Dialogue and Deliberation

as informal ways to enhance legitimacy of the EU?

Jeannette Mak
Researcher
Department of Political and Social Sciences
European University Institute

Via dei Roccettin 9
I-50016 San Domenico di Fiesole
Italy
Tel: +39-055-4685 733 / 759
E-mail: mak@datacomm.ieu.it

'In view of the modest prospects of constitutional reform, in particular the Commission has taken action to beef up democratic support for European policies by various other measures not requiring a reform of the treaties and, in some cases, not even legislation, of which the transparency programme and the development of supportive networks are key examples.' (Héritier, 1999:271)

'Democratic legitimacy does not solely rest on representative institutions for aggregating preferences, nor does it merely rest on citizens' participation in decision-making bodies. Both informal and formal institutions are needed, and both procedures for deliberation and for decision making are required, because only full representation plus rational deliberation together ensure democratic legitimacy.' (Eriksen, 1999:24)

Abstract: This paper explores whether the Commission uses 'Dialogue' and 'Deliberation' as a way to combine informal networks with the dissemination of information and communication in order to enhance legitimacy of the EU as a whole and increase direct support for itself. Although reference has been made to the importance of the combination of the use of networks and information, extended research has not taken place. Special attention will be paid to recent developments in the Commission's information policy in general and its information and communication activities on the single currency in particular.

Introduction
In its Work Programme for the year 2000, the Commission stresses its commitment to dialogue, consultation and continuous exchange with business, citizens and non-governmental organisations. (EC, 2000b:14-15) Over the last few years, numerous statements have been made by the Commission on the engagement in closer co-operation and dialogue with civil society and the wider public. Only a few examples are the 'Social Dialogue' and the 'Dialogue with Business and Citizens'. The latest one, the 'Dialogue on Europe', was announced by the Commission on 15 February 2000 and is meant to accompany the upcoming Intergovernmental Conference (IGC) with contacts and exchanges with public opinion and its multipliers. One of the main aims is to get the people of Europe more closely involved in the process of change. Given the fact that the Commission's official contribution to the IGC (EC 2000d) shows little concern for increased involvement of the citizens, the 'Dialogue on Europe' can be received with some scepticism.
Several questions arise. Where does the recent concern in the Commission for Dialogue and Deliberation come from? Is it initiated by a genuine belief that it will enhance the legitimacy of the EU or should it be merely regarded as a Public Relations exercise? If the Commission sincerely believes that Dialogue and Deliberation may increase the EU's legitimacy, on what premises is this assumption based and how then is it put in practice? What are the reactions of the Member States and what are the consequences for the relationship between the national governments and the Commission? These are the questions that will be addressed in this paper.

Background
Since the beginning of the 1990's, the Commission has, along with the EU as a whole, come under increasing pressure from critical public opinion. Whereas before, European policies were regarded as legitimate because of the legitimacy of the national governments involved, the question has now become whether the EC level of governance in itself is acceptable. This has drawn attention to the problem of the multiple accountability of the Commission (Cf. Christiansen 1997; Pollack 1998). Whereas before, it only needed to make assurances and commitments to the Member States, the Commission now also needs to respond to the wider debate about its public accountability. At the same time, the Member States have limited the Commission's room for manoeuvre over the last few years and the practice of scape-goating seems to have increased.

Right after the Danish 'no' to the Maastricht Treaty, the national governments blamed the Commission for the turbulent ratification (Cf. Cini 1996; Nugent 1997) and especially 'its alleged arrogant detachment from the public' (Lodge 1994:343). They stressed that the European Community had to be brought close to its citizens and emphasised the importance of subsidiarity. Consequently, the Commission has been faced with a dilemma. On the one hand it is expected to build up diffuse support for the EU, while on the other hand it is not suppose to do anything that can be better done by the Member States. As a result, the Commission finds itself in a dependent situation vis-à-vis both its constituents, with limited freedom to act. The Commission's position hit a new low after March 1999 when it had to step down after allegations of corruption and mismanagement. One does not necessarily need theories on self-interested institutions to assume that the Commission will attempt to alter this situation. Can the emphasis on Dialogue and Deliberation be regarded as a way out of the Commission's problem of multiple accountability?

There are two aspects of particular importance in this context; the EU's decision-making procedures and Member States' resistance to more legitimate central institutions. Meyer argues that while the EU's the complex and ambiguous institutional set-up considerably contributes to its lack of legitimacy, the national governments are not willing or able to change this. Instead of taking their responsibility, they undermine the EU's legitimacy by bolstering their own legitimacy at the expense of the Commission's. (1999:635-6) As a result, it proves to be very difficult for the Commission to enhance democratic legitimacy of the EU by formal means.

Although transparency and democracy were amongst the leading catchwords of the 1996 Intergovernmental Conference (IGC), the Amsterdam Treaty did not result in structural improvements for legitimacy of the EU. (Cf. Curtin 1999; Héritier 1999) The Commission's preparatory reports showed a concern for legitimacy but its approach was a cautious one. Few concrete proposals were made, little attention was drawn to the Commission's own role, and lip-service was paid to the importance of the Council and the European Council. (De Búrca 1996) The same ambiguous attitude of the Commission is
apparent in the upcoming IGC on the adjustment of the Amsterdam Treaty. Hardly any attention is given to the democratic content of the Treaty reforms. The Commission stresses above all efficiency of the future decision-making procedure and points out that it goes into the IGC negotiations 'without any ideological agenda' (EC, 2000e:1) At the same time the Commission launches a 'Dialogue on Europe'. While it has committed itself to take all input seriously, it states that 'this process is part of an endeavour to establish dialogue but it is not to be seen as a formal institutional consultation procedure.' (EC 2000a:2, emphasis added) This poses the question whether the Commission in reality is less concerned about the democratic legitimacy of the EU as it likes to appear, or whether it is consciously downplaying its political role during Treaty negotiations in order not to challenge its principals. After all, the Member States seem rather hesitant to press democratic improvements in the EU at the moment. (Kohler-Koch 1999:4-5) Pollack argues that such a careful attitude of the Commission is hardly surprising since Member States are masters of the game during IGC's. He argues that the real test of supranational autonomy and influence does not take place at an IGC itself, but rather 'in the use made of the new treaty powers by the Commission [...] in day-to-day EU policy making.' (1999:16)

Several authors, coming from very different schools, have applied the principal-agent approach to the EU system. Although they disagree on the extent to which, and the methods whereby, supranational institutions can execute autonomous influence, they all agree that the Member States do not have full control over supranational institutions. The use of the principal-agent concept in this paper does not suggest any prior claims or normative judgements about the Commission's intentions. Although the most interesting aspect might indeed be to find out whether and why the Commission is 'shirking', it will be argued below that this is, especially in this case, very difficult to establish empirically. Therefore, the main emphasis will be laid on how the Commission acts, given its multiple accountability and the limits placed upon it by both the Member States and public opinion. The proposition that an agent would 'shirk', is based on the fact that it needs to have both the incentives and the ability to pursue its own preferences. (Pollack 1996:444) Below, it will first be examined whether the Commission has interest that are deviant from the Member States'. Then, it will be explored what room for manoeuvre the Commission has to pursue these goals. Finally, these findings will be applied to the recent information and communication activities of the Commission in general and the ones on the euro in particular. 'Information activities' will be understood at those activities that are directly aimed at the wider public and its intermediaries. Contacts with the press are not taken into account.

PART I: THEORY

Interests, Limits and Opportunities

In the attempt to identify the interests of the Commission, the most important thing to remember is that the institution cannot be regarded as a unitary actor. First of all, there is the division in the political level of the College of Commissioners and the bureaucratic level of the Commission; the Directorate Generals (DG's), services, and officials. Both levels may attempt to attain different objectives.\(^5\) Secondly, the services are internally fragmented and interests and working practices differ within and amongst DG's. Interests revolve around specific policies or sectoral distinctions and the different DG's may have established quite opposite relationships with the actors involved.\(^6\) Notwithstanding the former, it can be argued that a certain common interest does exist. Although the federalist rhetoric of the early years has lessened, the existence of a pro-European ethos is still present within the European Commission.\(^7\)

According to Hooghe, there seems to be broad consensus amongst senior officials on four starting points of a political Europe. Firstly, Europe should be more than a free trade area. Secondly, European integration should be driven by a political agenda, rather than market forces or functionalist adaptation. Thirdly, a coherent project, a "blueprint for the European future", should drive European politics, as opposed to a collection of discrete decisions. Finally, they agree that the Commission should watch over consistency of European policy making with the political objectives of the Union. (Hooghe 1997:21)

According to theories of bureaucratic politics, organisations have goals that are purposive, concerned with achieving policy goals, while other goals may be reflexive, having to do primarily with enhancing the power and prestige (or at a minimum the survival) of the organisation itself. In general, organisations will assume that they are serving the public interest by pursuing their more individualised goals. (Peters 1992:116) With regard to the Commission, a reflexive interest, that relates to its self-preservation and expansion, may exist which is different from the purposive interest to defend the collective interests of the EU, Member States or a distinctive pro-European line. However, the two may run parallel and will be difficult to separate in practice.\(^8\) Although it can be safely assumed that the Commission is more concerned about enhancing legitimacy of the EU than the Member States are, it will be difficult to find out whether this is for purposive or reflexive reasons. At this moment therefore the latter question is left aside and the main question becomes what the possibilities of the Commission are to pursue its independent goals, given the restrictions imposed upon it by the Member States?

\(^7\) Cf. Shore 1995; Middlemas; Cini 1996; Page 1997; Pollack 1998.
\(^8\) Cf. Cram 1994; Cini 1996; Matlary 1997
Article 155\(^9\) of the Rome Treaty states the official functions of the Commission. It has not been altered since and says surprisingly little about the role of the Commission.\(^10\) In combination with its limited financial resources, this has resulted in the wide use of informal practices by the Commission. Several authors have argued that the influence of the Commission is biggest in the day-to-day management of policies.\(^11\) To make it more likely that the outcome of a policy complies with its preference, the Commission may link them up to special opportunities such as a new Treaty provision, the conclusions of a European Council or another high level commitment but it does not simply wait for such an opportunity to occur. The Commission attempts to prepare the policy area and to pave the way for its preferred outcome by framing policy, producing ideas, knowledge and expertise, by publishing studies and policy papers, and by drawing a range of actors into the EU policy process.\(^12\) In order not to limit these informal practices to a deliberate strategy of the Commission beforehand, it needs to be pointed out that it is also a result of the overall structure of the European polity; an attempt to 'make Europe work' against the odds of the given institutional conditions and the enormous diversity of interests. (Héritier, 1999b:2)

Consequently, the question arises what informal methods the Commission uses in order to raise legitimacy of the EU. Based on the way the concept of 'Dialogue' has appeared, it will be explored whether the Commission uses a combination of information, communication and networks to do so.

### The Appearance of the Concept of Dialogue

>'establishing dialogue and a resolve to organise contacts and exchanges between Europe's political leaders and civil society could do a lot to dispel the perception that the operation of the institutions suffers from a lack of democracy.' (EC, 2000a:1)

The "new" era in the information strategy of the Commission, is generally believed to have started after the problematic ratification of the Maastricht Treaty. However, it can be argued that the awareness of the importance of openness and transparency was already present before. Declaration No. 17 to the Maastricht Treaty reads:

>'The Conference considers that transparency of the decision-making process strengthens the democratic nature of the institutions and the public's confidence in the administration.' (emphasis added)\(^13\)

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\(^9\) Article 211 TEU.

\(^10\) The following elements of the Commission's role can be identified. It can be regarded as *initiator* and proposer of legislation (and more generally of policy); as executor or *administrator*, carrying out the wishes or the mandate of the Council and the Parliament; as *guardian of the legal framework*, ensuring that laws are implemented and enforced; as the *external representative* of the Member States and negotiator on their behalf; as *mediator* between Member States, the European institutions and other sectional interests; and finally, the Commission has a role as the *conscience* and voice of the Union as a whole. (Cini 1996; Nugent 1994 & 1997)


\(^12\) Cf. Ludlow, 1991; Matlary 1997; Mazey and Richardson 1997, Kohler-Koch 1999

\(^13\) The full text of the Declaration reads: 'The Conference considers that transparency of the decision-making process strengthens the democratic nature of the institutions and the public's confidence in the administration. The
According to Westlake, policy-makers, both in Brussels and in the national capitals, emphasised the importance of transparency because they were well aware of the impact EMU would have on every single citizen and the problems the content of the Maastricht Treaty might cause for ratification. (Westlake 1998:133) Nevertheless, this awareness got a new dynamic when the ratification indeed proved to be problematic. As a direct result, the Commission produced two communications in 1992: one on transparency and one on an open and structured dialogue between the Commission and special interest groups. Improved access to information was seen as a means of bringing the public closer to the EC's institutions and a way of stimulating a more informed and involved debate. (Cini 1996:151) At the Edinburgh European Council it was decided that the Commission should widen its fact finding exercise beforehand, amongst others by means of Green Papers.

On 30 June 1993, the Commission agreed a new information policy. The three keywords were information, which means giving the facts and explaining, communication, which means listening and dialogue, and transparency, which means priority to total openness in pursuing the first two objectives. The most remarkable change in the new policy seemed to be the idea that dissemination of information should be aimed at involving citizens in the European integration process. Responsible European Commissioner De Deus Pinheiro argued in the foreword of the communication that 'the EU has to provide the resources and create the means for encouraging people to participate, in the political sense, at all levels of the Community decision-shaping process'. According to him, 'this is the only way of changing passive consent [...] to active consent'. (EC 1994:3) The Communication simultaneously stressed the importance of networks and relays since they 'increase the efficiency, flexibility and penetration of the Commission's information and communication activities. They provide it with an additional means of involving both the public at large and interest groups.' (EC 1994:11) The new policy was announced as a means to 'convince the people of Europe of the legitimacy of the values on which the Community is founded and the importance of its achievements'. (EC 1993:97)

On what premises is this assumption based then? What function should 'Dialogue' have when it is supposed to contribute to the EU's legitimacy? Below it will be explored whether the use of 'Dialogue' is grounded in the belief of a combination of deliberative democracy and deliberative supranationalism and how this may function in practice.

Conference accordingly recommends that the Commission submit to the Council no later than 1993 a report on measures designed to improve public access to the information available to the institutions.\textsuperscript{14}

\textsuperscript{14} European Commission; \textit{Increased Transparency in the Work of the Commission}, SEC (92) 2274 and European Commission, \textit{An Open and Structured Dialogue between the Commission and Interest Groups}, Sec (92) 2272.

Deliberative Democracy

'Providing a greatly improved system of information is only to be considered a first step of a much larger project. It would serve as the basis for a system that allows widespread participation in policy-making processes through the mechanisms of interactive dialogue between the Union institutions and interested private actors.' (Curtin 1999:458)

The assumption of the interaction between dialogue and legitimacy refers to the idea of deliberative democracy and discursive will formation and is based on Habermas' work and his notion of the public sphere. In this argument, legitimacy is considered as the result of a process of arguing which cannot be substituted by other mechanisms; it is based on the hypothesis that citizens increasingly accept the force of arguments. Legitimation thus becomes an exclusively discursive process, and legitimation problems are not identical with the lack of public support but consists of communications problems between government and citizens. (Jachtenfuchs 1995:127) The lack of legitimacy in the EU is then not necessarily a result of lack of information of the citizens but can also be a lack of communication bottom-up: elites misinterpret public opinion or are unaware of it. (Jacobsson 1997) Consequently, what needs to be improved is the communicative character of the actual law making practices, i.e. their openness to inflow of discursively formed opinion: input from civil society and the mediation of interests and concerns of the citizens in the process of formal policy-making. (Curtin 1998) A 'deliberative' conception of democracy emphasises active dialogic participation of citizens and the capacity to influence the formation of will, rather than the sporadic passive procedural participation (voting) as the key for democratising decision-making processes. (Curtin 1999:446) In this way, dialogue can for example be regarded as counter-weighting the ever lower turn-out of European elections. At the same time it must be pointed out though that there is a certain risk of (ab)using consultation to secure support for proposed changes. If citizens feel that it produces no identifiable outcomes, they may perceive it as a failure and associate this with their perception of the organisation, which was 'wasting their time'. (Seargent and Steele 1998:15) In other words, input legitimacy by itself might not suffice and citizen's preferences need to be reflected in the actual policy outcomes. Although the deliberative democracy thesis mainly stresses input legitimacy, it acknowledges at the same time that participation may lead to a more effective polity. 'Rule by the people' makes it more likely that the 'people' will get what they want, or what they believe is best, rather than alternative systems in which an elite determines what is best. (Dahl, 1994:30-31.)

It can be doubted whether the Commission's emphasis on Dialogue is aimed at increasing active citizen participation and whether the citizen's interests are in practice taken aboard. Curtin argues that only indirect and non-binding, largely informal opportunity structures for citizen's participation have been implemented in the EU so far. With regard to the Commission, she points out that the informal links are not primarily designed to involve citizens in the policy making process but rather to broaden its own
information resources: 'The overall strategy of the Commission is to implicitly distinguish between the citizens in general and 'experts' (professional or academic) in the sense that only the latter be facilitated in (informal) legislative involvement. The view seems to be that the former, the citizens, should be informed ex post about the outcomes of that process.' At the same time, she does admit that the Commission, under the heading of transparency, is trying to increase public debate. In practice though these 'Hearings' are still tended to be restricted to the expert level. (Curtin 1999:459) This does however not by definition exclude the possibility that consultation of citizens and the ones that represent them at the same time may contribute to a polity's legitimacy. The deliberative perspective on democratic legitimacy emphasises arguing and deliberative quality over and above interest representation, bargaining and voting procedures. Consequently, if the concept is applied to the EU, it should not only be noted in the public sphere but for example also during negotiations in the committee system. (Eriksen 1999:4)

**Deliberative Supranationalism**

'The establishment of non-hierarchical governance structures turns out to be an indispensable prerequisite of the functioning of the Common Market. This type of governance will depend upon persuasion, argument and discursive processes rather than on command, control and/or strategic action.' (Joerges and Neyer 1997:298)

Over the last few years, a lot of attention has been paid to the appearance of networks within European policies. Many authors have drawn attention to the fact that European politics is characterised by an increasing interdependence between public and private actors\(^\text{16}\) and between the national and the European level of governance.\(^\text{17}\) Fewer have suggested that the Commission, based on the assumption that it can influence these interactions, deliberately builds up coalitions and networks as an opportunity to enhance its own position and influence. The Commission is said to have been 'linking up with sub-national actors, enabling them to act vis-à-vis national governments' (Matlary 1997\(^\text{18}\)) and 'trying to bypass national governments, using its relationships with intermediary bodies to move closer to the citizen'. (Christiansen 1997)

If networks and coalitions are regarded as a tool for the Commission to strengthen its own position, it means that a governance approach, rather than a policy network approach, is accepted. While policy network analysis focuses primarily on the informal networks and resource dependencies that develop amongst governmental and non-governmental actors, new institutionalists focus on the institutions themselves and the opportunities they provide for informal policy networks to develop. The latter argues

\(^{16}\) Cf. Matlary 1996; Pierson 1996; Richardson 1996; Olsen 1997. The traditional explanation is that the role of the Commission in decision-preparation has increased as a result of a more widespread use of qualified majority voting in the Council of Ministers. Due to the Commission's lack of resources and expertise of national conditions, it makes widely use of policy networks. (Cf. Mazey and Richardson 1997; Van Schendelen 1996)

\(^{17}\) Cf. Peterson 1995; Marks, Hooghe and Blank 1996; Wessels 1996 & 1997; Rometsch and Wessels 1996

\(^{18}\) For the same argument, see Lawton 1997, using the term of 'covertness' or 'stealth' and Sandholtz 1996.
that the *polity* structures the inputs of social, economic and political forces and thereby has a consequential impact on the policy outcome.\(^{19}\) A lot of recent literature refers to the *withering away of the state* thesis, which means that the central government is no longer at the top of the hierarchy but is one of the many players in the field and as a result needs to bargain and negotiate with representatives of society. However, as Kohler-Koch points out, 'executive power has changed but this does not imply that it has lessened'. (1999:12) The Commission can be regarded as being at the centre of networks; as a *bourse* where problems, policies and interests are traded. (Mazey and Richardson 1997) The Commission seems to have adopted a standard approach to build up networks. A Green Paper is published, followed by a process of consultation and finally a working group is formed. (Héritier 1999:273) It is the Commission that is the central actor, it controls who has access and voice. It may use this power in its own interest or in the interest of its clients. In both cases it is the governmental agent that decides whose interest will be served and how. (Kohler-Koch 1999:12)

There may be plenty evidence then that the Commission deliberately builds up networks and has a certain influence on its composition. But with what reason? So far, if any attention was given to the link between networks and legitimacy of the EU, it was based on output legitimacy; the idea that policy-making by networks leads to more efficient outcomes. At the same time, it was argued that networks led to less legitimacy since they undermine transparency and accountability. Yet recently, the notion of policy networks is increasingly being considered under legitimacy aspects. Particular attention is thereby paid to the notion of deliberate democracy; 'the idea that democratic associations do not engage in 'position-oriented bargaining' or 'strategic interaction' with each other but jointly engage in public discourses to search for solutions that would realize their 'generalizable interests'. (Scharpf 1998:19) It has been pointed out though that this system of deliberative supranationality can only enhance legitimacy when access is open to a wide range of actors and 'that there is no (or reduced) monopolization of influence behind closed doors.' (Curtin 1999:461) Whether non-governmental deliberative supranationalism may enhance legitimacy of the EU depends on how open the access to the Commission's 'Dialogue' is.

Page argues that most relationships between the Commission and interest groups fall somewhere between the clientela and the pluralist model. Consultative pluralism refers to a relationship in which a variety of groups with weak or no potential veto power compete for influence within the executive. Clientela refers to group-government relations in which a given agency gets to regard a single group as the natural expression and representation of a given sector and will use this group as target or reference point. In both cases, the civil servant has a substantial degree of autonomy and power in the decision-making process. (Page 1997: 92-110) Middlemas confirms that Commission officials act according to the

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\(^{19}\) Cf. Pollack 1996; Bulmer 1997; Börzel 1997.
clientela model, by selecting a few key actors whom they consult. By carefully selecting these actors, the Commission can influence the direction and dynamic of the consultation or network.(1995:237)

The Commission is not only building up networks because interest groups and non-governmental organisations are expected to be more supportive of policies they have helped to design. Their involvement can also be used to put pressure on national administrations and governments. The Commission can use the 'demand' from private interests to legitimise its activities vis-à-vis the Member States.' (Christiansen 1996:80) If this is the case, national governments can be expected to be rather sceptical towards the Commission's use of networks in 'Dialogue'. In the past, the Member States have exactly been tolerating these actions by the Commission since it enhances both input and output legitimacy of the EU. Whereas the national central governments may be suspicious of the effect it has on the influence and position of the Commission, the use of networks does contribute to output legitimacy by increasing the quality of European policy making, and to input legitimacy; by limiting the deficits of political representation through integration of those who are affected.' (Kohler-Koch 1999:8) Below, it will be examined in more detail whether and to what extent the national governments indeed do accept these autonomous actions by the Commission. At the same time, it can be observed that the Commission does apply the same deliberative consideration to its relationships with the national governments in order to prevent them from limiting its freedom of manoeuvre.

According to the traditional point of view, Comitology; the increased involvement of national experts in the work of the Commission, has limited its freedom of action. However, at the same time it can be argued that the Commission has used the extensive contacts with these experts to its own advantage. During the course of working together, delegates may slowly move from being representatives of the national interest to representatives of a Europeised inter-administrative discourse, in which mutual learning and understanding becomes of central importance. (Cf. Joerges and Neyer 1997; Beyer 1998) As a result of the institutional dynamics of the Commission expert committees, the gate-keeping function of the national Foreign Ministries is being weakened. Administrative integration and socialisation is stronger in Commission expert committees than in Council working groups since officials are more likely to represent largely technical expertise and professional considerations, whereas officials in top rank positions that take part in Council working groups are more likely to enact the role as government representative. (Trondal 1999:9) The argument that the Commission would deliberately build up expert committees with lower ranked officials in order to have a maximum influence on national policies is based on these considerations.
PART II: PRACTICE

Recent developments in the Commission's information policy as well as its information and communication activities on the euro will be used to illustrate the combined use of 'Dialogue' and 'Deliberation'. Special attention is given to the information surrounding the introduction of the single currency since the Commission's multiple accountability problem is clearly present here. Implications for the citizens, Member States and the Commission are equally consequential and a successful introduction of the euro is regarded as being of major importance for legitimacy of the EU. At the same time, the issue of 'money' is a highly sensitive one, particularly with regard to national sovereignty. Moreover, as will be shown below, the information and communication activities on the euro have had a wide impact on the current affairs in this field.

The following questions will be addressed: Does the Commission have interests and preferences within its information and communication activities that are deviant from those of the Member States? Are the Commission's information and communication aimed at increasing citizens' participation, or do other goals prevail? What organisations and interest groups are engaged in "Dialogue" with the Commission? Is access open to all, or are the participants predetermined? How is the relationship between the Commission and the Member States in the field of information and communication?

The EU's Information and Communication Policy

In 1998, the main objectives of former DGX, responsible for information, communication, cultural and audio-visual policies, were said to be:

- To bring the European Union closer to its citizens through information and communication measures on the major policies conducted by its institutions, its objectives as well as on the future challenges and major issues currently facing Europe;

- To help foster a sense of shared identity amongst the citizens of the European Union by raising awareness of the values and cultural roots they have in common.

Enhancing citizen's deliberation and participation was not mentioned in this framework. Both within and outside the Commission, it is acknowledged that the emphasis that was put on Dialogue in the 1993 reforms of the Commission's information and communication policy was not effectively put in practice.

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20 Please note that this section makes up part of the empirical research of the PhD thesis and reflects only preliminary findings. It draws heavily on interviews with national civil servants and Commission officials, personally executed by the author. Interviews are neither attributed to the person in question, nor literally transcribed. They have been executed in English, French and Dutch. English résumés on the basis of notes are made instantly after the interviews. The quotes are, where appropriate, translated in English. The original wording is given where there may be a difference in understanding from the original wordings.

21 Both the 'Dialogue on Europe' and the information action 'The euro, a Currency for Europe' fall under the budget line B3-306, PRINCE actions (Priority Information Actions).

22 EC, internal document, Remit and Objectives, DGX, 1998.
This seems mainly due to internal problems and lack of political will. In the past, the Commission has in general not regarded information and communication as important. For a Commissioner, it was only a partial and not very desirable portfolio. This has led to a lack of political leadership which in turn led to a lack of strategy and co-ordination. Numerous reorganisations, attempting to solve these problems, seemed to have made the incoherence only bigger. Moreover, former DGX had a low status within the Commission because of its limited vertical, executive or legislative functions. Finally, it lost credibility as a result of the decentralisation of the information activities. The latest restructuring of the Commission has abolished former DGX and has distributed departments over different DG’s. Together with the Spokesman's Service, the general services and the responsibility for the Representations of the Commission, the networks and relays have been put under direct control of the president in a new Press and Communication Service. The services responsible for information to the general public have been reallocated to the DG for education and culture.

The new Commission seems still rather confused on what approach to adopt. Although Mr. Prodi has made numerous statements on the importance of 'making the EU more relevant for the European Public', the emphasis is mainly on output legitimacy; on improving transparency and efficiency. (Kohler-Koch 1999). In line with the developments over the last few years, openness is translated in access to documents and the Dialogue with Civil Society is meant to 'improve policy design and to increase efficacy'. (EC 2000f:3-4) While the Commission announces to set out 'a new communications strategy designed to ensure a continuous and interactive exchange with Europe's citizens.' (EC, 2000b:14), the action plan on reforming the Commission does not mention any concrete steps in this direction and at the moment of writing the Press and Communication Service still does not have a mission statement. The 'Dialogue on Europe' will though be undertaken by an interdepartmental steering group under the responsibility of this same Press and Communication Service.

**Interests**

While the attitude of the Commission in general may be rather mixed towards the importance of information and communication, the officials working in the field seem rather devoted. Although most officials within former DGX were well aware of what could and should be done better and were quite...

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23 These observations by Gramberger 1997, Guggenbühl 1998, Meyer 1999 have been confirmed by interview with senior EC officials, no. 2,3,4, Brussels, June & July 1999.

24 Both the conclusions of the Copenhagen European Council of 21-22 June 1993 and the Interinstitutional Agreement on Democracy, Transparency and Subsidiarity still used a wide interpretation but most efforts would afterwards be made to enhance public access to documents of EU institutions. The Council and the Commission approved a joint code of conduct, concerning public access to documents, on 6 December 1993, the Council produced a decision concerning public access to Council documents on 20 December 1993 and on 8 February 1994, the Commission produced a decision on public access to Commission documents. These and other official texts concerning Transparency can be found in a compilation produced by the General Secretariat of the Council. (Council 1999)
frustrated about the limits within which they had to act\textsuperscript{25}, they nevertheless felt a clear responsibility to inform the public in a way that seems to deviate from the preferred actions by the Member States:

'\textit{In an ideal world, providing general information would be the task of the Member States but they do not take care of it. Europe has lost credibility, partly as a consequence of an overkill of national scape-goating.}'\textsuperscript{26}

'\textit{It is the task of the Commission to give information on the EU with a \textit{European} perspective. The Member States will only give the national point of view.}'\textsuperscript{27}

'\textit{Next to what Member States do, it will always be the duty of the Commission to inform the public on the \textit{European} aspects.}'\textsuperscript{28}

The Commission is often accused of spreading propaganda by means of its information and communication activities. Propaganda can be regarded as a subcategory of information. The distinct character is that propaganda attempts to achieve a response that \textit{furthers the desired intent of the propagandist}. If the audience response is the desired one, it is the propagandist who benefits and not necessarily the audience. The Commission can be regarded as having an ambiguous relation towards the nature of information. On the one hand, it claims that 'its first line of action is to provide objective but comprehensible information' and that 'every citizen of the Community is entitled to full and objective information', at the same time it considers that 'information policy should be one of the instruments for leading citizens to think along European lines' and is the Commission 'geared to shaping public opinion'.(Van Meerhaeghe 1994:5-6, emphasis added) Officials agree that it is a legitimate aim for a regime to communicate a certain worldview; to disseminate political information and to seek stimulation of preferred behaviour. They deny that political communication is the same as propaganda.

'\textit{The Commission is part of a political structure: although technical information is necessary, the Commission also has the task to explain the reasons and arguments; the political aspects.}'\textsuperscript{29}

'\textit{Propaganda is not the same as promoting Europe: the latter is a political statement. The Commission should not accept being wrongly accused of propaganda.}'\textsuperscript{30}

'\textit{It is the task of the Commission to defend the European idea. That is its \textit{official role}. If that means that they are occasionally accused of being propagandistic: \textit{tant pis!} Information should not only be technical. This does not appeal to people. If you want to convince people that European integration is worth while something, information and communication should be more political.}'\textsuperscript{31}

'\textit{Information policy will always remain political; Policy \textit{is} Information.}'\textsuperscript{32}

\textsuperscript{25} Cf. Interview senior EC official, no. 3 & 6, Brussels, July 1999.
\textsuperscript{26} Interview senior EC official, no. 19, Brussels, July 1999.
\textsuperscript{27} Interview senior EC official, no. 8, Brussels, July 1999.
\textsuperscript{28} Interview senior EC official, no. 2, Brussels, July 1999.
\textsuperscript{29} Interview senior EC official, no. 14, Brussels, June 1999.
\textsuperscript{30} Interview senior EC official, no. 2, Brussels, July 1999.
\textsuperscript{31} Interview senior EC official, no. 8, Brussels, July 1999.
\textsuperscript{32} Interview senior EC official, no. 18, Brussels, June 1999.
However, officials admit that the border-line between information and propaganda is a thin one:

‘Information is giving facts that can be verified. It should be objective. However, it can never be completely neutral: information is always an interpretation. Propaganda is ignoring negative aspects but a positive interpretation is not propaganda.’

**Information Activities**

In 1999, the general information and communication activities were by the Commission itself divided in four categories. The first one consists of information to third countries and falls beyond the scope of this paper. The second kind of information is linked to the obligation of a public service to inform the citizens on its activities, programmes, regulations etc. This can be regarded as incontestable information and includes both openness of information and publications in official journals, annual reports etc. This kind of information makes up a major part of the concepts of openness and transparency and implies a more passive involvement of the Commission. The third type can be classified as political or strategic information and seeks to influence the public’s attitude or behaviour in a pro-active way. This includes issue-specific initiatives in the name of the EU as a whole, for example stimulating participation in the EP’s general elections, but it also includes explanation of the Commission's point of view on a certain topic or defending a Commission proposal vis-à-vis the public. The fourth category is the most sensitive one and involves creating or reinforcing European consciousness of the citizens. This can be sub-divided in initiatives aimed at stimulating knowledge and initiatives aimed at developing a sense of belonging to the EU.

In 1996, three "Priority Information Actions" were launched. The first campaign was called "Citizens first" and its aim was to inform Europeans on their rights as citizens of the EU. It ran through 1996 and 1997 and focused on the right to live, work and study in another Member State. After this programme was officially finished, it was replaced by "Europe Direct"; A Permanent Dialogue with Citizens and Business. The second campaign was entitled "Building Europe together" and was intended to get citizens involved in the Intergovernmental Conference of 1996, consequently it ran parallel with it. The third one was called "The euro, a currency for Europe", will run from 1996 to the end of 2001 and is designed to keep specialists, business and financial circles, and the general public informed about the changeover to a single currency.

It can be observed that the emphasis of the Commission on neutral information seems to have increased over the last few years. Moreover, although the concept of 'Dialogue' was not implemented according to

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33 Interview senior EC official, no. 5, Brussels, July 1999. She used the following wording to show that everything is a certain interpretation: C’est la question d'une verre de vin demie pleine ou demie vide.
35 'la notoriété ou l'attachement aux Institutions ou a l'Union dans son ensemble'.
plan after the 1993 reforms, some progress has been clearly made. The most notable examples are the Call Centres and the e-mail service *Europe Direct* where citizen's problems are dealt with on an individual basis and the widespread use of the EUROPA server. Nevertheless, no matter how much these efforts may contribute to an idea of an approachable polity, it can be questioned whether it contributes to a practice of deliberative democracy.

With respect to the EMU, the Commission seems particularly concerned about the wider implications of negative public opinion. It realises the impact it may have on its own credibility and regards a successful introduction of the euro of the utmost importance.

'It will ensure that the single market lasts and that European integration will continue. Economic and political challenges are closely interrelated: future progress in European integration will depend largely on the achievements of monetary union.' (EC, 1996:9)

'The Commission cannot afford to perform badly since it has no legitimacy. [...] A failure of EMU would mean the end of European integration as we know it.'

Since the most important competences surrounding the EMU have been shifted away from the Commission, information and communication can be regarded as a way to keep some influence on the introduction process of the single currency. The Commission's official information policy on the euro is land-marked by the publication of the final version of the Green Paper on the practical arrangements for the introduction of the single currency on 31 May 1995. Its aim was threefold: to reduce uncertainties, to raise awareness of the key actors of the work to be done and finally _winning at each stage of the process, public acceptance and support without which the operation cannot succeed_. (EC 1995:5) The Commission regards dissemination of information on the EMU / euro as crucial for attaining public acceptance:

'the transition to the single currency cannot succeed without the support of clearly defined communications strategies [...]. Their core objectives will be to win popular support for the single currency'. (EC 1995:73, emphasis added)

The information and communication activities on the euro are of particular interest in order to observe whether 'Dialogue' is used to enhance the legitimacy of the EU. One of the most striking aspects of the EMU is that the major decisions were taken without any public participation or consultation. On the one hand this is even stated within the Green Paper on the practical arrangements for the introduction of the euro:

'after the key political decisions are taken, they [Communication policies] can help to mobilise support and action'. (EC 1995:73, emphasis added)

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36 Interview, senior EC official,
On the other hand, the Commission acknowledges in the same document that:

"The single currency cannot be brought about by decree. Europe is profoundly attached to the principles of democracy: a historic step of this magnitude must reflect the wishes of its citizens. The European institutions must guarantee the openness and the transparency required by a development which will affect the everyday lives of each of us. This is the purpose of the present Commission’s Green Paper; to help foster among Europeans a pride in their currency and to encourage them to play a full part in making it a reality." (EC 1995:9)

In practice, it seems that the idea of Dialogue and Deliberation is mainly based on the co-operation of intermediary groups to get into touch with the citizens.

**Information Networks**

"What we miss in Europe is intermediaries that transform information coming from the Commission into accessible information for the public."\(^{37}\)

"Organisations will adapt and tailor information for their public. These organisations can also be used to put the Dialogue in place, to get feedback from them. People have become more sophisticated: they are critical towards authorities."\(^{38}\)

Over the last few years, the Commission has put a lot of effort in expanding its information networks and relays and now include 320 European Documentation Centers (EDC), co-operations with libraries; 113 Carrefours, co-operations with mostly local authorities or (private) agricultural organisations aimed to involve the rural population; Information Points Europe (IPE), co-operations with local authorities, located in urban areas and aimed at the wider public; 3 Grand Centres d’Information (Paris, Berlin, Lisbon, a fourth one to be opened in Rome), co-financed by the national governments and aimed at the wider public, and finally 20 Urban Forums, small supporting offices, in co-operation with municipalities and aimed at specific clients.

Furthermore, several DG's have their own specific information relays. The DG which is responsible for Small and Medium Enterprises (SME's) is for example in charge of the Euro Info Centers (EIC); co-operations with mostly Chambers of Commerce which provide information on regulations, directives, subsidy possibilities etc. to SME's. Besides that, the DG has many contacts with different organisations and interest groups and meets once a week with its regular partners. The DG for Consumer Affairs, has set up European Consumer Information Centers (Euroguichet). Furthermore, it has set up a Consumer Committee in 1995. This committee consists of 20 members; 15 representatives of consumer organisations from the Member States and 5 representatives of the European consumer associations. It meets about four times a year.

\(^{37}\) Interview Senior EC official, No. 4, Brussels, June 1999.

\(^{38}\) Interview Senior EC official, No. 2, Brussels, July 1999.
In its communication on the information strategy for the euro of February 1998, the Commission states that 'information relays and multipliers - trade and professional organisations, European federations, consumers associations and a multitude of public bodies - are vital sources of practical information. They need to be encouraged and supported in their action.' (EC, 1998a:3) Intermediators are not only expected to multiply information, but their active co-operation is sought. The importance that is granted to multipliers can be explained by different aspect. Firstly, elites are expected to be more favourable towards the single currency. Secondly, their legitimacy is borrowed. A message will be more credible when it is disseminated by a trustworthy source. Thirdly, they can tailor information to the special target groups and fourthly, their network can be used to distribute information. Finally their importance needs to be seen in the framework of 'Dialogue'.

'Communication should be interactive. This could be done by creating networks of public authorities, trade associations, consumer organisations and, in general, all the information multipliers.' (EC 1996:6, emphasis added)

In 1997, a Round Table on practical aspects of the changeover to the euro was organised by the Commission, which brought together representative of commerce, consumers, banking and public administration. Access was not open to all, participants were selected by the DG's involved and seem to reflect their normal inner-circle. Ever since the Round Table, there has been close co-operation with many of these representatives. For some DG's it is very clear that they represent different interests in society. The DG for consumer affairs pays a lot of attention to the "human aspect" of the introduction of the euro. Regarding the issue of bank charges after the introduction of the euro in January 1999, one official said for example that he wanted to get the message across that "before banks were robbing you and now they are not". At the same time, an official from the DG for economic and monetary affairs expressed the opinion that the special attention that was given to vulnerable groups was exaggerated and mainly used as a tool for image building: to show that the euro is not only the story of bankers but also of people. Of special interest in this matter is the fact that the DG responsible for social affairs and employment policy, seems hardly involved in the information and communication activities on the EMU / euro, while it normally makes a big effort to enter in Dialogue.

39 Research has shown that Top Decision Makers are more in favour of the single currency than the general public. In 1996, 51% of Top Decision Makers said to be very much in favour of the euro, against only 20% of the general public. (EC, 1996e:39)
40 'Information is only accepted when one trusts the communicator. This is even more important for a topic like money. The Commission has clearly realised this and stressed decentralisation in its information strategy; the use of local levels is regarded as very important.', Interview Senior EC official, No. 11, Brussels, July 1999.
41 Minutes of the Commission, DGX, on the Fourth Meeting of the Member States' Directors of Information on the euro, 11-12 March 1999, Brussels, Internal Document.
42 Interview, Senior EC official, No. 11, Brussels, July 1999.
Furthermore, there are clues that the contacts with the networks are at times used *vis-à-vis* the Member States or to circumvent national opposition. An official from the DG for consumer affairs admitted that the research and reports they produce is used by national consumer organisations to make their point more strongly *vis-à-vis* the national authorities. In a number of cases, the DG has sought co-operation with private organisations because support from the national government was lacking. An official from the DG responsible for SME's confirmed that they consulted their own network if information from the capitals was insufficient.

These findings seem to suggest that in the field of information and communication activities, great importance is granted to co-operation with intermediaries and that attempts are made to expand the appropriate networks. However, the partners for co-operation are pre-selected and used in a rather instrumental way. The first impression gives little evidence for increased use of deliberation.

**Governmental networks**

In line with the renewed attention for the concept of subsidiarity the "new" information and communication policy of 1993 stated that:

'It is important to note that Member States have a shared responsibility with the Community institutions to provide information to the public, particularly in order to stress the Community's achievements and in as much as Community legislation affects people in their daily lives, to stimulate debate on the future activities of the Community. This will bring the Community much closer to its citizens, who too often tend to look at it as 'something remote in Brussels'. ' (EC 1994:14)

Because of the political sensitive nature of "information", an active information and communication policy of the Commission is by the national governments easily regarded as intervening in domestic politics: 'consequently, the Commission has to operate within tight strictures that curtail its ability to be seen to be encouraging transparency in the public political arena.' (Lodge, 1994:361)

A recent issue that goes to the core of the principal-agent relationship between the Member States and the Commission in this field, and officially limits the latter's freedom of action, is the discussion on the lack of a legal basis for the Commission's information and communication activities. Although in the past, reference had been made to it, the situation only became crucial after an opinion of the Court of Auditors which stated that expenditures for general information and communication activities are officially illegal. The Council confirmed this opinion. It does not deny that the EU should have an information policy but denies that it is an exclusive task for the Commission. The Commission defends the latter position and argues that the general information and communication activities fall under its autonomous activities and can be financed accordingly. Since the expenditures for the Commission's general information and communication activities fall under part B of the budget (non-compulsory

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43 Interview Senior EC official, No. 15, Brussels, July 1999.
expenditures), the Commission is dependent on both the Council and the EP for its financial means. In February 1999, the issue seemed to come to a climax when the Budgetary Commission of the Council expressed its concern about the continued lack of a legal basis, urged the Commission to come up with a legal base for its general information and communication activities and to precisely define its objectives and means whereby these can be obtained. It finally stated that the Council reserves the right to draw conclusions if the Commission fails to do so. Due to the restructuring of the Commission, so far the situation has neither had any consequences nor has it changed.

Partly, as a result of the legal basis question, the issue of information and communication has become completely interrelated with the wider issue of transparency. The Commission is trying to link it up to the new Treaty articles in this field while the Council is rather reluctant to extent the notion of transparency to information and communication activities. (Gramberger 1997:248) According to a senior Dutch civil servant, it was never the intention of the Member States to include the right to information in the Amsterdam Treaty.

Article 1 of the Amsterdam Treaty states that 'decisions are taken as openly as possible'. Article 255 (ex article 191A) deals with access to documents. The Council is obliged by this article to determine, on proposal of the Commission, general principles and limits on grounds of public or private interest governing this right of access within two years of the entry into force of the Treaty; which will be 1 May 2001. Referring to the Commission's obligations under Article, the Commission intended to come up with two communications, one on access to documents and another one on transparency. The importance of the second one result from three aspects: the fact that the Treaty of Amsterdam refers to transparency without giving details, the acknowledgement that transparency is a wider concept than 'access to documents' and in order to acknowledge the improvements made in this area over the last years and to set new objectives for the future. However, as pointed out before, so far the Commission has only come up with new proposals concerning the access to documents.

Within the Commission's activities on the EMU / euro, the same tension between legitimacy and subsidiarity is apparent. While the Commission realises that many activities can be better carried out at the national level, it attempts to maximise its influence on information. Most officials agree that it is important that the Commission is involved in the information and communication activities because 'the

46 'In the Commission's eyes, the assurance of openness and transparency is only half the battle-information must be rendered accessible, and its significance made plain.' (Westlake 1998:142)
47 Interview Dutch civil servant, no.24, Brussels, December 1999.
euro is such an important subject'. One is concerned how influence on the Member States' activities can be safeguarded. Several attempts by the Commission to expand governmental and non-governmental informal networks on information, in which they can play a leading role, can be observed. Where the Information Working Group of the Council has existed for quite a long time, it was decided to strengthen it at the Edinburgh European Council in December 1992. Although a major part of their task is to decide on access to documents, it is supposed to work as a think-tank on transparency. A practical problem is that its members are press attachés of the Permanent Representations in Brussels and cannot always provide feedback from the capitals. Therefore, it was decided that every presidency would organise an Information Seminar, where representatives of national ministries would be present. They would reach conclusions on broad issues, which would then be worked out by the Commission afterwards. In December 1998, the Council agreed on the Commission’s role in promoting the inter-institutional co-operation in the field of information about the European Union. Straight afterwards, the Commission invited the EP to the information seminar and called it an 'Inter-institutional Seminar'. At the same time, the Commission has set up a parallel working group for co-operation with the national governments on information activities. This group that will meet twice a year consists of national 'Directors of Information' ad personam, the Heads of the national representations of the Commission and representatives of the Secretariats General of the Council and the Parliament. This meeting of an 'operational nature' is meant to safeguard that the Conclusions of the Council on Information are put in practice. There seems to be a clash of interests between the Council and the Commission concerning the different meetings, which might suggest that the attempt by the Commission to set up this 'parallel' body at expert level is not completely successful. There seems to be another clash with an already existing "body": namely the 'Club of Venice'. The national representatives, responsible for information, met in Bruges on 17 and 18 December 1998. They concluded that they are not well aware of the efforts of the others and that they lack the habit of working together. Therefore, regular meetings between the national representatives and those responsible for information of the European institutions should take place to exchange opinions, and thereby create 'a certain synergy'. Another example of meetings triggering off other meetings with national officials is the one of officials responsible for Public Opinion Monitoring, who met for the first time in Brussels on 15 June 1999. This gathering directly resulted from the meeting of national directors of information on 2 March 1999. The justification for co-operation in this field is

49 Interview senior EC official, no. 12, Brussels, June 1999.
50 Interview senior EC official, no. 3, Brussels, July 1999.
51 'Activating the existing information group of the Council and extending it to the other institutions with a view to developing coordinated information strategies', Council (1999: 18, I.27)
52 Ibid:129.5.
53 Minutes of the Commission, DGX, of the meeting of the Information Working Group of the Council, 5 February 1999, internal document.
54 The Germany Presidency organised two Information Seminars. The first one in Berlin on 4 March 1999, just two days the Directors of Information met in Brussels on 2 March 1999.
that knowledge about the citizen's concerns, priorities and interests are of importance to both the Commission and the Member states and of particular interest at the moment. The first meeting took place just after the European elections, which had shown an again lower turn-out.

These informal governmental networks, especially at the expert level, are by officials regarded as very valuable. There is a clear expectation that these meetings will lead to a certain socialisation.

'The meetings with the national directors of information are very useful. They need to Europeanise their information activities and material. The national senior officials are open and prepared to co-operate but sometimes they do get frustrated by the political world. They do not only want to talk but they want to work together on actual projects.'

'The meetings with representatives of the Member States cause peer pressure.'

At the same time, it can be argued that the issue of the legal basis is connected to the recent emphasis on co-operation between the Commission and the Member States. In other words that the increased co-operation is meant to avoid the principal's sanctions.

'The more the Commission will co-operate with the Member States, the less they will shout about a legal basis.'

'We can't resist the Council. So, we better install inter-institutional co-operation to stop making fools of ourselves. Co-operation with the Council is really the strategy of the Commission.'

Member States do not regard the Commission's actions in this field as threatening and they do not seem to take them very seriously:

'The Commission’s activities are quite harmless'.

'The Information Seminars have only taken place for political reasons; as a follow-up to Council decisions and to show goodwill to the Commission.'

The analytical problem here is of course that no causal claims can be made on the basis of this information. Whether the national governments do not regard the Commission's activities as threatening because there is closer co-operation or whether they do not take them very seriously by definition.

55 Interview senior EC official, no. 3, Brussels, July 1999.
56 Interview senior EC official, no 10, Brussels, June 1999.
57 Interview Senior EC official, no. 2, Brussels, July 1999.
58 Interview senior EC official, no.16, Brussels, July 1999.
59 Interview Danish civil servant, no. 22, Brussels, July 1999.
60 Interview senior Dutch civil servant, no. 24, Brussels, December 1999.
From 1997 onwards, the Commission has set up partnerships on information and communication activities on the euro with most Member States. By giving financial support, they have safeguarded a say in the national activities. The Member States present communication plans, which then needs to be agreed by the Commission. At the moment there are conventions with all Member States, except for Denmark and the UK. Both the Dutch and the UK government doubted whether the relatively limited amount of money was worth while the political hassle of getting the Commission involved in their information campaign.  

The national directors of information on the euro; national civil servants from the ministries of finance gather twice a year in Brussels and have committed themselves to report extensively to the commission on their activities. The Commission highly values these meetings:

“The meetings of the directors of information on the euro is very important since Member States motivate each other. It is the dynamic of the group that counts. It can also strengthen the position of the delegates back home if they can point out what other Member States are doing.”

**Conclusion**

The concepts of 'Dialogue' and 'Deliberation' deserve more attention within the discussion on theories of legitimacy of the EU. In particular, they may contribute to the solution of the multiple accountability problem of the Commission. By means of the combination of information and communication with the pro-active use of networks; the combination of deliberative democracy with deliberative supranationalism, input and output legitimacy can be merged. Thereby accommodating the Commission's two constituents; the wider public and its intermediaries, and the Member States. Moreover, the informal nature of these instruments may allow the Commission to act outside the official, politicised arena that is characterised by national governments scape-goating the Commission.

The application of these theoretical considerations to the Commission's recent information and communication activities point towards the following conclusions. Although the practice of Dialogue was not effectively introduced after the 1993 reforms of the Commission's information and communication policy, the officials working in the field showed a certain commitment to the concept and are convinced that more pro-active though neutral information may contribute to legitimacy of the EU. This ambiguous attitude seems to persist. While the Commission at the political level pays lip-service to the notions of democracy and transparency without making an apparent attempt to put it in practice, certain services do indeed make a contribution. It would therefore be unfair to regard the Commission's information and communication's activities exclusively as PR activities but its devotion to Dialogue

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61 Interview British civil servant, no. 21, Brussels, July 1999. An additional problem for the UK was the formal discussion whether foreign money could be used for the funding of domestic political campaigns.

62 Interview senior official, national expert, no. 11, Brussels, July 1999.
definitely needs to be taken with a pinch of salt. Rather than contributing to deliberative democracy by enhancing citizen's participation, the Commission's activities seem to be aimed at policy acceptance. They are more geared towards stimulating deliberative supranationalism by increased co-operation with governmental and non-governmental actors. However, due to the fact that access to these networks is limited, the contribution to legitimacy is also at this level rather based on output than on input. Nevertheless, a clear awareness of the socialisation process within networks is present and active use is made of it.

Although this paper did not pretend to make any claims on the intentions of the Commission to 'shirk', there seems to be some evidence that the Commission uses information and communication in combination with a pro-active attitude towards networks in order to enhance its own position. In specific cases, deliberation by means of governmental and non-governmental networks seems to strengthen its situation vis-à-vis the central national governments. Moreover, the Commission is clearly trying to link up a more pro-active approach to information to the new Treaty articles on openness and access to documents. This needs however to be seen in the light of the discussion on the lack of legal basis of the Commission’s general information activities.

Finally, it needs to be pointed out that, if the assumption is accepted that a certain socialisation takes place within the networks and the working groups of the Commission, it can not be avoided that the Commission on its turn also gets influenced, and its preferences affected, by the interaction with governmental and non-governmental actors. To what extent Dialogue and Deliberation may make an impact in the long run, can therefore only be observed if and when it would be put in practice.
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