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NEWGOV

New Modes of Governance

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Priority 7 – Citizens and Governance in the Knowledge-based Society

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Summary

During the first 12 months of NEWGOV, research within Cluster One has been dedicated to refining the research design at the cluster and project levels. To this end, a *Workshop in Brussels (D 01)* and a first *Project Interim Meeting in Florence (D 06)* brought the cluster participants together in order to start an intensive exchange on fundamental questions of interest for all NEWGOV researchers. A *Cluster Glossary on Modes of Governance (D 03)* was developed in order to advance concept formation and clarification. Concerning the definition of the term ‘New Modes of Governance’, it was agreed as a starting point to look for a convincing definition which will serve as the foundation for further research. Some partners proposed a rather strict typology based upon two criteria: the quality of the legal instrument, and the features of the implementation process. This was widely regarded as a useful and worthwhile approach, while further debate and reflection would be necessary to develop a broader understanding that could be applied to the different policy areas dealt with by the cluster partners. The results of this reflection process were taken up for the development of *A First Set of Indicators/Variables for Classifying Governing Modes (D 05)*.

At the same time, first steps were taken to address specific sets of theoretical and empirical concerns within the sub-projects. Starting from the various contributions to the *State of the Art Report (D 02)* as well as the *Scientific Guidelines/Checklists for Working Papers (D 07)*, several projects within Cluster One have already produced first substantial results and deliverables, among those an *Overview Paper on Classification and Mapping of Governing Modes (Diedrichs) (D 08)*, a paper on *Classifying and Mapping OMC in different Policy Areas (Laffan/Shaw) (D 09)* and a paper on *Democracy and New Modes of Governance in Europe (Griller/Rumler-Korinek) (D 10)*.

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I. Project objectives and major achievements during the reporting period

I.1 Cluster 1: Objectives and Research Focus

At the cluster level, the main research tasks concern the following activities:

- Map, measure and classify governing modes and their transformation according to jointly defined criteria and indicators (Workpackage I).
- Explain why and under what circumstances and conditions new modes of governance emerge (Workpackage II)
- Identify common patterns and theorise about how new governing modes interact and evolve to form new governing mixes and macro-systems (Workpackage III)

In order to address the tasks within each workpackage, a set of theoretically inspired hypotheses had been formulated which should guide the work by the partners. The concerned in particular the emergence and the evolution of new modes of governance. These hypotheses were intensively discussed during the first year of the project lifetime.

Project 1: The Evolution and Impact of Governing Modes

The first task addressed by the cluster partners concerned the mapping of modes of governance; it was agreed as a starting point that there is no overall convincing definition available which could serve as the foundation for further research. Some partners proposed a rather strict typology based upon two criteria: the quality of the legal instrument, and the features of the implementation process. This was widely regarded as a useful and worthwhile approach, while further debate and reflection would be necessary to develop a broader understanding that could be applied to the different policy areas dealt with by the cluster partners.

The discussion among the project and cluster partners highlighted the fact that a number of further elements were regarded as necessary components to the efforts for defining and categorizing modes of governance, but it proved rather difficult to build them coherently into a categorical framework that would allow a consistent use of concepts and approaches.

The debate within the cluster on the categorization of modes of governance reached a first point of consolidation at the cluster meeting in Florence in May 2005. Meanwhile, the generation of indicators and the glossary have been produced by the project partners, as well as the formulation of guiding hypotheses.

In the first months of the project, a number of proposals have been introduced for the categorization of modes of governance and of EU policies in general. On the one hand, the key feature of the legal instruments and the characteristics of implementation have been put forward for generating a typology of governing modes, while other partners have regarded the existence of private actors or agencies as a specific feature of ‘new’ modes of governance, leading to innovative patterns of decision-making. Furthermore, there have been cases of governance which do not neatly follow the patterns, particularly in the Common Foreign and Security Policy, and to a lesser extent, in the Area of Freedom, Security and Justice. Although some authors consider security policy as a case of ‘coordination’, it is highly different from any OMC model practiced so far within the EU context.

As a first and overarching result, the project has arrived at the conclusion that the classification of new modes of governance requires a basic reflection on different dimensions of the topic. Three different understandings of innovation and governance could be distinguished:

- the innovative character of the concept of governance itself as a new understanding of political steering

- the innovative character of EU governance as a special kind of decision-making
- the innovative character of the transformation of EU governance from traditional, ‘orthodox’ ways to softer and less binding methods.

These three dimensions are often interrelated and mixed up, but it is still useful and important to distinguish them. They led the partners to reflect on the specific demands for analysing governing modes. They arrived at the conclusion that a time-dynamic and policy-specific approach would best be suited to analyse new and old modes of governance. A number of different options have been identified, including a typology of modes of governance developed by the partners from the HIS in Vienna, which were regarded as useful points of reference. Applying their typology mainly based upon the combination of two key features (degree of legal bindingness and conditions for implementation of legal acts), the project has started research in a number of policy areas where the basic legal, institutional and political features of decision-making were checked. Using the EURLEX database, the project partners have started to gather data on the legal output of the EU in areas like social policy, environmental policy, fiscal policy, CFSP, or monetary policy. In a next step, the legal acts have been distinguished between binding and non-binding acts;

Project 2: The Open Method of Co-ordination

The general project objectives are to map the use of the open-method of coordination (OMC) in different policy domains, to analyse the form and function of OMC in different policy domains, to explore the manner in which different EU institutions are engaged in or excluded from OMC processes, to analyse the interaction between the national and EU levels of governance through OMC, to assess the effectiveness of OMC as a problem solving approach and to assess its potential to deepen participatory and deliberative democracy in the Union.

Objectives for the reporting period have been to contribute to the first two deliverables, “State of the Art – Information Society and Research Policy” (D02) and “Development of indicators for classifying OMC” (D05). Furthermore, a first cluster meeting has been held in December 2004 in Brussels, the open interim meeting took place in May 2005 in Florence.

During the reporting period one researcher, Christopher Tucker, Berkeley California, has been contracted. His task is to conduct his research during work package three and contribute to deliverables D21, D28, D30 and D31 during the second half of 2005 and beginning of 2006. The objective of this subproject is to study how OMC is used in the European Council. The study will be limited to a specific sector and the study will seek to answer why this strategy (OMC) has been chosen rather than other forms of governance. Furthermore, the effects of using OMC will be analysed and the subproject will assess the impact of the OMC in terms of relation to the old forms of governance looking both at horizontal and vertical relationships

In Dublin, Colin Shaw has been contracted to conduct research in new modes of governance with a particular view on research policy and information society. The Dublin partnership includes participation in both the horizontal (Wessels) and vertical (Laffan) tasks of the cluster’s activities. Both general objectives have been pursued during the period:

- Cross-policy classification, measurement and assessment Open Method of Coordination (OMC)
- Two state-of-the-art reports on EU research policy and information society policy

The initial phase of this work has been devoted to the gathering of relevant data on the application of OMC across all (currently) applicable policy fields. For each area a ‘map’ of the policies’ objectives, resources, outputs, outcomes and impact has been established (c.f. annex

1). Comparative tables establish *prima facie* elements for assessing the forms and intensity of the various OMC's and have shown that the process is 'conjugated' differently with only some policies benefiting from full panoply of instruments and institutional resources (c.f. annex 2). Further analysis of EU-member states interaction across policy fields will feed into deliverable D05: (Contribution to) Development of Indicators for Classifying OMC.

In order to enhance inter-cluster exchanges, assessment of the workings of all OMC's will be supplemented with certain data situating OMC in the wider context of

- European Communities' legal framework by analysing the activities of the European Court of Justice in the policy fields (e.g. in case law in EU Healthcare policy).
- International agreements (e.g. the Bologna process and EU education policy)
- National policy architectures (e.g. the influence CNRS in French research policy)
- Corporate structure (e.g. the presence of transnational (US/Japan) actors in EU technology policy)
- Public/private agency (e.g. the degree of private actor involvement in a given area)
- Strategic impact vis-à-vis macro-economic goals (Lisbon, SGP)

Project 3: Arguing and Persuasion in EU Governance

Project 3 concentrates on modes of non-hierarchical decision-making in the European Union, more precisely on arguing and persuasion as *non-manipulative reason-giving in order to alter actors' choices and preferences irrespective of their considerations of other actors' strategies*. The research aims at identifying the scope conditions under which arguing and persuasion actually affect the process and outcome of negotiations. The empirical domain of the project concerns constitutionalisation processes in the EU, namely EU treaty and constitution-making in the Constitutional Convention and in Intergovernmental Conferences (IGC).

The specific objectives of the first six months were threefold: Firstly, the researchers elaborated the "state of the art" on negotiations in IGCs and the Convention. Furthermore, they aimed at developing methodological tools and indicators to measure effects and impact of arguing and persuasion. Thirdly, they started mapping the structure of argumentation at the Nice IGC and the convention. These objectives should result in the development of the methodological tools to carry out the frame analysis.

Up until now, good progress in the research project has been made. However, one difficulty has arisen with regard to the empirical data. The availability of speeches and statements that allow for conducting a systematic computer-aided qualitative frame analysis is lesser than expected. Thus, analysis will largely be based on interviews, both guided and informal, to carefully trace processes of persuasion in the IGC and the Convention.

Project 4: Legal Perspectives on Democracy and New Modes of Governance

It was the objective in this period to concentrate on democratic theory with the aim of developing it further in the light of the new modes of governance and to reflect on concrete examples. This further development was intended to be based on a critical scientific analysis of the literature on democratic theory and classical academic research work like comparing constitutional traditions and/or institutional arrangements. On this basis, we intended to evaluate (new) modes of governance – that in a prior step were described and analysed by the other groups of the project – and discuss selected scenarios and forms of governance.

The main achievements in the reporting period are our contribution to the "state of the art report" of the cluster (D 2, see abstract I below) and the first working paper (D 10, see abstract II below). In our first working paper we focused mainly on the review of different concep-

tions and models of democracy. Our contribution to the “state of the art report” of our cluster in the area “democracy and the EU” formed the basis for this research.

So far, the project has produced the contribution to the “state of the art report” of cluster 1. This academic state of the art forms the basis for further research. The main findings concern the transformation of modern democratic systems and the EU’s democratic deficit, as well as the obligation to preserve the basic ideas of democracy. Today’s democratic systems are undergoing *transformations* – due to globalisation and global governance, but also “purely internal” challenges. Important decision-making powers are transferred to supranational (EU) and international bodies (e.g. WTO). This development enhances the rise of the executive branch and the creation of new modes of governance. The “*horizontalisation*” of governance is a major trend in modern-day administration. Arguably, however, this trend towards increased horizontalisation does not meet with the “traditional” understanding of accountability and the concept of ministerial responsibility. This means that Europe’s pluri-centric forms of governance do not fit with the traditionally understood and applied modes of accountability in the Member States of the EU. The core of the current democratic deficit within the European Union is the remoteness of decision-taking from the citizens as well as the fragmented democratic accountability of the decision-makers.

I.2 Key Results so Far in the Discussions at the Cluster Level

The work undertaken so far in cluster 1 of the NEWGOV Consortium reflects a twofold approach. The Cluster combines the concern for the definition, categorization, and theoretical reflection of new modes of governance and their implications with empirical research on policy areas and their peculiar features. This two track approach is meant to consist of mutually enriching and inspiring components, opening ways for better identifying the basic trends within the EU system at the turn of the century.

After a phase of discussion of basic issues regarding new modes of governance, the project has started the daily life in operational terms and delivered a number of academic contributions which have been focused on the main questions in the cluster. The hypotheses formulated by each project and partner try to take up some key issues of relevance for the cluster and to deepen our understanding of the complex processes in play when it comes to EU governance.

The Emergence of New Modes of Governance: Different Explanatory Approaches

What kind of conclusions can be drawn from the contributions by the cluster partners on the emergence of new modes of governance? To sum up some major arguments, we will have a look at the different explanatory approaches. Although there have been major endeavours in research dedicated to the emergence of new modes of governance, it remains a puzzle. Different perspectives have been applied in the contributions:

- one perspective is focused upon the basic rationale lying behind the creation of new modes of governance, identifying the basic ‘problem’ or ‘incentive’ for entering these modes;
- another perspective is more detailed in describing a constellation of factors in a given situation, which facilitated the decision to introduce a certain governance mode;
- an actor-based approach would more specifically try to define the particular role of a certain institution or member state in helping to bring about modes of governance;
- finally, a process-based approach would identify a dynamics which triggers off the creation of new modes of governance e.g. through mixtures of existing modes of governance.

Within the contributions of cluster 1, these perspectives appear in different composition and mixture. Brigid Laffan and Colin Shaw regard the emergence of the Open Method of Coordination (OMC) as embedded into the broader context of the “political economy of the common market and European Monetary Union” (Laffan and Shaw 2005), while Udo Diedrichs identifies the interconnectedness of fiscal policy with the EMU as a key condition for the emergence of policy coordination in this field, which is not necessarily a spill over, but a de facto linkage, existing in a number of other policy areas. Stefan Griller and Anne Peters broaden our view to the wider international arena when stating that new modes of governance are regarded as a result of globalisation and the growing complexity of issues (Griller and Peters 2005).

In case of the creation of the Lisbon project, the situation is described as marked by economic interdependence, competitive pressures, and devolved political management (Laffan and Shaw 2005); at the same time, these driving factors for European solutions are coupled with a number of ‘inhibiting’ factors: The wish not to interfere with national autonomy and sovereignty is widely regarded as a major reason for shaping special ways of decision-making.

A recurrent factor accounting for the emergence of new modes of governance is seen in dilemma situations, crises or “impasses” (Treib, Bähr and Falkner 2005) of the EU decision-making process, inhibiting more binding forms of steering, and reflecting the consensus-based character of the EU system as such. In particular the failure of the more traditional modes of governance is regarded as a driving force (Treib, Falkner and Bähr 2005).

Thus, the lacking will by the member states to transfer policies, competencies or regulatory power to the EU level, while trying to avoid paralysis in decision-making or regulatory gaps, seems to support the search for new modes of governance. The dilemma between the will to provide for efficient and effective European solutions, in particular avoiding decision-making paralysis, on the one hand, and the resistance against transfer of competences on the other, was also characteristic for CFSP, where solutions were looked for in the shape of flexible forms of cooperation (Diedrichs 2005).

David Natali stresses the fact that the emergence of the open method of coordination in the pensions sector was possible due to the existence of a “window of opportunity” (Natali 2005), meaning that the existence of a number of factors as such would be necessary, but not sufficient explanatory factor accounting for the introduction of new modes of governance. We need to have a closer look at the concrete conditions at the time, where political as well as economic factors create a situation which can be seized by policy entrepreneurs for causing policy change (Natali 2005). The role and impact of those entrepreneurs is regarded as a crucial and so far underestimated variable in research, while Jörg Monar stresses the willingness of actors as the ultimate instance accounting for the emergence of new modes of governance (Monar 2005).

Treib, Falkner and Bähr ascribe a key role to the European Commission which is assumed to follow a “deliberate strategy” (Treib, Bähr and Falkner 2005) in order to increase its influence within the EU system, using soft modes of governance as a tool for enhancing its policy-making capacities. They expect that “on the European level we should observe an increase of soft modes of governance in policy areas in which the Commission has not been active before” (Treib, Bähr and Falkner 2005).

The emergence of new modes of governance as the result of hybridisation or convergence of existing modes of governance is underlined by Jörg Monar who also sees major transformations in modes of governance in the EU as mutually depending processes and “subject to a sequential logic of development” (Monar 2005).

The Evolution of New Modes of Governance: How to Grasp Developments in Different Policy Areas

The analysis of the evolution of new modes of governance is linked to an assessment of its basic features and peculiarities. A dynamic process of ‘proliferation’ and ‘variation’ of certain models like OMC is observed, which is shaped by a number of forces (Laffan and Shaw 2005). Furthermore, there seems to be a certain tendency towards using soft modes of governance in the EU, corresponding to key features of the political system of the European Union (Treib, Bähr and Falkner 2005).

David Natali underlines that there are possibilities for cross-sector dynamics in the sense of spill-over processes (Natali 2005), which are mainly driven and shaped by policy entrepreneurs, while Udo Diedrichs regards policy interconnectedness as a key condition for the emergence and evolution of coordination processes in fiscal policy and education policy, less in CFSP.

Furthermore, it is stressed that the evolution of governing modes has to be studied from a policy-specific perspective, taking into account the particular institutional and procedural features in a given area (Monar 2005; Diedrichs 2005); thus, the distinction between ‘old’ or ‘new’ modes of governance can only be approached in a specific context which may offer some insights quite different from other areas. Philippe Pochet reminds us of being cautious in using labels like ‘new’ modes of governance when he observes that in the area of social dialogue, there is de facto a neo-corporatist model of interaction, and that research has been paying too much attention to some singular aspects of social dialogue (Pochet 2005). The resulting trend is therefore a “new form of partnership” (Pochet 2005) functioning in similar ways to the OMC and supporting the emergence of a “new social space through diffusion and mimicking rather than through hierarchy” (Pochet 2005).

This will raise the question of the dynamics and the trends visible within the EU as a whole and the degree of generalisation of results. A key problem thus could be how to identify patterns of the evolution of new modes of governance under conditions of differentiated developments in policy governance.

As an example, some features of the evolution of governing modes still need to be discussed in more detail, particularly with regard to the assumed increasing use of ‘soft’ modes of governance, while there are also tendencies towards the growing use of binding instruments and a stronger role of EU institutions in certain fields (Monar 2005).

Problems in Governance: Openness, Democracy and Performance

Stefan Griller and Anne Peters see a basic tension between the problem-solving capacity of new modes governance and the requirements of democratic control and legitimacy. Thus, while solving problems resulting from globalised complexity, those modes create new problems of a different kind. In this context, a fundamental tension between soft law and the constitutionalisation of the European Union is identified: “Although soft law may enhance efficiency and flexibility of European governance, it undermines important constitutional safeguards” like the rule of law, transparency, institutional balance and democracy (Griller and Peters 2005).

This assessment hints at an obvious puzzle: If there is a trend towards softer modes of governance, and if these are regarded as more acceptable for the member states, then it could be asked whether there is an inherent contradiction in the discussion about new modes of governance, where the member states either do not see or even deliberately accept the loss of democratic control.

The problem gets even worse when certain modes obviously do not even enhance efficiency or flexibility, but remain rather weak or even do not to deliver solutions in the way expected (Diedrichs 2005; Laffan and Shaw 2005; Pochet 2005); this could have serious implications as it would combine policy failures with loss of democratic accountability. Brigid Laffan and Colin Shaw arrive at the conclusion that in OMC there is a general lack of “political ownership” leading to “blame shifting and member state indifference to policy recommendations” (Laffan and Shaw 2005). As the case of fiscal policy coordination reveals (Diedrichs 2005), there is a fundamental aversion among the member states to impose sanctions in case of non-compliance to agreed rules.

In the area of social dialogue, the fragmentation of governance, a lack of connection between negotiation levels, and insufficient coordination or complementarities add up to the impression of failure compared to the high sounding expectations (Pochet 2005). Similarly, in the field of pensions, David Natali speaks of the ‘closed’ method of cooperation, hinting at the rather weak level of participation, running counter to initial assumptions and hopes. Furthermore, the learning effect is limited, based less upon the comparison of national experiences, but more on the procedures within the method, underlining the rather self-centred perceptions and interactions.

These first findings are not too encouraging, but they might not be the last word. In a broader and more fundamental perspective, the cluster also asks for the institutional conditions under which certain modes of communication may find their way (Kleine and Risse 2005). So far, there is a close link between the nature of preferences as well as the decision-making requirements and the emergence of arguing, while the organisational setting plays a crucial role. It will be highly promising to adapt such findings to cases of new modes of governance and their institutional appropriateness for arguing and persuasion.

I.3 Preliminary Conclusions

A number of questions have been raised when passing through the hypotheses presented by the partners, so the following items represent a short menu:

- Interestingly, the assessment of modes of governance is getting rather pessimistic the closer we approach concrete policy areas and the respective policy-making processes. Is there a gap between the conceptual and theoretical level and the empirical level of approaching new modes of governance?
- A general problem lies in the level of abstraction and of generalisation which we are able to apply when speaking of modes of governance. Are there trends which can be empirically proved and which describe the emergence and evolution of modes of governance across policy areas? The answer to the question will only be given once the analysis has been completed and a comparative approach will have been applied.
- Some specific problems to be assessed lie in the role and implications of soft governance, both under empirical and normative perspective. Is there a trend towards softer forms of governance? In case, does it strengthen or undermine democratic accountability and legitimacy of the Union?
- Are we able to link specific institutional settings and conditions to certain modes of communication, and in which way are new modes of governance also related to such forms?

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II. Work package progress of the period

II.1 Overview

Workpackage I: Mapping, Classifying, Measuring

In the framework *Project 1*, the deliverables D 3 (Project Glossary), D 5 (First Set of Indicators) and D8 (Overview Paper on Classification and Mapping of Governing Modes) has been produced.

The Glossary has been drafted in order to provide a first set of common concepts which can be used not only within the NEWGOV context, but also in the broader academic community. This exercise has been guided by a twofold analytical perspective: in order to offer concepts and terms which can be used in scientific research, but also for highlighting different meanings and connotations of certain terms in various academic communities, branches and theoretical schools. This makes the generation of a glossary a more complex and demanding task.

The project partners have also elaborated indicators for the development of their policy fields, as well as for the use of modes of governance in general. The indicators will be further discussed among the project partners and within the cluster in order to streamline them and to embed them into a coherent analytical framework. In addition to indicators, the partners have started to collect empirical data on the development of policy areas in terms of legal output. These data will be discussed at the next cluster meeting.

The project partners have also generated a set of hypotheses focusing on the emergence and evolution of governing modes, which is regarded as a next step in preparation of policy papers and will serve to continue the exchange started at the kick off meeting in Brussels on the adequate mapping and categorization of governing modes. The hypotheses were intensively discussed at the open interim meeting in Florence in May 2005.

The Overview Paper on the Mapping and Classification of Governing Modes (D8) tries to systematically approach the question of how governance can best be described, and in a next step identifies different dimensions of novelty in governance which are crucial for reflecting the subject of ‘new’ modes of governance. It arrives at the conclusion that a time-dynamic and a policy-specific perspective are necessary in order to best grasp modes of governance. This does not exclude typologies of a more general nature – like the one proposed by the project partners in Vienna, while it calls for a thorough and detailed analysis of each particular case.

In *Project 2*, Deliverable 05 (Contribution to) Development of Indicators for Classifying OMC is ongoing and the partners intend to propose a wide variety of empirically rich indicators for the assessment of the clusters members. Apart from the static data, the indicators will endeavour to reflect the dynamic dimension intrinsic to the NEWGOV project.

The classificatory scheme attempts to account for patterns and/or hierarchies of OMC processes. How are different processes associated? Do some (say employment policy) have a predominant position, delivering policy goals to others (social inclusion)? This dynamism will be gauged along several continuums.

In *Project 3*, a first set of variables and indicators concerning the institutional scope conditions under which learning and persuasion come into play are set out in our Contribution to the Deliverable D05 and a project paper on the research design.

Both inductively and deductively, the project participants have identified some scope conditions regarding the institutional set-up of the negotiations, which are either condition variables

or intervening variables that activate causal mechanisms of arguing and persuasion. On that basis they were able to identify indicators that help us classifying and measuring arguing as a steering mode of governance.

Project 4 has so far concentrated on the analysis of the *aquis académique* in its field of research. Furthermore, the project partners have elaborated four hypotheses for the project, have made two suggestions for indicators D05 (one for democratic governance, one for soft law/auto-regulation) and have contributed to the project glossary (D03).

Workpackage II: Emergence of Governing Modes

Project 1: Under this workpackage, the contributions for the deliverable D02 (State of the Art Report) have been prepared. In addition, the emergence of new modes of governance has played a key role also for the scientific debate and the generation of hypotheses by the project partners. All partners have elaborated a number of assumptions on the factors determining the emergence of different modes of governance, which offer a rich set of empirical, conceptual and theoretical insights, but also need to be further streamlined – if possible.

The scientific guidelines and checklist for the working papers (D7) have been delivered in August 2005. They provide an overview of all the relevant aspects and dimensions of importance for the analysis of modes of governance which have so far been discussed in the cluster. In particular, they are divided into scientific and technical guidelines.

In *Project 2*, Deliverables 02 (Contribution to the State of the Art – Information Society and Research Policy) were completed on time and communicated to the cluster leader. The reports centred on the EU-level developments and drew on academic literature to analyse the impact and cost of policy coordination. The difficulties and obstacles to EU policy coordination were brought to the fore in an attempt to distinguish demand for coordination from *supply* of coordination.

As the demand and supply of EU coordination of both policies differs across sectors and countries, further analysis will incorporate both policy and member state specificities by exploring the ‘variety of capitalism’ approach to the institutional foundations of comparative advantage in order to gauge patterns of implementation within the EU. Distinguishing areas of successful policy coordination from areas where the costs exceed advantages may elucidate some of the ‘puzzles’ of new governance. It is expected that this report will feed into the current reflection on institutional tensions.

Within *Project 3*, the researchers thoroughly studied the state of the art and gained a concise overview of the theoretical and empirical literature on treaty negotiations in the EU. In their contribution to the State of the Art Report they focus on “*Treaty Reform Negotiations*”, “*the effectiveness of Arguing in Multilateral Negotiations*”, and on first studies concerning “*Deliberation in the European Convention*”.

Project 4 has highlighted in its State of the Art Report (D 02) a number of questions related to the global contextualisation of EU governance and its implicit political problems in terms of democratic accountability and legitimacy, hinting at fundamental transformations of governance, its ‘horizontalisation’, and the emergence of alternative models of democracy.

Workpackage III: Evolution of Governing Modes

The partners in the projects 1, 2, 3, and 4 have taken the objective of workpackage III on the evolution of new modes of governance into account by building these elements into their state of the art report (D2). In the field of ‘evolution’, the partners have so far made some assump-

tions on policy performance and outcome of different modes of governance, but will further reflect on the overall patterns of evolution and on the interrelationship between emergence and evolution.

As planned, Deliverables in this workpackage will be prepared only at a later stage of the project.

Workpackage IV: Interdisciplinary Supervision and Coordination

In *projects 1, 2, 3 and 4*, the deliverables D1 (Kick Off Meeting), D2 (State of the Art Report), D4 (Contribution to the Website) and D6 (Project Open Interim Meeting) have been produced.

In December 2004 all project partners have come together in the framework of the cluster meeting. They exchanged their scientific views and approaches and agreed upon a number of common activities and output.

The state of the art report has been delivered by the project partners on fiscal policy, education policy, the Common Foreign and Security Policy, as well as environmental policy, social policy, pensions reform and cohesion policy. Together with the state of the art contributions from the other project partners in cluster one they were inserted into deliverable D2.

The design of the website has been discussed with the NEWGOV coordinator in Florence before being launched in a test phase; for this purpose, the Jean Monnet Chair in Cologne prepared a structure that should be compatible with the overall NEWGOV consortium website. On the other hand, a duplication of the NEWGOV website was to be avoided. The cluster website has been designed as a complementary tool to the overall consortium website, rather than producing a second parallel track of online products on modes of governance. This does not exclude a certain degree of overlap, but the approach is different. In particular, the cluster 1 website offers a thematic structure which does not take workpackages or deliverables as constituent parts, but focuses on the horizontal questions and the different policy areas in play. Thus, the user interested e.g. in CFSP could find a quick reference in project 1 on the state of the art, scientific hypotheses and the link between this policy field and the basic features of EU governance.

II.2 List of deliverables

Del. no	Deliverable title	Date
D1	Kick Off Meeting to initiate cluster work, prepare contributions for state of the art report	10/12/04
D2	State of the Art Report, based on contributions from partners, including detailed work plan for overall cluster	18/03/05
D3	Project Glossary for website and later publication with input from all participants	25/05/05
D4	Cluster Website for coordination, organisation and dissemination of project activities / results	31/08/05
D5	First set of indicators/variables for classifying Governing Modes	31/08/05
D6	Project Open Interim Meeting to Discuss Progress and Next Steps	31/05/05
D7	Scientific Guidelines and Checklists for Working Papers on Emergence of GMs	31/08/05
D8	Overview Paper on Classification and Mapping of Governing Modes by Cologne	31/08/05
D9	Co-authored Paper on the Classification/ Mapping of various types of OMC in Different Policy Fields	30/07/05
D10	Working Paper by Griller on theories and models of democracy in Europe	15/08/05
D11	Working Paper by Peters on theories and models of democracy in Europe	Month 14
D14	Working Paper Risse on the conditions for arguing, persuasion and learning in EU treaty negotiations	Month 14
D15	Working Paper by the Philippe Pochet / David Natali on the Emergence of OMC in the area of the Social Dialogue and Pensions Reform	Month 14
D16	Working Paper by Kalmán Deszeri on the Emergence of the Cohesion Funds in Central Europe	Month 14
D17	Working Paper by Jörg Monar on the Emergence of Hybrid Forms of Governing Modes in Justice and Home Affairs	Month 14
D18	Working Paper by Gerda Falkner, Oliver Treib and Holger Bähr on social and environmental policy expansion of the Community Method	Month 14
D19	Working Paper by Udo Diedrichs on the Emergence of Intergovernmental Governing Modes in the EU's Common Foreign and Security Policy	Month 14
D20	Working Paper by Udo Diedrichs on the Emergence of Hierarchical Governing Modes in the Area of Central Banking	Month 14
D21	Contribution to the development of a second set of indicators /variables for classifying and measuring governance modes	Month 15
D28	Policy Memorandum on Development of OMC in Research Policy and Information Society	Month 17