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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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CO	Confidential, only for members of the consortium (including the Commission Services)	

Summary

Two main issues have been on the agenda of the Cluster Meeting held in Florence on 6 June 2008: The discussion of the 14 questions guiding the final scientific work of the consortium, as well as the stage of preparation of the Cluster volume and the steps ahead. The meeting took place during the 4th and final NEWGOV Consortium Conference, 5 and 6 June 2008, at the European University Institute in Florence.

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I. Introduction

Two main issues have been on the agenda of the Cluster Meeting held in Florence on 6 June 2008: The discussion of the 14 questions guiding the final scientific work of the consortium, as well as the stage of preparation of the Cluster volume and the steps ahead.

II. Discussions and Findings at the Cluster Workshop

The Cluster Meeting discussed the basic issues arising from the 14 questions which had been formulated by the project coordinator and also undertook reflections on the upcoming publication on New Modes of Governance.

II.1. The Questionnaire of New Modes of Governance

II.1.1. Emergence and Evolution of NMG

The definition of new modes of governance in cluster 1 follows a multidimensional approach. The starting assumption is that there is not the one new mode of governance that could be applied across all EU policy areas. "New modes of governance" is rather taken as a keyword for the dynamics of change in the composition and mixture of different modes of which some may be innovative in a particular field of EU action, while others follow more traditional lines. New modes of governance thus hints at

- the introduction of innovative, formerly unknown modes of governance
- the transformation or further development of "old" modes of governance
- changes in the mixture between different old and/or innovative modes.

The emergence and evolution of such new modes of governments is closely linked to the overall systemic development of the EU, providing opportunity structures for their use. These opportunity structures do not neatly determine the application of certain modes, but define a range of options which are open to be translated into political reality.

Basically, the emergence of modes of governance understood as changes in the composition of existing and/or novel modes may be distinguished according to the basic institutional features of the policies in play:

- In the intergovernmental pillars of Maastricht, CFSP and JHA, modes of governance came into play basically as a reaction to the deficiencies of classical intergovernmental bargaining and its limitations for solving policy problems, while avoiding to move towards traditional and full-fledged patterns of communitarisation.
- In the EC area, new modes of governance emerged out of a double rationale: solving policy problems without resorting exclusively to the classical Community method, considered as too costly for member states in terms of concerns over national sovereignty and autonomy, preservation of domestic legacies or protecting sensitive issues areas where uncertainty over EU decision-making prevailed.

II.1.2. Key Policy Objectives of NMG

The policy goals identified vary according to the specific area under investigation. As Cluster 1 has analysed a broad range of policy areas in different pillars of the EU, we have come to find rather different specific sets of objectives:

- In research policy, pension reform, and social policy, the objectives as defined by the Lisbon summit 2000 and the Barcelona summit 2002 in terms of innovation, competitiveness, economic growth.
- In particular, policy failures or policy gaps have been accounted for introducing or improving modes of governance,
- Transparency and legitimacy has been publicly presented as guiding lines for changing the fabric of EU governance, particularly by Treaty reform, establishment of OMC and subsequent improvements in the institutional and procedural provisions.
- The external standing and role of the EU has also played a major role in driving the development of modes of governance, in economic terms under the Lisbon heading, but also with regard to CFSP and ESDP, whose development are not least a reaction to the changed international security environment. In justice and home affairs, the external dimension of crime and domestic threats to security has been a major factor in defining more comprehensive policy goals for the EU.

The use of instruments reflects the observed differentiation and hybridisation of governing modes, so that hard and soft law measures are often used in parallel. Instruments differ according to the specific mode in play. In general, the mixed composition of modes of governance reflects a basic trend of choosing options for steering beyond the classical Community method, based upon binding legislation, which comes into play in particular sectors of policy areas (most of CFSP, parts of JHA, of social policy, research policy, pension reform).

II.1.3. Key Policy Instruments of NMG

The use of instruments reflects the observed differentiation and hybridisation of governing modes, so that hard and soft law measures are often used in parallel. Instruments differ according to the specific mode in play. In general, the mixed composition of modes of governance reflects a basic trend of choosing options for steering beyond the classical Community method, based upon binding legislation, which comes into play in particular sectors of policy areas (most of CFSP, parts of JHA, of social policy, research policy, pension reform).

A mix of private and public actors has been particularly important in the areas of social, environmental, and in pension reform, where elements of corporatism have been observed, including private actors in the decision-making process. In pension reform and social dialogue, private actors have become part of decision-making, while not yet fully integrated into the EU policy-making process.

The degree of involvement of private actors is still rather modest in CFSP and justice and home affairs, although growing participation of such actors may be slightly assumed.

II.1.4. The Evolution of NMG

Substitution of older modes by more innovative ones is rarely the case. Instead, the co-existence of different modes and trends towards hybridisation are much more frequent. So far, new modes represent thus the changing composition in modes of governance in particular policy areas. As stated, it is less the mix or combination than the co-existence or parallelism of different modes of governance which is to be observed across policy areas.

Differentiation of modes within policy areas can be observed in general, making it difficult to identify overarching trends in the evolution. Basically, Treaty reforms has opened opportunities for joint-decision making in the EU, an increasing inclusion of private actors may also be regarded as a trend, while the adoption of instruments by soft law is much less an overall de-

velopment, depending instead on the specific nature of the policy area, the political will of the member states, and the resistance of domestic social, economic and political structures to allow for European solutions.

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II.1.5. The Evaluation of NMG

Mostly, OMC has been evaluated as rather ineffective with a view to its stated policy goals. The combination of rather ambitious goals coupled with rather weak instruments as in OMC, leads deficits in effectiveness and output.

In general, the lack of perception of EU modes of governance by the broader public has so far not led to major increases in legitimacy, while the observed co-existence of different governing modes has strengthened, rather than weakened, the lack of transparency.

In home and justice affairs, elements such as target-setting have proved to be rather useful tools for driving the policy development forward, while certain areas remaining sensitive for member states (such as police cooperation) have revealed rather modest progress.

In case of the Convention, effectiveness of outcomes has been fostered by generally transparent and legitimate conditions for interaction, thus generating solutions in cases where they had been impossible to achieve under the IGC method.

II.2. The Publication of the Volume

The Cluster partners agreed that the volume to be published should be related to the 14 questions as defined by the coordinators, but still must reflect the autonomous and academically independent state of the art achieved within the cluster compared to other clusters. Thus, the main focus of the volume will not lie in the perspective of implementation of policies, but remain focused on the dimension of integration and the systemic evolution of the EU as reflected in key policy areas. Second, all partners agreed that the comparative perspective of the volume should be further increased by using a structure which takes up the four 'E's lying behind the whole Cluster work from the very start. The Cluster coordinators have been put in charge of reviewing the second versions of the chapters in order to submit proposals for reformulating some passages in order to increase coherence to a common perspective.

III. Workshop Programme

10:00 – 11:30	The Dynamics of Change in the EU: Modes of Governance, Policy-making and System Evolution: Questions 1-7 (Variation, Emergence and Execution) <ul style="list-style-type: none">- Presentation by Udo Diedrichs, <i>University of Cologne</i>- Comments by all Cluster partners- Discussion of the Key Questions for the NEWGOV consortium by all cluster partners
11:30 – 12:00	Coffee Break
12:00 – 13:30	The Key Questions for the NEWGOV Consortium: Theses and Discussion continued: Questions 8-14 (Evolution and Evaluation)
13:30 – 15:00	Lunch Break
15:00 – 16:30	Summarising the Findings on the Key Questions and on the Cluster Results
16:30 – 17:00	Coffee Break
17:00 – 18:30	Where to Go From Here: On the Way to the Joint Volume for Cluster 1

IV. List of Participants

1. Prof. Dr. Wolfgang Wessels, Universität zu Köln, Project No. 1, Cluster Co-ordinator
2. Dr. Udo Diedrichs, Project No. 1, joint Cluster Co-ordinator
3. Ms. Anya Dahmani, Université Robert Schuman, Project No. 1
4. Dr. Kalman Dezséri, Institute for World Economics, Project No. 1
5. Prof. Gerda Falkner, Institut für Höhere Studien, Project No. 1
6. Prof. Jörg Monar, Université Robert Schuman, Project No. 1
7. Dr. Oliver Treib, Institut für Höhere Studien, Project No. 1
8. Mr. Colin Shaw, University College Dublin, Project No. 2
9. Ms. Mareike Kleine, Freie Universität Berlin, Project No. 3
10. Prof. Stefan Griller, Wirtschaftsuniversität Wien, Project No. 4
11. Mr. Christian Simon, Wirtschaftsuniversität Wien, Project No. 4