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The European Commission as Time-Setter in EU Eastern Enlargement Policy[1]

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CONTENT

Abstract

The European Commission was a key player in EU Eastern enlargement policy and 'time' became one of its crucial resources. This article proves this point by approaching new empirical insights: It shows firstly, that 'time' was a central aspect of Enlargement policy. Secondly, examining the Commission's procedures it argues that policy time had a direct influence on institutional time. The temporal policy requirements were directly translated into the institution and thereby installed a tight internal 'grid' of temporal rules. This, thirdly, had a positive impact on effectiveness and efficiency in the Commission's internal work process, among other advantages. Fourthly, the tight internal 'grid' still allowed innovations and initiatives by officials in the Commission. And finally, time became a strong resource of power, enabling the Commission's Directorate General for Enlargement to become the time-setter intra-institutionally and empowering the Commission in its inter-institutional relations.

Key Words

EU Eastern enlargement; European Commission; Institutional time; Inter-institutional power relations; Policy time; Time-Setting

Introduction

'Time' has been a nearly neglected subject in political science so far. There are only some grounding works, mainly from the sociological perspective, placing politics in time (Riescher 1994, Pierson 2004) or dealing with time constraints in democracies (Linz 1998, Schedler / Santiso 1998). The analysis of institutions usually focuses on the categories of power, financial and staffing resources (Scott 2001, Peters 2005). This article makes an argument about the contribution of the category of 'time' for this analysis, assuming 'time' as a further crucial resource for institutions.

According to Goetz (2006) we distinguish two perspectives: 'Governing with time' as the instrumental aspect of time, and 'time to govern', the institutional aspect. While the first refers to how time can be a resource of power in the hands of actors, the second is concerned with temporal rules that constitute a part of the environment in which policies are made and executed. We primarily deal with the first perspective, which understands timing, sequence, speed and duration as key resources and constraints in public policy-making and in the use of 'temporal governing devices'.

The Eastern enlargement of the European Union (EU) is an example of 'governing with time'. It has been a "laboratory for temporal devices" (Goetz 2006: 11). From the signing of the Europe Agreements in the early 1990s until EU accession in 2004 and 2007, "basically all of the stages in the enlargement process were characterised by the definition of temporal locations, durations, sequences, rates of recurrence and the development of more or less sophisticated temporal governing devices." (Meyer-Sahling 2007: 18) The EU made extensive use of temporal instruments for general coordination as well as towards the candidate countries: the official date was only given very late to keep conditionality high; timetables indicated the involvement of various external actors; temporal rules defined efficient procedures and involvement of EU institutions; and there was a clear temporal sorting in the sequence of negotiations chapters to manage complexity and to mobilise actors in the candidate states. The institution introducing these temporal governing devices was the European Commission.

Following the reasoning of a relatively new branch of literature on the Commission we approach it from the organisational perspective. We analyse this institution as an organisation, which is a "composite of participants following rules governing activities and transactions to realize particular outputs" (Kiser / Ostrom 1982: 193). By focusing on intra-organisational procedures, this article is located in a field of literature that has so far dealt with, e.g. network patterns of Commission officials (Suvarierol 2008), bureaucratic changes (e.g. Coombes 1970, Nugent / Saurugger 2002, Balint / Bauer / Knill 2008) or administrative

reform (Egeberg 2002, Kassim 2004). We are therefore not regarding social norms, rules of behaviour or cultural aspects that could also be fruitful for analysis (see e.g. Hériter 2007, Cini 1996). Furthermore, we acknowledge the Commission's status as an actor (as has been done by e.g. Crombez 1996, Knuchel 2002, Schmidt 2004, Bellier 2004) when we deal with its relationships towards other EU institutions and member respectively candidate states.

The insight that the Commission significantly influences what happens in the EU is not new – though not uncontested (Cram 2001, Egeberg 2002). Especially the agenda setting phase offers most creative and substantial "[o]pportunities for the Commission to establish the parameters within which future discussion takes place (...)" (Cini 1996: 144). While the Commission holds the initiating role as one of its core functions in everyday policy-making (see e.g. Nugent 2001), it is somewhat surprising that this is also true for enlargement policy. According to the EU treaties the Commission should not have played an important role (see e.g. Treaty on European Union §49) because the accession of new members is supposed to be an intergovernmental undertaking with the Commission merely assisting the Council. Nevertheless, the Commission in practice established itself as the key institution on EU side, to which all other EU institutions and the candidate countries referred to (Avery / Cameron 1999: 31, Christoffersen 2007). This article elaborates how the resource 'time' contributed to the key role of the Commission in the Eastern enlargement process.

The second main question concerns the influence of the temporal structuring of Eastern enlargement policy on the time structure in the Commission, short: how policy time affects institutional time. The article asks: Does the temporal structure of a policy exert an impact on the policy-making institution? What are the effects a) internally, e.g. on the room for innovation in the policy, as well as b) externally, on the autonomy and weight of the institution in the power relations with other actors?

To approach these questions, the temporal setting of the policy is mapped in a first step. The main timeline and the temporal governing devices that the EU Commission used are introduced (*in II*). Afterwards, the impact of Eastern enlargement policy on the institution itself is analysed by focussing on structural and procedural adaptation within the institution (*in III*). Furthermore, the intra- and inter-institutional consequences of this impact for the EU Commission are examined (*in IV*) to finally sum up the findings on the interdependency of policies, institutions and time *in section V*.

I Why and how time matters in policies and institutions

During the course of the arguments in this article, 'time' changes its analytical status. At first, temporal characteristics, e.g. timing, sequence and duration, occur as part of Enlargement policy and thus constitute the first level of analysis: the policy time. The timeline of events of

Eastern enlargement policy as well as the policy time closely associated main temporal governing devices of the EU Commission constitute the environment of the analyses within this paper (*see II*). Both, the policy timeline and the temporal instruments had an influence on the time and rhythm of work in the Commission and thereby influenced the institutional time. Here the argument goes that the requirements of the policy demanded structural adaptation and imposed a 'temporal grid' on the institutions procedures: policy time affects institutional time, the second level of analysis (*in III*). This grid obliged the Commission to execute certain tasks in a certain sequence, with certain timing and certain speed. Time acts as restricting factor by constraining the institution in its ability to structure its own work process and has effects on the efficiency and effectiveness as well as on predictability and reliability but seemingly non on the organisational capacity for innovations and initiatives *(IV.1)*. On the other hand, the temporal grid also held advantages, both for the Commission and the other involved actors. The neat structuring of the internal processes led to predictability and reliability of the Commission and its policy.

The final level of analysis is time in inter-institutional relations, where time can constitute a resource of power. Here the focus is on the institutional time of the Commission and its impact on power relations; both within the Commission and towards the other EU institutions and member and candidate states (*see IV.2*). It's not a new insight that those who have the time of others at their disposal gain power (Riescher 1994: 228). Also Schmitter and Santiso argue, that "[d]ifferences in the availability and exploitability of time tend to benefit one side over another." (Schmitter / Santiso 1998: 73) By installing temporal rules and imposing them on the other involved actors, the Commission was able to be the time-setter and thereby became a central player in the enlargement process.

II The temporal structuring of EU eastern enlargement

Eastern enlargement policy is an evident example of 'governing with time' by EU institutions. Here, the use of 'time' was essential to reach progress in a complex and far-reaching policy. The Enlargement preparations were not only demanding for the countries urging to join, but also posed a real challenge to the EU itself (see e.g. Mayhew 1998, Grabbe / Hughes 1998, Avery / Cameron 1998, Sedelmeier 2000). At least, the Union had to manage the accession negotiations and a legal transfer with twelve candidate countries at the same time. This process took more than ten years between the association of the candidates the 1990s and their accession in 2004/2007, and was constantly accompanied by political quarrels and shifts in direction. These preconditions required a good-working answer by the involved EU institutions in terms of internal organisation, co-ordination with internal and external actors,

and the monitoring and steering of the process. To face this challenge, elaborated temporal governing devices became necessary.

As an introduction to 'governing with time' in Eastern enlargement policy, this section covers two aspects, that lay the ground for the following analysis. It provides (a) an overview on the timeline of events in Eastern enlargement policy and introduces (b) the main temporal governing devices used by the EU Commission, as a key actor on EU side, to structure the policy in terms of time. As will be shown in *section III,* this temporal structuring of the policy had a clear impact on institutional time in the Commission.

The overall timeline of EU Eastern enlargement comprised several milestones on the path to accession, which created the framework for institutional action (Goetz 2006: 10f.): the conclusion of 'Europe Agreements' with ten CEE countries and two Mediterranean ones in the early to mid-1990s; the development of a 'Pre-Accession' Strategy of the EU in 1993; applications for membership between 1990 and 1996; the development of a 'reinforced' Accession Strategy in 1997; the conclusion of 'Accession Partnerships'; the opening of accession negotiations with six candidates each in January 1998 and in February 2000; the conclusion of the negotiations in spring 2003; the signing of the Act of Accession in April 2003; and the accessions of ten countries in May 2004 and Rumania and Bulgaria in January 2007 (see also EU Commission 1997b, 1999, 2000).

In the course of this 'grand temporal structure' several conflicts on time-related issues arose. As Goetz states, "[t]he timing, sequence, speed and duration of these events was the result of intense conflict, bargaining and negotiations. Below the level of the 'milestones', issues such as the time and sequencing of the opening of negotiation chapters; timetables for the transposition of EU law; or the time and speed of domestic institutional and policy reforms (…) provided many opportunities for 'governing with time' on the part of the EU institutions and the prospective new members (...)" (Goetz 2006: 11).

For 'governing with time' in Enlargement policy, the EU Commission played a key role on EU side. While the European Council, the Council of Ministers and, to a lower degree, the European Parliament took the political decisions, the Commission was in charge of all technical preparations (see Cameron 1997, Avery 2007, Christoffersen 2007, Vassiliou 2007). It developed several temporal governing devices for the structuring, monitoring and steering of the policy and hence facilitated the decision-making of the political actors. These instruments comprised: the Medium Term Perspective; the Regular Progress Reports; the Road Map; no precision by the EU on an accession date; and Transition Periods for the implementation of the *acquis.*

The starting point for 'governing with time' and the basis for all following instruments was the 'Medium Term Perspective'. This was a first time frame for the period until accession, which the EU Commission introduced in its formal Opinions on EU membership of the candidate states in 1996 (published in 1997). The Opinions defined the year 2002 as technical working hypothesis for accession, following the conventional planning term of five years.

According to Avery (2007: 3), "this use of time had an important place in the development of the EU's approach to enlargement". The Perspective provided two main advantages. On the one hand, it offered a first temporal parameter for the Copenhagen criteria of 1993 to the Commission's internal services regarding the question: 'When will this country meet the criteria for joining the EU?' On the other hand, the Medium Term Perspective encouraged the candidate countries to plan their activities. It pushed them to "develop a realistic time-horizon until accession and to construct a calendar" (ibid.) for their preparations during the 'screening' phase in 1995/96. This planning in turn "obliged the national administrators and legislators to prepare for accession in a concrete way." (ibid.)

As a second instrument of 'governing with time' the EU Commission introduced the 'Regular Reports' on the progress of each candidate country in meeting the accession criteria. Annually updating the Opinions of the Commission on EU membership of 1997 and the Accession Partnerships, they assessed the candidate's achievements for the period of one year and laid the ground for the decisions of the European Council in December. Corresponding to the Copenhagen criteria, the Reports comprised three sections on the political and the economic conditions and on other obligations for membership including the administrative capacity for implementing the *acquis*. Besides that, the Reports listed explicit and implicit timetables for selected policies and their implementation (EU Commission 1999). The annual Regular Reports have been the most important instrument of the EU to identify its priorities and to monitor their implementation in the candidate states. According to Grabbe, the EU could influence the candidate's efforts by "soft implementation" means like the ranking of the applicants' overall progress, benchmarking in particular policy areas and best practice-examples. The Reports were a "key mechanism for this part of conditionality" (Grabbe 2002: 261), since they did not only stimulate a competition between the candidates but also influenced the political debates in the candidate states. Regarding the political criterion, "criticism of CEE governments made in EU reports are politically influential and can have a powerful impact on domestic debates about public policy and the government's performance" (ibid: 262). Especially opposition parties could tackle undemocratic government practices on the basis of the Reports (ibid). Although not all minorities were covered in the EU's monitoring (Hughes / Sasse 2003: 16), the annual character of the assessment across all candidates provided a sufficient frequency to reach political relevance.

The third temporal governing device for structuring EU Eastern enlargement in the phase of the accession negotiations was the 'Road Map' (feuille de route). In 2000, the EU had to react to the rising demands of the six candidate states in negotiations since 1998 that feared a delay of the negotiations after the decision of Helsinki to enlarge the group from six to twelve. Therefore, the EU Commission developed a detailed timetable for the completion of all remaining chapters, divided into three semesters, ending in summer 2002. Published in the Strategy Paper for the Council of Ministers in November 2000, this Road Map – as a new stage in the process – provided a "scenario with dates" (Avery 2007: 5) for the negotiations. According to Mayhew (2000) this was "the first real attempt to guide the negotiations towards a conclusion in a not too distant future".

The timetable was necessary at this point of time to prevail the speed of the negotiation process (see Inotai 2003: 89). The Road Map imposed "an essential discipline into the accession negotiations by committing the member states to agree on positions by given dates." (Avery 2007: 6) The Commission's Road Map forced the member states to complete the Common Positions for all of the remaining chapters during the three following Council Presidencies. Within the Commission itself, the map provided a timetable for the preparation of the Draft Common Positions (DCPs). As a further accelerating momentum, the map gave "a sense of 'ownership' to the successive Council Presidencies, making the road map their own agenda and motivating them to complete it by the end of their six-month period". (ibid.)

A further temporal tool can be described as 'no precision on an official accession date' by the EU until the last stages of the process, although continuously facing demands for a date from the candidates. Those often argued that a higher degree of certainty would make the implementation of difficult parts of the acquis and their policy-making considerably easier (Mayhew 2000: 45). The EU Commission, on the other side, was afraid that any date would weaken conditionality since "the authorities of an applicant country would normally relax, rather than reinforce, their efforts of preparation." (Avery 2007: 7) Time was here used by the superior side to maintain incentives, which enhanced the conditionality power of the EU (see Grabbe 1999, Schimmelfennig / Sedelmeier 2004).

This instrument, surprisingly, was challenged by the European Parliament, an institution normally kept away from the essential activities for enlargement (Avery 2007: 8). In the autumn of 2000 it called for the accession of the new members before the next Parliament's elections in June 2004. This date, once it was given, became such a strong commitment that the other EU institutions could not publicly withdraw. In January 2002, the Commission based its official proposal for the financial package for the accession negotiations on the hypothesis of 1st January 2004 (see EU Commission 2002). The Council tried to protract and

only in November 2002 officially agreed to the date of 2004, being aware that this commitment would diminish the EU's conditionality power. This assumption that proved right in the case of Bulgaria and Romania who received an early promise for accession in 2007, coupled with the "(ineffective) threat" to delay it to 2008 (Avery 2007: 8, see also Pridham 2006: 382 and Steunenberg / Dimitrova 2007), and maintained an enormous deficit in fulfilling the membership requirements.

The last kind of temporal instrument were Transition Periods, delaying the obligation for the new member states to apply the full EU *acquis* . They were individually negotiated by the EU Commission with each candidate for some difficult policy areas (see Homeyer / Carius / Baer 2000: 349f.) and included a timetable for the implementation. The Periods were crucial to allow EU accession on the politically chosen target date of 2004 for ten of the candidates and to bind and control the new members afterwards. On the other hand, one might criticize that the temporary derogations to individual legal acts provided "only some flexibility over the timing of the implementation" of the EU acquis for "a limited number of acts" (Pridham 2006: 391, see also Mayhew 2000: 48)

As this overview shows, the temporal governing devices have been a popular and successful means of Enlargement policy. They enabled the EU Commission, as the institution in charge of all technical preparations, to structure, monitor and control progress and, furthermore, to maintain the conditionality power of the EU. As *Chart 1* illustrates, the Commission installed more temporal instruments over time to successfully meet the demands of the other political actors and to synchronise with the policy timeline. Thus, the use of 'time' played a crucial role for the policy.

Chart 1   Temporal governing devices of the EU for Eastern enlargement:
Invention and use over time (own composition)
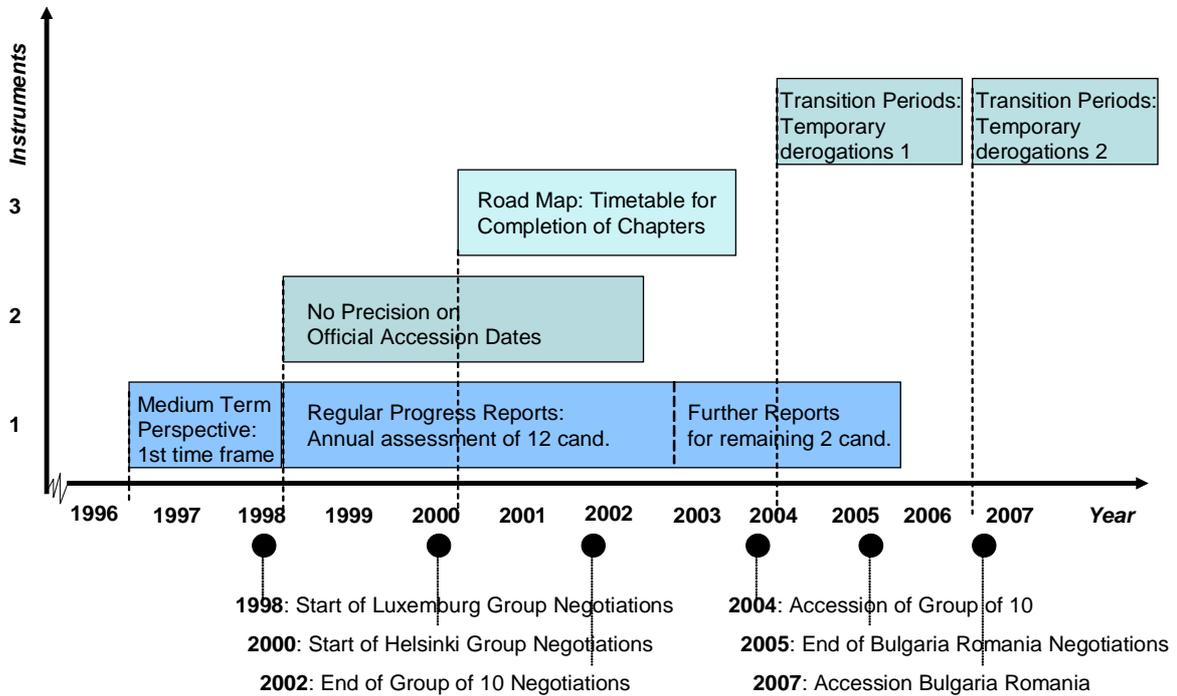
III The impact of the policy on the institution: Eastern enlargement policy driving institutional change in the EU Commission

This section is going to argue that the use of temporal policy devices and the special temporal structure of the policy caused institutional change; two categories are examined: structural and procedural. While the first part mainly shows how a policy can influence the organisational outlook of an institution, the second part additionally shows how a 'temporal grid', i.e. a set of tight temporal rules fundamentally structuring the work process, was installed within the Commission to deal with the policy's requirements. These two categories of change already point to our understanding of institutions and institutional change. We understand institutions as organisations, as has been argued above. Institutional change is consequentially understood mainly on the formal level – in this case mainly structural and procedural – or of resource distribution (staff etc.) and not on the level of e.g. identity transformation (Trondal 2004), culture and leadership (Cini 1996) or institutional autonomy (Egeberg 2004), to mention just a few other possibilities. Our main point is here, that the observed institutional changes were triggered to a large part by Enlargement policy.

III.1 The influence of enlargement policy on the structure of the Commission: Inventing a matrix

The Commission started to create internal structures to deal with the Central and Eastern European countries in the early 1990s. In 1995 it fused several single units into DG 1A under the heading of the Commissioner for External Relations, which was responsible for financial assistance and for the negotiations and management of bilateral agreements. At the Luxembourg Summit in December 1997 it was decided to set up a Task Force to start with the preparations for enlargement. To set up a Task Force was the traditional approach which had been used in all other enlargement rounds before. The logic behind this step was not to mix politics and financing. "When the negotiations were opened we preferred to see the two processes separated. One which was (…) to pursue the relationship linked to aid, to reconstruct the economies of these countries. And then the classic enlargement negotiations..." (Interview No. 3)

For some officials from DG ELARG, the set up of a Task Force instead of introducing an own DG in 1997 was a clear mistake. Firstly, the separate structures demanded a very high level of cooperation and coordination. Quite soon "[i]ntra-organisational conflict gave the impression of sub-optimal preparation." (Bellier 2004: 140) Secondly, it was realised that the possible additive surplus of connecting negotiations and financial assistance were extensive. The high complexity of the process also demanded a stronger and integrated organisation. "The challenge of the enlargement to CEE was that (…) the whole legal, administrative and the economic structure had to change." (Interview No. 7) Because of the vast challenges ahead, the assistance needed to be stream-lined to help the reforms in the candidate countries, thereby spurring on the negotiations. For these reasons the Commission adapted its structure in 1999 by setting up the Directorate-General Enlargement whose basic structure did not change afterwards (see European Union 2000, 2007).

Thus the existence of DG ELARG itself reflects the influence of the policy on the institution. Furthermore and within this DG, a unique, so-called 'Matrix System' for the organisation of work was invented, which again reflects the need to adapt the structure of the institution to the policy. This matrix system is a special way to distribute responsibilities at the level of the DG's units. For every candidate country one unit was set up, in which one group of staff was responsible for this particular country. Within unit 'Cyprus' was therefore – quite logically – a team dealing with the accession of Cyprus. This team, the so-called 'country desk', monitored the development of all chapters within the respective candidate and was in direct contact with all involved national actors. At the same time, the exact same units also contained one to three 'chapter desks'. These teams were responsible for monitoring the developments of one special negotiation chapter among all candidate countries. The unit for

Cyprus, for instance, contained the team dealing with free movement of services (Interview No. 5). The following scheme (*Chart 2*) gives an overview over this structure.

Chart 2 Structural composition of a country unit in DG ELARG
(source: own composition)
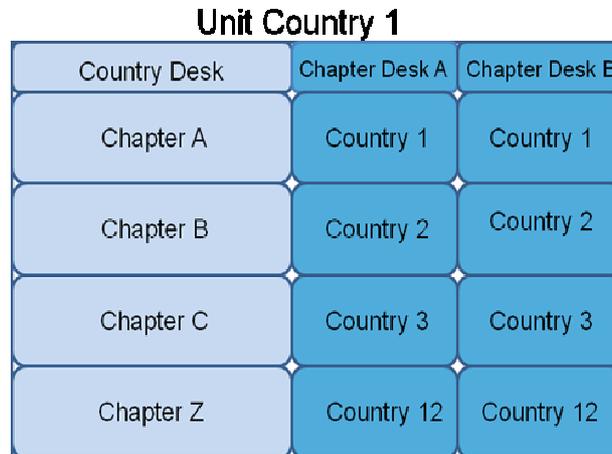
The advantage of this structure is seen in the cooperation of country and chapter desks when it came to writing the Regular Reports and Draft Common Positions (DCPs). With the duplication of the responsibility, two different views could be combined: one with the expertise on the candidate country and one with the expertise mainly on the chapter itself. On the annual task to create a report about the development in a country, the responsible country and chapter desk met under the heading of the country desk. For the creation of the DCPs, the chapter desk exchanged views with all those officials responsible for the respective chapter in the country desks.

Chart 3 Cooperation between country and chapter desks
on DCPs and Regular Reports (source: own composition)
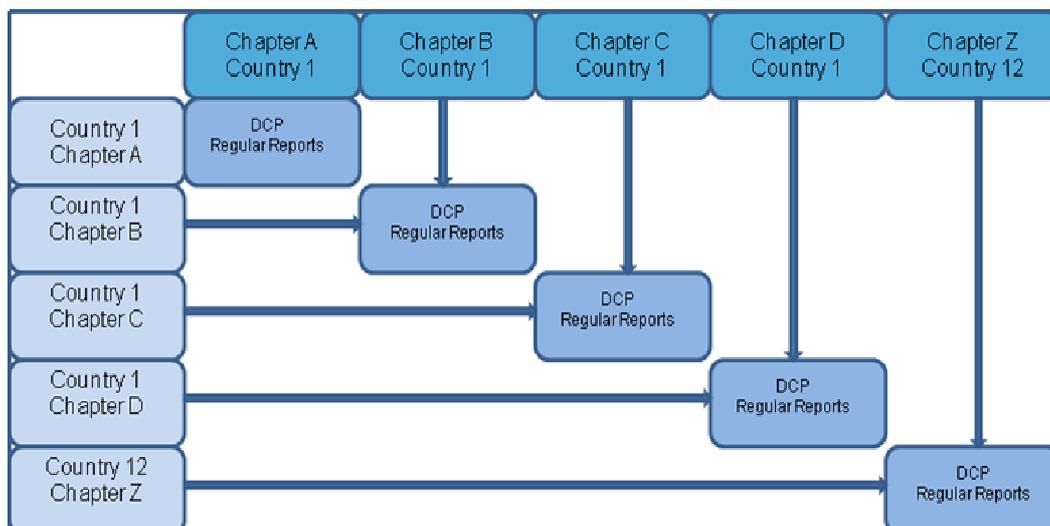
In relation to the rest of the Commission, this system made DG ELARG somewhat independent from the so-called Line DGs (these are the DGs dealing with certain issues, e.g. DG Agriculture, DG Transport etc.). "The idea is that you have in each geographical unit within DG Enlargement one person who has more expertise than the general external relations knowledge." (Interview No. 6) During the process of writing the Regular Reports and the DCPs, DG ELARG still had to rely on contributions from the other DGs but had a stronger position in case of disagreements because it had its own policy experts tightly interwoven in its structure.

Among the other units within DG ELARG, one further was directly involved in creating the Regular Reports and DCPs: the Coordination Unit. It was established to balance out the different working styles and views within the DG, to ensure coherence, both in terms of content as in language, and to enforce the internal procedures (Interviews No. 3 / 10). Within the last task it was also responsible for the internal temporal planning (Interview No. 3). Together with the chapter and the country desks the Coordination unit formed a 'structural triangle' that constituted the basic work scheme in DG ELARG (Interview No. 5).

As this overview demonstrates, Eastern enlargement policy had a significant impact on the Commission's internal structures. It led to new structures to manage the policy tasks. But also the internal procedures had to adapt as the next subsection shows.

III.2 The impact of enlargement policy on the Commission's procedures: Adapting the temporal setting and creating a temporal grid

One of the main temporal governing devices in EU Eastern enlargement policy have been the Regular Reports of the EU Commission on each candidate country's progress towards membership (*see section II*). They were a crucial instrument of 'governing with time' since they did not only influence the speed and timing of opening and closing chapters in the accession negotiations, but also laid the ground for the political decisions at the December Summits of the European Council. This section concentrates on illustrating a further implication: the strong impact of this policy instrument on the institution applying it, the EU Commission itself. Therefore, the procedures of the creation of the Reports are examined with special attention to their influence on the Commission's internal temporal setting and its capacity to deal with the policy requirements.

Being an innovation in Enlargement policy, the procedures for the Regular Reports were installed in 1999 and interestingly only marginally changed until today (Interviews No. 7 / 11). The procedures were fixed in very detailed internal "Guidelines for the Regular Report", invented by the Coordination Unit of DG ELARG. On about 30 pages, the Guidelines listed

the accession criteria and the different sub-headings of the *acquis* that had to be tackled in the annual task of writing the Regular Reports. Its main task however was to schedule all stages in the work process, name all actors to be involved and set temporal rules for coordination such as durations and deadlines.

The Guidelines created a strong temporal pattern and established new routines within the institution as well as for the relations with the involved actors. They fixed a clear sequence of tasks: Normally on the 15th of June, the process starts in the candidate countries, when the candidates' governments submit their comprehensive report about their achievements in the previous twelve months. At the same time, the Commission's Delegation sends its own assessment grounded on their monitoring over the year using local, regional and national sources. That report might, of course, differ from the candidate's one. At the Commission's headquarter in Brussels, the country desk in each geographical unit starts preparing a first draft of the Report on the basis of these inputs and its own knowledge. The country desk's draft is then confronted with every chapter desk within DG ELARG. They have to make sure, that it is technically correct and consistent on their policy area. In the end, the drafts are checked by the third involved unit: the Coordination Unit.

In June/July the Commission's officials consult third parties, who offer further detailed knowledge. On the political criteria, it meets with the Council of Europe and the major NGOs – Amnesty International, Human Rights Watch etc. – and, for the economic part, with the IMF, World Bank, OECD, EBRD and EIB. The aim is to get a picture as complete as possible. Besides of that, the Commission asks the candidates to again deliver additional information and updates until September.

By early September the Commission has a second, much more advanced draft, which has already been harmonized within DG ELARG and reaches a certain state of consistency across the board. The draft is sent for consultations to all Line DGs of the Commission in the so-called inter-service consultations. "To maintain confidentiality" (Interview No. 9), the Line DGs, however, do not receive the whole text, but only the individual chapters concerning their field. For example, DG Agriculture only receives the chapters on agriculture and DG Environment only that on environment. After the Coordination Unit in DG ELARG received all responses, a final reading and adjustment of the text is done until the end of September, which is the final internal deadline.

In the first half of October, there is a short bilateral meeting with each applicant in Brussels, when the Commission presents the central points planned for the Report – "not to give them already our conclusions, but the flavour of what they can expect" (Interview No. 10) – and the candidates can give a final feedback. After translation to the main EU languages, the Report leaves the administrative level within the Commission and approaches the political one. After

the inter-cabinet consultations and the adoption by the Commission's College between the second half of October and the first half of November, the final version is submitted to the Council, usually at the beginning of November, and then officially adopted by the European Council in December.

These complex procedures for creating the Regular Reports mirror the complexity of the task for the Commission to – at the same time – involve several internal and external actors and to deliver up to twelve Reports on the candidate countries' efforts of one year. To manage this task, the invention and establishment of a clear temporal pattern with fixed deadlines and a developed time frame was central. This pattern generated neat 'temporal grid' for all stages and actors, providing guidance for the involved units of the Commission and the external actors on what to do when and enhancing efficiency and effectiveness in their work process by defining clear aims. Moreover, the grid increased the predictability and reliability of the process for all actors by systematically involving them (*see elaboration in IV.1*).

Regarding the Commission, the implications of the procedural changes for the Reports were more far reaching than only to increase DG ELARG's capacity to deal with the policy. From the overall perspective, the newly installed temporal grid had an impact on the institutions' temporal setting as whole. All Line DGs were influenced by the temporal requirements of Enlargement policy. They all, not only DG ELARG had to deliver their input at fixed dates and, therefore, had to frequently adjust their own timetables. This influenced the temporal setting of the whole institution.

In conclusion, this section demonstrates that the analysis of structural and procedural change under the focus of 'time' provides hints on how policy requirements in the field of Eastern enlargement enforced relevant institutional change in the Commission, regarding a) the invention of new internal structures and b) the creation of new procedures.

IV Intra- and inter-institutional consequences of the policy's temporal grid

After the last section made evident that the temporal policy devices had a major impact on the structures and procedures of the EU Commission, the next logical question is which consequences arise from this. One could predict that consequences can be found within the institution itself and in its relation to other actors, like EU institutions as well as member states and candidate countries. Both aspects, the intra- and the inter-institutional relations are examined in the following and last section.

IV.1 Internal consequences: Between restriction and innovation

As *section III.2* exemplified, Eastern enlargement policy had a strong impact on the Commission's intra-institutional temporal setting. Since 1998, the timetables of one of the main governing device, the Regular Reports, significantly influenced the internal procedures in the Commission's services. They dictated to the concerned officials the sequence and timing of working steps and their duration, i.e. how long each preparatory or coordinating step could take. But there were other factors restraining the Commission's internal work process and the discretion to structure it, too. One was the semi-annual Council Presidencies that had their own ideas about the speed of negotiations which the Commission had to take into account (see *section IV.2*). Every six months, the timetables of the respective next Presidency and the Commission had to be coordinated. Secondly, the management of financial aid towards the candidate countries demanded an extensive procedure for the contracting reports at the end of every November. To a lesser extent, the annual Programming Cycle introduced in 2002 (see Tholoniat 2009), thirdly, played a role. It structured the general work of the Commission and included another time-consuming task of compilation. Altogether, the repeatedly reoccurring demands on the institution enforced a clear and significant rhythm of work – not just regarding outputs but also routines which had to be executed in a given sequence and timing. To describe this as a tight 'temporal grid' for the internal work flow of the Commission's services that established routines and a strong standardisation of internal procedures, therefore seems justifiable.

This tight grid could have certain consequences, of which some – though certainly not all – are discussed here. One possible assumption would be that on one hand, the grid raised the predictability and reliability of the Commission's action for other actors who cooperated with this institution. Especially the Council and the candidate countries could predict quite exactly when something happened within the Commission, when they could expect opinions, positions or other input at certain stages or when they could try to exert their own influence. Knowing this and being in an overall process with a high level of dependency and high demands for cooperation, the Commission, on the other hand, in turn bound itself to be a reliable partner who sticks to the schedule. Since the Commission as a whole needed to fulfil the expectations of the other actors, which were sort of self-made, the actors within the Commission had to be totally reliable among themselves, which again raised the predictability in the organisation, both of the DGs in relation to each other and of the administrative towards the political part.

At the same time, this grid should hold advantages for the Commission since it could enhance effectiveness and efficiency of its policy. A tight schedule also binds all other involved actors and can help leading to the main goal. Especially within the Commission

itself, the clear temporal structuring of all tasks related to Eastern enlargement policy ensured that all parts of the organisation work together efficiently and target-oriented for the policy tasks (Interviews No. 3 / 10).

Additionally, one could argue that the discretion of the Commission to structure its internal work flow decreased because the timetables were fixed. Strict and precise schedules with a fixed, ever reoccurring work programme and clear task assignments led to the development of a high number of routines. In the literature, these are often presumed to be "inflexible, enduring and rigid nuisances" (Schulz / Beck 2002: 120, own translation) that pilot the behaviour of individuals by channelling their activities and keeping them in a functional framework. This is usually assumed to have a negative impact on the chances for innovative and flexible thinking, especially within bureaucracies (Bogumil / Jann 2005: 124).

Surprisingly, this did not happened in the Commission's institutional practice, which – as we have seen – has developed a lot of routines in terms of temporal structuring. All DG ELARG officials the authors interviewed in 2008 confirmed that the temporal grid restricted the freedom to structure internal processes but "it was a dynamic which took us towards what we needed" (Interview No. 12). Routinisation did not lead to less room for innovation. Examples for the possibility of innovations are the safeguard mechanism that were introduced to keep conditionality working until May 2004 and impact studies on certain issues deemed important by the DG. The first was an invention by DG ELARG officials, a tool that has never been used before, while the impact studies were conducted on the initiative of single officials or groups of them, who saw the need for deeper research into special policy fields in particular countries (Interview No. 3).

The early and quick institutionalisation of structures and procedures and the following organisational stability might actually have helped introducing new ideas and initiatives into the system. The structural and procedural set-up of DG ELARG was already installed in 1999, shortly after the creation of the DG, and only marginally changed afterwards. Therefore, all officials could be certain about several factors: a.) the general processes in the organisation with its charges and restrictions as well as its rooms for free thinking and decision making; b.) the available competences within the organisation and c.) possible actor constellations he or she needed to deal with or could rely on, e.g. whom to consult or to agree with. This might not have triggered innovations or initiatives – according to interview partners this was very much a question of individual motivation (Interview No. 5) – but it could have reduced the costs of feeding new ideas and projects into the general process of Enlargement policy management. The initiator could be relatively sure about how to proceed. Summing up, the loss of discretion for internal planning via increased time rules did not

automatically lead to a loss of discretion in the policy. Evidence suggests that innovations and initiatives were still possible.

Regarding the intra-institutional power relations, another crucial benefit of a strong temporal structuring can be found in enlargement policy: DG ELARG was able to gain policy power by being a pace-setter within the Commission. Time, here, served as a tool for a player to commit others to act in certain desired ways. This is especially important to reach progress in such a complex undertaking as EU enlargement. In general the, at that time, Commission President Prodi and Commissioner Verheugen made clear, that enlargement was one if not *the* key issue during their term of service (Interview No. 12; see also European Commission 1997a). Therefore, DG ELARG was naturally at the centre of procedures.

Nevertheless, DG ELARG inevitably faced some difficulties resulting from conflicting views between the Commission's DGs. Despite the installation of the already mentioned matrix system, which strengthened the position of DG ELARG vis-à-vis all other DGs (see *section III.1*), DG ELARG still depended on their input, e.g. for the Regular Reports or the DCPs. This could lead to conflicts due to a "strong tradition of policy entrepreneurship among the Commission officials" (Hooghe / Nugent 2006: 151), especially among some of the big Line DGs (Economic and Financial Affairs, Trade etc.). They are committed to the development of their respective policy field in the "old" EU and therefore have potentially conflicting views on enlargement. "Psychologically, DG Enlargement people are friends of the candidate country and therefore they want to accelerate the process and make life easier etc. And the people in the Directorate Generals are friends of the *acquis* and they want to preserve its integrity and they are not ready to make concessions etc." (Interview No. 9)

To avoid the possible 'Turf wars' (Stevens / Stevens 2001: 196) it was, of course, helpful that Prodi and Verheugen made enlargement a top-priority but also some of the policy devices put pressure on the Line DGs to work for enlargement: "It [the Roadmap] was an amazingly successful instrument because the commitment in the Council to a certain calendar meant that the Line DGs within the organization (…) were really obliged to do the worked." (Interview No. 12) Also the tight procedure for writing the Regular Reports and DCPs helped DG ELARG in that matter. By setting strict deadlines and regulating the period in which other DGs could influence the process, DG ELARG restricted potential conflicts and increased the likelihood for compromise. Although these conflicts did not occur very often, its time-setting power helped DG ELARG to influence the high conflict potential according to its own goals and to enforce cooperation.

IV.2 Inter-institutional power relations: The power of the time-setter

Just as the resource of 'time' empowered DG ELARG within the Commission, the Commission itself was able to improve its position vis-à-vis other institutions as well as the member and candidate states by becoming the time-setter in enlargement policy. As already mentioned, the treaties do not regard the Commission as a player in the process of EU enlargement. According to Article 49 of the TEU, accessions to the European Union are a matter of intergovernmental negotiations and decisions. Nevertheless, the Commission played a significant role during Eastern enlargement, inter alia because it became the time-setter that not only introduced the temporal structure for the policy but also influenced the timetables of the other institutions and actors. As we know, e.g. from the agenda setting-literature (see Doering 1995, Krehbiel 1992), the one dictating when what happens has a strong influence on the other involved actors and their possibilities to react and be proactive during the process.

The ability to structure the enlargement process temporally evolved from the Commission's capacities to tackle this task. No other institution, neither the Council nor the European Parliament nor any single member state had the technical expertise and the resources to come up with a comprehensive time-plan like the Commission. Regarding the process of preparing the annual Regular Reports (see *section III.2*), for instance, it becomes clear that "the amount of information and input that the Commission had, made it hard for an individual member states to challenge the basis of a proposal made by the Commission." (Interview No. 7) Add to this, that the whole Commission was mobilised for this task so that, all in all, between two and three thousand Commission officials worked on enlargement. They together with all their contacts to state and non-state actors constituted a huge information resort and the capacity to use it. For the last factor – the institutional capacity to make best use of all information – the internal routinisation analysed in the last section is important. By setting up clear, reoccurring procedures the Commission was able to efficiently manage the vast scope of information and process them in a way to come up with plans how to operate enlargement. "The Council and the states were very depending upon us. In reality it was much easier for the Commission to see all the movers and shakers among the candidates." (ibid.) Although it can only be a rather superficial undertaking, the inter-institutional relations and interdependencies are now analysed to show the strong position of the Commission.

Politically, the most important institution on EU side was the Council or, to be more precise, the Council Presidency, who led the negotiations with the candidate countries. Indeed, every time a new member state took over the Council Presidency, it came with its own priorities and plans, including timetables. The most important question for the Presidencies was how

many negotiation chapters they would be able to open and close. "The goal of each Presidency in the end is to say 'Yes, we have opened X chapters and we have close Y chapters.' Because that is how they measure their progress." (Interview No. 7) Each Presidency that was committed to this approach gave an incentive for the next ones to go for even speedier negotiations. "The whole concept of these half-year Presidencies has meant that there was continuous political pressure for things moving forward." (Interview No. 4) The EU Commission, on the other hand, regarded progress in terms of the policies and therefore had objections towards too much acceleration. At the beginning of every Presidency both sides met to agree on a timetable for the coming term. With the already mentioned expertise and overview as a solid backing of its position, the Commission was then able to influence the Presidencies' ambitious plans and to put it on a more feasible ground (Interview No. 6 / 13). Additionally, the Commission was able to turn its position as an initiator of documents into a power of delay. It was able to postpone the delivery of reports and other documents to the Council to give it less time to prepare own positions and to react to the proposals for e.g. the Common Positions. In one case, the Reports and Strategy Papers were only delivered at the 23rd of November, which dramatically reduced the time to react until the Council meeting in December to two weeks (Interview No. 13).

Just as the Commission formally, the European Parliament practically did not have a central role during the accession process, with the exception that it had to give its assent in favour of accession at the end. This means that the EP had the theoretical power to vote against the final accession treaty – a possibility that was compared by a DG official to a 'nuclear bomb'. Therefore, the Commission kept the EP informed and accurately answered to questions and enquiries. "But the European Parliament bases its [own] reports essentially on our [the Commission's] reports and on some short visits they made to the countries, but has no influence whatsoever on the timetable." (Interview No. 9) The only exception was based on personal commitment of one of the EPs Rapporteurs for the candidate countries. Baroness Nicholson of Winterbourne was responsible for Romania and managed to create a heated debate on human rights issues. This was said to have had "some influence" on the decision to introduce a postponement clause in the accession treaty with Romania (Interviews No. 5 / 9).

No member state had the capacity or interest to deal with all candidate countries the way the Commission did. Most of them focused on certain countries they wanted to have in. A lot of member states pushed each other in the Council for the sake of their protégés. For Germany it was Poland, the Nordics wanted the Baltics, France and Italy Romania and Malta and countries like Austria and the UK wanted everyone. This was a process in the Council itself. The individual member states wanting to accelerate some countries' accession process, had to give support to the other's protégé in exchange to get support for their own. Thus, the

Council had an inbuilt mechanism to accelerate things. This was described as the only possibility for the member states to directly influence the overall timetable. What else happened behind closed doors or through unofficial connections can only be guessed.

The influence of the Commission's timetables on the candidate countries is rather obvious. By setting up the Road Map, the Commission dictated the timing for negotiations and thereby also until when the candidates had to be prepared for them. The Regular Reports, on the other hand, constituted an ever-occurring evaluation to which the candidate countries could contribute, if they met the deadlines. Additionally, it was evident, that the candidates tried to influence the evaluation by introducing a great number of policy changes just before the Regular Report were issued to improve their standing. Here, deadlines had a clear accelerating effect. Attempts to change the Commission's timetable were only scarce. In general, the candidate countries accepted and followed them, because "… it was in our [the candidate countries] interest to make sure that everything happened on time" as one official with experiences from a Czech ministry during the time of Czech accession negotiations said (Interview No. 6).

In general, while the other actors tried – unsuccessfully except for the Council Presidency – to influence the timetable of the Commission, the Commission itself strategically considered other factors. One example were general elections in member states. Chapters with sensitive questions like free movement of labour were scheduled in a way that they could not be connected to election campaigns in member states. But it was also possible that the Commission's timetable was upset by important external political influences such as the Kosovo conflict (Interview No. 10). This shows, that while the Commission was keen on having a clear temporal structure for the enlargement process, because they "were really scared that the process would become unmanageable" (Interview No. 12), this planning was not as rigid as being blind for important external developments.

Nevertheless, it is clear that the Commission – due to its capacity of being the time-setter – was *the* actor that managed to take over the temporal part of agenda control and thereby forced the Council Presidencies, the European Parliaments and the states, whether members or candidates, into a constant position that forced them to react. By doing this, the Commission pushed forward those interests, it deemed most important, because "it's not timing for timing's own sake, but it's substance for the sake of substance." (Interview No. 4)

Conclusion

This article contributes to the literature on the European Commission in two ways: Firstly, it offers hints on how the Commission's internal organisation is influenced by the requirements of complex policies. In the case of Eastern enlargement policy, the complexity of the process and the high number of the actors to be involved demanded (a) a clear temporal structuring and (b) an adaptation of the Commission's temporal setting. This also opens a new discussion on the impact of policies on institutions. Secondly, time became an important resource for the Commission as an actor. The use of time provided advantages, both, in the Commission's intra- and inter-institutional relations. Internally, it enabled DG Enlargement to mobilise the Commission's administration for Enlargement. Externally, the Commission became the time-setter in Enlargement policy. This comprised the power to define deadlines, timing and sequences for other actors and had an impact on their temporal setting. Whether this, e.g., restricts the room for manoeuvre or the efficiency of these actors would be an interesting question for further research. This also applies to the question whether the rationalities of using time as an instrument of power vis-à-vis other actors and as a device to ensure efficiency within the institution run contrary to each other. Furthermore, it has to be tested whether the results from the Commission's Eastern enlargement policy can be transferred to other policies. This opens a broader perspective on policies, institutions and time in the context of European governance and the analysis of institutions in general.

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