its delicate condition the EU is in a position to Europeanize the candidates using only a top-down approach. As Grabbe (2006) discusses the EU has been very careful about what they advocate and what they condemn. With such diverse political structures present in its member states the EU must be politically sensitive when prescribing a certain implementation strategy to the candidates. In many ways there cannot be an EU model because of concerns that it may reflect an inherent bias. That is why the *acquis* are so broad in nature. The individual chapters are not focused on a universally correct way of reform; rather they simply present the candidate states with a set of priority areas that the EU and its member states have agreed represent their core values and norms. Thus, it can be deduced that without the presence of a specific implementation plan the EU cannot be the only actor participating in the Europeanization process. In order to understand the ways in which the candidate states implement the *acquis* Europeanization must be expanded to include a bottom up and horizontal level.

Demonstrating an evolution of thought Börzel (2002, p.193) discussed Europeanization as a “two-way process”. She recognized that which had been lost to many early Europeanization scholars; the multi-leveled structures of policy-making and governance present in the EU. Based
on this expanded understanding Börzel asserts that states may use formal and informal channels of influence to ‘upload’ their policy preferences to the EU in hopes that they may translate into new EU norms (Börzel, 2002). Furthermore, states can participate in pace setting, foot dragging, and fence sitting activities that to varying degrees enable domestic actors to effect and react to the policy-making environment complicated by a supranational authority (Börzel, 2002). In this regard, Börzel juxtaposes Ladrech’s approach by conceiving the who as the EU and the what as EU legislation. However, even a “two way” understanding of the Europeanization process makes assumptions about the state that overlook the significance of bilateral negotiations and transnational cooperation.

Risse (1996, p.62) explains that on highly contentious issues—like adoption of the *acquis communautaire*—state organizations may not act in solidarity. As is the nature of politics, highly politicized issues often lead to conflicting interests among diverse groups of actors. Especially in federal systems or those with coalition or minority governments sub-units of government may pursue different policy outcomes. When consensus can’t be formed sub-units may look to form “transgovernmental” relationships in the hope that their preference may influence EU policy. ¹ This transgovernmental element has become institutionalized in the accession process, alluding to a middle level of Europeanization.

The top-down and bottom-up conceptualizations of Europeanization necessitate a horizontal level not because they are wrong, but rather because they are incomplete. These widely accepted conceptualizations explain a great deal about the Europeanization process and for this reason I do not dismiss them. Yet, their misgivings imply that there are more complex structures of influence at play during the Europeanization of the candidate states. As such, it is appropriate to elaborate on this middle level in order for a more complete rendering of the Europeanization process to emerge.

1.2 The Middle-level: Horizontal Europeanization of the Candidate States

The middle or horizontal level of influence has been largely dismissed when considering the major actors and structures involved in the Europeanization process. Howell (2004, p.5) briefly addresses what he calls “horizontal transfer” which he says “incorporates learning from, and assimilating other member state policies without EU involvement”. Although he goes on to say that Europeanization is problematized without an inherent EU component, he recognizes that change can result from horizontal influence. Even Radaelli (2003, pp.30-31) who purposefully ignores the “transfer of policy between one European country and another” admits that Europeanization may emanate from something other than a “coherent, rational layer of ‘EU decisions’”. The fault with only scantily addressing horizontal Europeanization is that it ignores empirical cases of transgovernmental and transnational influence. In many cases multilateral partnerships have formed that cross national boundaries, hinting at a transgovernmental

¹ Transgovernmental refers to “cross-boundary relations among sub-units of national governments in the absence of centralized decisions by state executives” (Risse, 1996, p.58)
dimension. Additionally, sub-state groups often associate with other sub-state and international organization to increase their political presence and partake in decision-making processes.

It is important to clarify that the horizontal level of Europeanization is no more prominent or effective than either the top or bottom level of influence. Like top-down and bottom-up mechanisms, the horizontal methods also contain deficiencies which they struggle to overcome and their policy outcomes may still fail to properly align a candidate to the acquis. Additionally it is important to differentiate horizontal Europeanization from convergence or harmonization because regardless of their level of cooperation not all “states will opt for the same types of change” (Montpetit, 2000, p.590). In regards to the candidate states the acquis communautaire does provide a framework for change but due to the candidate states’ diverse “learning capacity[ies]” and “institutional infrastructures” Europeanization and convergence cannot be equated (Paraskevopoulos, 2001, p.xx). I argue that neither convergence nor harmonization are the goals of horizontal Europeanization. It is clear from the political and social landscape of the EU that countries rarely implement policies that mirror one another. However, cooperation between states, sub-state actors, and representatives of the EU has proven paramount to the success of the EU’s past enlargements. Instances of transgovernmental negotiations and transnational networking have shown that while neither harmonization nor convergence is achieved horizontal processes exist within the Europeanization process.

In the context of EU accession transgovernmental relationships provide member and candidate states the opportunity to learn from similar political situations and provide each other with a diverse set of institutional and policy alternatives (for more see Radaelli, 2003). Transgovernmental cooperation allows sub-governmental units with similar concerns or interests to mutually develop policy alternatives that may address policy concerns more precisely. The belief is that these sub-governmental units operate outside direct state oversight and that operational knowledge and “best practices” will be exchanged. The EU’s twinning programs produce one such example of this exchange where transgovernmental relationships are nurtured and policy alternatives are discussed.

Horizontal Europeanization is not confined to states or state-affiliated organizations. “Transnational networks” form crucial linkages between domestic groups and international interests, enabling both national and supranational lobbying. Domestic interest groups often rely on domestic support and function as sub-state actors in the policy-making process. However, transnational networks arise when domestic and international interest groups develop partnerships to increase their implementation and lobbying capacities. These transnational networks have proven to be influential both in domestic policy negotiations and in supranational policy-setting. For instance, the EU’s aid programs have begun to fund more civil society programs because of the perception that these groups increase public consultation. Additionally,

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2 Transnational networks refer to “transboundary relations that include at least one non-governmental actor” (Risse, 1996, p.57).
transnational networks conduct frequent monitoring missions which aid the EU in providing constant and productive feedback to the candidates. Together with transgovernmental relations these transnational networks occupy a “middle-level” of influence that cannot be ignored when conceptualizing the structures of influence at work in Europeanization and accession processes.

Recognizing the “circular, rather than unidirectional, and cyclical rather than one-off” process that Europeanization so clearly embodies I will now integrate this middle-level into a wider appreciation of the Europeanization process and discuss specific examples of this multi-leveled structure (Goetz, 2002, p.4). By recognizing this horizontal level it will become clear that a multi-leveled appreciation of Europeanization which marries the top-down, bottom-up and horizontal conceptualizations is more appropriate.

Section II: A Multi-leveled Appreciation of the Europeanization Process

This section discusses the mechanisms of Europeanization and aims to demonstrate the various ways actors from domestic, transnational, and supranational levels are able to manipulate the Europeanization of the candidate states. Manipulation in this sense refers to both the formal manipulation (i.e. setting the reform agenda, prescribing legislative models) and informal manipulation (i.e. nationalizing reform legislation, negotiating compliance) of the Europeanization and accession process. This section formally refutes the notion that Europeanization occurs as the result of some static and predetermined influence structure (i.e. exclusively top-down, bottom-up, etc) proposing rather a combination of these popular conceptions in what I define as a multi-leveled structure of influence.

Heather Grabbe (2003, p.312) categorizes the Europeanization process into a set of five categories: models, financial and technical aid, benchmarking and monitoring, advice and twinning, and gate-keeping. Grabbe reveals that certain mechanisms are dominated by the EU, while others leave much discretion to individual candidate states. Furthermore, some of the mechanisms necessitate the development of relationships between actors from all three levels. Consequently, these mechanisms point to an accession process that is dominated by a multi-leveled system of influence where Europeanization occurs as the result of windows of opportunity and agency. To demonstrate this multi-leveled structure of influence three of the mechanisms—Benchmarking and monitoring, Advice and twinning, and Aid—will be analyzed.

2.1 Benchmarking and Monitoring

“Progress” and “assessment” are repeatedly mentioned in the 1999 Helsinki European Council Conclusions, alluding to the fact that candidate states are regularly appraised on how well they meet the acquis and other EU requirements (European Council, 1999). As such, benchmarking and monitoring are key functions of the entire Europeanization process. They are processes that occur in nearly every action involved with the accession process. Benchmarks
provide the foundation from which actors align their policy recommendations and implementation strategies. Monitoring takes place at all times. Actors must constantly monitor their tasks to make sure that their work is adhering to the appropriate goal. However rudimentary it may sound the ways in which the EU has monitored and assessed its candidate states has not always been so clearly defined. Over the past 20 years the EU has relied on several different documents to form the basis of its benchmarking and monitoring mechanisms.

From 1989-1993 the EU relied on a set of bilateral agreements called Europe Agreements (EA) to govern its relations with the CEE (see Sedelmeier, 1994; Sedelmeier and Wallace, 1996; Torreblanca Payá, 1997; and Grabbe, 1999). The EAs were designed to encourage the former Soviet Republics to reform their command economies and liberalize their political system. The EAs were based upon a set of five conditions: rule of law, human rights, a multi-party system, free and fair elections, and a market economy (Grabbe, 1999: 10). CEECs were expected to demonstrate progress in these sensitive policy areas or face funding cuts and the suspension of negotiations (Grabbe, 1999). The EAs represented an initial framework from which the EU was able to conditionally offer the CEE support in return for compliance with “European norms.”

The Copenhagen Council of 1993 ushered in a new set of pre-accession conditions called the *acquis communautaire* designed to provide the EU and its candidate states with a guide to the accession process. Unfortunately, in 1993 these demands were still too new to both the EU and the candidate states to be properly implemented and enforced. In the meantime the EU chose to pay particular attention to the economic advancement of its eastern neighbors and relied heavily upon the economically charged “Single Market White Paper” to assess and monitor the preparations of the CEECs. The White Paper emphasized a set of 12 policy areas that the EU believed would help liberalize the CEECs’ economies, further preparing them for their “return” to Europe (see Commission, 1985; Grabbe, 1999). Although the White Paper was not legally binding the EU’s emphasis on its complete and mandatory acceptance made it resonate in the minds of CEE policy-makers (Grabbe, 1999). Moreover, the White Paper represents the EU’s first use of specific criteria to benchmark the candidates’ progress and reinforce its Europeanization abilities.

Since 1997 the EU has used the “Accession Partnership” and the annual “Progress Reports” to assess the readiness of the candidate states. The Accession Partnerships represent a single framework of demands and promises that the EU uses to guide the candidate states through the accession process. Based primarily on the conditionality principle the Accession Partnerships can then be altered and priorities can be reassessed based on the outcome of the ‘Progress Reports’. Every year the EU assesses the candidate states’ progress towards implementing the *acquis* and details their findings in a progress report. Depending on the outcome of the yearly assessment the candidate states can have funding cut or even negotiations suspended. Conversely, a positive assessment may lead the EU to close a chapter, edging the candidate closer to membership. In this way the Accession Partnership and Progress Reports
serve as the key gate-keeping tools from which the EU ultimately decides whether a candidate should pass through to the next level of accession.

While neither is legally binding, the Accession Partnership and yearly Progress Reports represent the “main instrument[s] governing EU-CEE [and Balkan] relations’ and as such must be respected by the candidate states’ policy-makers (Grabbe, 1999: 14). This supposedly top-down mechanism represents the EU’s attempt to manipulate the Europeanization process and ensure that its priorities become the priorities of the candidate states. Yet, although the Accession Partnerships articulate a set of “key priorities”, the importance of each priority is vague, leaving the candidate with the ability to overlay their policy preferences on the reform procedures. In some instances the candidate may choose to enlist the help of a member state, introducing a transgovernmental dimension. In other policy areas transnational networks may use their resources to push the implementation of a specific policy alternative. As such, it is unclear whether the Accession Partnerships and subsequent Progress Reports represent exclusive tools of a top-down Europeanization process or whether there is also an inherent level of bottom-up and horizontal Europeanization occurring.

The following discussions on twinning and aid refer to the EU’s ability to benchmark and monitor the candidate’s progress. They also highlight the integral role played by transgovernmental and transnational relationships in the development, implementation, and monitoring of acquis-related reforms. Without a horizontal dimension to these Europeanization processes neither the EU nor the candidate would be as effective in facilitating the necessary reforms.

2.2 Twinning

It became clear quite early on that the main challenge for the candidate states of Central and Eastern Europe (CEE) was “adopting their administrative machinery and societies to the conditions necessary to make their legislation work” (European Commission, 1995, 3.25). Benchmarking and monitoring would yield no substantive results if the candidates lacked the capacity to implement the necessary reforms of the acquis. As a result in 1998 (for the 5th enlargement) and 2002 (for the Balkans) the EU implemented twinning as “an instrument for targeted administrative co-operation to assist Candidate Countries (CC) to strengthen their administrative and judicial capacity to implement EU legislation as future Member States (MS) of the European Union” (European Commission, 2009). Since 1998 over 1500 twinning projects have been undertaken in the EU’s effort to close the administrative gap (European Commission, 2009). Originally designed to develop the candidate’s justice and home affairs capacity, the twinning projects have expanded in scope to cover issues ranging from the reform of the Albanian public auction system to more serious issues with road safety in Croatia (Twinning, 2009). As the issues facing the CEE and Balkan states have become more diverse the breadths of the twinning projects have expanded as well.
The development and implementation of a twinning project is “based on a triangular partnership” wherein the European Commission, the twinning member state(s), and the candidate state have varying levels of influence and responsibilities (Papadimitriou, 2002, p.9). This instrument demonstrates the intentional diffusion of responsibility to various levels of actors. The EU plays a central role in the formation of the twinning project, prioritizing projects that will encourage closer cooperation, strengthen the candidate’s administrative capacities, and prepare them for enlargement (European Commission, 2009). In this way the EU maintains its ability and right to Europeanize the candidate states’ reform priorities. However, the EU has taken a hands-off approach to the selection of twinning partners, simply encouraging “equal opportunity and transparency” (European Commission, 2009, 3.5). As a result transgovernmental relationships prove crucial in both the development and implementation of acquis reforms.

A clear distinction needs to be made about why member states and more precisely sub-units of member states are not considered a part of the EU, and thus why twinning isn’t a top-down mechanism. Twinning projects are voluntary, the EU does not force candidate states to form these relationships; rather they provide the forum for transgovernmental partnerships. The fundamental principle of twinning is recognition from the candidate states that they can benefit from the experiences and knowledge of other state actors and industry experts. In line with the idea of a “triangle partnership” twinning projects are designed to foster a working relationship between transgovernmental actors, not to supply “one-way technical assistance” (European Commission, 2009, 2.1). The mutual construction of policy solutions is paramount, thus I refrain from identifying a dominate actor.

With that being said, detailed plans are necessary to ensure that the relationship between transgovernmental and EU actors remains prosperous. The EU understands that twinning projects are often “ambitious, large scale and lengthy”, and as such may lose track of their ultimate purpose (European Commission, 2009, 6.3). In response the EU has made it a priority to maintain monitoring mechanisms that ensure the projects compliance with EU demands. The EU requires a National Authorizing Officer (NAO) fill out routine progress reports, reserving the right to conduct on-the-spot checks if necessary (European Commission, 2009, 6.3; 6.5). Additionally, the EU’s twinning manual (2009) advises that monthly meeting between the NAO and project countries be held to ensure that their goals and requirements are being met. If these meetings reveal deficiencies in the process then the implementation of the work plan can be altered to ensure that acquis-compliance remains the focus (European Commission, 2009: 6.6).

Twinning projects represent a very systematic way of Europeanizing the candidate states. It is clear from the intentional inclusion of actors from multiple political levels that Europeanization, using this instrument, is not dominated by any one level. As the Croatian example will illustrate a successful twinning project requires EU influence in goal development and monitoring, as well as transgovernmental influence in target design and implementation. In this way a coordinated effort between multiple actors is needed for Europeanization to occur.
### 2.3 The Empirics: A Croatian Twinning Project

In 2009, the Croatian delegation to the EU submitted twinning proposal HR/2007/IB/JH/02 entitled “Capacity building of the Croatian Agency for Protection of Personal Data (CAPPD)” (Republic of Croatia, 2007, p.2). The project intended to strengthen both the “consultative and supervisory roles of the Croatian Agency for the Protection of Personal Data (CAPPD)” by harmonizing its policies on the legal protection of personal data and implementing ISO standards on information security systems (Republic of Croatia, 2007, p.2). In their proposal Croatia made clear that “real efforts are needed to bring the legal and technical component of supervisory activities in line with EC requirements” (Republic of Croatia, 2007, p.5). In order to facilitate this change the proposal was divided into a legal and technical component that structured the project and increased the likelihood that tangible results would be realized. Additionally, the proposal articulated a clear set of objectives to be fulfilled and called upon member states to submit assistance proposals that would aid Croatia in this transformation. This initial process demonstrates two levels of Europeanization. On one hand, Croatia recognized that this project had to fulfill the “EC requirements”—alluding to the fact that the EU has effectively “downloaded” their priorities. On the other hand, the fact that Croatia developed the objectives and implementation strategies means that there was an opportunity for them to influence the terms of acquis compliance. Moreover, Croatia retained the ability to choose from a series of member state proposals which undoubtedly influenced the orientation of the subsequent reform.

The Croatian government enlisted the Spanish Data Protection Agency to provide the knowledge and technical assistance needed for this administrative overhaul (Croatian, 2010). The €1.3 million, IPA-funded project officially began in August of 2010 under a 22-month mandate to carry out legal and technical activities intended to meet a set of EU benchmarks (Croatian, 2010). One of the key benchmarks of the legal component was the revision and proper implementation of the Act of Personal Information Protection (APIP) in order to bring Croatia in line with EU Directive 95/46/EC (Croatian, 2010). CAAPD was originally set up in 2003 to oversee Croatia’s personal data protection but a recent EU Progress Report stated that the APIP failed to meet many of the provisions of the EU directive (European Commission, 2008). As a result, the EU concluded that Croatia had to revise its original legislation, paying particular attention to the supervisory role of the CAAPD (Republic of Croatia, 2007). Spain’s role therefore was to aid Croatia in the development of policies and legislation that would increase its oversight capabilities and further its abilities to harmonize domestic policies with the acquis.

This twinning project also contained a technical component centered on the development of an information security system based on ISO 27001 standards (Croatian, 2010). This component was a highly technical and country specific task that called on Spain to offer recommendations of “best practices” and required the development of a multi-leveled security system unique to Croatia’s specific accessibility and security needs. By enhancing the effectiveness, reliability, and protection of their security system Croatia hoped to boost the administrative and supervisory capabilities of CAAPD, making it “fully operational and
completely compliant with relevant EU *acquis*” (Republic of Croatia, 2009, p.18). Because the technical component aimed to protect Croatian data and citizens its development and implementation was very much an organic process that relied on the ability of domestic actors to learn from Spanish advisors and implement a hybridized system based on this knowledge. In this way, the Europeanization of Croatia’s data protection system necessitated a transgovernmental partnership between sub-units of governments instead of coercive downloading and infrequent uploading.

Yet, the EU ensured that its position of influence was not compromised by the intentional diffusion of influence. Several monitoring provisions were built into the project proposal that enabled the EU to assess the viability of this project. These monitoring activities concluded that Croatia and Spain had only partially reached their targets. Croatia’s 2011 progress report revealed that CAAPD had effectively increased its “supervision and control activities” enabling it to provide citizens with a minimal amount of data protection (European Commission, 2011, p.53). However, it also warned Croatia that its legislation was not yet in-line with Directive 95/46/EC (European Commission, 2011, p.53). While this reaffirms the popular notion that twinning projects are only minimally effective (see Bartels and Rach, 2009), it also proves that effective Europeanization necessitates the involvement of multiple actors and a multi-leveled system of influence. Actors from Croatia were needed in order to provide information about potential deficiencies in its current system of data protection. Sub-governmental units from Croatia and Spain collaborated in order to develop a clear work plan and address identified deficiencies. EU actors were needed in order to align domestic and supranational goals and, more importantly, to assess whether these goals were being met. It is clear from this project that a multi-leveled structure of influence is fundamental to the twinning mechanism of Europeanization.

2.4 Aid

Twinning is not the only Europeanization mechanism that possesses a multi-leveled structure of influence. Aid is perhaps the EU’s most effective Europeanization mechanism and certainly one, which based on conditionality, proves that top-down influence occurs. The EU is the single largest contributor of financial and technical assistance to the candidate countries, providing both directly administered funds as well as facilitating bilateral cooperation that often yield assistance (Grabbe, 2003; 2006). However, the EU’s funding packages have been historically disorganized and under-monitored, allowing candidate states and transnational networks to capitalize on their windows of opportunity. To overcome the lack of oversight the EU has begun involving sub-national and transnational interest groups in their aid schemes in order to (1) ensure the interaction of public and private interests in the accession process, and (2) to overcome the administrative deficiencies of both the EU and the candidates.

In many ways the effective use of aid has been a learning process. By the time the Instrument for Pre-Accession Assistance (IPA) was implemented in 2007 the EU had realized
that previous aid packages—PHARE, CARDS, ISPA, and SAPARD—had failed to provide the “consistency, complementarity, and concentration of assistance” necessary to be an effective Europeanization tool (European Commission, 2007). The EU’s aid packages have been so vaguely designed to encourage “acquis-related investment” and “valuable experience” that millions of euros have been spent on questionable projects (European Commission, 2002, pp.8, 10, 17). In fact, a 2009 evaluation of 25 EU-funded project conducted from July 2006 to February 2008 revealed that only 52% successfully met the needs of the candidates (Bartels and Rach, 2009, p.13). Even more alarming is the fact that the same evaluation claimed that only two-thirds of the projects met any of the targets (Bartels and Rach, 2009, p.13). One possible explanation for these failures is that although the funding packages offset some of the costs of implementing the acquis, they also challenged the candidate states to implement large scale reform projects without, in many cases, the administrative capacity to effectively do so. Often the candidate states simply did not have the procedural knowledge or capabilities to fulfill the demands of the acquis.

The inclusion of transnational networks in recent aid schemes serves two purposes: (1) they help candidate states implement policy change by absorbing the transaction cost, and (2) they advise the Commission on program needs (Paraskevopoulos, 2001, p.43). Depending on the size and aim of the transnational network their involvement provides the trained and dedicated staff often lacking in the candidates’ administrative structure. Furthermore, the resources of these networks offset the EU’s monitoring difficulties and produce progress reports which enable the EU to better communicate areas that need improvement.

As the following example from Croatia demonstrates, although aid provides the EU with the clearest opportunity to influence the accession process, the complexities of implementing such large aid programs warrants the involvement of domestic and transnational groups. Thus, a multi-leveled appreciation of the Europeanization process is once again better at explaining the internal processes that occur during accession.

2.5 Aid as a multi-leveled process: An example from the environment

As the environmental consequences of industrialization and population growth continue to be discussed, the EU has encouraged its member and candidate states to ratify the Aarhus Convention. The Aarhus convention broadly aims to increase access to information, public participation, and access to justice in regards to environmental matters (see United Nations, 1998). In 2008, the EU funded an IPA project that enlisted domestic NGOs from Croatia, Montenegro, and Bosnia and Herzegovina, as well as the European Environmental Bureau—a network of over 140 environmental organizations—to facilitate deeper implementation of the convention throughout the Adriatic region (Enforcement of Aarhus, n.d.). According to the project’s website, the €375,000 project sought to address the “lack of accessible administrative and judicial review procedures” in this region by “strengthening the international CSOs [civil society organizations] network” and implementing a “training program for lawyers, judges, and
journalists” (Enforcement of Aarhus, n.d.). In other words a collaboration between actors from the EU, domestic governments, and transnational networks was needed to overcome the monitoring deficiencies of the EU and the administrative deficiencies of the candidate states.

The project identified a problem with the Croatian government’s inconsistent usage of public consultation when developing environmental policy. *Gradani organizirano nadgledaju glasanje* (GONG), the organization in charge of this project argued that public participation, an integral part of the convention, had been “reduced to bureaucratic exercises” (Enforcement of the Aarhus, n.d.). The failure of the Croatian government in this matter speaks to larger administrative problems found in the Western Balkans and consequently the need for transnational partnerships during the aid process. Grabbe (2006, p.105) argues that the communist legacies of CEEC made them prone to developing institutions that fail to provide the resources and leadership necessary to operate properly. These countries have institutions that are often ill-equipped to handle the burdensome tasks necessary for EU membership. In many instances these dysfunctional institutions have been designed purposefully in order to give corrupt political actors the ability to maintain control of the policy-making process (Grabbe, 2006). The institutions are intentionally developed based on the institutional models of the EU but their operational capacities are purposefully devoid of the manpower and resources to meet the ever-expanding requirements of *acquis* adoption. I am not trying to argue that Croatia is plagued with dysfunctional and corrupt administration. However, its inability to properly implement the Aarhus Convention highlights the need for EU and transnational actors.

This project brought together actors from the EU (funding), transnational organizations (training), and 27 judges, lawyers, and journalists from the partner countries (learning) (Enforcement of Aarhus, n.d.). Through a series of seminars and mock trials participants from all three levels engaged in discussion and learning in order to better promote the pillars of the Aarhus Convention. The results of this project are still unknown. Yet, regardless of success this project demonstrates the EU’s growing reliance on transnational and sub-state actors to implement their initiatives.

EU aid for the last ten years has involved, to varying degrees, members of sub-national and transnational issue networks. For instance as a part of PHARE 2006 over €3 million were allocated to funding Croatian projects designed and implemented by civil society organizations (Office for Cooperation, n.d.). Similar to the project I highlighted these projects called on issue groups to develop and implement programs which would contribute to Croatia’s *acquis*-related reforms. In this way, civil society groups at the domestic and transnational level actively involve themselves in the Europeanization process. According to the data on aid implementation a more appropriate appreciation of Europeanization is one that accepts a structure of influence composed of supranational, domestic, sub-national, and transnational actors.
Section III: Conclusion

Traditional conceptualizations of the Europeanization process—top-down and bottom-up—offer limited insight into the structures of influence and power relationships that affect the accession process. Numerous actors have been shown to participate in the development, implementation, and monitoring of acquis-related reforms. Consequently, there is little evidence to demonstrate that one level of jurisdiction dominates the rest. Although the EU has the capacity to set goals and monitor results, candidate states have been able to undermine the EU and implement reforms closely aligned to domestic standards. Furthermore, sub-national and transnational actors have actively lobbied domestic and supranational bodies, becoming important actors in both the development and implementation of policy reforms. As such, it is more appropriate to conceptualize the Europeanization process as a multi-leveled process where legislative, institutional, and policy reforms are developed and implemented through a complex process of negotiation, manipulation, and coercion involving actors from the EU, transnational and transgovernmental networks, and the candidate states. This definition is supportive of more traditional conceptualizations; however it more precisely grasps the processes taking place in the EU and its candidates.

I concede that “conceptual stretching looms large” when reconceptualising Europeanization (Radaelli, 2000, p.25). However, I would argue that a multi-leveled framework of analysis provides more, not less clarity to a concept that largely ignores some of the most important processes. Moreover, it would seem that simply adhering to a singular conceptualization of Europeanization and using it to explain processes that clearly are not “top-down” or “bottom-up” is more of a “stretch” than the framework I offer. Even the events that contemporary conceptualization claim to grasp have been shown to be influenced by numerous additional actors. By including precise examples of this multi-leveled process I clarify the limits of the concept without excluding processes it so clearly represents.

In light of the accession processes of the CEEC and Balkan states a more outcome-oriented path of research is needed in order to advance this multi-leveled conceptualization of Europeanization. For the past fifteen years scholars have concerned themselves with theorizing about the processes and interactions inherent to Europeanization. While these are valuable and necessary endeavours the discipline must venture away from merely explaining the process and focus on the outcomes of Europeanization. In this way the literature will become more action focused. With the EU’s reluctance to expand its borders further eastwards membership for Ukraine, Moldova, and the Balkans is becoming less likely. Nevertheless, the EU still wishes to “Europeanize” these states. A more outcome oriented approach to Europeanization research would reveal deficiencies in the Europeanization process and offer new more effective ways to encourage reforms that are acceptable to domestic and supranational actors.

While I have admittedly utilized the process-driven research of the past I have also challenged many of the popular notions concerning the Europeanization process. The empirics
demand a more elaborate conceptualization than previously offered. As such I recommend a more thorough appreciation of the Europeanization process; one that accepts the roll of top, bottom, and middle level influence. Further application of this perspective will garner valuable knowledge about the validity of the Europeanization process and generate questions about the prospect of an enlarged European Union.
Reference List


*Commission White Paper 1995/163/EC of 5 March 1995 on the preparation of the association countries of Central and Eastern Europe for the integration in the internal market of the Union.*


