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European integration has long been associated with a particular working method, the “Community method”. It is characterised by a set of elements that differ from traditional models of international cooperation: transfers of powers from the member states to the European Union; the central role of a supranational organ, the European Commission, in the preparation of Community policies; the possibility of qualified majority decision-making; the adoption of binding rules, whose application is controlled by the Commission; and the power of the European Court of Justice to punish breaches of Community law. All these elements, which represent significant exceptions to the principle of national sovereignty, have brought the Community model closer to federal-type systems (Cappelletti et al, 1986; Quermonne & Croisat, 2000). Although the existence of other working methods has been recognised, their importance has been minimised. The establishment of intergovernmental “pillars” in the areas of foreign policy, justice and internal affairs by the Maastricht Treaty has largely been seen as an anomaly, for which time should normally find a cure (De Schoutheete, 1997).

However, the expansion of the scope of European Union policies resulted in the questioning of this traditional interpretation of integration. An increasing number of criticisms were raised against what rightly or wrongly appeared to be an unlimited erosion of the member states’ powers. Moreover, some of the areas where Europe appeared to be most ambitious during the second half of the 1990s – economic and monetary union, foreign and security policy, or employment policy – were marked by the search for institutional alternatives to the classic blueprint (Wallace, 2000). The strategy drawn up by the Lisbon European Council is in line with this quest for renewal.

1. **The Lisbon Strategy**

Taking note of the transformations brought about by globalisation and the development opportunities arising from the new technologies, the European Council nonetheless identified at its March 2000 meeting a series of weaknesses with regard to European economic indicators: long-term structural unemployment, a poor employment rate, and under-development of the service sector. In the great

European tradition, the European Council defined what it saw as “a new strategic goal for the next decade: to become the most competitive and most dynamic knowledge-based economy in the world, capable of sustainable economic growth, with more and better and greater social cohesion.”

The Lisbon strategy aims at encouraging the development of information technologies and establishing a climate favourable for innovation, by speeding up the removal of obstacles to the freedom of service provision and the liberalisation of the transport and energy markets. As part of the same impetus, it has stressed the necessity to modernise the European social model, inter alia by increasing employment, reforming the social protection systems in order to confront the ageing population, and by struggling against social exclusion. Even though this ambitious program, which endeavours to reconcile economic competitiveness with social concerns, has not really had the expected mobilising effect on public opinion, the method devised for its implementation has been the focus of much interest in recent times.

The conclusions of the European Council outlined what was presented as a new working method, the *open method of coordination* (OMC). “[D]esigned to help Member States to progressively develop their own policies, [this method] involves:

- fixing guidelines for the Union combined with specific timetables for achieving the goals which they set in the short, medium and long terms;
- establishing, where appropriate, quantitative and qualitative indicators and benchmarks against the best in the world and tailored to the needs of different Member States and sectors as a means of comparing best practice;
- translating these European guidelines into national and regional policies by setting specific targets and adopting measures, taking into account national and regional differences;
- periodic monitoring, evaluation and peer review organised as mutual learning processes.” (Lisbon European Council, 2000: paragraph 37)

This methodological attempt at systematisation contrasts with the habitual style of the European Council’s conclusions, which are generally keen to announce more tangible results. This probably stems from the desire to differentiate the new approach from the previous ones. Several key features of the OMC are therefore highlighted:

- Its flexibility: it does not purport to define unique objectives, suitable for everyone, but to draw up "guidelines" that each member state is to translate into specific action plans, in accordance with its own particular situation. This desire to reflect the domestic context, in which policies are to be implemented, is easily explained by the nature of the policy areas in question and also differentiates, for example, the work at the European level from what can be done in the framework of the Organisation for Economic Cooperation and Development (OECD) (Visser & Hemerijck, 2001) or other international organizations (Rose, 2002). There are numerous differences between the national social protection systems, and it is difficult to see how one could (and why one would want to) fit them into a single mould. Unsurprisingly, when addressing this issue, the European Council repeatedly refers to the principle of subsidiarity (Lisbon European Council: paragraph 38).

- The decentralised nature of the method: the impetus is no longer supposed to come from the top, but from collective work bringing together "the Union, the Member States, the regional and local levels, as well as the social partners and civil society" (Lisbon European Council: paragraph 37), emphasizing the "open" nature of the new method (Rodriguez, 2002).

- The setting up of procedural routines: it is aimed at encouraging the pooling of knowledge, and includes defining guidelines and indicators, periodic monitoring of national reports, and searching for best practices. National officials, the key players in this process, have to be able to identify the strengths and weaknesses of their action plans, by comparing their results to those of their peers. This systematic search for comparisons and knowledge is undoubtedly the most innovative element of the Lisbon strategy: governmental structures are often prisoners of tradition anchored in their history and, except for during periods of crisis, rarely seek to learn from the experience of other actors (Rose, 1993; Olsen & Peters, 1996).

- The absence of formal constraints: as the guidelines are formally devoid of any binding character, the peer-assessment process is aimed at fostering learning processes. One counts on the "emulation between the Member States" to ensure the new strategy's success,[1] rather than on classical community control mechanisms.

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[1] "Employment, economic reforms and social cohesion. Towards a Europe based on innovation and knowledge", notes from the Portuguese Presidency of the 12th January 2000, doc. 5256/00, point 6.

In many respects, the open method of coordination is therefore presented as a third way between "pure integration" and the logic of genuine intergovernmental cooperation.[2] More open and less rigid than the former, the OMC is also more ambitious and better structured than the latter. This clear desire to define itself as an innovative "third way" compared to two antagonistic approaches is obviously not without intellectual similarities to the method and ambitions of Tony Blair's *New Labour*, which has undeniably contributed to the appeal of the Lisbon strategy in the UK.[3]

Even though the Lisbon European Council is widely regarded as the starting point of the new strategy, it was more an attempt to theorise a new form of governance than a true innovation (Larsson, 2001). According to one of its chief architects, the Lisbon strategy was strongly inspired by the Luxembourg process, designed in 1997 to ensure the establishment of a European Employment Strategy (EES), and which already contained the key concepts of the OMC: guidelines, best practices, and objectives adapted to national specificities (Rodriguez, 2001). The Luxembourg process itself had more ancient roots; it attempted to transpose, in the framework of employment policy, ambitions and techniques that had characterised the leading project of the 1990s, Economic and Monetary Union (EMU). As shall be seen below, the desire to establish a parallelism between economic and social policies, which was one of the hallmarks of the employment chapter of the Amsterdam Treaty (Goetschy, 199?), is widely shared among the promoters of the OMC.

Even before the Lisbon European Council, the spirit of Luxembourg had inspired the development of new instruments to coordinate economic policies. The *Cardiff process*, established in 1998, was meant to encourage member states to implement structural reforms aimed at improving the competitiveness of the European economy, by ensuring the liberalisation of the capital, services and goods markets, as well as by making the job market more flexible. The following year, the *Cologne process* was set up in order to promote "macro-economic dialogue" between the social partners, national governments, the Commission and the European Central Bank (Navarro, 2003)

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[2] This can be found in a note from the Portuguese Presidency dated 14 June 2000, document 9088/00. See also Rodriguez, 2001.

[3] Cf. for example Mark Leonard, *Networking Europe* (London: Foreign Policy Centre, 1999), 38-41.

Raising the flexible methods of its forerunners to theory, it proposed to extend them to a series of new areas: the information society, research, company policy, social policy, and education. Subsequently, the struggle against exclusion (Nice, December 2000), social protection (Stockholm, March 2001) and the environment (Göteborg, June 2001) were added to the list of areas in which the OMC should be used.

Since Lisbon, the open method of coordination has become a central element in the debate on the renewal of integration techniques. This may explain why it is often looked at in a dogmatic fashion. The approach in question is at the heart of the current debate over reforming EU policies; it is seen as a necessary modernisation of the patterns of European policy-making by some, and as the Trojan Horse of inter-governmentalism by others.

Each of the above interpretations may claim part of the truth. Although the OMC seeks less uniform objectives than legislative harmonisation, which is often regarded as the European policy instrument *par excellence*, it nonetheless allows the Union to intervene in areas such as employment, social protection and budgetary policy that were considered not so long ago as the reserved turf of the member states.

The proliferation of the open coordination processes and their sanctioning by the Lisbon strategy raises numerous questions. How can we explain the vogue being enjoyed by these complex mechanisms? Despite the apparent similarities between these processes, do they all pursue the same kind of objectives? Can we really talk about a single method, whose objectives and parameters for success and failure would be identical no matter the area to which they are applied, as the Lisbon conclusions would suggest? Is the OMC a new government paradigm (Magnette & Remacle, 2000), a radical alternative to the traditional Community method, or simply an attempt at allowing the EU to act in new policy areas? Is its efficiency likely to be the same in all the areas in which is is currently applied? Will it alter the balance of power between the EU and the Member States, or among the EU institutions?

While it is still too early to draw up a final balance sheet, the aim of this article is to identify the key players and the dynamics at work in the various coordination processes, and to analyze some of the problems that have emerged in the first years of operation of the OMC. In conclusion, we will also try to give some interim conclusions as to its potential impact in a number of key areas.

2. The politics of Institutional Mimicry

How can we explain the chain that runs from the Maastricht convergence criteria to the Lisbon process, by way of the Stability Pact and the European Employment Strategy? Why a systematic reliance on similar procedures?

As it happens, it is less about discovering who is responsible for these innovations and more about understanding the reasons that could have encouraged their dissemination. Whatever the importance of the initiatives of the Portuguese Presidency in the months leading up to the Lisbon summit or of the Commission's work on the usefulness of benchmarking (Commission, 1996, 1997), it is likely that these efforts would not have had the same impact if the European government had not had to confront a certain number of constraints.

The open coordination procedures have enabled the European Union (EU) to penetrate in areas where the Treaties do not envisage common policies, as they are largely considered the preserve of the member states. Employment and social protection are crucial policy sectors for all governments, as are those touching economic structures, be it industrial policy or public services. As far as the tax system and budgetary policy are concerned, they directly influence the governments' margin for manoeuvre. Any political majority knows that its capacity to remain in power can depend on the mastering of these instruments and, therefore, will not easily give up control. One must ask, therefore, why a common discipline, as slight as it is, has been accepted under these circumstances. There are various reasons.

Monetary union has clearly acted as a catalyst in several areas (Begg et al, 2001). The existence of a single currency has imposed the need to coordinate macro-economic policies. Due to the Stability Pact, the Eurozone countries' margin for manoeuvre has been reduced; for example, they no longer enjoy the opportunity to fight unemployment by means of a wide-spread hiring policy in the public sector or to finance the social security deficit without limits. The long-term viability of social protection systems has become a major concern in several European countries. The threats resulting from intensifying fiscal competition in an integrated European market and from a global economy have gradually imposed the necessity of reforms (Vandenbroucke, 2001). The fear of a "race to the bottom" in the area of social protection has encouraged the introduction of mechanisms aimed at ensuring a minimum of co-ordination between European countries (Larsson, 2001).

The reasons used to justify the search for minimum convergence are of two types: the existence of challenges common to all European countries – unemployment, an ageing population – and the negative impact of unbridled competition between member states. Resorting to flexible coordination schemes, therefore, appeared as a compromise between a desire for common action, on the one hand, and the governments' desire to maintain some degree of control over tools they considered essential for their political future, on the other.

The symbolic value of the Lisbon strategy should also be underlined. After having invested much political capital in monetary unification, it was important for the left of centre governments (which were in the majority during the second half of the 1990s) to display their commitment to social issues. In this context, it was obviously tempting to develop a method which would borrow its vocabulary and its instruments from the EMU (common objectives, criteria, peer control), without however resorting to the threat of exclusion that turned Maastricht into a rigorous framework (Jabko, 2003). What better way to suggest the equal importance attached to economic and social issues? This concern for balance, highly influential at the time of negotiating the Amsterdam Treaty and resulting in the adoption of the chapter on employment, ultimately led the designers of the OMC to come up with the idea of a special European Council meeting to be held in the spring. The meeting was to balance the growing influence of the Council of Economic and Financial Ministers (ECOFIN) and to ensure equilibrium between the social and economic activities of the European Union.[4]

The choice of public policy instrument often reveals the underlying concerns. The vocabulary of the OMC is full of references to the market. Management by objectives, self-evaluation, peer control, and preference to forms of flexible regulation feature prominently in the repertoire of *New Public Management*. Highly influential in Anglo-Saxon countries and international institutions such as the IMF and the World Bank, this school of thought endeavours to promote the use of techniques borrowed from corporate management among public authorities. The message is therefore clear: Europe is certainly going to "play a social role", but without taking the harmonisation path. The OMC thus belongs to a series of new policy instruments attempting to do away with the legislative approach that had characterised the internal market program (Héritier, 2001). The objective is 'more

[4] Cf. *infra*, section 5.3.

Europe', but also a different Europe. References to the market are also important in the objectives of the employment strategy and in the debate over pension system reform (Goetschy, 2002). With regard to the whole social section of the OMC, the search for efficiency seems to prevail over the desire for redistribution, a fact which has undoubtedly facilitated Europe's a priori unexpected intervention in key areas of national sovereignty.

3. Convergence or Reform?

Despite the similarities, both symbolic and substantial, that may exist between the various coordination processes set up within the framework of the OMC and the desire displayed in Lisbon to merge the different processes into a standard mould, there are important differences among the various policy sectors.

First of all, the binding character of the processes is eminently variable. Although economic policy coordination and employment policy are based on EU Treaty provisions, in the areas of social protection, social inclusion, environment, research or education, coordination processes emerge from conclusions of the European Council. Of course, the discrepancy might be purely formal. Yet, a detailed study of the relevant texts shows that the degree of centralisation of the procedures varies considerably.

With respect to economic policy coordination, the Treaty itemizes a number of fundamental principles (beginning with a prohibition of excessive deficits) and sets up multilateral surveillance mechanisms, in which certain key elements of the Community method can be found (Commission initiatives, although only in the form of recommendations; qualified majority decision-making in the Council). Sanctions are even envisaged in the case of budgetary discipline violations. In contrast, the role of the common institutions appears to be more eclipsed in the field of employment policy, as the relevant Treaty provisions underline that it falls primarily under member states' jurisdiction. Although the virtues of cooperation are stressed, binding decisions are not contemplated (Goetschy, 1998). The same is true for policies against poverty and exclusion, where Community action is aimed at identifying best practices and innovative techniques on the basis of national action plans (de la Porte & Pochet, 2001; Pochet, 2003). The objectives seem to be even vaguer in the field of education: the Education Council has been invited to undertake "a general reflection on the concrete future objectives of educational systems…. while respecting national diversity" (European Council: paragraph 27).

Prudence is likewise important in the area of pensions,[5] a field in which reform attempts have prompted the fall of more than one government, as former French Prime Minister Michel Rocard once underlined. Hence, actions at the European level display great caution. To quote the Belgian Minister of Social Affairs and Pensions, Frank Vandenbroucke (2001: 61), "open coordination is a sort of cookery book that contains various recipes, some of which are less rich and others are more lavish."

The variety of methods is in part due to substantial differences among the policy areas concerned. The convergence process for fiscal policies established at Maastricht, which acted as the reference model for the OMC, rested on a strong convergence of views within the relevant "policy community". The German monetarist model ended up imposing itself throughout Europe – and even beyond. There was a wide consensus regarding the need for stable prices and balanced budgets, and it was agreed that an independent central bank was the best way to achieve the first of these objectives. Very few discordant voices dared criticize what was defined as a sort of *pensée unique* ("single thought") – an expression which is quite telling in regard to the balance of power between the orthodox line of thought and the dissidents' views. This strong cognitive base (Radaelli, 2000; Padoa-Schioppa, 1994), together with the presence of a hegemonic player, the *Bundesbank*, capable of making its views prevail throughout Europe (Moravcsik, 2000), contributed to the establishment of a fairly rigid framework. This framework consisted of: "constitutional" recognition – by the EC Treaty – of the objective (price stability); quantitative convergence criteria (the famous "Maastricht criteria"); and monitoring mechanisms, the credibility of which was enhanced by both the threat of sanctions and the very possibility of deviant countries not being allowed to join the 'Eurozone club' (Jabko, 2003).

However, beyond the budgetary stability criteria defined in the Treaty and confirmed in the ensuing Stability Pact, this "hard" model was somewhat toned down and the qualitative objectives became more blurred (Navarro, 2003). Moreover, the multilateral monitoring procedures created the risk of a conflict of interests among the members of the Economic and Financial Council, the body responsible for direction and control. Being both judges and players, the members can be tempted to close their eyes to signs of deviance, lest they themselves be exposed to their peers' pressure the day their own fiscal policies are investigated. The February 2002 discussion on the evolution of Portuguese and German public finances displayed evidence of the Finance ministers' unwillingness to be too strict

[5] Cf. Philippe Pochet's analysis in chapter 5.

in their evaluation of their colleagues' situation. The Commission's recommendation to issue a formal warning to the two governments was not followed (Navarro, 2002). Lastly, no effective sanctions are foreseen when national deviations do not result in excessive deficits; for example, the reprimands sent to the Irish Government in the spring of 2001 went unheeded.

Despite these ambiguities, it would be wrong to believe that multilateral control has been reduced to a mere ritual, as the monetary union has created a true community of fate between the members of the Eurozone. The decisions of a single government may have a direct impact on the well-being of all the Eurozone countries. They can affect the general level of inflation and force the Central Bank to take restrictive measures regarding interest rates. Furthermore, a blatant breach of collective discipline would, by nature, discredit the guidelines defined in common, and might even affect the stability of the single currency. This interdependence naturally encourages member states not to be too lax in the control they exert over their partners. This explains the subtle outcome of the debate on the German budget in 2002. On the one hand, the ECOFIN Council's decision not to follow the Commission's strict line was only reached after the Government in Berlin had undertaken a number of initiatives aimed at reassuring its partners and demonstrating its determination to avoid any risk of an excessive deficit.

In contrast, incentives for convergence are far fewer in the framework of employment policy. At the time the Luxembourg process was set up, the national governments were aware they were all facing a similar challenge (i.e. rising unemployment). Nevertheless, their points of view did not coincide in regard to the EU response to be adopted: not only did the nature and extent of the problems vary considerably from one country to another, but so too did the national traditions relating to employment issues. There was neither a dominant model nor a hegemonic player likely to influence the choice of its partners (Browne, 2003; Trubek & Mosher, 2001). Even the developers of the Luxembourg process were reluctant to talk about a European employment market, as the employment situation is very different from one country to another, or even from one region to another (Larsson, 2001: 50).

Moreover, the degree of interdependence between the European states is far more tenuous at this level than at the economic one: if one state did not manage to achieve the employment rate objective laid down in Lisbon, for example, this failure would not directly threaten the fate of its partners. Under these conditions, it is natural to leave the governments a certain degree of latitude regarding the choice of means that would allow them to achieve the common objectives. The coexistence of different national models is accepted. The primary goal of European-wide cooperation is, therefore, to draw up common objectives and to identify best practices, likely to be imitated by others. In other words, the central aim of coordination is to encourage national reforms. Convergence is seen as a side-effect of the application of jointly defined reform policies, rather than as an end in itself (Biagi, 2000: 159).

The same statement could be made about social protection. Given the considerably different conceptions of the welfare state co-existing in Europe, it is difficult to agree on precise objectives and the best way to achieve them (Ferrera, Hemerijck & Rhodes, 2000). With respect to tax issues, the ambitions are even more limited. Far from seeking hypothetical convergences, the cooperation plan introduced in the area of corporate taxation simply endeavours to regulate competition, without questioning the principle, by eliminating practices that could harm other member states. Therefore, the tax "package" adopted in Nice in December 2000 attempts to ensure a minimum compatibility between the different systems (Commission, 2001: 6) by means of a disparate framework composed of a directive, a (non-binding) "code of conduct" and mutual control mechanism, which is similar in many ways to the open method of coordination (Radaelli, 2003).

In all of these areas, marked by strong national traditions and, at times, divergent priorities, agreements on formulas meeting the expectations of all participants cannot easily be found. The unifying rhetoric adopted by the Lisbon European Council should not be taken literally. Apart from economic policy, where convergence is imperative, most coordination processes are aimed at initiating or facilitating reforms to be conducted *at the national level*. Nevertheless, this does not imply that they are without any added value. On the contrary, the OMC may act as a catalyst for integration at more than one level, particularly in sectors where multiple vetoes make reforms politically costly, as will now be seen.

4. The Dynamics of Network Coordination

Despite their diversity, open coordination processes have been inspired by the same logic. Emphasis is placed on developing common interpretations of situations, common values and techniques, through an iterative learning process. Discussions about common objectives and the analysis of national policies are expected to lead to a mutual sharing of knowledge.[6] This supposes a long-term endeavour within the relevant policy communities. Therefore, a steering role has been entrusted to a top-level committee of experts in each of the sectors in question: the Economic Policy Committee, the Employment Committee, the Social Protection Committee, etc. These bodies are supposed to actively contribute to the formation of a 'community of views', and at times, even a 'community of action', in their respective sectors. The presence of top-level experts on these committees naturally reinforces mutual knowledge and trust between national policy-makers.

This form of networking is certainly not new in Europe (Dehousse, 1997). Most EU policies rest on preliminary efforts to "harmonise" the views of national policy-makers. However, in traditional Community policies, the importance of these forms of cognitive convergence is to some extent hidden by the adoption of common rules, occasionally giving the impression of a top-down policy-making process. Moreover, it may be convenient at times for national politicians to present decisions as coming from "Brussels", even though they are compromises worked out by national experts, merely rubber-stamped by the European institutions. The role of networks of experts is more evident in the OMC, given the absence of binding decisions.

The notion of networking, which stresses horizontal (i.e. lacking a hierarchical nature) relationships among the main players, highlights one of the main characteristics of the OMC: the absence of a hegemonic player endowed with a formal authority. Some of the networks are more structured than others; the European employment strategy, for example, has led to the adoption of guidelines defining a number of common objectives. In contrast, the OMC's primary objectives appear more modest for anti-exclusion policies and even more so for pensions: to provide national authorities with tools they can use for the implementation of necessary reforms (de la Porte, 2001; Pochet, 2003). In these last two areas, the Community institutions have not been granted the power to make individual recommendations to the member states. Even the seemingly more "centralized" Employment Strategy has been shaped by national approaches. Indeed, it has been described as a mix of Third Way themes, such as flexibility and employability, and traditional social-democratic concerns, such as including women in the workforce and the role of the social partners (Trubek & Mosher, 2001: 13-14).

[6] Cf. Trubek and Mosher, 2001 and Visser and Hemerijck, 2001 for an in-depth analysis of these learning mechanisms.

What changes from one area to the other is less the process dynamics, which remain horizontal (*bottom-bottom*) rather than vertical (*top-down*) in nature, and more the degree of development of the relevant policy community at European level. At the time the employment policy was launched, there was no shortage of precise data, and national governments felt a degree of cooperation was necessary to face this seemingly common challenge. As a result, it was possible to agree on a number of priorities at a European level. The evidence suggests that similar conditions do not (yet?) exist in regard to action against social exclusion. The very concept of exclusion does not hold weight in all countries, and the data on poverty remain scarce and difficult to compare (Pochet, 2003). Obviously, in this context, defining the basis for common action remains a difficult task.

The pluralistic and decentralised nature of open cooperation procedures does not inevitably condemn the Commission, the pivot of “traditional” Community policies, to a secondary role in the OMC. True, the Commission does not enjoy the institutional prerogatives that have been its strength in other areas. However, the difference is not necessarily as great as a purely legal analysis of the situation could lead one to believe. On the one hand, even in ordinary legislative procedures, Commission initiatives are strongly conditioned by national positions. On the other hand, the search for cognitive convergence, which is at the heart of the OMC, involves tasks the Commission is better able to accomplish than any other institution, such as the monitoring of national action plans or the preparation of reports on the situation at European level, which are key elements in a process of knowledge accumulation. The Commission’s central place in the Community machinery makes it a reference point that cannot often be overlooked, particularly in fields with weakly structured trans-national networks.

The experience of local employment initiatives has shown that the Commission can also play an important role disseminating innovations (Jouen, 2000, 2001), by supplying the players with technical “tools boxes” or financial support through the structural funds. Furthermore, in policy areas where member states’ interests are in competition (such as the economic reforms central to the Cardiff process), the presence of a neutral umpire is essential to prevent mistrust between national authorities from impeding reform attempts.

The possibilities for the Commission to play a meaningful role in the OMC are manifold. However, it must learn to play its cards differently than it does in the context of common policies. Its importance in open coordination processes directly depends on its capacity to make the values and language of a policy community its own, as well as on its ability to influence the choice of the criteria for success and failure. By adopting this seemingly more modest posture, the Commission appears to have slowly increased its influence over employment issues (Trubek and Mosher, 2001: 11). Rather than forcefully claiming a leading role in sensitive policy areas, which no member state seems prepared to grant it, the Commission should try to establish its credibility in the eyes of experts. In other words, due to the fact that the Commission lacks the formal leadership role it has in the Community method, it must strive to acquire informal influence (Jabko, 2001), based on technical expertise and its knowledge of policy issues.

5. Integration without the Law?

The absence of legal constraints indisputably represents another essential aspect of the open method of coordination. The diversity of national traditions in the policy sectors in question and the desire to preserve member states' autonomy explain the preference given to this "soft" approach. It breaks with Community tradition, as the existence binding rules coupled with strong enforcement mechanisms has often been a key element in EU policies. This partly explains the scepticism with which the OMC has been welcomed in European circles. What credit can one give to policies devoid of enforcement mechanisms, given that ensuring the implementation of binding decisions is already an arduous task? European Commissioner Michel Barnier echoes more fundamental fears in his criticism of the mushrooming of "soft law rules, prepared outside any democratic process and devoid of public sanction." The law, as the base of the European social model, provides citizens with more efficient guarantees that any "soft" alternative, he stresses. "By depriving the people who have need of them of real guarantees, soft law only protects the strong – and democracy does not do well out of it."[7]

Indeed, the relative fragility of the control mechanisms established in the OMC framework is striking. Only the Treaty provisions relating to economic coordination and employment policy explicitly envisage the possibility of the Commission proposing to the Council the adoption of recommendations relating to individual member states. An analysis of the recommendations adopted within the framework of employment policy suggests that this instrument may be used by the Council to point out the good pupils and the laggards (de la Porte & Pochet, 2001: 9). Yet, experience has also revealed the limits inherent in this type of control. On

[7] "L'Europe n'aura pas le droit mou", *Libération,* 23 April 2001.

the one hand, the member states' representatives have the opportunity to tone down the Commission's criticisms during the discussions of the committees of experts (e.g. the Economic Policy Committee or the Employment Committee). Before the Helsinki European Council, national representatives even criticised the Commission evaluations of national employment policies, describing them as too "intrusive" (Browne, 2003). On the other hand, the reaction of the Irish authorities to the reprimands of early 2001 made it clear that nothing can force an "offending" state to accept such recommendations. Expressing their disagreement with the arguments presented by the Commission (and repeated by the Council), the Irish government calmly implemented the budget its peers had criticized (Navarro, 2003).

Should we then conclude that the complex OMC machinery is incapable of decisively influencing the choices of national governments? This would be going too far. Even in the current "soft" version, the coordination processes can in fact constitute a source of external constraints for the national authorities.

Some of these constraints are procedural; the establishment of *ad hoc* bodies or cooperation mechanisms at the European level encourages governments to acquire the tools necessary to participate in joint efforts, including gathering statistical data, defining objectives, and creating schedules for national action. The participation of experts in specialized networks tends to appeal to their professional qualities. Their influence in a network is generally dependent on their ability to display a degree of knowledge and the technical skills recognized in their sphere of competence. Possible "breaches" in the common discipline strongly risk weakening their credibility (Eichener, 1992; Majone, 1997). The desire not to lower themselves in the eyes of their counterparts from the other member states can also lead policy-makers to pay more attention to the quality of their performance.

Moreover, the establishment of (new) administrative procedures to prepare national action plans may alter the balance of power within the traditional administrative structures, e.g. by imposing a minimum of inter-ministerial coordination. The coordination bodies can take advantage of the European procedures to enhance their influence, by attracting the attention of political leaders to their priorities and projects, as has been the case with the implementation of the European employment strategy (Palier, 2002). The OMC may also force governments to be conscious of new approaches and instruments. Thus, some governments became aware of the concept of social exclusion at the same time as it gained recognition at the European level.

Secondly, open coordination processes can result in political constraints. Some actors can use the European constraints as a lever to promote their domestic reform agenda (Begg et al, 2001). In this case, as in many others, the dynamics of the relationships between EU-member states are better understood if one goes beyond the traditional vision, in which states are regarded as monoliths acting in a unitary fashion on the European scene. Any public policy debate finds the supporters of the status quo coming up against the supporters of change. For the latter group, best practices inspired by success stories – such as post-World War II German monetary policy and the Dutch *polder model* for employment policy – can constitute real gold mines of resources. They provide both a rationale for the questioning of certain taboos and models of instruments necessary for new actions.

Change can also be legitimised by the modernising image attached to European integration in several countries. In Italy, for example, supporters of reducing the public deficits have repeatedly invoked the idea "European constraint". In France, the European Employment Strategy has questioned the so-called "social treatment of unemployment", i.e. the use of early retirement as an alternative to unemployment, because it weakens the ratio between the working population and the pensioners. More generally, the European Employment Strategy has brought forth new arguments in support of an "activation policy", encouraging people to return to work. Naturally, this "windfall effect" will be all the more important for countries far from the dominant European model. By definition, the added value of European coordination mechanisms will be more limited for those countries already close to the established objectives.[8]

Thirdly, the central role in the OMC of the notion of management by objectives may confine member states to a specific logic, from which it could be difficult to escape. Quantitative indicators can be good yardsticks enabling a large audience to monitor the evolution of a policy. For the want of sufficient progress, a government may be forced to dedicate supplementary resources – be it funds or human resources – to the policy in question, in order to preserve its credibility. For example, by accepting the objective of a female employment rate of 60 per cent by 2010, southern European countries, which are well below this level, are required to notably increase the resources they devote to this aspect of employment policy. Under such circumstances, one can therefore understand the initial reluctance of some governments to define quantitative indicators with regard to employment

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[8] This may explain the limited impact of the European employment of strategy in Denmark and Sweden (Browne, 2003). This is close to the notion of *"goodness of fit"* used by Caporaso, Green Cowles and Risse (2001).

(Trubek & Mosher, 2001: 16) or anti-exclusion policies, and their close scrutiny of the work the experts in charge of defining the indicators in question (Pochet, 2003).

A fourth constraint for national governments can be found in the time management aspect of the OMC. The time horizon set for most objectives – ten years – is clearly longer than the average term of the governments and political majorities. Following the precedent set at Maastricht with inclusion of the objective of price stability in the Treaty, national governments have committed themselves to the long term, shackling their own hands and removing a certain number of choices from the electoral sparring matches. No matter the election result, the winner will see its margin for manoeuvre reduced, due to the choices made in the framework of the coordination procedures. True, most of these decisions are not legally binding. Yet, very few governments will be able to risk challenging the best practices defined in common at the European level without damaging their credibility. [9] Moreover, it will be difficult for them to persuade public opinion as to the reasons why they do not consider themselves bound by the objectives established in sensitive areas such as employment or the fight against exclusion.

The time horizon aspect is all the more important as reforms often take years to produce results. Furthermore, their results are often uncertain, particularly for complex and tangled issues, such as social protection or public finances. A government facing an uncertain or limited time frame will not be tempted to embark on major projects (Visser & Hemerick , 2001: 14; Olsen & Peters, 1996). Thus, action at the European level, even if it is only slightly restricting on a formal plane, can play a determining role in national policy-making, by encouraging successive governments to maintain the course of the reforms.

[9] The polemics caused in France in 2002 by European statistics placing the country in twelfth place among European Countries in terms of GDP per inhabitant is totally revealing.

6. Potential and Limits of the OMC

It would be premature to aspire to a final judgement on the open method of coordination. The main stakes are at the national level, and it is too soon to carry out a systematic analysis of the method's impact over recent years. Nevertheless, some coordination processes – the coordination of economic or employment policies– have been around long enough for us to have an idea of their strengths and weaknesses. Furthermore, several types of problems have already appeared in the new policy areas included in Lisbon. Analysis of the problems shows, first, that the instruments of the OMC are not always adapted to the defined objective, and secondly, the coordination between the different parts of the process can be laborious. Lastly, work must be done to increase the legitimacy of decision-making within this framework.

6.1. The Limits of Convergence

The OMC is no more a panacea than any other policy instrument. Its contribution may be valuable in policy areas where reforms can be facilitated by sharing knowledge, examining techniques successfully used in other countries, encouraging a better structuring of national actions, etc. Yet there are limits to such lesson-drawing exercizes. Success stories are often the product of a combination of factors. If the best practices are detached from their context and applied mechanically, they risk not producing the expected results (Radaelli, 2002a, Rose 2002).

More importantly, will the OMC's soft mechanisms be sufficient in areas where convergence between national policies is regarded as imperative? The answer is undoubtedly no, as one can see from the experience in the area of economic policy. Even though monetary union makes it necessary for Eurozone countries to closely coordinate their policies, these member states have not been able to outline a common policy going beyond the rules of budgetary orthodoxy contained in the Stability Pact. The sale of Universal Mobile Telecommunications System (UMTS) licences and the reactions to the leap in oil prices in autumn 2000 took place without any real attempt to harmonise the member states' points of view (Navarro, 2001, 2003). Likewise, the German and Irish episodes mentioned above demonstrate the limits of peer control on non-standard practices. The temptation not to embarrass a colleague is often strong. Furthermore, the Irish episode has shown as long as a country respects the deficit criteria outlined in the Stability Pact, it can ignore the reprimands of the Council, as the latter is devoid of the power of sanction in such cases.

Obviously, these structural weaknesses do not encourage confidence in the single currency. There is a gap between the existence of a common interest (recognised by the Treaty) and the structures established to ensure its defence. In a more general fashion, one could argue that in those areas where convergence is indispensable, the decentralised procedures of the OMC, which are fundamentally based on the good will of the participants, are too weak to guarantee efficient policy coordination. The same is true when the member states are in a situation of competition or when the political orientations of their governments are too different, as is shown the slow progress in taxation policy or in the structural reforms conducted in framework of the Cardiff process .

6.2. Coordinating Coordination

As has been seen, the OMC hinges on strong sector logic. It implies the development of a community of views among experts and policy-makers. Knowledge-pooling is supposed to facilitate a gradual learning process, leading in the long run to forms of cognitive convergence, and possibly to policy transfers. This logic raises several types of coordination problems.

First, even within a relatively homogenous policy community, it would be wrong to expect gradual convergence to simply spring out of the experts' discussions. Once broad policy directions have been defined at the highest level, the tasks of stimulating joint work and regularly analysing the lessons learned must be delegated, in order to ensure the gradual development of a common body of knowledge, particularly in those policy sectors with strongly contrasting national traditions. In fields such as economic policy or employment, this role has been expressly entrusted to the Commission. However, the latter does not enjoy the same authority in the OMC as it does in "ordinary" Community policies. It will only be able to wield influence in a specific policy sector by adopting the concerns and language of experts (Muller & Surel, 1998: 51-53).[10] Moreover, it has sometimes had to incur the member states' wrath, as they do not always accept being told what to do. The risk is that these forms of resistance will lead to the Commission to censure itself, which can only harm the quality of the collective work.

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[10] The systematic references to the Stability Pact in the speeches of Pedro Solbes, the European Commissioner in charge of monetary affairs, can be interpreted in this sense.

Secondly, the method defined in Lisbon endeavours to ensure an overall coherence between the numerous coordination processes established over recent years, by attributing “a leading role in the area of orientation and coordination” to the European Council. The heads of state and government are to meet each year in the spring to examine the progress made and define the new general guidelines for social and economic integration (Lisbon European Council: paragraphs 7 and 36). Although this seems consistent with the European Council’s role as defined in the Treaties, this search for coherence is a source of difficulties at several levels.

In a nutshell, there is a tension between the logic of peer cooperation, on which the OMC is based, and the desire stated in Lisbon to entrust the European Council with a centralized steering role. As previously has been exemplified, the dynamics of OMC are essentially based on voluntary cooperation, with the specific concerns of each policy community and the professional pride of the participants playing driving roles. In this framework, any attempt at outside control strongly risks being perceived as an illegitimate interference. In order to overcome this contradiction, actors in charge of ensuring coordination may be tempted to take a neutral approach, by endorsing the orientations that have emerged in each policy area. This appears to have been the Commission’s choice, as its synthesis reports to the Stockholm and Barcelona European Council meetings read like long catalogues of would-be “priorities” (Commission, 2001, 2002).

Furthermore, the idea of entrusting the European Council with a general coordination role is not feasible. Attributing an (executive) monitoring role to the heads of state and government is undeniably in line with recent trends, marked by increasing the power of the European Council within the EU political system. However, the heads of the national executives are by necessity “generalists” and are not automatically the best at guiding processes often dominated by technical concerns. As such, the temptation to ratify the conclusions of the specialised Councils of Ministers is naturally very strong. This was clear in Stockholm, as the European Council granted as much time to the crisis in Macedonia as to the progress of the Lisbon process (Agence Europe). It would probably be more judicious to give the European Council a task more in line with the interests and authority of its members – to define the policy objectives and settle conflicts not resolvable at a lower level – rather than overloading it with technical files that risk only receiving a cursory glance.

6.3. The Balance Between Economic and Social Objectives

One of the aims of the Lisbon process was to ensure a balance between the economic and social aspects of EU activities. It was considered useful that the different formations of the Council be associated with the preparation of broad economic policy guidelines, which up until that time had been formulated by the ECOFIN Council (Lisbon European Council: paragraph 35). The balance between economic and social policies was also the main *raison d'être* of what could be considered the "coordination of coordinations". With each coordination process evolving according to its own dynamics, it was necessary to oversee the evolution of all the policies in question. The spring European Council meeting was to play a central role in this; it was to ensure harmonious progress towards the Lisbon objectives. However, it has until now demonstrated a poor capacity for coordination and has proved to be a source of difficulties in several respects.

First, the logic of specialization that is so pervasive in the OMC is far from guaranteeing a regular progression in all areas. On the contrary, the situation varies considerably from one field to another. In certain sectors, the traditions of cooperation are well established and clear convergence can be seen, both at the level of the analysis and that of the objectives; in other areas, the search continues for a common lexicon and reliable statistical tools.

This type of situation may lead to imbalances between the policy sectors. As a rule, issue cutting across several policy areas will be dominated by the most homogenous community of experts. Being prime movers, they will find it easier to set the agenda and influence the policy decisions that will follow. In the case of pensions, for instance, the Economic Policy Committee mobilised itself more rapidly than the Social Protection Committee, thus allowing it to emphasize the budgetary aspects of pension system reform, with little consideration for social objectives (Pochet, 2003). A similar situation existed within the Commission: the Directorate Generals (DGs) in charge of finance and competition called for pension reform before the DG for employment and social affairs was able to mobilise itself (Begg et al, 2001: 36).

In general, the players active in budgetary and economic matters appear to benefit from a clear competitive advantage in comparison to their colleagues in the social sector. Not only do they enjoy the right to intervene in all policy areas – no policy is deprived of budgetary or economic dimensions – but they are also able to rely on a consolidated register, of which some key elements, such as budgetary stability, are explicitly recognised in the Treaties. By default, they can therefore offer a solution to any coordination problem; in the absence of a clear alternative, it is natural to turn towards them. During the Stockholm European Council, for example, the General Affairs Council showed little interest with regard to the questions tackled within the framework of the Lisbon process, and contrary to the Treaty provisions, it was the Economic and Finance ministers who assisted the heads of state and government.[11] This was an irony of fate; the spring summit, which was originally designed to increase the status of social questions, had instead ended up strengthening the influence of the ECOFIN Council.

6.4. The Legitimacy of Open Coordination Processes

The establishment of the OMC was essentially motivated by considerations of efficiency; it facilitated the launch of reform strategies in a series of areas by developing networks of cooperation among national policy-makers. The legitimacy of decisions reached within this framework may therefore be problematic. Generally speaking, networks tend to resist any type of external control – be it hierarchical or democratic – insofar as this, by nature, upsets collective work. As a network of networks, the OMC tends to heighten this trend: management by objectives and procedural routines tend to remove decisions from electoral cycles (Ferrera, Hemerijck & Rhodes, 2000: 84).

This depoliticization of decision-making may have merit, in so much as it allows for reforms otherwise difficult in national systems paralyzed by the multiple vetoes of stakeholders. Nonetheless, in the eyes of the public, cooperation among experts within more or less obscure networks is not necessarily the best form of legitimacy. That is, of course, unless one believes it is the quality of the results achieved that will ensure the legitimacy of a given policy. Opportunities for debate are necessary, as are control mechanisms, particularly because the OMC tackles a large number of redistributive issues, traditionally legitimised by universal suffrage in democratic societies. Pension reforms, social protection, the struggle against exclusion and sustainable development are policy areas in which difficult choices are necessary. Experts' recommendations are not sufficient to establish legitimacy, as they involve values and interests necessarily falling within the political debate (Olsen & Peters, 1996: 33-34).

Questions about the role of the European Parliament are commonplace in reflections on the future of open coordination (see for example, Vandenbroucke, 2001: 62). The Commission has tackled this issue within the framework of a White

[11] Article 4 of the Treaty on European Union proposes that the Heads of State and Government be assisted "by the Ministers for Foreign Affairs."

Paper on European governance. The report deplored the weak position of the European Parliament, which is only marginally linked to the coordination of economic and employment policy, and encouraged it to adopt a pro-active strategy, adapted to the schedule and functioning of the OMC, in order to influence the work of the various committees and the spring European Council meetings (Commission, 2001: 26-27).

However, one still wonders if the level of analysis is the correct one. Much of the work taking place at the EU level is focused on what could be called the ‘cognitive level’ (construction of analysis schemes and definition of common objectives). The taking of “hard” decision-making is deliberately excluded by the decentralized architecture and “soft” nature of the OMC. National authorities claim a leading role in the OMC; it is at their level that decisions on concrete reform plans and on the allocation of financial resources are taken; they decide whether or not to follow the recommendations adopted at the European level. This is not to say that all decisions taken at the national level are in essence legitimate (Hodson & Maher, 2001), but rather that efforts to democratize the OMC should primarily focus, above on the national level. The limited Europeanization introduced by open coordination processes should not be used by national governments as justification for excluding public debate from important decision-making in the name of a vague European orthodoxy. Some of these processes already foresee the need to include the social partners in the preparation of national action plans. However, there is still much to be done to ensure public debate on the positioning of national authorities within the European coordination processes.

7. Conclusion: Making Sense of the Open Method of Coordination

The open method coordination was presented at the Lisbon European Council as a new instrument in the range of European policies. The innovations are manifold, in terms of both the objectives and the methods. Several elements suggest that one should proceed with caution when assessing the impact of these changes; hence the strong methodological component in these interim conclusions.

First of all, it is important to recognize the novelty factor is only relative. The preservation of national specificities has figured highly in European priorities since Maastricht, and it did not take until 2000 for policy makers to come to the conclusion that cognitive convergence is a prerequisite for most types of European action. Cooperation mechanisms had already been established in several policy sectors prior to the Lisbon European Council meeting. The Lisbon strategy mainly endeavoured to systemise the use of flexible forms of coordination and develop a single strategic objective for the future adjustment to new technologies.

Secondly, despite the fairly uniform framework laid down is Lisbon, the various areas covered within the OMC are relatively heterogeneous. The relevant policy communities are not all equally integrated at the European level, and the degree of convergence sought varies from one area to another. One must keep these differences in mind when assessing the impact of coordination processes on national policies.

Likewise, analysis of the OMC must take into account its special features. Neither its efficiency nor its legitimacy should be measured according to traditional EU policy parameters. The fact that the OMC upsets the traditional distribution of tasks among the European institutions and is based on a lighter legal framework than harmonisation decisions is not a problem in itself. What is important is to establish whether this will enable it to achieve positive results, or whether it will become a liability.

From this point of view, the potential of the new approach appears to be greater in those policy areas, in which Europe is expected to act as a catalyst for reform, but the ultimate responsibility for the political choices remains a national prerogative. Alternatively, in sectors where convergence is imperative, the "soft" character of the open coordination procedures is a clear weakness.

Fourthly, it remains to be seen whether the systematic aspect of the OMC will prove to be efficient. In fact, there seems to be tension between the "horizontal" logic that forms the basis of network cooperation and the willingness, shown in Lisbon, to ensure a balance between economic and social objectives. Policy coordination is one of the most obvious weaknesses of the European institutional structure, as its fragmentation makes the emergence of political projects involving several policy areas difficult. In theory, the Commission appears to be the best institution to foster the development of an overall political agenda. Thanks to its relative stability and involvement in all areas covered by the OMC, it could be the laboratory where such a synthesis is prepared. However, in order to do so, two conditions would need to be met: its internal coordination capacity must be reinforced and its credibility in the national capitals must be restored.

To conclude, the open method of coordination is not the radical alternative to the Community method some people hoped it would be and others seemed to fear. There are important analogies in the way both operate. Despite this, the objectives the two methods pursue are different: the OMC allows for the establishment of flexible forms of common action in policy areas where centralized decision-making is not possible, or even desirable. At the same time, it is doubtful that it could efficiently replace the more centralized Community method in sectors where uniformity is required . The background notes of the Portuguese Presidency in the run-up to Lisbon highlighted that the OMC had to be combined with other available methods, depending on the nature of the problems to be solved (Council of the European Union, 2000: 6). In some areas, this could even lead, in the long run, to the adoption of binding decisions. In other words, as with many policy reforms, the elements of continuity remain strong, despite the reformers' preference for emphasizing the elements of change.

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