

**EU regional policy and New Modes of Governance:
Implications to the EU's democratic legitimacy**

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Abbreviations

AFSJ: Area of Freedom, Security and Justice

CEEC: Central and Eastern European Countries

CIACE: Inter-Ministerial Committee for the Communitarian Affairs (Comitato Interministeriale per gli Affari Comunitari Europei)

CIPE: Committee for Economic Planning (Comitato Interministeriale per la Programmazione Economica)

CNEL: National Council for Economy and Work (Consiglio Nazionale dell'Economia e del Lavoro)

CoR: Committee of the Regions

COREPER: Committee of Permanent Representatives

CSDP: Common Security and Defence Policy

CSO: Civil Society Organisation

EAC: European Affairs Committee

EAGGF: European Agricultural Guidance and Guarantee Fund

ECB: European Central Bank

ECCP: European Code of Conduct on Partnership

EMFF: European Maritime and Fisheries Fund

EMU: European Monetary Union

ENP: European Neighbourhood Policy

ERDF: European Regional Development Fund

ESDN: European Sustainable Development Network

ESF: European Social Fund

ESS: European Social Survey

EU: European Union

FER (Förderungsaktion für eigenständige Regionalentwicklung – Support action for independent regional development - Austria)

FFG: Austrian Research Promotion Agency (Österreichische Forschungsförderungsgesellschaft)

GDP: Gross Domestic Product

IMF: International Monetary Fund

INTERREG: EU initiative which aims to stimulate interregional co-operation

IROP: Integrated Programme for Regional Development (Poland)

ISPA: Instrument for Structural Policies for Pre-Accession

JASPERS: Joint Assistance to Support Projects in European Regions

KAP-EVA: Co-ordination and Work Platform Evaluation (Die Koordinations - und Arbeitsplattform Evaluierung - Austria)

LEADER: Links between the rural economy and development actions (Liaison Entre Actions de Développement de l'Économie Rurale)

MC: Monitoring Committee

MEP: Member of the European Parliament

MRD: Ministry of Regional Development (Poland)

NDS: National Development Strategy

NGO: Non-governmental Organization

NMG: New Modes of Governance

NUTS-2: Nomenclature of Units for Territorial Statistics 2

OECD: Organisation for Economic Co-operation and Development

OMC: Open Method of Co-ordination

OP: Operational Programmes

ÖROK: Austrian Spatial Planning Conference (Österreichischen Raumordnungskonferenz)

PHARE: Poland and Hungary: Assistance for Restructuring their Economies

PA: Partnership Agreement

R&D: Research and Development policy

RGF: Regional Growth Forum (Denmark)

ROP: Regional Operational Programmes

RSC: Regional Steering Committee

SAPARD: Special Accession Programme for Agriculture and Rural Development

STRAT.AT: Austrian National Strategic Reference Framework

STRAT.AT plus: Austrian National Strategic Reference Framework 2007–2013

TFEU: Treaty on the Functioning of the European Union

URBACT: European exchange and learning programme promoting sustainable urban development

URBAN: EU programme for city areas

VA: Voluntary Agreement

WTO: World Trade Organisation

Abstract

Several indicators highlight that the EU suffers from a democratic legitimacy deficit that threatens not only the effectiveness of its policies, but also its integration project. This deficit has become very prominent since the 1990s and derives from the EU's multilevel governance political system. This political system combines elements both of a nation state and an international organisation, and, thus, transforms traditional politics and government and redefines the concepts of democracy and legitimacy both at European and national levels. This thesis investigates the EU's democratic legitimacy issue and also demonstrates how New Modes of Governance (NMG) can contribute towards the democratic legitimation of the EU's political system. NMG, due to their non-hierarchical, more inclusive and co-operative governance approaches, can theoretically enhance participation and improve the quality of policies and policy-making. Thus, they can enhance the input, throughput and output sides of the EU's democratic legitimacy. Against this background, this thesis examines the employment of NMG in the EU's regional policy and especially in four case studies (Austria, Denmark, Italy and Poland). Through this comparative investigation, it offers an assessment of NMG influence on the EU's democratic legitimacy. In particular, it finds that the interaction of NMG with the political environment of the four case studies results to some developments that can enhance the EU's democratic legitimacy. Nevertheless, NMG have certain limitations too which constrain their employment on the EU's regional policy and limit their contribution to the EU's democratic legitimation. The thesis concludes that NMG is a useful auxiliary tool towards the democratic legitimation of the EU, but they have to be better connected with the processes of representative democracy. They also depend on the progress of the EU's political integration. However, they constitute an innovative method of governance and further inquiry is necessary.

PART I: THEORETICAL BACKGROUND

1. INTRODUCTION

1.1. The EU's legitimacy deficit

The issue of the European Union's (EU) democratic legitimacy has gained significant importance since the 1990s. Until that period the then European Community was a political system that, although it had an overall positive influence on the lives of the European citizens, did not affect them radically. In fact, the EU could gain citizens' support, or 'permissive consensus' (Obradovic, 1996: 192) relying on the legitimacy of its member states and its positive policy outcomes (Lord, 2000: 4). This condition, however, changed with the Single European Act (1987) and, particularly, the Treaty on European Union (1993), which redirected the EU towards a political system in its own right (Hix, 2005). The greater autonomy of supranational institutions, the employment of majority voting and the EU's greater involvement in all aspects of European citizens' lives, made it difficult for the EU to rely only on the previous legitimation status. The expansion of the EU competences made both national authorities and civil society to demand greater transparency and accountability from Brussels. The more the EU is gaining more powers the more is in need of 'direct popular support' (Schimmelfennig, 1996: 2).

Thus, since the early 1990s there is an expanding debate over the EU's legitimacy and democracy, which is also reflected on the increasing size of literature debating the EU's democratic legitimacy (e.g., Beetham and Lord, 1998a; Scharpf, 1999; Moravcsik, 2002; Follesdal and Hix, 2006; Schmidt, 2004). This debate over the EU's democratic legitimacy is becoming more confusing due to the complex notion of political legitimacy and the EU's political system, which is a novel political system combining elements both from the nation-

state and international organisation. In any case, nowadays the EU faces an increasing criticism over its democratic aspect and its legitimacy, and the argument of its legitimacy crisis is widespread. This condition also affects the EU's integration project and poses questions over the future of the EU as such.

This legitimacy crisis is further deteriorating due to the severe financial crisis that the Eurozone faces. The crisis affects negatively the efficiency of EU policies, which is considered the strong legitimising factor of the EU's political system, and in several occasions threatens the cohesion of the EU as well (Balfour *et al.*, 2010: 6). Against this background, Balfour *et al.* (2010: 6) argue that during the 2010, the '*annus horribilis*' for the EU, the weaknesses of the European integration project were brought to fore.

1.2. Indicators of legitimacy deficit

The last twenty years the EU has come across strong reactions against several reforms, which were further enhancing its political role and promoting the integration project. A number of institutional reforms, which were foreseeing more power for the European Parliament, or proposals for the enhanced role of 'civil society' in Europe, had no substantive results (Andreev, 2008: 215). In addition, much of the several efforts for further integration have met significant opposition in the member states' societies, while at the same time the majority of the European population was indifferent or considering extremely complex the EU decision-making processes. Several negative referenda in various member states (Denmark, 1992; Ireland, 2001, 2008; Sweden, 2003; France and Netherlands, 2005) over various European issues highlight this condition.

Additionally to the negative referenda, there are several other examples indicating this legitimacy crisis. One of them is the low turnout of European Parliament's elections. Since the first elections in 1979 the participation in the election is constantly diminishing and while in 1999 has been below 50 per cent, in 2009 has fallen to 43 per cent. The turnout of the 2014 European elections has been proven even worse (42.5 per cent). Similar phenomena can be observed in national elections as well, but the EU's case seems to be closer connected with its legitimacy deficit. The 2009 elections showed that one third of European citizens considered those elections as 'irrelevant' (Hix and Marsh, 2011). Moreover, the lower turnout in the European elections is also accompanied with the significant reinforcement of parties with a Eurosceptic or anti-European agenda. At the 2014 European Elections these parties took around 25 per cent of the available seats.

The EU Eurobarometer surveys that take place every six months present a similar image for the EU's legitimacy issue. This piece of research has examined several of them for the period autumn 2010 to spring 2014 and finds that the positive opinions and trust towards the EU is in decline and the EU citizens increasingly tend to believe that their voice does not count in the EU (EC, Eurobarometer 80, 2013: 6-7). These results have also to be examined in the context of the 2008 financial crisis. Since the beginning of the crisis several of the Eurobarometer indicators have constantly been deteriorating and presenting negative results (e.g. 'trust towards the EU', 'My voice counts'). The negative views are stronger especially in those countries most severely affected by the crisis. This development actually highlights the extent to which positive policy outcomes can influence the confidence on an institution and increase its legitimacy (Jones, 2009).

The EU's legitimacy issue has to be also analysed in the context of several developments both at national and global level. Nowadays a crisis of legitimacy is observed

even in well-established democracies and there is a general disapproval towards the performance of political institutions in many countries (Birdwell *et al.*, 2013: 171). As a matter of fact, the Eurobarometer surveys of the last decade show that the EU citizens tend to trust less national institutions and governments than the EU (Eurobarometer 81: 2014: 9). In general, the citizens feel that modern democracies are not functioning well and are not adequately protected to respond to challenges from international factors, including the EU integration (Andreev, 2008: 210). As Arnall (2002: 7) assesses, the people are not willing to accept passively a government by unaccountable elites, and hence institutions and public office holders 'have become subject to an increasing level of critical scrutiny'. This situation is deteriorating through the growing criticism towards neo-liberal economic policies and anti-globalisation sentiments (Andreev, 2008: 217).

The EU political system and democracy obviously cannot avoid this critical scrutiny. It is often criticised as a political organisation that promotes neo-liberal policies and suffers from a democratic deficit. There is certainly some validity on these judgments, but sometimes the EU is targeted unfairly. The discontent towards the functioning of modern day democracy is often expressed through the rise of populism and extremist trends in societies (Andreev, 2008: 217). The last two decades this environment enhances the rise of populist 'blame-shifting', and domestic politicians increasingly tend to accuse the EU for several social and economic national problems that fall under their responsibility (Beyers and Trondal, 2003 in Andreev, 2008: 209). This is expressed through the increase of protests against the EU's policies and the increase of, mostly right-wing, populist criticising against the EU (Balme and Chabanet 2002; Zürn, 2004). Apparently this affects negatively the EU's democratic legitimacy.

The abovementioned examples prove that the EU certainly faces a legitimacy issue. But it also seems to be a lack of vision for the future. As Schmidt (2013: 18) argues the EU fails to

promote a discourse about itself over the future and it is becoming ‘invisible’ to the citizens. The global financial crisis intensifies this problem. Therefore, the EU faces nowadays ‘an increase of national focus, an increasing distrust among Member States and a growing gap between national capitals and Brussels’ (Balfour *et al.*, 2011: 6). National egoisms become prominent, ‘go well beyond the realm of the economy’, and ‘have widened old cracks and opened new wounds between Member States and citizens’ (Balfour *et al.*, 2011: 6).¹ This poisonous political atmosphere among the EU countries and their citizens threatens the European construction, as it does not promote the co-operation, which is necessary for the further European integration (Balfour *et al.*, 2011: 6). It also undermines trust among all of its member states. Consequently, the issue of European legitimacy is becoming crucial not only for the functioning of the EU, but for its future entity as well.

1.3. Structure of the thesis

The focus of this study is to analyse the EU’s democratic legitimacy issue and the extent to which New Modes of Governance (NMG) can contribute towards the democratic legitimation of the EU’s political system. In order to proceed to this examination, the literature review of this study will have to outline some basic concepts. Such concepts are those of legitimacy, democracy, multilevel governance and NMG. The delineation of these concepts provides with the necessary theoretical background so this study can carry forward with the analysis of the EU’s political system and democratic legitimacy issue. The analysis of these issues will eventually allow the comparative investigation of the application of the EU’s

¹ e.g. reactions against Schengen Treaty in Denmark, France and Italy (Libyan crisis 2011) and emergence of national stereotypes (PIGS – ‘Portugal, Italy, Greece and Ireland’).

regional policy and NMG on four member states (Austria, Denmark, Italy and Poland), and highlight whether NMG can have any impact on the democratic legitimization of the EU's political system.

1.3.1. *Criteria and dimensions of legitimacy*

This thesis initially analyses the concept of political legitimacy and particular that of democratic legitimacy. The analysis combines both Scharpf's input and output legitimacy and the Beetham's threefold theoretical scheme of legality, normative justifiability (democracy, identity, performance) and legitimation. The combined use of these approaches is necessary as it allows this study to examine the issue of legitimacy employing both normative and descriptive theoretical approaches. In addition, the thesis investigates the models of direct, indirect and technocratic legitimacy, which can help conceptualise the legitimacy issues of nation-states and international organisations as well.

The combined employment of these criteria and models of legitimacy can explain better the EU's democratic legitimacy issue. The EU is neither a nation-state nor an international organisation. It is a political system that combines both, and this affects the EU's legitimacy. As Wallace (1993: 100) insists, the EU's legitimacy is secured in different ways in the several levels of governance, supranational, national and sub-national. For this reason, this study employs a complementary approach, which composes all these criteria and dimensions of legitimacy in a unitary scheme of analysis, and highlights more aspects of its democratic legitimacy issue. Through the employment of this scheme this examination also highlights the particular political system of the EU.

1.3.2. *Democracy*

The EU's legitimacy question cannot be fully explained without addressing the degree to which the EU satisfies some basic democratic principles. The EU is a union of liberal democratic nation-states and, consequently, can only be legitimate, if it satisfies such principles. Hence, this piece of research examines the question of the EU's so-called 'democratic deficit', which in several cases is conflated with its 'legitimacy crisis' (Andreev, 2007: 9). It analyses the fulfilment of democratic principles in the EU's political system and reviews the literature comparing the EU's and nation-state's democracy.

The investigation of the EU's democracy shows that there are contesting arguments on the issue. On the one side the EU does not seem to be less democratic than other federal states like the USA or Switzerland. In fact, the EU performs rather well in several democratic criteria. On the other side, the EU democracy faces several problems too. Some of the criticism focuses on the lack of a European 'demos', the reduced citizens' interest in European politics and the problematic means of democratic control of the EU policy-making processes. All these arguments have a solid base and lead to the realisation¹ of a significant parameter in the debate of the EU's democratic deficit. That is that the EU's democracy cannot be compared with that of a nation-state, as the EU is not such a state. It is a complex novel political system which redesigns concepts of democratic legitimacy in a 'glocal context' (Micossi, 2008: 15). Thus, it has to invent new paradigms of a supranational democracy.

1.3.3. *Multilevel system of governance and the EU political system*

The analysis of the EU's democratic legitimacy stresses the need for a thorough investigation of its political system as well. The EU cannot be easily considered a nation-state

or just an international organisation, as it 'does not fit into any accepted category of government' (Sbragia, 1993: 24). As Mann (1993: 128) also argues, the EU 'is not yet a state, nor is replacing states'. This complex political system is the reason why traditional legitimacy theories do not easily apply to the EU. In this context, this piece of research examines the literature on the European integration project in order to have a spherical view on theories explaining the EU's political system.

This study focuses on Gary Mark's theory of multilevel governance system (1992). Marks (1992: 192-3) examines the EU as a *sui generis* political system, which functions on a vertical and horizontal dimension where supranational, national and sub-national actors, public and private, interact into a network of relations. This political system stresses the significance of a more expanded and flexible approach to the issue of democratic legitimacy. Since the EU is neither an international organisation, nor a nation-state, then it must find a sort of legitimacy that could combine elements from both. Eventually, the multilevel governance theory seems to provide with the necessary theoretical background, which can describe better the EU's democratic legitimacy issue combining the several models, criteria and dimensions of legitimacy in the context of the EU's political system.

1.3.4. *New modes of Governance (NMG)*

This section proceeds to a thorough investigation of NMG, of their origins, the way they apply to the EU's policies and the way they influence the EU's multilevel system of governance. According to the literature NMG can contribute towards the input, throughput and output sides of the EU legitimacy, because they are based on networks of collaboration between public and private actors, which can theoretically provide answers to major societal issues,

solve problems or seize opportunities. Actually, the NMG theory seems to apply to the EU's multilevel system of governance, as the governance networks interact in supranational, national, regional and local level. Emphasis is also added on the direct involvement of private actors in policy formulation and implementation, and on the central role of 'non-hierarchical co-ordination' (Börzel *et al.*, 2005: 4).

1.3.5. EU regional policy

Following the analysis of the NMG theory, this study proceeds to the examination of how this theory applies to the EU's political system. In particular, it examines the policy fields where this theory applies and it focuses on the EU's regional policy. Through the examination of the application of NMG on the EU regional policy in four case studies, this study intends to answer whether the former can have any impact on the EU's democratic legitimacy issue.

The EU's regional policy is considered to be at 'the leading edge of multilevel governance' where several actors, supranational, national, regional, local, private and public, are entangled in various interconnected policy networks (Marks 1993: 402-403). The EU sees in the regional policy a useful tool towards its economic development and the formulation of a sense of belonging among the EU citizens (European Parliament, 2004). A significant element of the EU's regional policy is the application of partnership principle. According to the Commission, this principle reinforces the role of NMG into the EU's regional policy, as it 'implies close co-operation between public authorities at national, regional and local levels in the Member States and with the private and third actors' (European Commission, [EC], 2012: 3). Additionally, the Commission insists that the partnership principle brings significant

benefits in terms of efficient implementation of the funds, knowledge sharing, transparency, participation, legitimacy, collective commitment and capacity building (EC, 2012).

The investigation of the EU's regional policy can offer some useful insights regarding the application of NMG and their impact on the EU's democratic legitimacy. There is, though, a significant differentiation among member states in terms of regional administrative systems, regional capabilities and political and social backgrounds. The current study recognises this variety and it proceeds to a representative selection of case studies, which cover a broad spectrum of administrative systems and political environments (Austria, Denmark, Italy and Poland). The selection criteria are the degree of centralisation of the administrative system (federal, regional, unitary states) and the democratic 'milieu', as it is defined by Skelcher *et al.* (2011). Skelcher *et al.* identify two basic features that define the democratic milieu. These are Lijphart's (1999) distinction between consensus and majoritarian patterns of democracy, and the level of associationalism, or engagement of the civil society (Skelcher *et al.*, 2011: 15-16). Through this comparative examination this piece of research explores the interaction of NMG with member states' socio-political environment and whether this interaction can have any impact on the EU's democratic legitimacy issue.

1.4. Research design and methods

The investigation of the impact of NMG on the EU's democratic legitimacy is a qualitative research based on an inductive reasoning that relies on the use and comparative analysis of case studies. The thesis, in order to identify how NMG affect the democratic legitimacy in the EU's multilevel system of governance, analyses the EU's regional policy, which is a fine example of the EU's multilevel system of governance. It selects four case studies (Austria, Denmark, Italy and Poland), which provide a representative sample of the EU's diverse political environment. Then it investigates how the EU regional policy, and the NMG, applies to each one of the case studies in a particular time frame. The thesis focuses on particular variables, which allow it, first to analyse how NMG apply to each one of the case studies, and second to investigate whether their application can really contribute towards the democratic legitimation of the EU. This research process explores the similarities and differences of NMG application on the sample and tries to identify some patterns regarding the EU's democratic legitimation. It is an open-ended process which however faces some limitation and do not allow for significant generalisations. Still, the thesis attempts to highlight some common patterns within its limitation and suggests a general outline of possible generalisation.

1.4.1. Induction

Inductive reasoning, or induction, is the form of reasoning that uses observations in order to understand reality and build theories (Fox, 2008: 429). These observations, based on past experience 'with reasonable levels of certainty', can lead to generalisations about the future (Fox, 2008: 429). Thus, induction is a process that seeks to find the unknown and leads

the researcher from the particular to the general, making predictions and ‘involving estimations and generalisations’ (Rathmanner and Hutter, 2011:1077). Hume describes this process as ‘an activity of mind that takes us from the observed to the unobserved’ and is based on the causality (Sloman and Lagnado, 2005: 95).

Induction, however, can never lead to certain conclusions. Inductive reasoning is based on past experience, which requires the presupposition that it always brings the same results (Sloman and Lagnado, 2005: 95). If the analysis of a case, however, leads us to other results, this overturns the generalisation (Fox, 2008: 429). The ‘black swan’ case is a very prominent example. This is the problem of induction and is common in both natural and social sciences. In natural sciences induction has resulted to several theories that ‘appear to operate in many settings (physics, chemistry) (Fox, 2008: 429). In social sciences though there are several intertwined factors and this does not always allow the application of a theory in a context different than the one it initially developed (Fox, 2008: 429). Therefore, a researcher should always be cautious when attempting generalisations and take under consideration the available evidence that support an argument (e.g. all swans in Central Park are white – all swans in Europe are white) (Sloman and Lagnado, 2005: 97). In any case, induction should be always considered as ‘the “best” conclusions from a set of observations’ (Rathmanner and Hutter, 2011:1077).

1.4.2. Case Study method

The investigation of the impact of NMG on the EU’s democratic legitimacy issue relies on the use of case studies. The case study research method is an empirical inquiry that ‘focuses on understanding the dynamics present within single settings’ (Eisenhardt, 1989: 534). It is

particular useful when the research question(s) answers to 'who' or 'why' about a contemporary phenomenon over which the researcher has limited or no control (Yin, 2014: 14). Yin (2014: 16-17) provides with a two-fold definition of the case study research method, which describes the scope and the features of a case study:

Scope: 'A case study is an empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident'.

Features: 'A case study inquiry copes with the technically distinctive situation in which there will be many more variables of interest than data points, and as one result relies on multiple sources of evidence, with data needing to converge in a triangulating fashion, and as another result benefits from the prior development of theoretical propositions to guide data collection and analysis'.

As regards the scope, the case study research method can help in the analysis of real-world phenomena without separating them from 'important contextual conditions' (Yin, 2014: 16). It helps not only in the understanding of an event, but also in the developing of more 'theoretical statements about regularities in the observed phenomena' (Fidel, 1984: 274). Thus, the case study research method can be used to 'provide description, test theory or generate theory' (Eisenhardt, 1989: 534-535). In addition, the use of case study can help a reader understand a phenomenon better, as it communicates an issue in a way that accommodates reader's experiences and understanding (Naturalistic generalisation; Stake, 2000: 19).

As regards the features, the case study research method emphasises on the in-depth analysis of a representative number of events or conditions and their relationships and uses multiple sources of evidence such as documentation, interviews and observations, a technique

called triangulation (Eisenhardt, 1989: 534). Therefore, it is a flexible research method, as it can use both qualitative and quantitative methods and produce 'diverse research outcomes' (Iacono *et al.*, 2011: 57). Additionally, case studies can involve single or multiple cases and can support all types of epistemological orientations from relativist or interpretivist to realist (Yin, 2014: 17). Finally, an important dimension in case study research method is the existence of a research focus, or proposition, which can function as a guide towards the research design and the analysis of data (Yin, 2014: 17).

Nevertheless, the case study research method faces some criticism as well. For example, there are concerns over the effectiveness of case studies to result in generalisations, especially when the analysis involves a small number of cases. Critics argue that in those cases the case study should be considered mostly as an exploratory tool rather than a basis of wider generalisation and theory development (Hammersley and Gomm, 2000: 3). In addition, the case study method can raise issues of objectivity and result in biased conclusions, especially when the sample is small and a systematic procedure is absent (Yin, 2014, p. 20-21). Another concern also is that the case study method can result in unmanageable level of data and take too long (Yin, 2014, p. 21). All these concerns highlight the difficulties of the case study research method. Yin argues that 'good case studies are still difficult to do' and researcher's skills and abilities play an important role as well (2014: 22). As a matter of fact, similar concerns exist for other research methods too (experiment, survey, archival analysis and history), but the case study faces more criticism due to the fact that 'researchers have not followed systematic procedures' (Yin, 2014: 22).

In any case, researchers in social sciences continue to use the case study research method, as they consider it a very useful tool in the analysis of complex social phenomena. In political sciences the case study research method is rather appealing and constitutes a large part

of the work produced by the discipline (Gerring, 2004: 341). Indeed, the case study method is used in the analysis of several political phenomena, including the analysis of transnational phenomena such as 'specific processes of and organisations for transnational integration, particular "systems" of international politics, particular crises in international relations, and the like' (Eckstein, 2000: 119).

1.4.3. *Comparative method*

The term comparison means the act of looking at things or people to consider or estimate how different or similar they are. Comparison is a basic element in all sciences, including the social sciences, and can take place 'between individuals, interviews, statements, settings, themes, groups, and cases, or at different points in time' (Mills, 2008: 100). According to Collier (1993: 105) 'comparison is fundamental tool of analysis...[and can bring] into focus suggestive similarities and contrasts among cases'. Thus, he says, comparison is useful 'in testing hypotheses and it can contribute to the inductive discovery of new hypotheses and to theory-building' (Collier, 1993: 105).). Lijphart (1971: 683) defines comparison as one of the basic scientific methods 'of discovering empirical relationships among variables'. He distinguishes it from the scientific method and he claims that it is not a 'method of measurement' or a specialised technique (Lijphart, 1971: 682-3). This is the reason why comparison is often described as an 'approach' or 'research strategy' (Lijphart, 1971: 683). Nowadays, comparative analysis is a methodology that is used broadly to empirical social sciences and allows a researcher to investigate 'cases relative to substantive and theoretical criteria' (Ragin, 2014: 1).

In political sciences comparative method is one of the four 'basic methods establishing general empirical propositions' - the others are 'the experimental, statistical, and case study methods' (Lijphart, 1971: 682). All these methods aim at establishing 'general empirical relationships among two or more variables, while all other variables are controlled' (Lijphart, 1971: 683). The term comparative analysis can include the large-scale comparative studies (Large-N) based on statistical (quantitative) techniques or small-scale comparative studies based on qualitative techniques (Caramani, 2008: 2). Nevertheless, nowadays the label comparative method is often equated with the 'Small N' approach (Caramani, 2008: 2). The selection of a small number of cases has the advantage that allows the better examination of cases, as the researcher can focus on 'few instances of the phenomenon' (Collier, 1993: 105). Besides, Lijphart says that the Small N approach helps more an analyst with modest resources (1971: 685). In particular, the comparative method requires less data than the experimental or statistical research, but more than the case study (Lijphart, 1971: 685). When Lijphart discusses the case study method he actually refers to the single case, which although has limited opportunities to lead to generalisations (e.g., democratisation in Latin America through the examination of a single country), yet it can indirectly contribute to testing or building theories (1971: 691). As a matter of fact, even single case studies very often 'draw implicit comparisons to wider groups of cases' (Bennett, 2004: 29). Thus, Lijphart (1971: 691) considers the case study method to 'be closely connected with the comparative method'.

The conduct of a comparative study though poses to a researcher several issues, which need to be carefully addressed; otherwise there is the risk of biased or irrelevant research findings. These issues mostly refer to the selection of cases and particularly the unit, scale and level of analysis (Mills, 2008b: 101). As regards the unit, there is the question between the 'construct population' and the 'given' one (Mills, 2008b: 101). For example, in political

sciences, in a Small N qualitative cross-national research the theory driven selection of cases – construct population- may ‘favour the findings of a particular research question’ (Mills, 2008b: 101-2). If, though, the selection of cases follows ‘historical and political processes’ (e.g., historical background, geographic proximity – given population), this may lead to many irrelevant cases (Mills, 2008b: 102).

The question of the scale refers to the number of the cases, or, as Lijphart calls it, the problem of many variables, Small N (1971: 685). If the researcher chooses the analysis of few cases in depth, faces the risk of having too many variables and too few cases; and this reduces the effectiveness of causal explanations (Mills, 2008b: 102). Conversely, too many cases and few variables may result to superficial findings (Mills, 2008b: 102). Furthermore, there is the issue of the level of analysis. The level of analysis refers to the study of the micro or macro level of social phenomena (Mills, 2008b: 102). For example, in political sciences the micro-political level of analysis focuses on the individual level activities (e.g. members of an NGO, elite members of a political party), and the macro-political level analysis on issues such as ‘social classes, economic processes, and the interaction of nation-states’ (Landman, 2003: 18).

The abovementioned issues highlight the difficulties of comparative research analysis, the few cases comparison, and the importance of selecting carefully the case studies. One process that can help towards this selection is based on the methods of difference and agreement which were formulated by John Stuart Mill (System of Logic 1872) (Pennings *et al.*, 2005: 37). The method of difference corresponds to the ‘Most Similar Systems Design’ (MSSD), while the method of agreement to the ‘Most Different Systems Design’ (MDSD) (Pennings *et al.*, 2005: 37). In the first the selected cases share many similarities except of some particular variables which lead to different comparison results (Pennings *et al.*, 2005: 37). Conversely, in the MDSD the cases selected are very different, but they have in common the

phenomenon, or result, we are interested in (Pennings *et al.*, 2005: 37). Both approaches can be very helpful in the selection of cases and may reveal causal relationships between the variables and the observed phenomenon. Nevertheless, they do not result to unquestionable findings, but mostly highlight possible relationships between the variables. Therefore, the researcher has to be cautious with the research findings. This condition is very prominent in social sciences, as there may be several factors affecting a phenomenon and the analysis of few variables can probably highlight only few aspects of it.

Finally, in parallel to the abovementioned issues in the selection of case studies there are two other questions that a comparative research has to address. These are the questions of 'construct equivalence' and of orientation (Mills: 2008b: 102). Regarding the first, a comparative research, in order to identify similarities or differences, it has to use instruments which measure or define the same thing across the compared objects (Mills: 2008b: 102). A good example in understanding the importance of 'construct equivalence' is the different meaning of the term 'race' between North and Latin America (Mills, 2008b: 102). Apparently, a comparative research across America that uses as its variable the term 'race' has to clearly define its meaning in all case studies. Regarding the issue of orientation, in comparative research there is the distinction between variable-orientated and case-orientated studies. The difference between these two approaches is that the case-oriented one focuses on a single or few countries and uses a 'thick description' that analyses the whole constellation of factors involved (Mills, 2008b: 102). The variable-oriented approach instead follows a statistical and more quantitative analyses that examines many countries and focuses on few variables.

In all, the qualitative research in political sciences, and in social sciences in general, has to take under consideration several factors in order to offer a more accurate explanation of its functioning. This often leads to the identification of some associations (causal relationships,

similarities, differences), which constitute comparison a very prominent feature in the whole research process (Mills, 2008b: 103). In this context a comparative research can allow a more in-depth investigation of social phenomena, and can lead to the emergence of some causal relationships, which can advance knowledge further. Nevertheless, a comparative research has to be carefully designed, otherwise there is risk of biased or irrelevant findings.

1.4.4. *Research design*

Against this background, this thesis firstly examines how NMG currently apply to EU's regional policy in four case studies (Austria, Denmark, Italy and Poland), and secondly highlights whether their application affects the input, throughput and output sides of the EU's democratic legitimacy. Initially this thesis presents the theoretical background within which it seeks to analyse the impact of NMG on the EU's political system and legitimacy. It examines the concepts of legitimacy and democracy and presents how they apply to the EU's political system. It investigates the latter as a multilevel system of governance, where several factors (political, social, economic and cultural) create a complicated and constantly evolving political environment. Then it provides an account of NMG, highlights their strengths and weaknesses, and presents why the EU promotes them in its policy-making processes. Finally the thesis briefly describes the EU regional policy. This study uses the EU regional policy because it constitutes a fine example of the EU's multilevel system of governance, is closer to the people, has redistributive features, and through the employment of partnership principle allows the application of NMG.

Following the analysis of the theoretical background this piece of research proceeds to the investigation of the case studies. The use of case studies allows the thesis to investigate in-

depth the way NMG influences the EU's democracy and legitimacy within a real-world context. The selection of the four case studies aims to offer a diverse sample of EU member states in order to present a representative sample of socio-political environments and administrative systems in the EU. Thus, the selection criteria focus on each member state's administrative system, socio-political environment, or democratic milieu, and the level of EU regional policy funding. Each one of these member states present different characteristics and the only constant is the existence of the EU's regional policy principles and guidelines, which involve NMG as well.

The thesis examines the four case studies in a period of four years (winter 2011-winter 2014) and explores how NMG influence policy-making processes in the context of the EU regional policy in each one of them, and whether NMG allow, or favour, the involvement of more actors, and particularly the involvement of civil society. The focus on these criteria is crucial, because they are connected with the input, throughput and output sides of democratic legitimacy. Thus, analysing the extent to which NMG affect policy-making processes and participation in these member states, can show the extent to which can contribute to the EU's democratic legitimacy. This examination follows an exploratory and open-ended process that brings to fore similarities and differences among the four member states and aspires to find some patterns which may connect NMG with the EU's democratic legitimacy. It certainly has some weaknesses, as it investigates a single policy field in few member states to a specific time-span. Therefore, it may not be that useful in generating broader generalisations, but it does present some common patterns and offers some insights, which contribute to the knowledge of the EU integration studies, and can be used in future research as a benchmark.

1.4.5. Method

In order to make the most of the strengths of case study and comparative methods, the thesis mobilises multiple sources of evidence. It uses official policy documents, literature survey, secondary data and interviews. Official policy documents, national and European, constitute an accessible primary source of policies, that are taking place now, and can offer significant information in the process of this study. Literature survey allows the researcher to investigate a considerable amount of sources on issues of legitimacy, democracy and governance, which offer valuable information on the theoretical support of this thesis. Besides, literature survey provides the thesis with a large number of case studies, which can be combined with policy documents, and support better an empirical evaluation of the impact of NMG on the EU's democratic legitimacy.

The conduct of interviews with officials from the EU and the member states is another useful source of evidence. The interviews with European officials constitute an important source of evidence and the data collected from these interviews is used to support sources from policy documents and literature. In particular, this thesis uses primary data collected through interviews with a small number of officials from the European Parliament and the member states of Austria, Denmark and Italy, but not from Poland. The small number of respondents, however, constitutes the role of interviews in this study supplementary (Appendix A). Finally, this piece of research uses secondary sources of data, mostly from Eurobarometers, but also from other surveys, in order to gain some additional information. This data is used basically on estimating citizens' perceptions towards the EU and its policies but, although is well-established, it has some limitations and in consequence it does not have a prominent role in this piece of research.

In particular, it is the nature of the research question –legitimacy - that does not allow the extraction of authoritative answers. Legitimacy is not easily measured and citizens are not always in position to define it exactly. As a result, it does not exist a public opinion survey questioning the extent to which an institution or political system is legitimate. The only way to get some indirect information on the subject is through indirect observations and especially through examining citizens' trust, or level satisfaction, towards democratic institutions and policy-making processes. This kind of analysis may suffer from some sort of subjectivity, but this is the most reliable way to measure public support, which constitutes a basic feature of democratic legitimacy. It is also the most effective way of measuring the influence of NMG, which, due to their distinctive structure and function, move beyond the traditional notions of efficiency and democracy (Sørensen and Torfing, 2009: 241).

In all, the employment of case study research and comparative methods in this thesis aim at pinning down some general factors that define the influence of NMG on the EU's democratic legitimacy. The identification of these factors in the real-world context is actually this study's contribution to knowledge. Nevertheless, this thesis acknowledges that its findings cannot be used as a basis for theory development. This is the result of the limited number of case studies and of the focus only on one policy field (regional policy). Thus, this study cannot cover the whole spectrum of European politics and cannot fully address the issue of the EU's democratic legitimacy. Even so, the use of case studies can describe better the influence of NMG on the EU's democratic legitimacy issue, because they highlight better some developments taking place currently within its real-world context. Consequently, they are useful not only in testifying the theory, but also in setting new questions that can become the basis for future research projects within the field of European studies.

2. LEGITIMACY

Political legitimacy is an abstract concept, which concerns every policy-maker in any political setting. It is not an easy concept to define and it is argued that we can conceptualise legitimacy better when it is absent or deficient (Schmitter, 2001). The reason behind this ambiguity is that this concept is 'related to several important political, social, and institutional aspects in a complex way' (Borrás, 2008: 103). It is, however, of significant importance to any regime, even to the most autocratic ones. As Rousseau (1963: 6 in Beetham and Lord, 1998a: 1) points out: 'The strongest is never strong enough to be master, unless he transforms strength into right and obedience into duty'. Similarly, Lord (2000: 3) insists that 'without widely agreed views of who has a right to make publicly-binding decisions, when and how, governing bodies find it difficult to achieve the unforced co-operation of citizens'.

Literature offers several definitions on legitimacy, which stress the importance of notions such as 'public support', 'social acceptance', 'recognition', 'co-operation' and 'obedience'. According to Cohen and Toland (1988: 2), legitimacy 'stresses the notion of activities, relations, or claims that are either lawfully supported or logically reasonable, or both'. Borrás and Ejrnaes (2011: 110) argue that legitimacy can be defined as 'the relationship between a political system and its citizens associated with notions of social acceptance, political support, informed consent, trust, moral justifiability, appropriateness and the exercise of power and authority'. Lipset (1981: 64) also claims that 'legitimacy involves the capacity of the system to engender and maintain the belief that the existing political institutions are the most appropriate ones for the society'. Furthermore, Schmitter (2001: 2) insists that legitimacy, through the conversion of power into authority, achieves simultaneously 'an obligation to obey and the recognition of the right to rule'.

Additionally to the issue of defining legitimacy, there are questions about the requirements of legitimacy or legitimation. The latter is the process, expressed through the citizens' approval of institutions and policies, which leads to legitimacy, the object (Andreev, 2008: 211; Beetham and Lord, 1998b: 16). Weber (1964: 328), for example, claims that the legitimation of a political system can be achieved through faith to traditional factors (sacredness of authority – e.g. 'divine right of kings'), through the charisma of rulers and through the rationality of the rule of law. Scharpf (1997) also provides another account of liberal democracy's legitimacy, which focuses on the input and output side of government. The input side applies to democratic principles and policy-making processes and the output on the 'effectiveness in achieving the goals [...] that citizens collectively care about' (Scharpf, 1997: 19).

Finally, the concept of legitimacy may vary depending on circumstances and may be 'general (for the overall political system) or specific (for individual policies)' (Andreev, 2008: 211). Easton (1975: 436-437) distinguishes between specific and general/diffuse political support. The first is based on people's perceptions and views about the performance of political authorities and can be characterised as short-term support, while diffuse political support is based on a more general form of support and corresponds to basic aspects of the political system as such (Easton, 1975: 437). Against this background, Beetham and Lord (1998a: 9) stress the fact that political legitimacy is 'not all-or-nothing affair but actually a matter of degree'. It can be strong or weak or, even, absent. The latter may indicate 'a crisis of change' (Lipset, 1981) or 'a process of political renewal or transition' (Habermas, 1976: 1-8 in Beetham and Lord, 1998a: 2). Therefore, legitimacy should not be considered as a 'fixed point, but more as a continuum' (Andreev 2008: 211). In particular, Beetham and Lord argue (1998a: 5) that

legitimacy's 'specific form is variable according to the historical period, the society in question and the form of political system itself'.

2.1. Normative and Analytical/Descriptive approaches of legitimacy

The complex nature of the concepts of legitimacy and legitimation has resulted in a plethora of definitions. All these definitions have been influenced by two major analytical approaches. From the one side there is the normative perspective and on the other the analytical/descriptive or positive one (Beetham and Lord, 1998a; Blatter 2007). The normative approach, expressed traditionally by political philosophers, has 'reflected on the conditions under which the domination of human beings over others could be called legitimate' (Steffek, 2003: 253). This approach focuses on some 'ideal criteria for rightful governance' (Beetham and Lord, 1998a: 1). Today these criteria are identified with the principles of democratic governance. Moreover, the normative approach when investigates the legitimacy of a democratic political system, it tends to follow the deductive reasoning (Borrás, 2008: 103).

The other approach towards the concept of legitimacy, elaborated mostly by social scientists, is the analytical or descriptive. This approach focuses on explaining the degree of social support for a political system (Borrás and Ejrnaes 2011). Max Weber conceptualised legitimacy as a social fact, where a political system is legitimate when: 'the basis of every system of authority, and correspondingly of every kind of willingness to obey, is a belief, a belief by virtue of which persons exercising authority are lent prestige' (Weber, 1964: 382). A political system or social order are legitimate, when they enjoy 'the prestige of being considered binding' (Weber, 1978: 31 in Steffek, 2003: 253). The descriptive approach, when

it tries to measure and explain the degree of popular support for a political system, tends to follow the inductive reasoning (Borrás, 2008: 103).

The normative and analytical/descriptive approaches dominate the literature on legitimacy. Nevertheless, researchers such as Habermas (1976) and Beetham (1991) argue that an analysis of the concept of legitimacy could combine both normative and analytical elements (Fabienne, 2010). Scholars that support such an approach criticise the one-dimensional analyses (normative or analytical ones) on the basis that they cannot describe the full range of the concept of legitimacy. On the one hand they criticise analytical /descriptive analyses for neglecting peoples' beliefs about what is necessary for the legitimization of a political system (Fabienne, 2010). For example, Beetham (1991: 11) argues that 'a power relationship is not legitimate because people believe in its legitimacy, but because it can be justified in terms of their beliefs'. On the other hand, the normative concept is criticised for paying more attention on ideal criteria for the justification of political institutions and not on certain historical, social and political elements of the justificatory process (Fabienne, 2010). As Habermas says, 'every general theory of justification remains peculiarly abstract in relation to the historical forms of legitimate domination' (Habermas 1979: 205 in Fabienne, 2010).

The complementarity of these two approaches can be easily realised in the context of liberal democracies. In democracies such public support is crucial as people constitute the 'only legitimate source of power, since they represent ultimate authority' (Obradovic, 1996: 195). In fact, Beetham and Lord (1998b: 16) argue that 'what is distinctive about liberal democracy in contrast to other political systems is that the act of appointing the political authority and the act of publicly affirming it is one and the same since, uniquely, those subordinate to authority are also its appointing agents'. Moreover, the usefulness of this complementary approach can be also realised in the context of legitimacy of international and supranational institutions (Borrás,

2008: 104). Zürn (2004: 260) claims that ‘the removal of numerous decisions from the circuit of national and democratic responsibility gives rise to normative problems, which in turn lead to growing acceptance problems and resistance to global governance’.

The analysis of the EU’s democratic legitimacy has to follow such a complementary approach as well. The EU is based on the principles of liberal democracy and thus its democratic legitimacy is based not only on some ideal criteria and principles of democratic governance, but also on people’s beliefs. At the same time, though, the EU’s novel political system puts some pressures on the national democracy. It removes authorities from the national democracy and gives rise to normative problems. Eventually, this condition leads to growing acceptance problems, which the indicators of the EU’s legitimacy crisis highlight very well. Therefore, in order to assess the EU’s democratic legitimacy, this study has to employ an approach that addresses all these legitimacy issues. Beetham and Lord’s (1998a) analysis of liberal democracy’s legitimacy provides with the ideal theoretical background. The investigation of the dimensions, models and criteria of democratic legitimacy find application to EU’s case as well, and can offer a full assessment of the EU’s democratic legitimacy issue.

2.2. Beetham and Lord’s dimensions of legitimacy

Beetham and Lord (1998a), acknowledging the complexity of the issue and the several factors that contribute to the legitimation of a political system, offer a complementary approach that combines both normative and analytical approaches. Thus, they identify some general criteria for legitimacy, which could be employed for any political system in any society. According to these criteria a political authority is considered legitimate when:

- '1. legitimacy is acquired and exercised according to established rules (legality)
2. the rules are justifiable according to socially accepted beliefs about (i) the rightful source of authority, and (ii) the proper ends and standards of government (normative justifiability)
3. positions of authority are confirmed by the express consent or affirmation of appropriate subordinates, and by recognition from other legitimate authorities (legitimation)' (1998a: 3).

Beetham and Lord (1998a: 4) argue that the abovementioned dimensions can apply to any political system, as long as they constitute solely a general framework, which has to be adjusted to each historical society or political system. The most important of these dimensions is that of normative justifiability, which includes the criteria of authorisation and performance. Beetham and Lord (1998b: 16) claim that breaches of legitimacy or acts of delegitimation are, most of the times, a result of authorisation and performance problems. Even the degree of stability and legitimacy of a political system depends on the extent to which these criteria of legitimacy are satisfied (Kanol, 2011: 53). Citizens subordinated to power not only render a political system stable, but also help it achieve better policy performance, since higher levels of political support constitute a regime 'resistant to economic crisis, political failures etc.' (Beetham 1991: 33). Lipset (1981) makes a similar claim, but he also suggests that high efficiency alone can guarantee legitimacy as well.

2.3. Beetham and Lord's dimensions of legitimacy for liberal democracies

Beetham and Lord use this threefold schema to analyse the characteristics of legitimacy of the liberal democracy as well. In a liberal democracy what constitutes the criterion of legality

is the constitutional rule of law: 'the delimitation of political authority –its scope, duration, mode of appointment and dismissal, etc. – by means of a written constitution, which is adjusted and enforced by independent courts' (Beetham and Lord 1998a: 5). Majone (1996: 291), in his analysis, describes this dimension of legitimacy as 'procedural', which implies that the creation and functioning of agencies and regulatory authorities of a political system are defined by democratically enacted processes. This, however, means that the people constitute the ultimate authority, and the rules and the constitution are relevant to their social beliefs about the 'valid source of authority and the proper ends and standards of government' (Beetham and Lord, 1998a: 5-6). As a result, it is very difficult for a liberal democracy to be legitimate solely on the grounds of legal or procedural modes of legitimacy, thus neglecting the dimension of normative justifiability.

The dimension of normative justifiability is based on two subdivisions, which constitute the 'key normative principles of liberal democracy' (Beetham and Lord, 1998a: 6). The first one is the principle of popular sovereignty, 'and its assumption that the only valid source of political authority lies with the people', and the second one the 'proper ends and standards of government' (Beetham and Lord 1998a: 6). These two principles are interconnected and can be better described with the concepts of democracy, identification and performance. The concepts, however, of democracy and identification are closer connected with the principle of popular sovereignty, and the concept of performance with the principle of proper ends and standards of government. These three concepts constitute the legitimation criteria of liberal democracies.

From the principle of popular sovereignty derive concepts such as 'electoral authorization of government, criteria of representation, accountability and so forth', which represent the foundations of 'liberal democracy's constitutional arrangements' (Beetham and

Lord, 1998a: 6). Nevertheless, popular sovereignty poses another question closely connected with the concept of democracy. Since in democracy the people constitute the source of the political authority, 'who constitutes the people?' (Beetham and Lord, 1998a: 6). This question highlights the issue of 'demos' and of political identification. Without such an identification political authorities and their decisions may be questioned by the citizens, no matter how useful these policies may be 'or impeccable the procedures by which they are made' (Lord, 2000: 3). In the context of the nation-state that political identification is based on the existence of a common national identity. As a matter of fact, the idea of popular sovereignty, which is a *sine qua non* condition in a liberal democracy, is indispensable to the notion of national identity and the political self-assertion of nations (Yack, 2001).

From the principle of proper ends and standards of government derive the criterion of performance, or the 'government for the people', which can be described as the results of governance in terms of 'meeting public needs and values, and ensuring that policy tracks public opinion' (Lord, 2000: 3). The performance criterion, according to Scharpf (2006: 1-2), embodies that 'the policies adopted represent effective solutions to common problems of the governed'. There should be also stressed the difference between the legitimacy of individual governments or policies (specific support) and the legitimacy of the political order itself (general) (Beetham and Lord 1998b: 16). The criterion of performance constitutes a very important factor for the legitimacy and stability of any individual government. Liberal democracies, however, have the advantage that through democratic electoral mechanisms can remove those who have failed without undermining confidence in the political order itself (Beetham and Lord, 1998a: 6).

The last dimension is that of legitimation through consent. Legitimation is based on the public recognition or affirmation of authority by those qualified to give it, through particular

actions and processes, and on recognition by other legitimate polities or authorities (Beetham and Lord, 1998a: 4; Beetham and Lord, 1998b: 16). It is actually common to all political authorities to try to gain the consent of their subordinates, or some of them, through several actions, which could publicly confirm legitimacy (Beetham and Lord, 1998a: 7). The distinctive, however, with liberal democracies is that both acts, of appointing the political authority and of publicly affirming it, are taking place the same time, by their subordinates, through electoral mechanisms (Beetham and Lord, 1998b: 16). Consequently, in liberal democracies there is the 'popular authorisation' of government, rather than plain 'consent' to it (Beetham and Lord, 1998a: 8).

Another element of the dimension of legitimation is the recognition of a government's legitimacy from other legitimate authorities, polities (Beetham and Lord, 1998a: 8). This recognition is a basic feature of the modern state system, the Westfalian system, and is intertwined with the concept of state sovereignty. Without this recognition a government does not have the political authority to take decision, both internally and externally (Beetham and Lord, 1998a: 8). Thus, it can be said that 'sovereignty is conditioned by legitimacy' (Bukovansky, 2002: 3). Regarding liberal democracies there is an additional reason that this recognition can reinforce their legitimacy. The political system of liberal democracy holds a central role in the post war international order and its principles and values enjoy international recognition. Besides, international institutions with important international influence, like for example the EU, demand from their members to satisfy the basic values of liberal democracy. For this reason, the admission to the 'family' of liberal democratic states and the 'international support and co-operation' that can derive from this recognition reinforce their political status and, eventually, strengthens their legitimacy (Beetham and Lord, 1998a: 8).

In summary, the threefold schema of legitimacy by Beetham and Lord has the following distinctive characteristics in liberal democracies:

- The dimension of legality is based on the constitutional rule of law;
- The dimension of normative justifiability is based on the principle of popular sovereignty, as the source of its political authorization, and the rights protection (life, freedom, security, social and economic welfare) as the proper ends and standards of government;
- The dimension of legitimation is based on ‘popular authorization’ of government through elections and the recognition by other liberal democracies (Beetham and Lord, 1998a: 9).

The following table (Kanol, 2011: 55) presents a review of the combination of the dimensions of legitimacy with the criteria for legitimation in liberal democracies:

Normative Justifiability	Legality	Legitimation
Performance	Constitutional rule of law	Consent subsumed in electoral authorization
Accountability, Electoral authorisation of government and Representation (Democracy)	-	Recognition by other legitimate authorities
Identity	-	-

Table 1. Dimensions of legitimacy and criteria for legitimation in liberal democracies

2.4. Direct, indirect and technocratic legitimacy

Parallel to abovementioned dimensions of legitimacy, Beetham and Lord include also three models of legitimacy. These are the direct, indirect and technocratic models of legitimacy, which apply to different political systems. Direct legitimacy is the model of legitimacy of the nation-state and indirect is the model of legitimacy of international organisations. According to indirect legitimacy, the legitimisation of an international organisation derives from the legitimacy of its member states and their officials and not from the citizens of these states (Wallace, 1993: 95-99 in Beetham and Lord, 1998a, 11; Lord and Magnette, 2002: 3). What must be noted here is that this model of legitimacy is not strong on the level of normative justifiability and it depends mostly on international treaties (legality) and performance (Beetham and Lord, 1998a, 12).

The technocratic version of legitimacy depends on governmental performance and on confidence in 'a rationality or science of government' (Lord and Magnette, 2002: 4; Beetham and Lord, 1998a: 16-17). Therefore, an authority can achieve the best result on a policy issue relying on the knowledge and expertise of some officials/technocrats, and through its effectiveness, can achieve its citizens' obedience. The weak point, however, of this model is that it seems rather paternalistic and undemocratic (De Jonghe and Bursens, 2003: 9). As Beetham and Lord (1998a: 22) argue 'technocratic forms of rule suffer from the characteristic delusion that the decision-makers know best' and thus this model of legitimacy is not so strong when 'serious demands for popular authorisation and accountability are raised'. This however, does not mean that technocratic legitimacy cannot coexist with democratic legitimacy, as long as it constitutes a supplementary of the latter (Beetham and Lord 1998a: 22).

2.5. Input, throughput and output legitimacy for liberal democracies

Another helpful explanatory tool of democratic legitimacy is Scharpf's input and output legitimacy scheme. In fact, Scharpf claims that input and output legitimacy 'constitute the core notions of democratic legitimacy' (Scharpf, 2006: 2). Input legitimacy, which can be also described as 'government of the people, by the people', refers to mechanisms or procedures of accountability (e.g. elections) to connect those governing to those governed (Menon and Weatherill, 2007: 6; Boedeltje and Cornips, 2004: 2). It is this side of legitimacy that represents the principles of popular sovereignty and representative democracy. Output legitimacy, or 'government for the people', is based on performance or effectiveness for 'goals that citizens collectively care about' (Scharpf, 1999: 19). There is however a third notion, which can be combined with those of input and output legitimacy. This is the notion of throughput legitimacy.

Throughput legitimacy 'refers to the quality of governance procedures in which actors are involved' (Leibenath, 2008: 234). It emphasises on the quality of governance processes, their 'accountability, transparency, [...] and openness to civil society' (Schmidt, 2013: 6). Consequently, throughput legitimacy will be high if activities are transparent and take place in public, if 'they show a high deliberative quality which is based on arguing instead of bargaining, if they are responsive and reliable' and if the decision-makers are accountable for what they have done and why (Leibenath, 2008: 234). As Schmidt (2013: 5) argues 'Throughput legitimacy concentrates on what goes on inside the "black box" of [...] governance, in the space between the political input and the policy output' and constitutes an intermediate pole of legitimacy, distinct and interconnected from both 'the performance-oriented legitimacy of output and the participation-oriented legitimacy of input'.

The input, throughput and output sides of legitimacy are complementary. The input side depends on the output and vice versa. Beetham and Lord (1998) point out that a liberal democratic state can be legitimate only when it satisfies all the sides of legitimacy. Even the criterion of 'performance' is indispensable to democracy, as it depends on active democratic participation (Scharp, 1997; Agh, 2010: 8). The throughput side also, although may not make up for problems with either input or output, it can delegitimise both input and output, if it is not adequate (Schmidt, 2013: 19).

2.6. Analytical models and the EU democratic legitimacy

Beatham and Lord's threefold scheme of dimensions, models and criteria of legitimacy provide with a very strong explanatory tool in the analysis of the EU's democratic legitimacy. This scheme embodies normative and analytical approaches to legitimacy, can be applied to both nation-states and international organisations and, through the dimension of normative justifiability, is very useful in the analysis of the legitimacy of liberal democracies. It also incorporates other concepts of legitimacy, which in several cases overlap. For example, it incorporates concepts such as formal and social legitimacy and procedural and substantive legitimacy. Formal legitimacy refers to rules and legislation (institutional or procedural aspects of legitimation), while social refers to 'general acceptance' which is close to the criterion of identification (Arnull, 2002: 3-4). Procedural legitimacy applies to the way/process that a political system achieves legitimacy, while substantive on what it achieves (Lord, 2000: 3). Majone (1996), who examines the EU as a regulatory state, employs these concepts in order to analyse the EU's legitimacy issue.

This piece of research also uses the input, throughput and output legitimacy scheme. It uses this scheme to replace Beetham and Lord's criteria of democracy, identification and performance. The employment of this scheme provides with an additional perspective on the analysis of the EU's democratic legitimacy, which refers to the quality of governance processes. The throughput side of legitimacy is closely connected with the employment of New Modes of Governance (NMG), which constitute the basic part of this thesis research question. The throughput side focuses on the quality of governance processes and NMG are considered to improve the quality of governance through their positive impact on participation, transparency and accountability of policy-making processes.

In addition, this study considers that the employment of the input, throughput and output scheme can describe better the EU's case and provide with a more encompassing picture, as it avoids focusing that much on the criterion of identification, which applies more to a nation-state. It does not, however, try to avoid addressing it, as some sort of identification is necessary for the political legitimization of any political system. The incorporation of the identification criterion in the input side of legitimacy intends to offer a 'denationalised' dimension of identification, closer connected to sense of a political community, which applies better to the EU's political context.

All in all, the combination of the input, throughput and output legitimacy scheme and Beetham and Lord's dimensions and models of legitimacy can help towards the analysis of any political system (nation-state or international organisation) or style of governance (technocratic legitimacy; De Jonghe and Bursens, 2003: 9-10). This approach can provide with some flexibility, which is necessary in the examination of the EU's democratic legitimacy issue. It is necessary because of the EU's particular political system, which fits neither with the legitimization standards of a nation-state, nor with those of an international organisation. This

thesis examines the EU's political system as a multilevel system of governance, and hence a multi-dimensional and flexible approach to the issue of legitimacy seems to be more appropriate.

3. MULTILEVEL GOVERNANCE AND THE EU POLITICAL SYSTEM

The analysis of the EU's democratic legitimacy issue cannot be easily explained without understanding the EU's political system. As Mann (1993: 128) argues, the EU is 'not yet a state, nor is replacing states'. It is most often described as a novel political system, *sui generis*, that combines elements from both nation-states and international organisations, but does not fit into any one of them (Sbragia, 1992: 2). Against this background, this thesis sees the EU as a multilevel governance political system and based on this argument it aims to explore the EU's democratic legitimacy issue and the influence of NMG on it.

The theory of multilevel governance presents the EU as a political system where interlocked supranational, national and sub-national levels of government coexist and share responsibilities (Marks *et al.*, 1996: 342). According to Bernard (2002: 3) multilevel governance is 'a system of organisation of public power divided in two (or more) layers of government, where each layer retains autonomous decision-making power vis-à-vis the other(s). The layers are said to be sovereign in their own sphere of competence, in the sense that no layer is in a position to entirely subordinate the other'. Schmitter (2004: 49) also adds that in the context of multilevel governance a multiplicity of actors are engaged in 'a comparatively continuous negotiation/deliberation/implementation, and that does not assign exclusive policy competence or assert a stable hierarchy of political authority to any of these levels'.

3.1. Historical background: Intergovernmental and neo-functionalist views in the study of the EU

The emergence of the multilevel governance concept in the discipline of the European Studies called into question the dominant position of the intergovernmental and neo-functionalist theories on European integration. These two theories were trying to explain not only the forces behind the creation and evolution of the EU, but also how the EU functions (Piattoni, 2009: 4). The intergovernmental approach sees the EU as an ‘international regime for policy co-ordination, the substantive and institutional development of which may be explained through the sequential analysis of national preference formation and intergovernmental strategic interaction’ (Moravcsik, 1993: 480). In this perspective central governments are the main actors in EU policy-making. On the other hand, authors such as Haas (1958), Lindberg (1963), Lindberg and Scheingold (1970), based on the neo-functionalist approach, focus on the ‘powerful economic and social forces of the market’ (Piattoni, 2009: 5). According to this approach, European economic integration can be ‘self-sustaining’ and, since it is in process, it can trigger a ‘spill over’ of further co-operation (Moravcsik, 1993: 474-475).

Both these approaches were ‘interested in events at one (the national) or at the most two (i.e. the European) levels of the EU’ (Jordan, 2001: 199). Additionally, they were interested in ‘the macro-processes of change rather than the politics within particular policy sectors’ (Jordan, 2001: 199). Both approaches could not offer a full description of the EU’s political system and in the 1980s the EU scholarship reached a stalemate, which also was a result of the EU’s integration project stalemate (Jordan, 2001: 199). In this context, the concept of governance was introduced in the EU studies and in the 1990s became very popular among the scholars investigating the EU’s political system and not only (Jordan, 2001: 198).

3.1.1. Governance turn

Rosenau (1992: 4) says that 'Governance ... is a more encompassing phenomenon than government. It embraces governmental institutions, but it also subsumes informal, non-governmental mechanisms whereby those persons and organisations within its purview move ahead, satisfy their needs and fulfil their wants'. Stoker (2004: 3) also claims that, '...as a baseline definition it can be taken that governance refers to the rules and forms that guide collective decision-making. That the focus is on decision-making in the collective implies that governance is not about one individual making a decision but rather about groups of individuals or organisations or systems of organisations making decisions'.

This 'governance turn' in literature is not irrelevant to some 'novel developments of political life' in the fields of 'political mobilisation', 'policy making' and polity' (Piattoni 2009: 2). These developments are the results of several factors, which challenge the traditional power of the state and reveal a gradual transition from government to governance (Pierre and Peters, 2000; Jachtenfuchs, 2001). These factors change, to an extent, 'what means to govern' (Meehan, 2003: p. 3) and result in what Rhodes (1994) has called the 'hollowing-out' of the state. In particular, the forces of globalisation, Europeanisation (in the case of the EU member states) and decentralisation increased the pressures on nation-states' governments and resulted in the emergence of new political cultures and practices (Meehan, 2003: p. 3). The emergence of New Public Management strategies in the 1990s and their impact on the nation-state should be seen through the prism of this political context. The nation-state, in order to face the pressures of globalisation, has proceeded to a series of economic reforms that promote the elements of 'deregulation, contracting-out, agencification, privatisation, etc.' (Bache and Flinders, 2004b: 35-36). Eventually, these reforms further challenge the institutional strength of states.

The 'interventionist' state is becoming the 'co-operative' one (Lavenex, 2008: 940). The latter is based on 'horizontal instead of hierarchical' modes of governance, it focuses 'on process rather than output', promotes 'voluntary instruments in contrast to legal obligations', and has an 'inclusive character, providing open fora for the inclusion of stakeholders and, in many sectors, private actors' (Lavenex, 2008: 940). Two very good examples of these developments are the deregulation of financial markets, which weakened states' capacity to govern the economy, and the tendency of some sub-national governments, especially those with some ethnic or cultural identification, to question the gate-keeping role of national level (Bache and Flinders, 2004b: 35-36).

Against this background, political mobilisation nowadays takes place both within and across institutional boundaries, and through conventional and new procedures (Piattoni 2009: 2). Policy-making, also, involves more actors, public and private, and hardly 'distinguishes policy-makers from policy-receivers' (Piattoni 2009: 2). These developments in the fields of 'political mobilisation' and 'policy-making' affect the field of 'polity' as well. The latter becomes less standardised and established, as these new policy-making processes result in a constant readjustment of the status of institutions and their procedures (Piattoni 2009: 2). Moreover, states' greater reliance 'on private actors for resources, such as information, expertise, money, political support' in order to provide services and goods and to achieve several social aims, allowed private actors to 'receive substantial influence on policy formulation and implementation' (Börzel *et al.*, 2005: 7). In all, these political developments have an impact on the notions of democracy and political legitimacy. This study examines this impact and in the following chapters will explain how it affects the issue of the EU's democratic legitimacy.

The notion of governance, however, is still slippery and this is evident by the fact that is 'often used in conjunction with a particular prefix' (e.g. 'good', 'global', 'corporate' etc.) (Torfing, 2010: 6). Furthermore, the term 'governance' is used more often, 'with a managerialist notion of governance and accountability', in the reforms of several institutions, public and private, such as schools, hospitals, universities, public services and companies (Shore, 2009: 2). Therefore, it is claimed that governance could be better defined 'by contrasting it with what is thought of as the traditional pattern of public power in which authority is centralised and exercised hierarchically – often called the command and control model' (Meehan, 2003: p. 2). Nonetheless, the term 'governance' is substituting more and more often the term 'government', not only in European level, but also 'in institutions at the international, national and sub-national levels' (Shore, 2009: 1). This change does not mean necessarily that governance displaces government. Instead, it leads to an environment where governance and government coexist (Meehan, 2003: p. 3).

3.1.2. EU political system and governance

Within the EU the rise of the discussion about 'European governance' became more prominent by the late 1990s and early 2000s (Shore, 2009: 4). In the 1980s and early 1990s it was a period that the project of European integration was confronted with great optimism and the notion of a European government was considered quite seriously (Shore, 2009: 4). Jacques Delors (Grant, 1994: 135 in Shore, 2009: 3) in 1990 had stated:

'My objective is that before the end of the Millennium [Europe] should have a true federation. [The commission should become] a political executive which can define essential common

interest ... responsible before the European Parliament and before the nation-states represented how you will, by the European Council or by a second chamber of national parliaments'

Such views during the 1990s were expressed from several prominent European politicians such as Romano Prodi or Joska Fisher (Shore, 2009: 4-5). Even so, the idea of European government was facing some objections, which became stronger since 'the political fallout of the 1999 fraud and corruption scandal' (Shore, 2009: 5). At that point the European Commission introduced the concept of 'European governance', which was best described in the Commission's 2001 White Paper on European Governance (EC, 2001). The White Paper (2001: 1-2) acknowledged the demand, from the one side, of greater effectiveness of the EU's policies and, from the other side the increasing people's mistrust, or indifference, about institutions or politics.

3.1.3. Multilevel governance and contemporary EU politics theories

The abovementioned developments within the EU in combination with the 'governance turn' in literature resulted in the emergence of multilevel governance theory for the analysis of the EU's political system. Nowadays, and since the 1970s, there are three new theoretical frameworks for understanding the EU politics and policy-making in the EU. These are Moravcsik's 'liberal-intergovernmentalism', 'supranational governance' and 'rational choice institutionalism' (Hix, 2005: 16). Liberal-intergovernmentalism combines elements from both intergovernmentalism and neofunctionalism and sees the EU as a political arena where the national governments are the dominant players and define the outcome of institutional reforms and 'day-to-day policy outcomes' (Hix, 2005: 16). The difference with the intergovernmental theory lies in the argument that states' interests are economic instead of geopolitical and not

fixed (Hix, 2005: 16). The supranational governance theoretical framework sees the EU as a complex political system, 'with multiple and ever-changing interests and actors' that the member states cannot fully control, where the supranational institutions gain more prominence (Hix, 2005: 16). Finally, the rational choice institutionalism combines elements from both approaches and, rather than investigating who controls the political processes (member states or institutions), 'tries to understand under precisely what conditions these two opposing outcomes are likely to occur' (Hix, 2005: 16).

The theory of multilevel governance falls under the label of supranational governance. On this account McCormick (2008: 15), in his analysis on the origins of the concept, claims that 'multilevel governance is a conceptual cousin of two other older concepts, of federalism and confederalism'. The first scholars, however, who introduced the concept of multilevel governance, were Liesbet Hooghe and, especially, Gary Marks. The second (1992) has described multilevel governance 'as a useful concept to understand some of the decision-making dynamics within the European Union' (Piattoni, 2009: 4). He was influenced by the 'governance turn' in political sciences, neofunctionalism, 'Nye and Keohane's transgovernmentalism and historical institutionalism' (Jordan, 2001: 199). His main influence, though, came from his research on the EU's regional policy (Jordan, 2001: 200).

In particular, the theory of the EU's multilevel governance system argues that sub-national actors have learned to communicate with the European level bypassing the national level, despite the latter's efforts to control the process (Marks *et al.*, 1996: 341). At the same time several actors, including non-governmental ones and private interest groups, are involved in lobbying in the European Parliament, the Commission and the Council of Ministers in order to influence decision-making (Kanol, 2011: 51). All in all, the EU institutions favour these developments and promote the greater involvement of all these actors.

The emergence of the concept of multilevel governance in the EU has challenged the liberal intergovernmental concept of 'gate-keeping' capacity of the central state, which can be described with three antithetic arguments: centre-periphery, state-society and domestic-foreign (Piattoni, 2009: 6). The theory of multilevel governance has also challenged neofunctionalism, as it does not exclusively focus on the impersonal economic and social forces of the markets (Piattoni 2009: 5). In fact, multilevel governance is based on 'visions, passions and interests of real life individuals', and offers insights to phenomena that cannot be easily accommodated by the intergovernmental or neo-functional approaches (Piattoni, 2009: 5). Such phenomena are taking place at the levels of 'political mobilisation (politics), of policy-making arrangements (policy), of state structures (polity) and across different governmental levels' (Piattoni, 2009: 5). So, this concept offers an alternative view on traditional state-centric views, without, however, challenging the sovereign of the nation-states of the EU directly (Marks *et al.* 1996: 371). According to multilevel governance approach the states are 'being melted gently into a multi-level polity' by the application of collective decision-making, by their leaders, the growing competence of supranational institutions and the actions of several sub-national actors (Marks *et al.*, 1996: 371).

A fine example of the abovementioned condition in the EU's political system is the regional policy. Marks and Hooghe insisted that in the context of the EU regional policy sub-national local authorities have become more independent towards the central state (Jordan, 2001: 200). They 'have learnt to communicate directly with supranational bodies by operating outside the formal channels of government, e.g. by establishing a Brussels office and collaborating in pan-European lobbying groups' (Jordan, 2001: 200). The importance of sub-national authorities in the EU's politics is also expressed through the establishment of the Committee of the Regions (CoR) in 1994. At that time actually the term 'Europe of the

Regions' became even more common in EU politics and literature (Anderson, 1991; Borrás *et al.*, 1994; Christiansen, 1996; Loughlin, 1996).

3.2. The EU as a multilevel governance system

The concept of multilevel governance since it first emerged has a profound impact on the analysis of the EU's policies and political system. Initially it was applied to describe the EU's structural policies (Marks 1993, Hooghe, 1996) and environmental policies (Jordan, 1998), but later it was used to describe the EU's structure and policies as a whole (Hooghe and Marks 2001). In a paper of 2004 Marks and Hooghe supported that due to European integration 'a multi-level polity has been created that delivers, or co-delivers, several of the chief outputs of government, including monetary policy, competition policy, regional policy, market regulation, and elements of industrial relations, law and order, and education' (2004: 1). Moreover, Peters and Borrás (2010: 120) claim that: 'multilevel governance empowers, or in some instances virtually creates, regional entities within European member states. This empowerment may help to legitimate the EU, given that it involves and recognizes lower level governments, which tend to have greater legitimacy (especially in multi-ethnic countries) than do national governments. In addition, the development of these relationships does provide some social and political groups which might have relatively little influence over policy in other circumstances'.

The EU has acknowledged the significance and role of the multilevel governance approach as well. Thus, it has adopted this concept and promotes its employment on its political system. The Lisbon Treaty, with its provisions, indirectly considers multilevel governance as a significant element of the EU's governance (Gal and Horga, 2010: 4-5). The White Paper of

the Committee of the Regions (CoR 89/2009) takes on a more advanced position and proposes an enhanced role for multilevel governance in the EU's political system. Particularly the White Paper of the CoR (2009: 4) mentions that:

'Multilevel governance actually serves the fundamental political objectives of the European Union: a Europe of citizens, economic growth and social progress, sustainable development, and the role of the European Union as a global player. It reinforces the democratic dimension of the European Union and increases the efficiency of its processes. It does not, however, apply to all EU policies, and when it does, it rarely applies symmetrically or homogeneously'.

What is made clear from the abovementioned abstract is that the EU considers multilevel governance as the vehicle towards a more effective and democratic polity, which could, consequently, lead to its legitimation.

On the whole, the theory of multilevel governance system sees the EU displaying both elements of intergovernmentalism and supranationalism, which are reflected on its institutions and policy-making processes. This multilevel governance system contains both vertical and horizontal dimensions, where the former refers to the multilevel aspect and the latter to the governance aspect of the EU's multilevel governance political system (Büchs, 2009: 39). According to Bache and Flinders (2004a: 3) the multilevel aspect 'referred to the increased interdependence of governments operating at different territorial levels, while "governance" [aspect] signalled the growing interdependence between governments and non-governmental actors at various territorial levels'.

As regards the multilevel aspect, the EU is a political system that exists of three interconnected and complementary levels; a European, national and regional, where each one of them employs a specific kind of governance (De Jonghe and Bursens, 2003:11). This

multilevel aspect can be seen in the various institutions and governmental actors that participate in the policy-making processes. The Commission, the European Parliament, the European Court of Justice and the European Central Bank constitute the supranational level of the EU political system, while the Council of Ministers the intergovernmental one. The member-states constitute the national level and the several regions of Europe the sub-national. Nevertheless, there are some sub-national actors, such as the German Länder or the Belgian regions, which are more influential than others, mostly because of their important political and financial role at the national level (Trnski, 2005: 24).

Considering the governance aspect, or horizontal dimension, the use of term 'governance' instead of 'government' in the EU indicates the emergence of several actors interacting at the same territorial level. Büchs (2009: 39) argues that the use of term 'governance' also indicates a shift from 'hierarchy' to 'heterarchy' or 'networks'. It could be said that the state shares its authorities with several other non-state actors. As Kohler-Koch stresses (1996 in Wonka and Warntjen, 2004: 11), there is a relatively equal distribution of power among private and public actors. This condition also results in a shift in terms of policy-making processes, where forms of regulation are partly replaced by self-regulation (Büchs, 2009: 39).

The influence of multilevel governance can be observed at the several stages of the EU's policy-making processes as well (Trnski, 2005: 31). Policy initiation has 'increasingly become a shared and contested competence among the European institutions' (Trnski, 2005: 29). The Commission may have a leading role but the Council, the European Parliament and other actors (sub-national authorities, the Economic and Social Committee, private social and economic groups) can have a key role as well (Trnski 2005: 28). The decision-making process can be also described as 'one of multiple, interconnecting competencies, complementary policy

functions, and variable lines of authority' (Trnski, 2005: 30). In addition, at the implementation of the EU policies the Commission, national, sub-national and societal actors co-operate in the execution and monitoring of the EU policies (Trnski, 2005: 30).

In any case, the EU's multilevel governance system sees the participation of several actors in policy-making processes at all governance levels (Marks, 1993: 402-403). Such actors can be sub-national elected stakeholders, experts, private interests, and representatives of civil society (Kanol, 2011: 51). Decision-making also takes place through several modes of governance and networks where the distinction between private (interest groups) and public actors is not always very clear and there is a 'large diversity of strategies and styles' (De Jonghe and Bursens, 2003: 12). For different policies there are different policy-making processes and alternative policy instruments, such as the Open Method of Co-ordination. This variety in policy-making processes allows the member-states to achieve EU policies through their own means and the economic and social actors to participate in policy-making and policy implementation (Kanol, 2011: 51).

3.2.1. Critique of multilevel governance

The examination of the EU as a multilevel governance system faces some criticism as well. Critiques on multilevel governance focus on that it does not constitute a theory but rather a 'revised neo-functionalist' approach, more sophisticated though (Stubbs, 2005). Moreover, proponents of Liberal Intergovernmentalism, such as Moravcsik, argue that this approach does not replace the state at the level of 'high politics' (Jordan, 2001: 204). The EU has also a 'multi-sectoral' dimension and for different policies apply different policy-making processes (Jordan, 2001: 195). In several policy areas (e.g. trade) the EU acts like a federal state, in others, like in

the Common Foreign and Security Policy, intergovernmental processes are dominant, while in others, like the regional policy, the multilevel dimension is more prominent (Jordan, 2001: 195).

Indeed, multilevel governance approach seems to apply better to low importance and local level policies, which, however, constitute the vast majority of EU's policies (Jordan, 2001: 204; CoR, 2009: 3). This is acknowledged in the White Paper of the CoR as well ('it does not apply to all policies', 2009: 4.). This approach also seems to be more prominent in some policy-making stages than in others (Trnski 2005: 24). For example, in the case of regional policy the involvement of sub-national actors is more prominent at the implementation stage (Trnski 2005: 24). Finally, multilevel governance has been criticised for overestimating the role of sub-national actors, for approaching them unilaterally and for not taking under consideration the interaction of public and private actors at the international level (Jordan, 2001: 201).

All these arguments criticising multilevel governance concept have certainly some strong points. They seem to ignore, though, a significant dimension of this concept. Multilevel governance examines a different issue from that the liberal-intergovernmental or rational choice institutionalist theories do. While both theories focus on the EU's integration, multilevel governance focuses on the 'day-to-day' practise and politics in the EU (Marks, 1993; Warntjen and Wonka, 2004: 10). Although it does not touch 'high politics', it provides a satisfactory view of the EU's political system, it highlights trends taking place insight it and 'is more able to explain a broader set of policy outcomes' (Hix, 2005: 18). For this reason, it offers new insights on the EU's integration project and can be considered a useful descriptive tool, even if it does not satisfy the 'standards of a comprehensive theory of integration' (Jordan, 2001: 205).

3.3. Conclusion

In conclusion, multilevel governance provides not only a more complete view of the EU's political system, but also a useful tool towards its effort to achieve greater effectiveness and democracy in its policy-making processes. As Marks and Hooghe (2004: 16) argue, multilevel governance is 'both more efficient than, and normatively superior to, central state monopoly', because it 'can better reflect the heterogeneity of preferences among citizens'. Certainly, multilevel governance theory does not completely apply to the whole spectrum of the EU's political system and policy-making processes. Hix (2005: 15), however, claims that nowadays there are no big theories that can explain everything about the EU, but only 'mid-level explanations of cross-systemic political processes'.

In this context, the theory of multilevel system of governance constitutes such a 'mid-level explanation'. It explains why the analysis of the EU's democratic legitimacy issue should follow a multidimensional and flexible approach, which involves both Beetham and Lord's direct, indirect and technocratic models of legitimacy, and the input, throughput and output criteria of legitimation. This theory can also offer a better explanation of how NMG, which are based on networks of collaboration between public and private actors at all levels of governance, function within the EU's political system, and how they contribute to its political legitimation. Finally, the theory of multilevel system of governance can help in the examination of the EU's democracy, which is crucial in this thesis' investigation of the EU's democratic legitimacy issue.

4. THE EU'S DEMOCRATIC DEFICIT

Another significant dimension in the analysis of the EU's democratic legitimacy is that of the EU's democracy. The EU's legitimacy question cannot be fully explained without addressing the degree to which the EU satisfies some basic democratic principles. The EU is a union of liberal democratic nation-states and can only be legitimate, if it satisfies such principles. Nevertheless, the EU's democracy is closely connected with the EU's political system as well. This political system not only complicates the issue of the EU's democracy, but also affects the democracy at the national level. In any case, during the last two decades the EU's democracy is under strong criticism and there are many voices arguing about the EU's 'democratic deficit'.

The issue of democratic legitimacy emerged in the EU politics by the early 1990s in the aftermath of the Treaty on the European Union (1993) and the creation of the EU with the three pillars political structure. Up until that period the Union's popularity with its citizens was increasing, but subsequently it started to drop significantly (Micossi, 2008: 1). As Hooghe and Marks (2005, 425-26) had argued it was the period that citizens' 'permissive consensus' towards the European integration project was transformed into a 'constraining dissensus'. Until that time the European integration project was an elite driven programme based on the perception that as long as the EU was working for everyone's interest, there will be no need for further democratisation (Scharpf, 1997: 23). The Treaty on the European Union, which reinforced the role and influence of the European level by transferring competences from the national level, without setting a strong democratic context at the former, changed this condition. This transfer of powers weakened the national level democracy and led to the emergence of the EU democratic deficit arguments.

Therefore, the EU nowadays is faced with a crisis, which many observers claim that lies in its deficiency in democracy (Micossi, 2008: 1). On the one side the EU's policies seem to have 'diverged from voters' preferences' and on the other there is a deficit of 'transparency, accountability and democratic involvement' in decision-making mechanisms (Micossi, 2008: 1). Moreover, there are claims that the EU cannot become a real democracy in principle, since it lacks the democratic structures and social prerequisites on which democracy depends (Azman, 2011). This obviously has consequences for the EU's democratic legitimation as well.

4.1. Democratic deficit arguments

There is no consensus as to what constitutes the democratic deficit in the EU. As Crombez (2003: 103) states, there is no clear evidence, neither theoretical, nor empirical, that this democratic deficit exists and it seems to have different meanings for different people. Scholars' and commentators' opinions vary according to their 'nationality, intellectual positions and preferred solutions' (Follesdal and Hix, 2006: 534). Nonetheless, this concept has become prominent and it is used both by Euro-federalists and Eurosceptics (Crombez, 2003: 103). Euro-federalists claim that the reinforcement of the powers of the European Parliament could solve this issue, while the Eurosceptics insist that nation-states can better protect democracy through their 'well-established democratic traditions' (Crombez, 2003: 103). This condition becomes more complicated due to the fact that the issue of the EU's democratic deficit is linked with that of legitimacy and this leads to a significant overlap in literature dealing with both these issues (Jensen, 2009: 2). Yet, a 'standard version' of democratic deficit exists and a diverse group of actors, varying from academics or the media to ordinary citizens, focus on the transfer of competences from the nation-state to Brussels, which results in issues of transparency, accountability and representation (Weiler *et al.*, 1995).

Against this background, Follesdal and Hix (2006) present an analysis of the EU's democratic deficit, which focuses on five factors. In particular, their analysis focuses on the role of the national parliaments and the European Parliament, the European elections and the connection of the EU with its citizens. The first factor they present is the reduced role of national parliaments in the EU level politics. In general, the national parliaments in Europe can control the executive authority of the national governments and safeguard the element of accountability (Follesdal and Hix, 2006: 534). In the context of the EU policy-making environment, however, the executive authority, e.g. national ministers in the Council or other non-elected actors, are not that accountable (Follesdal and Hix, 2006: 535). They are rather isolated from the control of their national parliaments and this leads to a decrease of power of the elected national parliaments in favour of supranational executive authorities (Follesdal and Hix, 2006: 535).

The second factor has to do with the weakness of the European Parliament. Since the first elections of 1979 the role of the European Parliament has been enhanced and through the co-decision procedure has been transformed into co-legislator in many policy fields. The Treaty of Lisbon (2009) further increased its importance in decision-making and it placed it on an equal footing with the other two institutions, the Commission and the Council. Even so, the majority of policy fields is still under the consultation process² and in the EU budget decision-making process the European Parliament can only amend those provisions that fall under the category of 'non-compulsory expenditure'³ (Follesdal and Hix, 2006: 535). Finally, in the

² 'This procedure is now applicable in a limited number of legislative areas, such as internal market exemptions and competition law. Parliament's consultation is also required, as a non-legislative procedure, where international agreements are being adopted under the Common Foreign and Security Policy (CFSP).' <http://www.europarl.europa.eu/aboutparliament/en/20150201PVL00004/Legislative-powers>

³ 'The Treaty of Lisbon extended the role of Parliament. It was signed by the EU member states on 13 December 2007, and entered into force on 1 December 2009. From that moment, European Parliament could

Commission election the European Parliament is sharing competences with the governments of the of member states (Follestad and Hix, 2006: 535).

The third factor focuses on the lack of 'European elections' (Follestad and Hix, 2006: 535; Jensen, 2009: 2). In representative democracies there are competing political parties and voters choose between them their governments (Bogdanor, 2007: 7). As Schumpeter (2010: 241) argues democracy is a 'competitive struggle for the people's vote'. This is not the case in the EU. The EU elections neither influence the political developments of the Union, nor do they execute the role performed by national elections in the member states (Bogdanor, 2007: 7). As a result, they cannot compensate the voters' for the losses of their national democracies (Jensen, 2009: 2). Consequently, the voters, the parties and the media see the European Parliament's elections as 'second-order national contests' and domestic issues prevail over European ones (Reif and Schmitt, 1980). This is reflected in the declining numbers of participation and protest voting against the government parties (Follestad and Hix, 2006: 536; Hix and Marsh, 2011). This indifference towards European issues is reflected in national elections as well, where European issues are of low salience (Follestad and Hix, 2006: 536).

The fourth argument towards the EU's democratic deficit emphasises on the 'distance' the voters feel for the EU (Follestad and Hix, 2006: 536). Follestad and Hix argue that allegations of distance are based on both institutional and psychological reasons (2006: 536). The institutional reasons have to do with all the factors mentioned before and reflect the weak electoral control over the Commission and the Council (Follestad and Hix, 2006: 536). The psychological reasons have to do both with the structure and the functions of the EU's institutions and, mostly, with the issue of identity. Considering the first, the Commission, the

decide on both compulsory and non-compulsory expenses, extending its power and responsibilities in the budget elaboration' (Garcia-Valinas, M. and Zaporozhets, V., 2015: 7).

Council and the European Parliament are very different than the national institutions and this has as a result the European citizens not to be able to identify themselves with them (Follesdal and Hix, 2006: 536).

The socio-psychological dimension of the EU's democratic deficit is connected with the absence of a European civic society (Azman, 2011; Chrysochoou, 2003; Decker, 2002; De Beus, 2001). Successful democratic governments rest on a common community feeling, which enables citizens accept the result of an election even when the result is against their preferences (Bogdanor, 2007: 10). In the EU, instead, there is not such a feeling, nor a common public sphere, and, as a result, political life becomes elitist with no significant participation on behalf of the citizens (Bogdanor, 2007: 10). This also is the result of the absence of the element of party competition on different policy agendas at a European level, which could help towards the creation of a European 'demos' (Follesdal and Hix, 2006; Decker, 2002). There are of course arguments claiming that such a European 'demos' has to be 'constructed' first (Jensen, 2009: 5). Given that any 'demos' is historically constructed, something similar could take place in Europe. Nonetheless, this cannot follow 'ethno-nationalist conceptions' (Jensen, 2009: 6).

Finally, the fifth argument towards the EU's democratic deficit has to do with the preferences of the European voters, or what Scharpf calls outputs of a political system (1997, 1999). Scharpf argues, that the democratic procedure must be able to achieve 'the goals that citizens collectively care about' (1997: 19). Voters' preferences are neither irrelevant to the political processes, nor 'permanently fixed' (Follesdal and Hix, 2006: 545). In democratic regimes citizens form their political preferences through the 'processes of deliberation and party contestation' (Follesdal and Hix, 2006: 545). In the EU such processes do not exist and policy outcomes tend to be the products of 'enlightened technocrats' and not of a 'political majority after a debate' (Follesdal and Hix, 2006: 545). Additionally, the EU whenever faces

a situation of a political stalemate tends to choose a 'median' solution (Follesdal and Hix, 2006: 545). This is the result of the EU's 'negative integration' process (Scharpf, 1997). In particular, Scharpf claims that the EU integration project was based on negative integration in order to create a common economic area (1997: 4). In general, negative integration aims to create a single market by eliminating any barriers to competition. Positive integration, instead, intends to harmonise European economic policies and has a redistributive character (Scharpf 1999: 49; Wallace 2005: 80 in Blauberg, 2008: p. 5).

Majone (2005) argues that negative integration is preferred in the EU, as it can protect fundamental rights better. In fact, it is easier to eliminate barriers than to adopt redistributive policies, where some actors would have to contribute more than others. Moreover, negative integration is mostly connected with neo-liberal economic policies or monetarist frameworks for the EMU and focuses on the role of private interests in the EU decision-making process (Follesdal and Hix, 2006: 537). Scharpf also explains that policies focusing on negative integration (e.g. market freedoms) are connected with institutions, such as the Commission and the European Court (Scharpf, 1999: 52; Follesdal and Hix, 2006: 537). Instead, issues concerning positive integration are related with the Council and the European Parliament, where decisions are taken through majority or unanimity modes (Scharpf, 1999: 70; Follesdal and Hix, 2006: 537). Since the role of the European Parliament is not dominant in the EU politics, the EU's policy outcomes tend to be closer to the interests of the capital owners instead of the citizens (Follesdal and Hix, 2006: 537). As a result, the EU policies tend not to comply with the citizens' preferences (Scharpf, 1997: 23).

4.2. Arguments against the democratic deficit (Moravcsik – Majone)

All in all, the concept of the EU's democratic deficit is dominant among many actors and among the EU citizens. Nevertheless, there are arguments challenging this concept, which also provide with a different perspective over the EU's democracy and political system. Moravcsik, for example, from a liberal intergovernmental point of view, considers that the EU does not have greater lack of accountability or transparency than the nation-state, and as a result, he claims, the issue of democratic deficit should not be considered an important problem (Moravcsik, 2002). Majone (1996, 2003), driven from the argument that the EU is a 'regulatory state', insists that there are policy fields in the EU which do not need democratic legitimation. He analyses the EU as a regulatory agency, whose legitimacy derives from its independent expertise (Majone, 1996). Therefore, any influence of political competition on the EU's regulatory policies could undermine the legitimacy of its political system (Majone, 2003: 311).

4.2.1. *Moravcsik's arguments*

Moravcsik (2008: 332) claims that the whole debate is a result of a false understanding of what democratic deficit is, and makes the EU to be compared with idealised conceptions of Westminsterian or ancient style direct-democracy political systems. Instead, Moravcsik tries to prove that the EU is as democratic as its member states. In order to achieve this he specifies what is meant with the terms public accountability and legitimacy by using empirical evidence and evaluates the quality of the EU's democracy (Moravcsik, 2008: 332). He answers to several dimensions of the EU's democratic deficit debate and he eventually reaches to the conclusion that this issue is a 'myth' (Moravcsik, 2008: 332).

The first myth according to Moravcsik is that the EU is a 'superstate' (Moravcsik, 2008: 332). Several critics of the EU's governance argue that the Union is responsible for the vast majority of all European policy-making and this results in the imposition of 'harmonized technocratic governance' on every national political issue (Moravcsik, 2008: 332). Moravcsik, instead, claims that the overall percentage of national laws originating from the EU is very low (10 to 20 per cent) and refers to issues that do not have a direct role to policy fields such as administration or government spending (Moravcsik, 2008: 333). The EU's powers in comparison to nation-state not only remain moderate, but also refer to issues of low salience for the voters (Moravcsik, 2008: 333). What the voters do care about are issues such as taxes, welfare and healthcare policies, education and defence, where the EU's powers are reduced (Moravcsik, 2008: 333).

The second myth that Moravcsik challenges is that the EU is a technocratic political system ruled by officials who are subject to minimum democratic control from the member states and their citizens (Moravcsik, 2008: 333). Siedentop (2001) calls this system as 'bureaucratic despotism'. Moravcsik (2002) argues that the EU must not be seen as a modern state due to the fact that it lacks basic functions such as taxation or an army. The EU can only issue regulations, although it cannot always implement them (Moravcsik, 2002: 609). Its bureaucracy also totals around 35,000 employees in all Institutions where a quarter of them are decision-makers (Moravcsik, 2008: 333). As a result the EU bureaucracy cannot implement all EU regulations and it has to rely on national administrations (Moravcsik, 2008: 334).

In addition, even in those areas where the EU's bureaucracy is fully functional, Moravcsik insists that there is greater transparency than in nation-states (Moravcsik, 2008: 334). Political authority is shared vertically among the Commission, the Council, the Parliament and the Court, and horizontally among regional, national and transnational actors

(Moravcsik, 2008: 334). Hence, any treaty reformation or any legislation is subject to great restrictions, national controls and transparency requirements (Moravcsik, 2008: 334). The nation-states do not have to face such issues in their functions, and even federations like the USA or Switzerland do not have such transparency rules as the EU (Moravcsik, 2008: 334). In conclusion, considering the myth of 'bureaucratic oligarchy' Moravcsik insists that the EU's system is close to the 'ideal of Lockean or Madisonian limited government' (Moravcsik, 2008: 334).

Moravcsik also investigates the issue of the EU's electoral unaccountability. He contests the argument that non-elected officials take decisions on behalf of the European citizens without any democratic accountability (Moravcsik, 2008: 335). He claims that in every aspect of the EU's decision-making there are several democratic controls. In the constitutional changes, for example, any change must be approved by any means member states choose, which in several cases is a referendum (Moravcsik, 2008: 335). He provides the example of Ireland's referendum on the Treaty of Lisbon where a marginal 'no' of the one per cent of the total European population stalled for a period the whole treaty reform (Moravcsik, 2008: 335).

Additionally, Moravcsik claims that in the everyday legislative process democratic checks and balances are equally strong as in treaty reforms. National leaders, ministers and members of the European and national parliamentarians participate in the whole process of decision-making (Moravcsik, 2008: 335). In the Council of Ministers European citizens' participation is indirect, through their elected governments, while in the European parliament the participation is direct, as the citizens elect their representatives. Furthermore, European law has to be translated into national law by the national authorities (Moravcsik, 2008: 335). The Commission is the only actor of the legislative process that is not directly elected, but its powers

have declined and are controlled by the Council and the European Parliament (Moravcsik, 2008: 335).

Eventually in the EU the only institutions that are unaccountable are those with a regulatory nature such as the European Court of Justice, auditing agencies or the European Central Bank (ECB). The latter, actually, enjoys greater independence than its national counterparts (Moravcsik, 2008: 336). But as Moravcsik insists the corresponding national institutions, in order to achieve better results, objectivity and respect for individual and minority rights, share the same unaccountability (Moravcsik, 2008: 336). Finally, Moravcsik claims that the direct accountability of the EU policy makers is stronger than their national counterparts and this is reflected on the EU's policy agenda, which follows, to a degree, the European citizens' preferences and applies to a mix of EU and/or national policies (Moravcsik, 2008: 335-336).

Against this background, Moravcsik reaches the conclusion that the EU does not suffer from an 'objective democratic deficit', but from a 'perceived' one, which is based on factors such as the negative referendum results, the low turnouts of European Parliament elections and the low participation of citizens in the EU politics (Moravcsik, 2008: 336-338). Moravcsik explains that the referenda or the European Parliament's election do not reflect citizens' true feeling about the EU, but mostly their satisfaction or dissatisfaction towards their governments. Moravcsik stresses the example of the Irish referendum on the Lisbon Treaty. In that case, apart from the fact that a significant percentage of the voters voted no just because it was not fully

informed on the issue⁴, issues outside the EU's competences defined the result (Moravcsik, 2008: 337).

Moravcsik also questions the issue of participation, claiming that participation is not that higher in national elections (Moravcsik, 2008: 337-338). He asserts that non participation in the EU's elections mostly has to do with the salience of the issues the EU raises, as the citizens are mostly concerned with those that fall into the national jurisdiction (Moravcsik, 2008: 339). He also claims that an effort to induce greater participation could have either no results or, worse, could lead to 'plebiscitary populism' (Moravcsik, 2008: 340). In order to explain this argument he uses the case of the European Constitution, where the majority of the issues were either indifferent or unknown to the public, and this led the whole debate to be dominated either by 'euro-enthusiast' or 'euro-sceptic' views ignoring all other voices (Moravcsik, 2008: 339-340).

4.2.2. *Majone's argument*

Professor Giandomenico Majone investigates the EU as a regulatory state (1996, 2003) and insists that it does not suffer from a democratic deficit but from a 'credibility crisis' (Majone, 2000). Majone insists that EU's regulatory tasks must focus on performance issues and not on political accountability and thus the EU has to seek to gain citizens' trust through the improvement of its policies performance (1996, 2000). In order to improve their performance the EU must have greater reliance to autonomous bodies, such as the Court, the Ombudsman or other regulators, and delegate to them implementing powers, instead of relying

⁴ A famous slogan was: 'If you don't know, vote no!' (A. Moravcsik: 'Don't Know? Vote No!', *Prospect*, July 2008b, London.)

on collegial decision-making (Majone, 2000). He, actually, suggests that the Community should use the example of the American regulatory state (Majone, 2000: 300). Driven from his claim, that the EU is a 'regulatory state', he insists that there are policy fields in the EU, which do not need democratic legitimation, but they can simply rely on technocratic legitimacy (Majone, 1996, 2003). The influence of politics (e.g. a directly elected Commission or a more important role for the European Parliament) on the EU's regulatory policies could undermine the legitimacy of its political system, because it would create winners and losers, which could threaten minorities' rights and in the long-run undermine majority's interests as well (Majone, 2003: 311).

4.3. Counterarguments to Moravcsik/Majone

The analysis of Moravcsik and Majone provide with different perspectives over the issue of the EU's democratic deficit. In particular, the analysis of the EU as a regulatory state downplays the importance of democratic processes in the context of the EU policy-making. Both scholars insist that the EU, due to the regulatory nature of its political system, is democratic enough and further democratisation would undermine the effective implementation of its policies. Nevertheless, this analysis seems to underestimate the fact that the EU's policies do not only have a regulatory nature. There are policies with redistributive nature (e.g. regional policy) as well. Furthermore, even regulatory policies may have explicit or implicit political dimensions and there must be someone to define their political direction. (Beetham and Lord, 1998a: 20).

As a matter of fact, Beetham and Lord (1998a: 20) argue that in democracies there is an issue of 'value choice' regarding policies. Any policy, even that with the broadest definitions

of goals, which intends to improve an aspect of a state's condition, has a political 'orientation' (right, centre, left; Beetham and Lord 1998a: 20). In democracies the task to select this 'orientation' relies to citizens' choices. Beetham and Lord (1998a: 21) argue that the regulatory agencies in democracies can gain legitimacy only when they work under the framework of democratic procedures. This is the reason why Beetham and Lord disagree with Majone's comparison of the USA's regulatory authorities with those of the EU. In the USA these authorities have a democratic credential, because, through democratic processes, they gain fairness, transparency and accountability (Beetham and Lord, 1998a: 21).

In the context of the EU there are regulatory policies with significant redistributive effects as well. Follesdal and Hix show how private producers are negatively affected by the liberal trade policies of single market and the effects of environmental standards on industrial policies (2006: 543). The same is valid with the EU's budget, where there is the distinction between 'net contributors' and 'net beneficiaries' (Follesdal and Hix, 2006: 543). Caporaso (1996: 43-44) also highlights the European Central Bank's (ECB) monetary policy and its aim to control inflation. Another example is the role of the ECB in the current Eurozone crisis and the arguments for and against the issuing of Euro bonds. All these examples fall under the EU's regulatory policies, but they have significant political implications as well. Therefore, Follesdal and Hix (2006: 543) assert that, since the EU's policies provide winners and losers, then a sort of democratic control is essential.

Moreover, Follesdal and Hix (2006: 546) assert that independent regulators are vulnerable to be captured by private interests without the proper democratic control. Becker (1983), in his analysis of the pressure groups' competition for political influence, shows that private interests' lobbying activities put significant pressures on regulators. Tsebelis (1999) provides with the example of the USA's system of government, which despite having

significant check and balances mechanisms, cannot prevent several lobbies from blocking policies against their interests (gun and healthcare lobbies). The EU's system of checks and balances is not less vulnerable to such an influence from private interests (Follesdal and Hix 2006: 546). In fact, the EU is often accused for its impersonal governance structures and the influence of 'Eurocrats' and lobbyists on its policies.

4.4. The EU's 'democratic deficit' in comparative investigation

The previous analysis highlights the complexity of the issue of the EU's democratic deficit. For this reason, some scholars proceed to a comparative examination of the EU's democracy with that of other, particular federal, political systems such as the USA, Switzerland, even Belgium (Zweifel, 2002; Sinardet and Bursens, 2014). Moravcsik (2002) believes that the EU's democracy should be better cross-examined with current democratic examples, instead of broad and ideal perceptions of democracy. This is not an easy task, because there is the question of whether the EU could be considered a state. A significant number of researchers face the EU as a 'sui generis' polity, which cannot be compared to national political systems, and there is always the danger of comparing 'oranges to apples'. (Zweifel, 2002: 813). For example, the German Federal Constitution Court in its account of the EU's political system and democracy clearly states that if the European Union were a state, its standards of democracy would not be sufficient to satisfy the requirements of the German Basic Law (cf. Bundesverfassungsgericht, 9, §271 in Lock, 2009: 417). Even so, it does not consider the EU as a state and in consequence its democracy is considered sufficient (cf. Bundesverfassungsgericht, 9, §271 in Lock, 2009: 417).

In any case, the EU's multilevel governance system shares some common features with other polities, which can facilitate a comparative approach. Hix (2006: 350) states that the investigation of political systems in political sciences follow a cross-systemic approach and since there is not a general theory on American or German government, there is no reason to exist one for the EU. Sbragia (1992: 12-13) also insists that such a comparison can be proved more fruitful than a mere description of the EU as a *sui generis* polity. Against this background, Zweifel examines the EU's democracy in comparison to two federal polities, the USA and Switzerland. The reason why he chooses these two states is because both are federal democracies with many common features with the EU and both receive top marks in several surveys regarding their democratic systems (2002: 813).

Zweifel (2002: 815) in his examination of the EU's democracy combines several democratic scales, which, he claims, are 'accepted, prominent and diverse'. He also states that, despite the different research methods of measuring democracy, all indicators and scales can offer a satisfactory view of each political system's democracy (Zweifel, 2002: 815). In this context, Zweifel investigates seven scales of measuring democracy, which are employed by other analysts⁵ (e.g. Dahl) or institutions (e.g. Freedom House⁶), and examine aspects of accountability, transparency, political rights and liberties, media freedom, citizens' participation and socioeconomic inequalities (Zweifel, 2002).

Zweifel's (2002: 834) analysis shows that there are both similarities and differences among the EU, the USA and Switzerland, but the EU is no less democratic than the other two

⁵ Alvarez et al. 1996, Bollen 1993, Coppedge and Reinicke 1990, Gasiorowski 1990, Gastil 1990, Gurr et al. 1990.

⁶ Freedom House (1996) *Freedom in the World. Political Rights and Civil Liberties*, New York: Freedom House.

federal polities. He accepts that some of the indicators may be subjective or not to address the true dimension of the issue, but he claims, that this is the same for any polity examined with those scales (Zweifel, 2002: 834). Therefore, he implies that the issue of the EU's democratic deficit may be a result of the unwillingness of the national authorities to submit more powers to Brussels (Zweifel, 2002: 834). Eventually, he concludes that if the EU suffers from a democratic deficit, then definitely there are some other democracies that have the same problem (Zweifel, 2002: 835). As a matter of fact, a recent survey from the British think-tank DEMOS shows that 'a number of countries – including founding members of the Union – have arguably slid backwards on key aspects of democracy in recent years' (Birdwell *et al.*, 2013: 171).

4.5. The role of the EU's political system

Zweifel's comparative research seems to agree with Moravcsik's opinion that the EU does not suffer from a democratic deficit. Nonetheless, this argument does not seem to agree either with the current situation in Europe or the popular perceptions over the EU's democracy. The turnout of the European Elections and the several Eurobarometer surveys highlight this condition very well. Furthermore, the fact that in some member states, due to the financial crisis in Europe, democratic elected governments have been replaced with technocratic ones reinforces arguments towards the EU's democratic deficit. So, the question that emerges is if the EU is not that undemocratic, why do the people believe that it is?

This question brings again to the fore the issue of the EU's political system. Those who claim that the EU suffers from a democratic deficit compare it with the nation-state. Instead, those who do not find any democratic deficit see the EU mostly as an international organisation

or a 'regulatory state'. Zweifel's comparative investigation constitutes an interesting effort to bridge those two approaches. Nevertheless, the EU is neither a nation-state, nor an international organisation. It is a political system that shares elements from both these sides and transforms traditional politics and government both at European and at national level (Hix, 1998: 54). This condition results in this complicated view of democracy and legitimacy at the European level.

Against this background, some scholars argue that the problem of democratic deficit does not lie in the EU side, but on the nation-state. The EU's government and politics weaken the nation-state without replacing it with a comparable European one (Bartolini, 2005). The nation-states have not managed to 'reconceptualise their national democracies in the context of a regional European state' (Schmidt, 2004: 977). For this reason, it is not the EU that suffers from a democratic deficit, but its member states. Furthermore, this democratic deficit is experienced differently in each member-state depending on their particular political systems (Schmidt, 2004: 986). As Schmidt (2004: 988) argues, states like the UK and France, where 'governing authority is channeled through a single authority', feel this democratic deficit stronger. Instead, other states, like Germany and Italy, where traditionally there are multiple governing authorities, the impact of democratic deficit is weaker (Schmidt, 2004: 988).

The abovementioned argument indicates that nation-state's democracy certainly faces some issues in the context of the EU's political system. It should not be neglected, though, that the EU has executive, legislative and judicial powers; its policies have a redistributive character and affect significantly Europeans' lives (Hix, 1998: 54). It is not just a regulatory state that can gain legitimacy based on the outputs of its policies. It needs to gain legitimacy also through the inputs, which means through the quality of its democracy. The multilevel system of governance, although offers the promise of better efficiency and more democracy at a European level, has not replied to the issue of a European 'demos' and of a European public sphere yet.

Furthermore, there is the issue of accountability. The people in Europe do not have the powers to punish a supranational authority, e.g. the Commission, in case of a failure (Hurrelmann, 2014: 88). Finally, there is the issue of representation. The EU has not managed to mobilise the people yet and there is always the threat of democratic processes to be dominated by the best-organised groups (DeBardeleben and Hurrelmann, 2007: 8).

In sum, the people in Europe feel that there is a democratic deficit because they cannot control developments, as they do through the democratic processes in the context of the nation-state. This happens because the EU democracy does not comply with the standards of nation-state's one. The problem is that the modern day democracy is based on the nation-state. Therefore, it is becoming obvious that the EU must find a way to combine democratic principles with its political system. Meny (2002: 13) claims that towards this the EU should invent new paradigms of a supranational democracy and should avoid used nation-state's examples.

5. THE EU DEMOCRATIC LEGITIMACY IN THE CONTEXT OF MULTILEVEL GOVERNANCE SYSTEM

The EU's multilevel governance system plays a prominent role in determining the EU's democracy and legitimacy. As Stubbs claims: 'a multi-level governance perspective forces one to address processes of the supranationalisation, the decentralisation and the dispersal of authority as potentially coterminous, rather than engage in very narrow, linear, debates about the influence, or lack of influence, of international agencies' (Stubbs, 2005: 67). Thus, this multilevel governance system stresses the importance of a more expanded and flexible dimension of the EU's democratic legitimacy. The EU functions in a multilevel context, that combines supranational, national, regional, public and private actors, and hence it needs a multidimensional approach to legitimacy, which can combine all these 'coterminous' elements. Against this background Beetham and Lord's threefold schema of legitimacy (direct, indirect and technocratic) is a very useful tool in assessing the EU's democratic legitimacy, because it takes into account all dimensions of the EU's political system.

5.1. Indirect legitimacy

The model of indirect legitimacy applies to international organisations, 'whose membership comprises states rather than individual citizens' (Beetham and Lord 1998a: 11). Wallace (1993: 95-99) has described this model of legitimacy as indirect since, from people's standpoint, they do not have any direct participation in the legitimation process. These who are directly involved are the member states and their officials that are 'required for the relevant international body to achieve its purposes' (Beetham and Lord 1998a: 11). For this reason, an international organisation is recognised as legitimate through the legitimacy its member-states

enjoy from their publics (Beetham and Lord 1998a: 11). It is also the output side of legitimacy (performance) and not the input (democracy) or throughput that can legitimise an international organisation. Any international organisation is established as a mean to achieve some targets that its member states cannot achieve alone. As long as the international organisations fulfil their initial ends, they maintain and increase their legitimacy (Beetham and Lord, 1998a: 12).

In the case of the EU this last point plays a central role as well. The member states have transferred some of their authorities to the European level in order to guarantee better results for their citizens. In fact, on the occasion of the 50th anniversary of the signature of the Treaty of Rome the Heads of States of the EU had declared:

‘There are many goals which we cannot achieve on our own, but only in concert. Tasks are shared between the European Union, the Member States and their regions and local authorities’ (Declaration, Berlin, 25 March 2007).⁷

Consequently, the indirect model of legitimacy fits well with the EU’s intergovernmental organs, such as the European Council or the Council of Ministers. It also applies to all these policies that rely on the intergovernmental side of the EU’s political system.

This model of legitimacy, however, fails to apply to the whole spectrum of EU’s multilevel political system. In general, international organisations are not dependent on the co-operation of their citizens but only on ‘a narrow elite group’ (Beetham and Lord, 1998a: 12). This criticism, actually, about ‘elitism’ nowadays is common in other international organisations as well. The WTO, the IMF, even the UN, in the last few years, face great criticism, not to say massive reactions, against their democratic deficit and lack of legitimacy

⁷ Declaration on the occasion of the 50th anniversary of the signature of the Treaties of Rome
http://europa.eu/50/docs/berlin_declaration_en.pdf

(Zürn, 2004: 261). In the case of the EU this criticism is more acute since the latter affects directly people's lives through its policies and procedures 'and wants its citizens to accept the European laws as legally binding' (De Jonghe and Bursens, 2003:13). Consequently, people need to have a more direct role in the EU's legitimation, and the indirect model of legitimacy cannot fully legitimise the EU's political system.

5.2. Technocratic legitimacy

Technocratic legitimacy is that version of legitimacy that focuses on performance and asserts that the public interest is better realised through professionals who 'can do the job' better without any constraints from democratic and electoral politics (Beetham and Lord, 1998a: 16-17). Lord and Magnette (2002: 4) argue that this position involves three things: 'first, a normative belief that the superior ability of a system to meet citizens' needs grounds for political obligation to it; second, epistemological confidence in a rationality or science of government (positivism); and, third empirical identification of public needs that can only be met by independent European institutions'.

The model of technocratic legitimacy for the EU is favoured by two factors. The first has to do with the complex and fragmented policy-making processes, which demand specialised knowledge on several policy issues. The second, and most important, reason has to do with the process of negative integration and the EU's effort to be political neutral, in order to minimise reactions. Regarding the first factor, the complex and fragmented decision-making process of the EU, due to the multitude of policy sectors, caused problems of overload to the Commission. Therefore, it has transferred certain executive functions to 'technocrats' and tried to maintain a rather regulatory position (Beetham and Lord, 1998a: 17; Lord and Magnette,

2002: 4). In addition, the complexity of the issues, in combination with the number of the actors (supranational, national, regional, public, private) involved, require a higher level of specialisation and scientific expertise (Lord and Magnette, 2002: 4). The so-called 'epistemic communities' (Peters, 1994: 23) tend to use a 'common language' on facing several issues and this can help them achieve better policy results.

The EU is not the only political system that 'technocrats' and 'experts' have a constantly influential role in policy-making. Due to the impact of globalisation many states are forced to introduce more expertise knowledge in several policy aspects, in order to deal with the greater complexity of policy-making at international, national and sub-national levels. Weiler *et al.* (1995) argue that the EU promotes this technocratic style of governance in order to achieve its economic and social targets through the less possible objections and tensions. Through these 'epistemic communities', the EU aims to achieve better performance and, eventually gain a kind of technocratic or output legitimacy from its policies (Scharpf 1999). Additionally, intergovernmentalists, such as Majone, who argue that 'the main function of the EU is economic, social and legal regulation' (Beetham and Lord, 1998a: 19), see on technocratic legitimacy a useful complement to indirect legitimacy as well. Through the claim that the EU is a 'regulatory state' (Majone, 1996), they argue that technocratic expertise, as long as it achieves effectiveness, increases the EU's legitimacy (Majone, 1997).

Technocratic legitimacy, though, cannot achieve the legitimisation of the EU's political system either. The EU has a democratic dimension, which the model of technocratic legitimacy fails to satisfy. When Majone used the term 'regulatory state' for the EU he had in mind the example of the USA (Beetham and Lord, 1998a: 20). Nevertheless, in the USA technocratic agencies are legitimised by some democratic credentials, which control the 'essentially political dimension of their role' and guarantee the criteria of fairness, transparency and

accountability (Beetham and Lord, 1998a: 21). As Beetham and Lord (1998a: 20) argue there is some value choice in each policy, a general political orientation (right, central, left) and hence it cannot be a 'purely technical matter'. Despite the observed technocratic 'depoliticisation' there is always a political sign on a policy, which in liberal democracies has to be decided by the people (Beetham and Lord 1998a: 21). Since the EU considers itself a political system based on liberal democratic principles, it is rather obvious that technocratic legitimacy is just not enough. There are several policies in the EU controlled by technocrats, which carry a strong political dimension, as they directly influence EU citizens' lives. Moreover, this sort of legitimacy often suffers from an elitist and undemocratic perception of 'decision-makers know best', which further reduces its legitimisation impact (Beetham and Lord, 1998a: 22).

All in all, the model of technocratic legitimacy does not constitute an alternative to democratic legitimacy. Technocratic government operates complementarily in a democratic system and can actually enhance the quality of a democracy (Beetham and Lord, 1998a: 21-22). In any case, De Jonghe and Bursens (2003: 9) claim that the technocratic model of legitimacy should be related more 'with a specific style of governance'. They argue that direct and indirect models of legitimacy apply to a 'political system in levels' (supranational, national, regional), or the 'multilevel aspect' of the concept of multilevel governance, while technocratic legitimacy applies to the 'governance aspect' (De Jonghe and Bursens 2003: 15).

5.3. Direct legitimacy

Direct legitimacy is the third model that Beetham and Lord use in order to assess the EU's legitimacy. This model applies to nation-states and it can legitimise a political system as long as it satisfies 'the liberal democratic criteria of normative validity and legitimation' (Beetham and Lord, 1998a: 22). These criteria can be summarised in the principles of democracy, identity and performance. Beetham and Lord (1998a: 22) describe them analytically: 'effective performance in respect of agreed ends, democratic authorisation, accountability and representation, and agreement on the identity and boundaries of the political community'. These criteria overlap with the concepts of input, throughput and output sides of legitimacy, which this study employs in the analysis of the EU's legitimacy issue.

The EU, apart from the intergovernmental institutions and technocratic procedures, is also constituted of supranational institutions (Commission, Parliament etc.) and several of its policies have a direct impact on people's lives. Moreover, the EU is founded on liberal democratic principles and demands from its member states to follow the same principles (e.g. Copenhagen criteria). Therefore, the EU has to meet the same criteria with liberal democracies. It has to satisfy the input, throughput and output sides of democratic legitimacy. It also has to satisfy all sides of legitimacy, because the resolving of the legitimacy 'dilemma' in one of them 'results in displacing the deficit onto another sphere, rather than resolving it outright' (Beetham and Lord, 1998a: 30).

Another dimension in the issue of the EU's democratic legitimacy refers to the impact the EU has on the legitimacy of its member states and vice versa (Beetham and Lord, 1998a: 128). Each member state has its own national characteristics in terms of 'national identity, domestic democracy and state performance' (Beetham and Lord, 1998a: 30-31). Even so, the EU with its policies has an effect on each member state's democracy, state performance and

even national identity.⁸ This impact, eventually, can have a positive or negative effect on the EU's legitimacy as well. For example, in terms of democracy Southern and Eastern Europe, which has been recently democratised, see the EU's influence in a more positive way than the UK with its long parliamentary tradition (Beetham and Lord, 1998a: 31).⁹ Something similar can be said in terms of performance between small and large states. The former find more positive the EU's role, because the provided opportunities in the context of the EU 'enhance their capabilities' (Beetham and Lord, 1998a: 31). The EU policies also can have an impact on other socioeconomic and cultural characteristics in each member state, which can result in arguments in favour or against the EU. As a result, it can be said that EU has a different impact 'on the legitimacy of its member states according to their respective size, character and distinctive legitimisation problems' (Beetham and Lord, 1998a: 32). The positive or negative influence of this impact influences the levels of support towards the EU and, eventually, its democratic legitimacy as well.

All in all, according to the model of direct legitimacy the EU's political system does not seem able to fully satisfy the input, throughput and output sides of legitimacy. For example, in the input and throughput sides the aspects of democracy and identification are not that strong. The EU's democracy does not answer so satisfactorily the questions of representation and accountability. The European Parliament is not that strong and prominent as the national ones and, although is directly elected by the EU citizens, is not accountable to them since the MEPs are not elected on considerations that have to do with 'their role in the EU decision-making' (Hurrelmann and De Bardeleben 2009: 235). Moreover, the Commission and the Council are

⁸ See the emergence of regionalism in Europe.

⁹ The Euro crisis has partly changed this condition as negative opinions towards the EU are increasing, particularly in Southern Europe, but not only.

partly accountable to the Parliament, while the Council is accountable individually at the national parliaments of its member states (Beetham and Lord, 1998a: 27).

Thus, the EU citizens feel that they cannot have a significant influence on the EU policy-making processes and this has negative implications for the quality of governance. This condition deteriorates further due to the fact that the EU diminishes the powers of the national parliaments. For example, through the Qualified Majority Voting procedure 'citizens of a member state might be subjected to a decision made by the governments of other member states' (Hurrelmann and De Bardeleben 2009: 235). In addition, civil society actors cannot influence significantly the decision-making processes at the European level and it is mostly lobbyists or other private interests that promote easier their agendas (Hurrelmann and De Bardeleben 2009: 231, 237). This last condition has to do with the absence of a European 'demos' as well.

The absence of a European demos is an essential factor regarding the EU's direct legitimacy. In the EU there is no such thing as a European identity or political community, which can instil loyalty to the supranational political authority, as is the case with the nation-states. There is only a small elite group that relies on a rather thin cosmopolitan identity of European citizen (Risse, 2006: 179). The EU has tried to create such feelings of belonging by employing the ideas of a common European culture and values and through the use of some symbols (common flag, anthem -Ode to Joy-, or the motto 'United in diversity'; Steffek, 2003: 271). Of course, all these neither replace the existing national identities, nor can the EU use 19th century's methods of nation-building. This condition obviously affects the EU's democracy, but also has implications on the EU's output side of legitimacy.

As regards the output legitimacy, this is considered to be the strongest side of the EU's legitimacy. The EU has always based the integration projects on its efficiency to achieve better

policy results than the nation-states alone. Jean Monnet actually had once claimed that the European Community could be characterised as a 'public utility state' (Meehan, 1993: 45). Nevertheless, the performance of a political system is not irrelevant to 'the participatory quality of the decision-making process' (Risse, 2006: 195). As it was argued previously, each policy, even a depoliticised one, is based on a political or ideological background, some values, which in a democratic society have to be defined by the sovereign people (Beetham and Lord 1998a: 128). Hence, the output side of legitimacy is not independent from the input and throughput sides. Moreover, Beetham and Lord (1998a: 128) assess that when performance 'is the only normative basis for political authority, the latter becomes exceedingly vulnerable to performance failure'. An example of this can be seen on the current financial crisis where the EU's inadequate response has resulted in an increasing lack of trust towards the EU and enhanced eurosceptic voices.

In conclusion, the examination of the three models of legitimacy indicates that the EU as a multilevel governance system has to rely on all of them in order to achieve its democratic legitimation. Nevertheless, the direct legitimacy model holds a prominent position, as the EU is based on democratic principles and values. Consequently, the EU needs to find a way to enhance the input, throughput and output sides of its democratic legitimacy. In other words, it needs to find a way to combine fairness and effectiveness. The preceding analysis shows that this is not an easy task to achieve. The EU's multilevel governance system, that involves several actors from the supranational, national and sub-national levels, places the concepts of democracy and legitimacy into a new context, a 'glocal' one, which also has an impact on the democracy and legitimacy of its member states. Consequently, there is no pattern that the EU can follow. Instead, it has to invent a new one. This last argument is particularly relevant to the issue of the European 'demos' as well. Obviously the EU needs a political community to

support the project of integration. This political community, however, cannot replace national identities and cannot emerge either in the same way national identities did in the 19th century. This complicated situation sets the background for the investigation of the extent to which the New Modes of Governance (NMG) have an impact on the fairness and effectiveness of the EU's political system and democratic legitimacy.

6. NEW MODES OF GOVERNANCE IN THE EU'S MULTILEVEL GOVERNANCE

POLITICAL SYSTEM

This analysis stresses the influence of the EU's political system on the input, throughput and output sides of the EU's democratic legitimacy. This multilevel governance political system has a vertical and horizontal dimension, and affects democracy and legitimacy at both European and national levels. The vertical dimension, or the multilevel aspect, refers to 'the increased interdependence of governments operating at different territorial levels', while the horizontal, or the governance aspect, refers to the 'growing interdependence between governments and non-governmental actors at various territorial levels' (Büchs, 2009: 39). New Modes of Governance (NMG) concentrate mostly upon the horizontal dimension of multilevel governance. They focus on the interdependence of governmental and non-governmental actors, which result in the creation of a system of 'networks governed by multiple actors and self-regulation' ('heterarchy') that transform the traditional 'hierarchy, or state and bureaucracy dominated regulation' (Büchs, 2009: 39).

NMG theoretically have the potentials to enhance all sides of the EU's democratic legitimacy. Through the creation of governance networks NMG can offer more opportunities for citizens' participation, make the decision-making processes more transparent and accountable and achieve better policy results. As regards the latter, the involvement of more actors in policy-making processes can bring not only more quality in decision-making, but also can reduce political resistance, as the actors affected by a policy directly participate in the policy-making process as well (Boedeltje and Cornips, 2004: 3). Therefore, the EU favours the development of these governance networks and promotes their further employment in the decision-making processes (Marks, 1993: 402-403). This thesis investigates whether or not all these arguments about the potentials of NMG have a solid base. Especially it investigates if

and how NMG can enhance the input, throughput and output sides of the EU's legitimacy. Prior to proceeding to this analysis this study aims to present the concept of NMG and how they apply to the EU's multilevel governance political system.

6.1. Definitions

There are several definitions of NMG, but there is not an authoritative one. Most of them emphasise on 'the direct involvement of private actors in the provision of collective goods' and on the central role of 'non-hierarchical co-ordination' (Börzel *et al.*, 2005: 4). Some of them 'limit the role of private actors to policy formulation', while others 'also include implementation' (Börzel *et al.*, 2005: 4). Almost all, though, emphasise on policy-making processes 'that are not based on legislation' (Börzel *et al.*, 2005: 4). Additionally, in literature we find several terms attributed to NMG. Börzel *et al.* (2005: 4) mention the terms 'interactive' (Kohler-Koch, 1997), 'governance without government' (Rosenau and Czempiel, 1992), 'co-operative' (Mayntz, 1998), 'modern' (Kooiman, 1993), 'collaborative' (Ansel and Gash, 2008) or 'new' (Héritier, 2002). This study employs the last term, new, and it will refer to them as NMG.

Torfining (2010: 7) defines NMG as 'the complex process through which a plurality of social and political actors with diverging interests interact in order to formulate, promote and achieve common objectives by means of mobilising, exchanging and deploying a range of ideas, rules and resources'. In his definition the emphasis lies in 'three distinctive features of interactive governance' (Torfining, 2010: 7). It is a 'complex' and 'decentred' process, through the interaction of a plurality of actors (state, economy, civil society), which is motivated by a

‘collective ambition to define and pursue common objectives in the face of the presence of divergent interests’ (Torfing, 2010: 7).

Kooiman and Bavinck (2005: 17) also define NMG as ‘the whole of interactions taken to solve societal problems and to create societal opportunities; including the formulation and application of principles guiding those interactions and care for institutions that enable and control them’. Kooiman and Bavinck in this definition of NMG focus on two aspects. The first one is the importance of NMG in solving societal issues and the second is the need of principles which facilitate the employment of NMG. They claim that NMG is a specific form of action that answers ‘to ever growing societal diversity, dynamics and complexity’ and can offer answers ‘to major societal issues such as poverty and climate change’ (Kooiman *et al.*, 2008, 2-3). As regards the principles, Kooiman *et al.* (2008: 3) consider them ‘vital for any governance interaction’, as they shape the environment in which interactions take place and institutions function. It could be said that these principles constitute a normative basis that helps NMG be effective and legitimate (Kooiman *et al.*, 2008: 3).

6.2. NMG and democratic legitimacy

It is argued that NMG can achieve both fairness and effectiveness and in consequence could satisfy both input and output sides of legitimacy. They can also increase throughput legitimacy, which emphasises on the quality of governance processes, their accountability, transparency, ‘and openness to civil society’ (Schmidt, 2013: 5). NMG theoretically can achieve these results, because they are based on networks of collaboration between public and private actors, which interact at supranational, national, regional and local levels. Therefore, they can provide answers to major societal issues and ‘growing societal... complexity’ by

solving problems or seizing opportunities (Kooiman *et al.*, 2008: 2). Emphasis is added on the direct involvement of private actors in policy formulation and implementation, and on the central role of ‘non-hierarchical co-ordination’ (Börzel *et al.*, 2005: 4). NMG stress the importance of ‘participation, transparency and learning’ and this obviously has implications for democracy (Kohler-Koch and Rittberger, 2006: 37). Accordingly, NMG are often described as ‘a form of deliberative democracy’, which ‘may contribute to democratic legitimacy when the criteria of fairness and competence are met’ (Boedeltje and Cornips, 2004: 2).

The concept of deliberative democracy has its origins in the work of Jürgen Habermas and particularly his theory of ‘communicative action’ (Pollack, 2005: 387). The basic argument of this theory in the field of international relations, but also in the study of EU governance, is that there are three ‘logics of social action: [...] (a) the logic of consequentiality (or utility maximization), (b) the logic of appropriateness (or rule-following behaviour), and (c) a logic of arguing’ (Pollack, 2005: 387). The logic of arguing, which Habermas calls the theory of communicative action, is based on political actors who ‘do not simply bargain based on fixed preferences and relative power; they may also “argue”, questioning their own beliefs and preferences and remaining open to persuasion and to the power of the better argument’ (Risse, 2000: 7).

Deliberative democracy can improve the weaknesses of representative democracy and enhances the conditions increasing the input legitimacy of a political system, because it is based on citizens’ direct participation. The electoral institutions of representative democracy are not always sufficient and cannot always offer citizens the opportunity to effectively influence policy-making (Boedeltje and Cornips, 2004: 4). In addition, in some occasions the electoral outcome does not represent exactly people’s will as a result of the voting system (Powell, 2000).

NMG could be seen as a form of deliberative or direct democracy. (Boedeltje and Cornips, 2004: 4-5). Through their deliberative processes they can help to the formation of a 'strong democracy', where the 'normative principles of sovereignty of the people and political equality prevail' (Boedeltje and Cornips, 2004: 5). Hence, they can lead to a 'cohesive society' with 'reduced social exclusion' (Boedeltje and Cornips, 2004: 5). Furthermore, NMG could result in an 'enlighten citizenry', because the direct public participation makes the people be engaged 'in a learning process, in which they can validate their own preferences by confronting their perceptions with those of others' (Boedeltje and Cornips, 2004: 5). Such an 'enlighten citizenry' can certainly improve the quality of a democracy.

NMG seems to be very helpful for the output side of legitimacy as well. The effectiveness of a governance lies in the successful promotion and solving of the common issues a society thinks important (Scharpf, 1999; 1997). In the context of modern societies' 'dynamic and diversified problems', there is the need of combined efforts 'to make the application of needed instruments effective' (Kooiman, 1993: 3-4). NMG through the direct participation of a variety of actors and the deliberative policy-making processes leads to better and 'more intelligent' policy results (Boedeltje and Cornips: 6). NMG, through their deliberative policy-making processes, can also satisfy the throughput side of democratic legitimacy, because it can improve transparency and accountability and promote civil society's participation.

In sum, advocates of NMG argue that NMG can reinforce the input, output and throughput legitimacy of a political system because they can achieve both fairness and effectiveness. They claim that democratic deliberation processes can create a form of direct or 'strong' democracy, which could, eventually, increase the input side of legitimacy. Citizens' direct participation could also increase the throughput side of legitimacy because they will

know who takes the decisions and how, in order to attribute responsibilities, and will be fully aware of the policy alternatives that have to be decided upon (Leibenath, 2008: 234). Finally, NMG can increase the output side of legitimacy, because they involve a greater number of specialised actors, which can provide more intelligent options, and because they increase the element of policy-ownership through the greater participation in decision-making processes.

6.3. NMG connection with representative democracy

An important parameter in the influence of NMG on the input, throughput and output sides of the democratic legitimacy of a political system is their connection with the procedures of representative democracy. NMG can enhance the democracy of a political system, but certainly neither replace the hierarchical modes of decision-making, nor the prominent role of representative democracy. They work better in the context, principles and institutions that guide, enable and control them (Kooiman *et al.*, 2008: 17). Scharpf (1994: 41) calls this context the 'shadow of hierarchical authority'. This 'shadow of hierarchical authority' enhances the role of NMG and allows the central state to exercise its powers through different ways (Pierre and Peters, 2000). For this reason, the connection of NMG with representative democracy is crucial in their aim to enhance the input, throughput and output sides of the democratic legitimacy of a political system.

This connection, however, does not take place similarly in each state. It relies heavily on the particular socio-economic and political environment of each state. As a consequence, in nation-states like Denmark or the Netherlands, with a tradition in consensual policy-making processes the operation of NMG seems easier. In each state this particular environment influences the formation and functioning of governance networks, the number of participants,

their role and how NMG interact with the procedures of representative democracy. Eventually, all these factors, and particularly the latter, can define the way NMG affect the democratic legitimacy of a political system.

Skelcher *et al.* (2011) highlight very well how the socio-political environment affects the employment of NMG. They have investigated the relationship of NMG with representative democracy (democratic anchorage) in four European countries; the Netherlands, Denmark, Switzerland and the UK. All these countries have a tradition in NMG and governance networks, and have been significantly influenced by the introduction of new public management strategies. In this research Skelcher *et al.* point out that the connection of NMG with representative democracy relies heavily upon the particular 'democratic milieu' of each state, which is described as the 'constitutional, governmental, and socio-political cultures' (2011: 8-9). As they explain, the different contextual features of each state (socio-political environment¹⁰) result in a different relationship between interactive governance and representative democracy. Accordingly, they show that NMG influence on decision-making processes, on the role of elected stakeholders and on issues of transparency, accountability and co-operation can have a different expression in each state (Skelcher *et al.*, 2011).

Skelcher *et al.* identify four conjectures, which can describe this relationship; the complementary, incompatible, transitional or instrumental (2011: 9). According to the incompatibility conjecture, NMG and representative democracy are at odds because the first challenge the hegemony of the state by bringing new actors, public or private, inside the context of policy-making and implementation, which reconstitute the traditional forms of political

¹⁰ The UK and Switzerland are characterised by weak associationalism, but the UK has a strong majoritarian democracy, while Switzerland is a consensual democracy. The Netherlands and Denmark are both consensual democracies characterised by strong associationalism. (Skelcher *et al.* 2011: 33).

representation (Skelcher *et al.*, 2011: 4). These new actors, particularly the private, tend to be mainly technocrats, or sector specialists, and challenge the primacy of elected officeholders in terms of policy-making and implementation (Skelcher *et al.*, 2011: 9).

The transition conjecture describes a change from state-centric government to governance networks and deliberative democracy. This conjecture highlights the new role of elected politicians, who act mostly like mediators and facilitators, and not just the ‘ultimate decision-makers’ (Skelcher *et al.*, 2011: 13). This transition may sometimes bring some tensions, because elected politicians fear that interactive governance threatens their primacy. Nevertheless, through the transition conjecture democracy becomes an open process of deliberation, which has to be carefully managed and reinforced by ‘multiple forms of accountability’ (Skelcher *et al.*, 2011: 13).

The complementarity conjecture suggests that NMG work complementarily to traditional representative democracy and thus can improve policy results and enhance a political system’s democratic legitimacy. The interaction between NMG and representative democracy brings more actors in the policy-making processes and offers a ‘flexible institutional design’ in which elected office holders, citizens and other actors can participate (Skelcher *et al.*, 2011: 12). This interaction facilitates communication between the governments and the citizens and improves public engagement in decision-making processes. Accordingly, in the complementarity conjecture NMG can increase the acceptance of policies agreed and, eventually, improve the quality of the policy results (Skelcher *et al.*, 2011: 12).

Finally, the instrumental conjecture proposes that the state-centric governments are using NMG in order to increase their capacities to achieve better public policies (Skelcher *et al.*, 2011: 13). In contrast to the complementary and transitional approaches, which see the governmental interests as volatile and defined through deliberative processes between central

authorities and various stakeholders, this approach sees the governmental interests as stable and NMG as a method to increase the input and output of policy-making (Skelcher *et al.*, 2011: 13-14). The central government arranges the design and policy outcomes of governance networks in order to extend its powers and achieve better policy results (Skelcher *et al.*, 2011: 14). Through this conjecture the interactive forms of governance follow central government's political targets and projects and reinforce the accountability of the central political actors (Skelcher *et al.*, 2011: 14).

Against this background, in the UK applies better the instrumental conjecture, in Switzerland the complementary, and in the Netherlands and Denmark applies the transitional one. In the UK central government dominates over the governance networks and NMG have limited political role, mostly in planning and programming of policies (Skelcher *et al.*, 2011: 19). In Denmark and the Netherlands, in countries with similar political environments and long traditions of governance networks, the latter have become significant actors in decision-making and have transformed elected stakeholders to metagovernors (Skelcher *et al.*, 2011: 33). Nonetheless, in both countries the incompatibility conjecture is present as well, because the greater involvement of governance networks in policy-making also results in calls for greater accountability and 'stronger leadership by democratically elected politicians' (Skelcher *et al.*, 2011: 33). Finally, in Switzerland, despite the culture of 'consensus democracy', governance networks are functioning largely outside public scrutiny and this has negative results in terms of transparency (Skelcher *et al.*, 2011: 29). Additionally, elected politicians have become more like 'metagovernors', but they still control these networks 'through oversight of budgetary processes' (Skelcher *et al.*, 2011: 29).

Skelcher *et al.* analysis provides with very useful insights on the way NMG interacts with the democracies of European states. The conjectures model shows that there is not a

uniform way of NMG employment in Europe. Each state, with its particular contextual features, interacts in a different way with the NMG policy-making processes and this affects the way NMG improve fairness and effectiveness in each one of them. In the context of the EU's multilevel governance system there is a great variety of political contexts and all four conjectures are present. Furthermore, this thesis has presented (Chapter 3) that the EU democracy faces issues of representation and accountability. This condition obviously complicates the connection of NMG with representative democracy at the European level and affects the way and the extent to which NMG can influence the EU's democratic legitimation.

6.4. NMG at the EU level

Nowadays policy-makers and political theorists see in NMG 'an efficient and legitimate' mode of governance (Torfing, 2010: 9). It is not a new phenomenon though. Within the EU the new non-hierarchical and more deliberative modes of governance became prominent by the late 1990s and early 2000s, but at the national level they entered in decision-making processes as early as the 1970s (Shore, 2009: 4). Public and private actors have been involved in the formulation and implementation of various policies in several countries and especially in Northern and Western Europe at the regional and local levels of governance (Torfing, 2010: 9). The emergence and proliferation of NMG was influenced by the introduction of New Public Management strategies, the devolution of the state and the introduction of market-style provisions in the delivery of public services (Torfing, 2010: 4).

At the EU level the emergence of NMG is the result of several factors. On the one side the pressures of globalisation forced the EU to address new forms of political co-ordination in economic and social policy areas, which required 'common responses in areas where legal

competences rest with the member states' (Borrás and Jacobsson, 2004: 186). Since the member states were not willing to reduce their sovereignty on social policy areas, it was necessary the creation of alternatives to the Community Method (Borrás and Jacobsson, 2004: 186). On the other side, the prospect of the Eastern enlargement, which increased diversity inside the EU, was also increasing the 'risk of deadlock in Community decision-making' (Borrás and Jacobsson, 2004: 185; Kohler-Koch and Rittberger, 2006: 36). Therefore, the EU had to proceed to institutional reforms that could enhance flexibility in policy-making processes (Borrás and Jacobsson, 2004: 185).

For these reasons, the reference to European governance, instead of government, became common among the officials of the EU (Shore, 2009: 4). When Romano Prodi took office in 2000 as the head of the new Commission, he proclaimed the promotion of new forms of European governance as one of the Commission's 'four strategic objectives'.¹¹ Officially the concept of European governance was introduced with the Commission's 2001 White Paper on European Governance (EC, 2001).¹² Previously, other academic analysts, such as Scharpf (1999), had also recommended similar ideas about European governance. The Commission's White Paper (2001: 3) acknowledged the demand, from the one side, of greater effectiveness of the EU's policies and, from the other side the increasing people's mistrust, or indifference, to institutions or politics. As a result, it proposed 'the creation of governance networks, partnerships and other forms of participatory governance as the principal means for democratising the European Union by enhancing the input and output legitimacy of EU policies' (Torfing, 2010: 4). Against this background, the EU decision-making processes are

¹¹ European Commission 2000 'Shaping the New Europe' COM (2000) 154, 9 February 2000

¹² 'On the one hand, Europeans want (their political leaders) to find solutions to the major problems confronting our societies. On the other hand, people increasingly distrust institutions and politics or are simply not interested in them' (European Commission, White Paper on European Governance, 2001: 3).

no longer dominated by the Community method of legislating, which mostly relies on the use of regulations and directives (Eberlein and Kerwer, 2004: 123). The Community ‘acquis’ can be achieved through co-ordination as well (Lavenex, 2008: 940).

6.4.1. *The Open Method of Co-ordination*

A very good example of this governance turn in the EU’s policy-making processes is the Open method of Co-ordination (OMC). It was created by the Treaty of Amsterdam (1997), as ‘part of the employment policy and the Luxembourg process’¹³, but its origins goes back to the Treaty of Maastricht (Kohler-Koch and Rittberger, 2006: 36). The establishment, though, of the OMC took place during the Lisbon European Council in March of 2000, when it was officially defined (Eberlein and Kerwer, 2004: 123). Currently the OMC is institutionally integrated through the Treaty on the Functioning of the European Union (TFEU; Articles 148-150) in the EU’s employment policies (Eurofound).

The particular element that the OMC brings into the EU’s policy-making is that it facilitates the share of experience and spread of best practice, without establishing ‘a single common framework’ (Wallace, 2000: 33). This heterarchical and decentred process, through the use recommendations and guidelines, is considered to be a more helpful mechanism towards the co-ordination of national policies, especially when ‘harmonisation’ of policies and

¹³ Eurofound, *Open Method of Coordination*, European Observatory of Working Life – EurWORK, European Industrial Relations Dictionary, (Online), 02 December 2010.

Available at: <http://eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/open-method-of-coordination>

legislation is unworkable (Mosher and Trubek, 2003: 83; Hodson and Maher, 2001: 741).

According to the EUROPA website the OMC is:¹⁴

‘A new framework for co-operation between the member states, whose national policies can thus be directed towards certain common objectives. Under this intergovernmental method, the member states are evaluated by one another (peer pressure), with the Commission's role being limited to surveillance. The European Parliament and the Court of Justice play virtually no part in the OMC process. [OMC] takes place within the areas of member states' competences, such as employment, social protection and inclusion, education, youth and training)... [and] depending on the areas concerned, [it] involves “soft law” measures which are binding on the member states in varying degrees but which never take the form of directives, regulations or decisions’.

The OMC policy-making process functions following several steps involving all levels of European governance. Initially, the Council of Ministers agrees on general guidelines, which define the policy objectives, and then the member states incorporate them into national and regional policies. Moreover, the partners agree on specific targets and indicators, which are used to measure best practice, and then they monitor and evaluate the results. Generally, it is a decentralised approach, ‘largely implemented by the member states and supervised by the Council of the European Union’(Eurofound), and therefore the European Commission has

¹⁴EUROPA, Summaries of EU legislation, glossary. Available at:
http://europa.eu/legislation_summaries/glossary/open_method_coordination_en.htm

mainly a monitoring role, while the European Parliament and the European Court of Justice are not significantly involved (Eurofound; EUROPA).¹⁵

All in all, the OMC has been considered 'a breath of fresh air' to the EU's mechanisms of common action, as it has provided with alternative options to co-ordinate national areas of public action, without involving 'a formal or full-fledged transfer of competences' (Borrás and Jacobson, 2004: 186). Consequently, the OMC, and NMG in general, have been very useful not only in policy fields where exists a high level of consensus¹⁶, but also in politically sensitive areas, especially 'after legislative deadlocks' (Eberlein and Kerwer, 2004: 125). Some scholars (Jordan *et al.*, 2005; Rittberger and Richardson, 2003) question the novelty of this EU turn towards NMG. Indeed, several co-operative initiatives and policy-making processes have existed earlier than the introduction of the OMC (Brigid and Shaw, 2005). Such initiatives took place in the frames of economic and employment policies, the structural reform, the macroeconomic dialogue and the fiscal surveillance (Brigid and Shaw, 2005: 7).¹⁷ Furthermore, NMG are sometimes described as a 'Community Method lite' (Brigid and Shaw, 2005: 31). This is based on the argument that the OMC combines aspects of 'new' and 'old' governance ('treaty-basis of employment - enterprise scoreboards'), and 'hard' and 'soft' laws ('financial penalties for fiscal surveillance - voluntary targets for research policy'; Brigid and Shaw, 2005: 4). Even so, the OMC is a flexible and experimental mode of governance, which enhances co-operation, and thus has become a useful institutional tool in several EU policies.

¹⁵ Sources combined by Eurofound and EUROPA

(http://europa.eu/legislation_summaries/glossary/open_method_coordination_en.htm;

<http://eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/open-method-of-coordination>

¹⁶ Environment, transport, regional policy etc.

¹⁷ Broad Economic Policy Guidelines (1992), European Employment Strategy (1997), Cardiff Process (1998), Cologne process (1999) and Fiscal surveillance (1999).

6.4.2. EU policies and the OMC / NMG

The OMC already applies to policies such as employment, social protection and inclusion, education, youth and training.¹⁸ In all these policy fields the OMC is considered to be a rather convenient method, as it is ‘compatible with the subsidiarity principle’, but it can also allow the EU to be involved in policy areas where the member states retain their exclusive competence (Borrás and Jacobsson, 2004: 190-191). These policies can be distinguished into three groups ‘depending on the kind of co-ordination problem they address’ (Borrás and Jacobsson, 2004: 191). These are:

- those where co-operation failed due to ‘strong national political sensitivities’,
- those which are ‘new fields of public involvement’ and
- those which are presenting ‘very strong functional interdependencies with the EU level’ (Borrás and Jacobsson, 2004: 191-192).

The first group includes policies such as public pensions, social inclusion and research and development (Borrás and Jacobsson, 2004: 192). The first two belong to the very core of welfare state, which is a very sensitive field for nation-states (Borrás and Jacobsson, 2004: 192). In the research and development policy (R&D) the member states, and particularly the large ones, do not wish to grant their ‘national technological sovereignty and national champions’ (Borrás and Jacobsson, 2004: 192). In consequence, the introduction of the OMC in R&D, since 2003, offers some solutions to this stalemate. Actually, a 2009 report of

¹⁸ EUROPA, Summaries of EU legislation, glossary,
http://europa.eu/legislation_summaries/glossary/open_method_coordination_en.htm

European Commission (DG RTD) sees in a positive way the OMC contribution in this policy area.¹⁹

The second group involves policies like those of employment and information society. In both these policies there are new fields of public involvement, where the traditional community instruments of regulations or directives cannot fully address (Borrás and Jacobsson, 2004: 191). For example, in the employment policy the EU has set a more expanded approach than the traditional one, which was focusing mostly on working conditions (Borrás and Jacobsson, 2004: 191). These new targets, which also focus on the enhancement of lifelong learning and social inclusion, can be better implemented through ‘the mobilisation of social partners and sub-national authorities and the mobilisation of knowledge and resources’ and not through regulation (Borrás and Jacobsson, 2004: 192). For the same reasons the EU promotes the OMC in the policies concerning information and communication technologies.

The third group of policies can be better described through the relation between the national economic policies and the EU monetary policy (Borrás and Jacobsson, 2004: 192). The latter is implemented by ‘a function-specific agency’, the European Central Bank (Kohler-Koch and Rittberger, 2006: 32). In this case both fiscal (national level) and monetary (ECB-supranational level) policies are closely interconnected and this interconnection is crucial for the stability of economy in Europe (Borrás and Jacobsson, 2004: 192). The OMC could provide a satisfactory tool for their co-ordination.

The abovementioned analysis shows that NMG have found application in several EU policies. Falkner (1997), for example, examines the way the EU’s social policy evolved since the 1970s and how NMG influenced that process in the 1990s. In her conclusion she states that

¹⁹ European Commission, The Open Method of Co-ordination, Directorate-General for Research, 2009a: 7

co-operative and multilevel governance in the EU may offer significant opportunities for Europe's social agenda and can increase the overall problem solving capacity of European societies (Falkner, 1997: 16). Kohler-Koch (1997) also investigates to what extent NMG has influenced the EU's regional policy. In his results Kohler-Koch (1997: 2) sees an 'interdependent process of regionalisation and Europeanisation' which could not only result 'in a more complex system of multilevel governance', but also it might 'produce a transformation of the prevalent mode of governance'.

This proliferation of the non-hierarchical modes of governance, however, is observed only to the EU's former first-pillar policy fields. This sounds reasonable since these policy-fields are less politically sensitive and the supranational features are stronger. For example, in the EU's high salience external policies NMG seem to have limited influence. Lavenex and Schimmelfennig have investigated to what extent NMG could apply to the EU's foreign policies, and particularly those of neighbourhood and associations policies (Lavenex and Schimmelfennig, 2009; Lavenex, 2008). Particularly, Lavenex (2008) investigates the Air transport regulation, Transboundary water management and Immigration control of the European Neighbourhood Policy (ENP). Her aim is to find out how governance networks can work in the context of the ENP and can create opportunities 'of more hierarchical modes of governance by conditionality' between the EU and non-member neighbouring states (Lavenex, 2008: 952).

She examines three case studies and she finds that governance networks could be useful 'in more technocratic and unpoliticised policy areas' such as air transport and transboundary water management (2008: 952). She also finds out that in certain cases (immigration policy) 'hegemonic traits' are necessary as governance networks' participatory potential is diminished due to heterogeneity of political structures and lack of 'expertise and policy traditions in ENP

countries' (2008: 952-953). Christoph Knill and Jale Tosun (2009) find similar results in the investigation of the effectiveness of NMG on promoting the EU's environmental rules abroad. In their study they investigate thirty-two European states during the period between 1980 and 2006. Their results show that NMG can indeed have some positive outcomes, but hierarchical modes of governance are predominant and more effective.

6.5. Critique of NMG

NMG may constitute a new policy-making process that brings several positive developments in the national and European political arenas, but should not be seen as a panacea. There are several questions regarding their functioning, which mostly derive from their complexity. So, there are questions about their effectiveness, inclusiveness, accountability and transparency. There are question about their applicability to more EU policy fields as well. NMG do not seem to apply to all EU policies, but mostly to those policies, where 'there is a high level of consensus' (Eberlein and Kerwer, 2004: 125). Even in those EU policies though where they apply, when the negotiations reach a political sensitive issue, national stakeholders proceed clearly to bargaining instead of arguing behaviour (Pollack, 2005: 390).

As regards their contribution to the input side of legitimacy and to democracy some scholars insist that NMG tend not to comply with the principles and ideals of democratic governance. In particular, they find some problems regarding the issues of participation, transparency and accountability (Borrás and Eijnæs, 2011: 109). The complexity of NMG policy-making processes tends to favour the strongest stakeholders, experts and technocrats, who have more resources and expertise to deal with it (Shore, 2009: 22). The power imbalances among stakeholders is a common problem with NMG and often the strongest stakeholders

manipulate the governance processes and avoid the collaboration with the weakest ones (Ansell and Gash, 2008: 551). In some cases the existing institutions of representative democracy and the established stakeholders find it difficult to comply with the co-operative nature of interactive modes of governance (Edelenbos *et al.*, 2010: 91). Furthermore, the involvement of many actors, few of them not elected, creates an opaque framework of accountability, which ‘do[es] not ... enhance popular control of governance’ (Bovens, 2007:112, 116). All in all, these NMG weaknesses alienate citizens from the policy-making processes, and, eventually, reduce their participation.

There are concerns regarding the usefulness of NMG in terms of effectiveness as well. In the context of NMG policy-making processes the involvement of more actors with conflicting interests could easily result in a political stalemate (Boedeltje and Cornips, 2005: 11). The involvement of more actors makes the whole process time-consuming and can increase the cost of policy-making processes. Consequently, NMG are not appropriate for policies that demand quick decisions (Ansell and Gash, 2008: 563). The exclusion, though, of some partners in order to achieve effectiveness reduces the participatory dimension of NMG. This has a negative impact in terms of policy-ownership, which is an important dimension of policy effectiveness (Boedeltje and Cornips, 2004: 3).

Finally, NMG find application mostly on the agenda-setting and policy implementation, while ‘the decisions are still taken according to the hierarchical mode of decision-making’ (Kohler-Koch and Rittberger, 2006: 36). Therefore, Kohler-Koch and Rittberger argue that it would be better not to talk in the EU about ‘governance in networks’, but ‘governance with networks’ (2006: 36). Elected stakeholders still play a pivotal role, and this highlights the prominent role of national governments into the European puzzle (Marks *et al.*, 1996: 346; Borrás and Ejrnaes, 2011). This condition, however, is not only a result of elected stakeholders’

unwillingness to share their authority, but also of NMG complexity. All stakeholders *de facto* cannot achieve equal distribution of influence, because the very complicated policy-making process of NMG requires some particular skills, experience and financial resources, which not all actors possess (Boedeltje and Cornips, 2005: 13).

6.6. Conclusion

This chapter has analysed the emergence and employment of NMG in the nation-states and the EU the last twenty years and has shown that they have become a very prominent concept in the European political arena. The EU promotes their employment on several policy fields, as it believes that they can enhance its democratic legitimacy. The EU member states also promote NMG because they bring flexibility in decision-making and allow them face the globalisation challenges, which put pressures on the national democracies. Schmidt (2013: 18) actually insists that NMG can enhance the EU's legitimacy by reinforcing national democracies. This is not a uniform process though. As it was presented through the analysis of Skelcher *et al.*, the EU member states have different constitutional, governmental, and socio-political cultures, which differentiate the employment of NMG and their legitimation impact.

All in all, the literature review on NMG outlines the strengths and weaknesses of this governance approach and their potentials in the context of the EU's multilevel governance system. It stresses how they pose certain challenges to all levels of governance in Europe and how influential they have become in the EU's political system, and in several of its policy fields. One of these policy fields is the EU's regional policy that helps this thesis proceed to the examination of its basic research question; how NMG influence the EU's democratic legitimacy issue. In the following chapters this piece of research provides initially with a brief

overview of the EU's regional policy and then proceeds to the analysis of four case studies (Austria, Denmark, Italy and Poland). The overview of the EU's regional policy is necessary, because explains the context within which NMG function.

7. EU REGIONAL POLICY AND NEW MODES OF GOVERNANCE

This thesis investigates the potential legitimising influence of NMG based on the analysis of the EU's regional policy. The reason is twofold. On the one side this policy field is probably the best example of the EU's multilevel system of governance, and on the other it has a redistributive and compensatory dimension that can enhance support to a political system (Eiselt, 2007: 3). As regards the first reason, the EU regional policy is one of the most prominent examples of the EU integration, or Europeanisation, process. Börzel (1997:13) claims that the Europeanisation process leads to the emergence of policy networks, which function through 'non-hierarchical self-co-ordination of public and private actors across all levels of government'.

The EU regional policy is based on such policy networks. It is considered to be at 'the leading edge of multilevel governance' where several actors, supranational, national, regional, local, private and public, are entangled in various interconnected policy networks (Marks 1993: 402-403). In the context of the EU integration process the delegation of political and economic powers to sub-national levels and the employment of more co-operative modes of governance are considered to be the most successful ways of achieving economic development. Moreover, the involvement of regional and local actors in policy-making aims to bring politics closer to the people and improve transparency and accountability (Ferry, 2005: 1). According to the European Parliament, regional and cohesion policies:

'share the Commission's judgment that Community interventions not only provide significant added value in terms of economic and social cohesion but also represent genuine value for money for the Union and the member states and enhance the sense of belonging to the European Union' (European Parliament, 2004 in Eiselt, 2007: 2-3).

Regarding the second reason, public spending policies and welfare state arrangements can mitigate social tensions and political cleavages (Obinger, Leibfried and Castles, 2005 in Eiselt, 2007: 3). They can achieve this through their compensatory and redistributive values, which enhance solidarity in a society and increase the legitimacy of a political system (Eiselt, 2007: 3). The EU regional policy aspires to achieve the same results. Through its economic support programmes it functions as a sort of compensation policy towards those member states and individual citizens who are the losers of the process of the European integration (Laffan, 1997; Hooghe, 1998 cited in Eiselt, 2007: 14). Nevertheless, the EU regional policy cannot easily achieve the same outcomes with those of a nation-state's social and welfare policies (Eiselt, 2007: 3). Without doubt this has to do with the different nature between the political systems of the nation-state and of the European Union, and especially the strong intergovernmental characteristics of policy-making in the second (Eiselt, 2007: 3). It also has to do with the great diversity of regional administrative systems around Europe. Actually, the EU's regional policy is characterised as a policy 'in a state of flux', where co-exist regions with diverse models of public administration and political and financial capacities (Ferry, 2005: 4).

7.1. EU regional policy – Basic features

There is a confusing number of terms describing the EU's regional policy, which sometimes make it difficult to distinguish what this policy is all about. Some of the most common used terms to describe it are 'regional policy', 'cohesion policy' and 'structural policy' (Bache, 1998:13). This study uses the term 'regional policy'. McAleavey (1995: 10-11 in Bache, 1998: 13) provides with a short description of its content: 'The core principal of regional development policy in general is that there is a role for the public sector, on economic and social grounds, to intervene in the market to reduce spatial economic disparities which

arise as a consequence of market forces. In other words, there is a role for government in attempting to influence the geographical distribution of economic activity’.

The regional policy in the EU started to gain increasing importance since the 1980s when new policy paradigms stressed the need of the deployment of regional and local forces to achieve better policy results (Bachtler, 2001). In 1975 the European Regional Development Fund (ERDF) was created to support these new policy paradigms. In 1988 the EU proceeded to a reformation of the Structural Funds (ERDF, ESF and EAGGF²⁰) and reorganised them under the principles of partnership and subsidiarity in order to achieve better co-ordination of its policies in all levels of European governance (Ferry, 2005: 1). The Single European Act of 1986 also established in 1993 the Cohesion Fund, which aims to reduce economic and social disparities in the EU (Bache, 1998: 14). Finally, the advance of the New Public Management in several European countries during the 1990s, which favoured decentralisation and deregulation of the traditional state-centric relationships and the involvement of public and private actors in all levels of governance, contributed further to the development of regional policy (Ferry, 2005: 1).

According to the European Commission’s Regional Policy Directorate-General (EC, DG Regio, Jan. 2008a: 1)²¹ the EU’s Regional policy: ‘puts the principle of solidarity in the EU into practise’, and aims to strengthen ‘economic, social and territorial cohesion by reducing developmental disparities between its regions’. It faces challenges that cut across ‘national, institutional or policy borders’ and demand common solutions, which involve all levels of

²⁰ European Social Fund and European Agricultural Guidance and Guarantee Fund. Since 1988 the ERDF, ESF and EAGGF constitute the ‘structural funds’ supporting the EU’s regional policy (Bache, 1998: 14).

²¹ European Commission, (2008) *Working for the Regions. EU Regional Policy 2007-2013*. Directorate General for Regional Policy, Publications Office, January 2008.

governance in the EU, and public and private actors' partnerships to achieve efficient answers. In addition, regional policies are not autonomous from other community policies, such as environment or transport, and there must a compliance with them. Eventually such collaboration at all these governance and policy levels can result in enhancing efficiency and good governance.

7.2. Structural Funds

The EU's regional policy is based on three financial instruments. These are the ERDF, ESF and the Cohesion Fund, which are collectively referred to as Structural Funds. The ESF (European Social Fund) was established in 1957 by the Treaty of Rome (EC Treaty, Articles 146-148) and it is the oldest of all regional policy funds. It amounts for almost 10 per cent of the EU's total budget and it focuses mostly on issues of employment. It provides support by improving employment and job opportunities, particularly for disadvantaged people, and trying to reduce national, regional and local disparities (EC, Working for the Regions, 2008: 2-3). The ERDF (European Regional and Development Fund) was established in 1975 and it constitutes the largest and most important financial instrument of Union's regional policy (Bache, 1998:14). It focuses mostly on issues such as regional development, territorial co-operation, strengthening infrastructure, innovation and economic competitiveness (EC, Working for the Regions, 2008: 2). Finally, the Cohesion Fund, which was established in 1993, focuses on the environment and transport policies in those countries where the Gross National Income (GNI) per inhabitant is less than or equal to 90 per cent of the Community average. Other funds, apart from those of regional policy, which contribute to a degree to regional development, are the EAFRD (European Agriculture Fund for Rural Development) and EMFF (European Maritime and Fisheries Fund).

For the period 2007 to 2013 the worth EU's regional policy is around 347 billion Euros (35.7 per cent of the total EU budget), while for the 2014-2020 period funding will amount up to €351.8 billion Euros. There are established three fields of action; that of Convergence, Regional Competitiveness and Employment and European Territorial Co-operation. Towards the first field are allocated almost 82 per cent (€283bn) of the funds, while the second receives around €55bn and the third around €9bn.²² The financial instruments of the EU's regional policy are allocated to these fields in the way it is shown on the following table:

Fields	Financial Instruments
Convergence	ERDF, ESF, Cohesion Fund
Regional Competitiveness and Employment	ERDF, ESF
European Territorial Co-operation	ERDF

Table 2. EU regional policy financial instruments

The EU regional policy has a significant impact on the member states in many policy fields, including the employment, environment, education, research and development (EC, 2014a). As commission states: '[EU regional policy constitutes] the EU's main investment policy' which supports 'job creation, business competitiveness, economic growth, sustainable development, and ... citizens' quality of life' (EC, 2014a). Furthermore, this policy underlines

²² For 2014-2020 they will receive 274bn, 63bn and 10bn respectively, while 3bn will be allocated to the Youth Employment Initiative. EC (n.d.) Regional Policy – Inforegio, EU Cohesion funding – key statistics, Last update 15/10/2014. http://ec.europa.eu/regional_policy/thefunds/funding/index_en.cfm

the EU's solidarity, as it focuses on the less developed European countries and regions aiming 'to reduce the economic, social and territorial disparities that still exist in the EU' (EC, 2014a).²³ The financial impact and key achievements of the EU regional policy can be better conceptualised considering some figures provided by the Commission. During the period between 2007 and 2012 the EU regional policy (EC, 2014b: 4):²⁴

- created an estimated 594,000 jobs (262 000 in SMEs);
- invested directly in 198,000 SMEs;
- supported 77,800 start-ups;
- funded 61,000 research projects;
- provided almost 5 million more EU citizens with broadband coverage;
- financed the construction of 1,208 km of roads and 1,495 km of rail to help establish an efficient trans-European transport network (TEN-T);
- enhanced the quality of life for citizens in urban areas through a modernised water supply, benefiting 3.2 million citizens, and sustainable transport.'

Moreover, for the same period the EU regional policy (EC, 2014a):

²³ European Commission (2014a) *An introduction to EU Cohesion Policy 2014-2020*, Regional policy, InfoREGIO, Last updated: 10/01/2015,

Available at: http://ec.europa.eu/regional_policy/sources/docgener/informat/basic/basic_2014_en.pdf [Accessed: 15/06/2015]

²⁴ European Commission (2014b) *The European Union explained: Regional policy*, European Commission Directorate-General for Communication Citizens information, Brussels: Belgium, pp. 1-16. Available at: http://europa.eu/pol/pdf/flipbook/en/regional_policy_en.pdf [Accessed: 15/06/2015]

- increased the income of the poorest regions from 60.5% of the EU average GDO in 2007 to 62.7% in 2010;

- involves annually around 15 million people in one of its co-financed by the ESF projects, of which almost a third find a job in six months;

For the new period (2014-2020) the EU will spend one third of its budget on the EU regional policy (€351.8bn) and will focus on five objectives; ‘education, employment, energy, the environment, the single market, research and innovation’ (EC, 2014a). In addition, the EU proposes new simpler rules in order to enhance coherence of funds, promote ‘complementarities between policy fields’²⁵ and facilitate the allocation of funds to regions and policies that need them the most.²⁶

7.3. How regional policy works

The European Commission’s Regional Policy Directorate-General defines the way regional policy works (EC, 2008: 6-7):

The EU’s regional policy is ‘managed in a decentralised way’ through national and regional governments under a ‘common framework set by the EU’. Member states and regions choose those projects that receive funding from the EU’s financial instruments in a collective process, which involves several actors at all levels of governance. All these actors are involved in the ‘design, management and monitoring’ of each project and work together with the European

²⁵ ‘research and innovation, the common agricultural policy, education and employment, to name but a few’ (EC, 2014a)

²⁶ See Appendix C for maps

Commission to achieve the ‘best adapted’ programme for every region. These partnerships among national, regional, local and European actors demand effective planning. The EU with regulations and strategic guidelines defines common rules for the management of the funds while the member states and the regions prepare their ‘Operational Programmes’ (OP).

The EU co-finance all these OP providing an amount varying ‘between 50 and 85 per cent of the total financing’, while the rest is provided by public or private sources. Each OP defines the exact share of financial participation of any actor involved. Nonetheless, the EU can stop financing, or even recover funds back, if proper ‘financial management procedures are not followed’. Furthermore, apart from organisation and planning, European Commission invests on aspects of ‘good governance’. The EU Cohesion policy instruments also support the development of efficient and transparent public management in member states and regions. Additionally, the European Commission supports a learning process, of ‘information, seminars and networking’, which focus on ‘the exchange of experiences in the management of funds’.

7.4. Partnership principle

The partnership principle, which is one of the four guiding principles of the EU’s regional policy,²⁷ constitutes a significant aspect in the implementation of this policy field. The Commission (EC, 2005) claims that partnership is a central principle towards the implementation of European Cohesion policy, because it can enhance legitimacy, improve co-ordination and transparency and help towards the better absorption of funds.²⁸ It can achieve

²⁷ Concentration, Programming, Partnership, Additionality.

²⁸ European Commission, Partnership in the 2000 -2006 Programming Period, Analysis of the implementation of the partnership principle. Discussion paper of DG Regio, 2005.

these aims because it entails close co-operation between public authorities and private and third actors in the preparation, implementation, monitoring and evaluation of the EU regional policy at all levels of European governance (European, national, regional and local).²⁹

The partnership principle can take several forms and can apply in various contexts (ECAS, 2010: 2). As a result, it can apply to vertical and horizontal governance structures. The vertical dimension concerns the formation of partnerships among the European Commission, the member states and the regions/local authorities, while the horizontal one refers to partnerships between public and private actors (ECAS, 2010: 2). The partnership principle also applies to the several stages of the ‘programming, implementation and evaluation’ of the EU regional policy, either as a governance mechanism or as a tool for projects (ECAS, 2010: 2). Moreover, the partnership principle applies in a different way to each member state. This differentiation depends to each state’s size, institutional, social and economic conditions (ECAS, 2010: 2). So, in some member states partnerships can be more legally binding, or institutionalised than others, and public actors’ involvement can be more or less important (ECAS, 2010: 2).

In sum, the partnership principle constitutes a fine expression of the employment of NMG in the EU regional policy because it shares all these features that define NMG. It is a non-hierarchical, flexible and open-ended policy-making process and promotes decentralisation, the involvement of more actors and co-operations. Due to these features it brings significant benefits in terms of efficient implementation of the funds, knowledge sharing, transparency, participation, legitimacy, collective commitment and capacity building

²⁹ European Commission, The partnership principle in the implementation of the Common Strategic Framework Funds – elements for a European Code of Conduct on Partnership, Commission Staff Working Document, SWD (2012) 106 final, Brussels.

(EC, 2012: 3).³⁰ In view of these features, the partnership principle shares similar drawbacks with NMG and faces several obstacles. The ECAS Working Paper (2010), based on ESF guidebook (2008), summarises these obstacles and points out that ‘working in partnership is not always an easy option’ (ESF Guidebook, 2008, in ECAS, 2010: 10).

In particular, working in partnership faces difficulties in adding horizontal partnership (public and private actors) to vertical ones (European, national, regional actors) (ECAS, 2010: 9). Different groups at various levels of government with different interests and abilities can promote a different agenda. This condition not only raises issues of co-operation, but also is a time-consuming process and demands some capacities and resources, which do not always exist, especially on behalf of the civil society (ECAS, 2010: 9). The EU regional policy context is also not very clear to all partners and is often observed a gap of information, which further incommodes co-operation and participation (ECAS, 2010: 9). All in all, working in partnerships faces the risk to alienate those partners who cannot follow the policy-making processes. These partners are usually the Civil Society Organisations (CSOs) and citizens’ groups, which lack the capacities, expertise and resources. The most established partners and ‘experts’ frequently dominate the decision-making processes and this condition has an impact on the participation, transparency, accountability and, sometimes, effectiveness of the EU regional policy.

³⁰ European Commission, The partnership principle in the implementation of the Common Strategic Framework Funds – elements for a European Code of Conduct on Partnership, Commission Staff Working Document, SWD (2012) 106 final, Brussels, pp. 1-19.

7.5. The EU regional policy impact on member states

The overview of the EU's Regional policy offers interesting information on the way it functions, and how NMG apply to this policy field. In general, the EU regional policy has a significant effect on several aspects of member states' political environment. It brings changes to the traditional modes of governance and administrative structures of member states, and raises issues connected with governance efficiency and democracy at all level of European governance. Nevertheless, the EU regional policy's impact is not the same on each member state. Indeed, each member state's administrative structures and particular political context interact in a different way with the EU's regional policy. The Structural Funds also play an important role in these interactions, because they are connected with the willingness of national authorities to proceed to innovations in administrative structures and policy-making processes. Against this background, a summary of all these interactions could offer a very useful overview of how the EU regional policy and NMG currently affect member states' political environments.

In the context of the EU multilevel governance political system diversity is a very prominent feature. This is the result of the different national experiences in terms of state building and administration (Ferry, 2005: 4). There are regions in the EU today with different characteristics of administrative structures and different experiences in terms of interacting with the EU institutions, programmes and funding (Bailey and De Propriis, 2002: 416 in Ferry, 2005: 4). Ferry (2005: 4-5) presents four models of regional policy administration; the federalist, the regionalised, the devolving unitary and the unitary models. In the first one the regional authorities are elected, hold significant legislative and budgetary powers and play a dominant role in regional policy-making (Ferry, 2005: 3). In the second one the regional authorities are elected, but they do not have enhanced authorities in terms of legislation and

budget issues and their role in policy-making is not that prominent (Ferry, 2005: 3). In the third one the regional authorities are still elected, but they have even less responsibilities and the central state defines the policy frameworks of any significant aspect of regional policy (Ferry, 2005: 4). Finally, in the fourth model the central state is dominant and controls any aspect of regional policies (Ferry, 2005: 4). In this model, usually there are no elected regional parliaments and national administration acts as implementing authority (Ferry, 2005: 4).

Despite this diversity there can be identified some common features in the European regional governance as well. NMG have been engaged in all levels of European levels of governance and as Hooghe and Marks (2001: 45) point out there is no EU country that has become more centralised since the 1990s and half of them have even decentralised some of their authorities to the regional level of governance.³¹ The national level of governance is gradually transformed into the main sponsor of the regions, and is setting the policy frameworks within which the regions could increase their policy-making and implementation capacities (Ferry, 2005: v). This development opens up the regional policy-making system to a variety of actors and partnerships and highlights the need for new institutional constructions at regional level, which can reinforce consultative and participatory practices and co-ordinate better policy goals (Ferry, 2005: v).

The traditional role of the state is changing and the role of regional and local authorities, both in designing and implementing regional policies, gains impetus. Certainly this is not taking place everywhere in Europe at the same pace and degree. Several differences in terms of culture, political and socio-economic systems and material capacities define to a large degree the governance arrangements in each state (Rodrigues, 2010: 22). For example, in states like

³¹ 'Only Germany has arguably moved towards the opposite direction' (Hooghe and Marks, 2001: 45).

Portugal, Ireland, Greece, Poland and Hungary, and particularly in the last three, non-state actors' involvement in policy process is low (Rodrigues, 2010: 22). Therefore, it can be said there is a 'wide repertoire of governance strategies' around the EU (Lenschow, 2005: 56).

Central governments still play a dominant role in all of the EU countries. Regional policies are of great importance for national authorities' legitimacy, as they influence nation-state's political stability and socio-economic cohesion (Ferry, 2005: 42). Depending on each state's level of centralisation, central authorities control the regional development policies in terms of administration and funding. Furthermore, towards the management of Structural Funds, central government's involvement is acting as the 'gatekeeper between the EU and sub-national levels' (Ferry, 2005: 42). Even in unitary states though central government has become more a co-ordinator than an initiator of policies, and is interested mostly in setting the frameworks and overseeing the mechanisms within which the regional authorities implement the policies (OECD, 2001 cited in Ferry, 2005: 42).

The emergence of NMG in the EU's Regional policy also raises issues of co-ordination. In fact, greater participatory practices result in greater complexity of regional governance (Ferry, 2005: 42). This complexity may result in a fragmented governance system where several actors and institutions compete for limited resources with negative results towards the effectiveness of the regional policies (Ferry, 2005: 42). This situation has led to the appearance of new regional level institutions to co-ordinate policies and development plans. In some countries, like for example the UK or Sweden, regional organisations have moved towards a more active involvement of policy planning, policy-making and co-ordinating of regional interests 'outside the mainstream of public administration' (Ferry, 2005: 43).

These co-ordinating institutions, however, have to be connected with representative democracy, otherwise may experience weak accountability. This is more often an issue in those

more centralised EU member states. In federal states there is not any significant issue of accountability since there are already in place several constitutional provisions for the regions (Ferry, 2005: 43). Hence, in many EU member states with more centralised administrative structures there have taken place several reforms, which have reinforced the accountability and political authorities of regional authorities (Ferry, 2005: 43).³² This trend is observed more often the last twenty years among the EU member states, which aim to introduce more democratic controls at the sub-national levels of governance and institutionalise their role in governance structures (Ferry, 2005: 43).

The emergence and functioning of these co-ordination institutions for the EU regional policy also depends on the different systems of governance found among the EU member states. Ferry (2005: 46) identifies four models of co-ordination: the centralised unitary, the regionalised, the devolving unitary and the federal states, where national and regional authorities share competences and responsibilities. He distinguishes the administrative systems based on the degree of regions' administrative and political autonomy and capacity, their financial autonomy and the historical and cultural context in which the regions evolved (Ferry, 2005: 3). So, the level of devolution or regionalisation varies significantly, as the EU member states have not invested with the same authorities and competences their regional governance systems. In some member states this condition can become more complex. In the UK, for

³² In the UK, for example, regional elected stakeholders have gained powers from the central government. Something similar is also taking place in Finland with the creation of Regional Councils, where elected local representatives are charged with the coordination of regional development policies (Ferry, 2005: 43). In Greece the 2010 "Kallikratis reform" (Greek Law 3852/2010) introduces a new level of Devolved authorities between the central and the regional governments. This new administrative structure has elected political decision makers and aims at introducing new multi-level governance and harmonizing the Greek local governance with the provisions of the Treaty of Lisbon (Alexopoulou, 2010).

example, coexist certain models of administration (unitary, devolving unitary, regionalised) (Ferry, 2005: 36-38).

In the first Ferry's model, regional actors tend to follow national guidelines and central control. In the second and third, co-ordination is achieved through 'national-regional agreements with varying levels of formality and legal status' (Ferry, 2005: vi). Obviously at the regionalised state the role of the regional level is more prominent than that at the devolving unitary one, and the regional actors experience greater flexibility (Ferry, 2005: vi). The co-ordination, though, may be fragile, as sometimes the roles of partners involved are not clearly defined (Ferry, 2005: vi).³³ Finally, in the federal model, sub-national actors, which are constitutionally established, are directly involved in policy planning and making (Ferry, 2005: vi). In this model the problem is the combination of pressures for 'equal treatment' of the regions and the management of a common policy framework for a variety of regions with different policy issues and needs (Ferry, 2005: vi).

In this context the capacities of regional actors vary significantly as well. The basic characteristics of these capacities are the political autonomy and the financial competency of each region, and are closely connected with the aspects of accountability and co-ordination in the EU's regional policy. In terms of political autonomy, it is observed in Europe a trend for greater regional political control over economic development (Ferry, 2005: vii). The degree to which this political autonomy for regions is achieved still depends on the willingness of central, or even local, governments to submit authorities to sub-national or private actors (Ferry, 2005:

³³ The case of France, where formal contracts between central and regional authorities coordinate the consistency of national and regional policies, is a characteristic example of this model (Ferry, 2005: 44).

vii).³⁴ In certain cases a deterrent factor towards this development is also the fear of creation of an extra tier of bureaucracy (Ferry, 2005: vii). This was the case with the failed regional governance reforms in Portugal in the 1990s or even the unwillingness of the central government in the UK (in England) to offer more political autonomy to the regions (Ferry, 2005: 46).

The way the regions are financed is another crucial element in the EU's regional administration. Regions with certain financial autonomy can boost their capacities and gain greater accountability in their policies (Ferry, 2005: vii). Such are the cases of the Basque country and Navarre in Spain. Both these regions enjoy a certain fiscal autonomy, which is translated into greater policy flexibility (Moreno, 2002, cited in Ferry, 2005: 46). On the other hand, the reliance on central state's finances, although can increase the latter's centralisation, it also constitutes an efficient mechanism of tackling socio-economic disparities at the national level which reinforce central state's legitimacy (Ferry, 2005: 46). There are of course variations around Europe towards the issue of funding. In states like Austria, Germany or Sweden sub-national authorities find funding from both central and local raised taxes (Ferry, 2005: 46). On the other hand, authorities in states like the UK, Ireland or the Netherlands, rely heavily on central funding (Ferry, 2005: 46). Even so, the general trend towards financial administration in Europe is the regional level to gain spending powers and freedoms (Ferry, 2005: vi). Obviously, neither this development is taking place at the same degree and speed in the EU.

Finally, another factor that plays an important role in the EU's regional governance is the influence of Structural Funds. In general, high levels of EU funding constitute a strong motivation for member states to adopt new governance processes and policy instruments

³⁴ An example of this is the non-formation of Stockholm's municipality co-operative body after the refusal of one of the municipalities to participate (Ferry, 2005: 45).

(Ferry, 2005: 48). Besides, the level of regional policy funding and the visibility of this policy in member states' societies can potentially increase public support towards the EU (Begg, 2008:297 in Osterloh, 2011: 1). Hence, in several member states the implementation of Structural Funds has led towards the establishment of new institutional and policy frameworks. This condition can certainly facilitate the utilisation of these funds, but in certain occasions can also lead to 'institutional overload, complexity or even problems of accountability' (Ferry, 2005: vii). This is more obvious in federal or decentralised states. In more centralised states the funds are often incorporated into national budgets, and central governments resume a general control. In those cases, though, all these co-operation bodies and schemes may face the possibility of expiring when the availability of the funds ends (Ferry, 2005: vii). This, does not seem to happen in federal or decentralised states, because the latter's regional governance systems are more formal and legally better defined.

In sum, this brief overview highlights the significance of the great diversity of socio-political environments and administrative structures of the EU member states on the employment of NMG on the EU's regional policy. As Citi and Rhodes (2007: 22) suggest NMG depend on a complex combination of factors which are not always present in all member states. In any case, the EU regional policy and NMG open paths towards new models of participation in policy-making and co-operation between national governments and other actors at supranational and sub-national level, public or private. This does not mean that more hierarchical models of governance are extinct. On the contrary, the centre is still important and hierarchical, or traditional, modes of governance still play a significant role in policy design and implementation. In addition, as Skelcher *et al.* (2011) have also presented in their study, the role of the central authorities is very important regarding the linkage of NMG with representative democracy and, eventually, democratic legitimacy. In all, the advance of

decentralised and non-hierarchical policy-making processes brings some changes which can potentially enhance the EU's democratic legitimacy. These changes have to be examined in the particular socio-political context of each member state, which this study will try to do through the examination of a representative sample of case studies.

PART II: CASE STUDIES INVESTIGATION

8. CRITERIA OF CASE STUDIES SELECTION - CITIZENS AWARENESS

The selection of case studies in the present study has been designed with the aim to offer a representative view of the EU member states' administrative, political and socio-economic environment. This selection is based on the degree of decentralisation of each member state, their patterns of democracy and the level of the funding that each member state receives for regional policies from the EU. As regards the degree of decentralisation of each member state, it is not possible to investigate an issue of governance without explaining the various governance systems across the EU. On a similar vein, the pattern of democracy explores the socio-political environment, or the 'democratic milieu', which includes 'collectively shared meanings and practices of democracy' (Skelcher *et al.*, 2011: 9). This is important too, as across the EU a wide diversity of socio-political environments is encountered.

The democratic milieu and the degree of decentralisation of an administration system are two issues that are closely intertwined. The degree of centralisation or decentralisation of a state has a certain impact on the consensual or majoritarian pattern of its democracy (Lijphart, 1999; Vatter and Bernauer, 2009). As Lijphart (1999: 185) argues, the distinction between majoritarian and consensus democracy lies in the degree of concentration of power. In a majoritarian style of democracy majority concentrates the power, while in a consensus style of democracy the power is dispersed to various political actors. A decentralised state obviously involves more actors in policy-making and implementation than a centralised one. For this reason, it becomes obvious that the style of administration also has an influence on the model of democracy.

This investigation has to take under consideration the influence of the EU regional policy principles, guidelines, and funding as well. In general, the EU does not impose any particular model in the implementation of regional policies. It only sets a political framework of basic principles and guidelines, leaving the member states free to decide their own institutional architecture based on their particular background (Bafail, 2010: 4). This political framework, though, exerts a strong influence on the significance of the regional level of administration in the majority of the EU member states and has improved its visibility both at the national and the European political arena. The EU funding, in particular, stands as a strong motivation for member states to proceed with administrative changes and adopt new governance processes and policy instruments (Ferry, 2005: 48). The EU funding has contributed to the establishment of new administrative tiers and co-ordination institutions, as well as to the improvement of partnerships and policy-making processes (Ferry, 2005: 48). Nevertheless, the influence of the EU funding is not uniform to each member state, because each one of them does not receive the same level of funding. Therefore, the selection of case studies needs to take under consideration the level of the EU funding for each member state.

8.1. National administration

The first criterion for the selection of case studies is their national administration system. This piece of research identifies three types of states in terms of regional governance in order to classify the case studies; the federal, regionalised and unitary states. Under the federal model there are states like Germany, Austria or Belgium. Under the regionalised one there are states like Italy and Spain. Finally, under the unitary model states such as Portugal Greece and Poland can be classified. This distinction, however, is not always very clear, especially for the regionalised and unitary states. The degree of devolution or regionalisation

varies significantly, as the EU member states have not invested their regional governance systems with the same authorities and competences. Moreover, a completely unitary state cannot be found because the last twenty to thirty years there is no EU country that has become more centralised. Instead, the majority of them have even decentralised some of their authorities to the regional level of governance (Hooghe and Marks, 2001: 45). So, EU member states like Denmark, Netherlands, France and Sweden may fall under the unitary scheme, but are closer to Ferry's devolving unitary one.

8.2. Democratic milieu

The issue of democracy, or, as Skelcher *et al.* (2011) call it 'democratic milieu', is the second important feature of the analysis in this study. Skelcher *et al.* (2011: 9) define the term 'democratic milieu' as the 'collectively shared meanings and practices of democracy' of each country with a broader notion than that of a 'political culture'. It is the relationship between the various societal groups and elected politicians, under the influence of a particular national environment, within which 'democracy might be framed, enabled and constrained' (Farrelly and Skelcher, 2010: 140). This relationship of course defines the institutions with which both societal groups and elected politicians are associated. Skelcher *et al.* (2011) name two basic characteristics of the democratic milieu of each state. The first one has to do with Lijphart's (1999) distinction between consensus and majoritarian patterns of democracy, and the second one has to do with the level of associationalism, or the influence of the civic community, in each society (Skelcher *et al.*, 2011: 15-16).

Lijphart (1999) distinguishes democracies to the majoritarian and consensus ones. According to this distinction, in the first category the power is concentrated to representative

institutions that favour majoritarian decision-making (Skelcher et al., 2011: 15). In the consensus pattern of democracy, power is shared among several societal actors, interest groups and representative institutions (Skelcher *et al.*, 2011: 15). Considering the level of associationalism of a society, Skelcher *et al.* (2011: 16) distinguishes between weak and strong ones. Putnam (1993, cited in Skelcher *et al.*, 2011:16) claims that associationalism refers to the strong or weak engagement of civil society in organisations other than state institutions. If the associational organisation of the civic society is strong, then the values and behaviours that help democracy function better are stronger as well (Putnam, 1993 cited in Skelcher *et al.*, 2011:16).

8.2.1. *Patterns of democracy*

Lijphart (1999) in his majoritarian-consensus democracy typology is focusing on the issue of power sharing at a horizontal and vertical dimension. The horizontal dimension examines the distribution of political power between executives and parties, while the vertical examines the dimension of federal-unitary structure of a state (Vatter and Bernauer 2009: 337). Lijphart (1999) uses a set of criteria such as the state structure, the party system, the electoral system, the autonomy of the central bank and the relationship between the executive and the legislative in order to classify the EU states into his theoretical scheme. Against this background, Vatter and Bernauer (2009) add one more majoritarian-consensus democracy dimension to Lijphart's typology. They investigate the role of the direct democracy in the majoritarian or consensual pattern of each state's democracy (2009: 339). They use the example of the referenda as an indication of direct democracy, and they claim that the dimension of direct democracy can be combined with both majoritarian and consensual types of democracy (2009: 337-339).

The direct democracy element has an increasing influence on national and European politics (Vatter and Bernauer, 2009: 337). Actually, there is a bi-directional relationship. From the one hand, the important issues or the ratification of Treaties is quite often decided through referenda (e.g. Ireland, Italy, Denmark). This has a direct impact on the EU, as it can be seen from the examples of the Irish referendum on Lisbon Treaty and the French and Dutch referenda on the Constitutional Treaty. On the other hand the EU with its policies influences developments that lead to referenda (judicial review, central bank independence; Vatter and Bernauer, 2009: 337). Therefore, Vatter and Bernauer's third dimension of cabinet-direct democracy dimension can provide some additional insight in the investigation of the democracy in the EU member states.³⁵ So, through this direct democracy dimension some states' democratic patterns can be seen differently. For example, states like Denmark or Sweden can become even more consensual or states like France or Ireland, which have majoritarian characteristics, become more consensual as well (Vatter and Bernauer, 2009: 352). On the other hand, states like the Netherlands, Germany, Austria or Belgium, which according to the two dimensional approach were rather consensual, now become more majoritarian (Vatter and Bernauer, 2009: 352).

8.2.2. Associational involvement

Associationalism, or associational involvement, is a part of the multi-dimensional concept of civic engagement, which also includes the concepts of political participation and

³⁵ Vatter and Bernauer, (2009: 340-41) classify the EU states through 12 criteria. These are: Party system, cabinet type, executive-legislative relationship, electoral system, interest groups, Federalism, Decentralisation, Bicameralism, Constitutional rigidity, Judicial review, Central bank independence, Direct democracy.

political consumerism (Acik-Toprak, 2009a: 2).³⁶ Although all three concepts are very significant in terms of civic engagement, the concept of associationalism seems to play a distinctive role in the quality of a democracy. It is argued that voluntary associations and organisations function as ‘schools of democracy’ (Stolle and Howard, 2008: 2). These claims are based on empirical investigations, which show that members of such organisations tend to display more democratic and civic attitudes and to be more politically involved than non-members (Stolle and Howard, 2008: 2).

The European Social Survey (ESS) provides with some interesting figures regarding the levels of civic engagement and associationalism. In the analysis of this study, figures from the European Social Surveys of 2002 and 2006 are employed, which can be found in existing literature (Acik-Toprak, 2009a; Acik-Toprak, 2009b; Purdam and Tranmer, 2009; Skelcher *et al.*, 2011). Skelcher *et al.*'s (2011: 17) comparative analysis points out that in order to identify the level of associationalism in a society the focus must be concentrated on the replies to questions B13-19 of the ESS questionnaires. In these questions the respondents are asked about their involvement (degree and frequency) in voluntary associations. Skelcher *et al.* (2011: 17) mention that the average of active involvement in voluntary associations in the 12 months before the survey in 26 European countries was 14 per cent. Based on this percentage, the associational organisation of each European society is defined.

Employing the patterns of democracy and of the level of associational involvement constitutes a useful model to identify each member state's democratic milieu. Of course, there

³⁶ The term political participation is described as any activity related to a political party, organisation or action group. Such activities, for example, can be the membership in a political party, working for an action group, contacting a politician, or participating in a demonstration. Political consumerism is any activity related to a signing of a petition or the boycott of several products for political, ethical or environmental reasons (Acik-Toprak, 2009a: 2).

is some variation in the classification of each state in any one of the consensus-majoritarian and associationalism categories. For example, some states may have a majoritarian pattern of democracy, but tend to become more consensual, or the opposite. The same applies to civic society's influence on each member state. In addition, it is clear that the differentiation between majoritarian and consensus democracy and the level of associationalism of each society reflects to the relationship between representative democracy and NMG. Skelcher *et al.* (2011:16) use their four conjectures of the relationship between representative democracy and NMG, in order to explain how patterns of democracy and associationalism are combined in each state. The following table (Skelcher *et al.*, 2011:16) is indicative of this approach:

Pattern of democracy	Associationalism	
	Weak	Strong
Majoritarian	Instrumental conjecture	Incompatibility conjecture
Consensual	Complementarity conjecture	Transitional conjecture

Table 3. Patterns of Democracy – Associationalism

This table can be very helpful in classifying the EU member states. For example, under the majoritarian pattern of democracy we could place states such as the UK, France, Poland, Portugal, Greece, and Hungary. Under the consensus pattern of democracy we could place states such as Finland, Sweden, Denmark, Belgium and Netherlands. Certainly the limits between these two categories are not always very clear and there are several states, which lie closer to the borders of these two categories. Indicative examples for that are the cases of Italy,

Austria or even Germany (Vatter and Bernauer, 2009: 352). In relation to the level of associationalism, states such as Sweden, Finland, Austria or Denmark tend to perform better, while countries such as Italy, Spain, Portugal, Greece, Poland or Hungary perform worse (Acik-Toprak, 2009a: 3; Acik-Toprak, 2009b: 227). Of course certain variations exist here as well.

The analysis above describes the context in which this piece of research investigates the issue of the EU's regional policy. The two patterns of democracy, the level of associationalism and the national administrative systems of the EU member states shape a nexus within which the EU's regional policy functions. Each EU member state holds a certain place on this nexus, and this means that it responds differently to the EU's regional policy. In this context, this thesis focuses on the examples of Austria, Denmark, Italy and Poland. This sample covers the federal (Austria), regionalised (Italy), devolving unitary (Denmark) and unitary (Poland) models of national administrative systems. It also includes the majoritarian (Poland) and consensual patterns (Denmark, Italy and Austria) of democracy. Nevertheless, Italy and Austria present strong elements of the majoritarian model as well. Finally, this sample provides with examples of strong (Denmark, Austria) and weak (Poland, Italy) associational organisation. It is clear here as well that the degree of associationalism varies significantly even among the members of the same groups.

Using a selection of case studies this study investigates the impact of NMG on each case study's political system and representative democracy. Especially, it examines the extent to which the NMG promote the decentralisation and devolution of power towards sub-national authorities, influence the policy-making processes and the role of elected stakeholders, and enhance citizens' and other actors' participation in decision-making processes. In addition, this thesis investigates the level of the four case studies citizens' awareness of the EU regional

policy and if they find positive or negative its policy results. The analysis of NMG interaction with these four features will allow the identification of the extent to which NMG contribute to the input, output and throughput sides of the EU's democratic legitimacy in each case study.

Regarding the issue of decentralisation, and in order to avoid any confusion with the case study selection criterion of national administration, this thesis seeks to identify whether NMG further enhance the devolution of powers towards regional and local administration, despite the administrative system of each case study. Apparently, there are differences between a federal and unitary state and in some of the case studies the EU does not seem to be the driving force towards greater administrative decentralisation. In any case though the decentralisation of responsibilities and competencies is a crucial element of NMG functioning, as it enhances the involvement of more actors and the greater ownership of policies, and therefore this thesis has to take it under consideration.

8.3. EU regional policy and citizens' awareness and support

The examination of citizen's awareness and support towards the EU regional policy is a significant parameter of this analysis. It explores the question of the EU's democratic legitimacy through an analytical perspective. As it was presented in the theoretical analysis of legitimacy (Chapter 1: Legitimacy), legitimacy does not rely only on some normative principles of democracy and performance, but also on people's perceptions and the degree to which people consider a political system or a single policy legitimate. It is therefore useful, to analyse what people in the four case studies think of the EU regional policy and NMG, because this can potentially offer some insights pertaining to the EU legitimacy. Besides, Begg (2008:

297 in Osterloch, 2011: 1) claims that ‘the visibility of cohesion policy plays a valuable role in fostering support for EU regional policy and, indeed, the EU generally’.

This task, however, presents some difficulties. It has been mentioned in Chapter 1 of this thesis that the concept of legitimacy cannot be easily defined or measured, and most of the times it can be better understood when it is absent. This thesis employs public opinion surveys that question people’s support or trust towards the EU, its policies and policy-making processes. This is an indirect approach towards the question of the EU’s democratic legitimacy, because support or trust towards a political institution or policy does not necessarily mean legitimacy. Additionally, all actors, and especially the citizens, cannot always provide reliable answers, as they are not aware of the whole policy-making processes or they are only aware of that particular part in which they are involved (Sørensen and Torfing, 2009: 241). Even so, this approach is probably the best way to assess the effectiveness of NMG (Sørensen and Torfing, 2009: 241).

In this context, this thesis follows Osterloh’s (2011) analysis. Osterloh (2011) investigates the way that the EU regional policy funding can increase public support and reaches some interesting conclusions. It acknowledges that the EU programmes can have a positive impact on public opinion. For example, a per capita increase of one hundred Euros can potentially increase support towards the EU by a proportion between 5 to 15 per cent (Osterloh, 2011: 1). This finding is supported by other surveys, which find that regions eligible for the Cohesion Funds tend to be more supportive and aware of the EU regional policies than those which are eligible only for the ERDF (Flash Eurobarometer 298, 2010: 5). The fact that the EU funding is independent from national politics and electoral motives and that the allocation of funds is based on transparent criteria is further reinforcing the positive impact that the Structural Funds may have on citizens’ awareness and support (Osterloh, 2011: 2). But this is

not enough. As Osterloh's research claims there are several socio-economic variables, which play a very important role in terms of awareness and support. Such characteristics can be the level of education, the source of information or the awareness of support (Osterloh, 2011: 29). The combination of all these factors can have both positive and negative implications. Thus, the various public opinion surveys may offer a useful assessment of the effectiveness of the EU regional policy and of the employment of NMG, but they cannot present the whole picture.

This piece of research, following Osterloh's approach, uses the Eurobarometer surveys to assess what the citizens from the four case studies think about the EU regional policy and the EU as a whole. These surveys are based on a standard methodology and can reveal a variety of information. Such opinion polls are the Flash Eurobarometers 234, 298 and 384, which took place in 2008, 2010 and 2013 respectively, and offer a general overview of the EU's regional policy in all member states. These surveys seek to identify the level of awareness for the EU's regional policy and its perceived benefits, the priorities that it should have, the role of multi-level governance and the awareness and support for the EU's cross-border co-operation programmes (EC, Flash Eurobarometer 298, 2010; EC, Flash Eurobarometer 384, 2013).³⁷

The Standard Eurobarometers constitute another source of evidence. This thesis uses data from the Standard Eurobarometer 76 (Autumn 2011) to the Standard Eurobarometer 81 (Spring 2014). The selection of this data has taken place during the process of writing this thesis and is used in order to assess the aspects of citizens' trust and support towards the EU, its policies and institutions. They constitute supplementary information, but they highlight the extent to which the EU regional policy can have an impact on the EU's political environment. In any case, the data from all Eurobarometer surveys (including Flash Eurobarometers)

³⁷ The the role of multi-level governance is questioned only in the 298 Flash Eurobarometer.

constitute a rather reliable source of information, which cover a broad spectrum of social groups, and hence can be considered quite representative.³⁸

³⁸ All these questions are also investigated under the prism of various socio-economic segments such as the sex, age, education level, urbanization, occupation and awareness of EU regional support projects.

9. AUSTRIA

Austria is a federal state made up of nine federal provinces (Länder), where each one of them has a provincial government, headed by a governor. In this country regionalisation and multi-level governance have a long-standing and complex relationship, where policy responsibilities are shared between and within national, regional and local government tiers (Ferry, 2005: 5). The federal president is the head of the state, is directly elected by the people and appoints the federal chancellor and government. There are two houses of parliament, the 'Nationalrat' and the 'Bundesrat', which are the main legislative bodies. The first one is elected every four years on the basis of an electoral system of proportional representation, while the members of the second are nominated by the parliaments of the provinces, the 'Landtage' (Austrian Federal Government, 2006: 15). Every federal province has its own regional government, headed by the provincial governor and ministers.

Federalism in Austria is a basic constitutional principle, but the country is one of the most centralised federal states worldwide. Actually, several Austrian scholars tend to describe the Austrian system as a 'centralistic federation' (Erk, 2004: 1). Erk (2004: 2) argues that the reason for this lies in the fact that Austria's federal state is based on a non-federal society. In any case Austria's federal provinces share significant competences within the federal governance. Legislative and executive competences are distributed between the federation and the Länder according to the regulations on this matter in the Federal Constitution Act. In practice there is an informal allocation of both competences between different bodies at federal regional and local levels (EPRC Austria, 2006: 2). According to Article 15 of the Federal Constitution Act the Länder have competences in all areas 'not explicitly mentioned in the Constitution' (residual clause; Erk, 2004: 2).

In general, Austrian federalism is weak and underdeveloped and the areas of law reserved for the provinces are few in number and not that significant (Schaettler, 1994: 170). The federal government is almost exclusively responsible in the areas of 'foreign affairs, national security, justice, finance, civil and criminal law, police matters, and education' (Schaettler, 1994: 170). In other areas of law, such as 'elections, highway police, and housing affairs', which are already decided at the federal level, the federal provinces are invited to pass implementing legislation (Schaettler, 1994: 170). This process is known as 'indirect federal administration' (Schaettler, 1994: 170). There are other policy fields, such as 'social welfare, land reform, and provincial administration', which are decided and administered at the provincial level, but within federally established guidelines. The federal regions have primary authority in policy fields such as 'municipal affairs, preschool and kindergarten, construction laws, fire control, and tourism' (Schaettler, 1994: 170).

9.1. Austria's democratic milieu

Austria's democratic environment is defined by the consensual democracy pattern and the high levels of civic engagement. According to Lijphart's (1999) and Vatter and Bernauer's (2009) classifications, Austria is closer to the consensual democracy pattern. The country has a proportional election system with simple majority-rule parliament and a bicameral system (McGann and Latner, 2006: 8), as well as a tradition of government coalitions (e.g. 1949 to 1966; Lijphart and Crepaz, 1991: 239).³⁹ Nevertheless, there exist strong majoritarian elements as well. The country's political system is dominated by two major parties and the overall administration of the state, although federal, has strong centralist elements, which tend to

³⁹ Since the 1992 election Austria has adopted the 4% threshold (McGann and Latner: 2006: 11)

characterise it as a 'union with autonomy' (Burge, 1993: 7 in Erk, 2004: 2). The majoritarian elements of Austria's political system are also reinforced by the weak role of direct democracy in decision-making processes (Vatter and Bernauer, 2009: 352).

In terms of civic engagement Austria is performing very well among the EU28 members. According to the European Social Survey of 2002 Austria is among the top performers in terms of associational involvement and civic engagement overall (Acik-Toprak, 2009a: 3; Acik-Toprak, 2009b: 227). The social partnership system is also a very good example of this condition. It is a fine example of corporatism where a system of institutionalised co-operation and co-ordination of interests between different interest groups, government, labour, business are involved in all important aspects of social and economic policy (Schaettler, 1994: 170; Nowotny, 1993: 1).⁴⁰

9.2. EU regional policy in Austria

During the period 2007-2013 Austria received from the European Commission €1.47 billion for regional policy initiatives, which is a relatively small amount of money considering the €345 billion of the EU budget for the same period (EC, 2009b).⁴¹ This is reasonable, as the country does not face severe regional disparities and the only regional policy problems that encounters are associated with the decline of old industrial areas, urban-rural disparities and environmental concerns (EPRC Austria, 2006). Despite the low level of funding, the EU regional policy has contributed to several projects and can present some achievements,

⁴⁰ There are four large representative national federations; the Federal Chamber of Labour, the Austrian Economic Chamber, the Austrian Chambers of Agriculture and the Austrian Trade Union Federation.

⁴¹ See Appendix C for maps

especially in the fields of research and development, education and employment (EC, 2014c: 2). In particular with the ERDF and ESF the EU regional policy has contributed to the creation of more than five thousand jobs, has supported research and environmental projects and has contributed to lifelong learning and employability (EC, 2014c: 2).⁴² For the period 2014 – 2020 the main investment priorities will mostly support social inclusion targets, education and lifelong learning, employability skills development and environmental protection and energy efficiency projects (EC, 2014c: 2).

Before accession to the EU the issue of regional policy did not play a significant role in Austrian politics mainly due to the small size of the country and to the ‘lack of serious regional disparities’ (EPRC Austria, 2006: 2). After the accession and the influence of the Structural Funds this condition changed, and the regional policy has become almost synonymous with the Structural Funds (EPRC Austria, 2006: 2). The latter, due to their administrative demands, needed a more co-ordinated approach and has brought together

⁴² ‘Since the beginning of the 2007-2013 period, amongst other achievements, the ERDF has helped Austria to:

- create 5,365 new jobs;
- fund 241 research projects;
- support 539 projects bringing together enterprises with research institutions;
- provide protection from forest fires and other risks for 30,534 people.

With the help of the ESF:

- around 320,000 people were supported to increase their adaptability and to preserve their jobs;
- around 100,000 persons benefitted from measures aimed at preventing unemployment;
- around 120,000 persons furthest from the labour market, among them 54,000 unemployed persons, were integrated;
- nearly 160,000 persons benefitted from lifelong learning activities, which provided 73,000 young persons (of which 36,000 pupils) with a better start in life and 24,000 older persons with improved chances to stay in employment.’ (EC, 2014c).

several actors who otherwise might not have come together into the fragmented institutional framework of the federation (Ferry, 2005: 5).

In Austria's federal political system the traditional low priority of regional policy resulted in a spread of competences and policy responsibilities among several actors at national, regional and local levels (EPRC Austria, 2006: 2). Furthermore, the main regional policy responsibilities are part of the portfolios of other federal ministries. According to Austrian's constitution there is no clear allocation of responsibilities for regional policies either to federal or regional authorities, but there is a distribution of responsibilities, legislative and administrative among different bodies at all levels of administration (EPRC Austria, 2006: 2).

The Structural Funds have had a profound influence on Austria's regional policy and administration with significant positive results in regional development policies (Bachtler and Taylor, 2003: 5). In particular, the Structural Funds have improved regions' professionalisation, in terms of systems and participants, through factors such as the multi-annual strategic planning, financial support, exchange of experience and the partnership principle (Bachtler and Taylor, 2003: 5). The EU regional policy funding (particularly ERDF funds) has achieved to increase the importance of regional policy both at federal and regional levels. The influx of ERDF funding resulted in a more 'articulated profile' for Austria's regional policy where several actors and institutions had to co-operate in order to absorb in a more efficient manner the funds and in order to have better results in regional policy issues (Gruber *et al.*, 2010: 6-7). It could be said that, Austria's regional policy, with the contribution of ERDF, has gained 'more funding and a broader political and public recognition' (Gruber *et al.*, 2010: 7). Moreover, new policy issues (gender mainstreaming, environment, R&D, urban development) have gained impetus within the regional policy field (Gruber *et al.*, 2010: 7).

The increased funding for regional projects and the particular funding regime, which demands program driven and integrative approaches (multilevel partnerships, involvement of regional and local stakeholders), have become incentives for greater capacity building of regional authorities (Gruber *et al.*, 2010: 8). Therefore, the demand for better allocation and management of funds resulted in a certain amount of professionalism and strategic management and improved the capacities of regional actors and decentralised regional intermediate bodies (Gruber *et al.*, 2010: 8). This build-up of professionalisation has also contributed to a more direct communication between the EU and the regional level of administration and a regionalisation from below (Ferry, 2005: 6).

The EU Structural Funds has also improved the fields of policy learning, evaluation and monitoring. As regards policy learning, one of the aims of the EU regional policy, through the partnership principle, is to increase the knowledge sharing among all actors involved at European, national and sub-national levels. Policy learning applies to all levels of governance at the preparation, implementation and evaluation of the EU regional policies, and enhances participation (Hamedinger *et al.*, 2008: 2675). In Austria the Structural Funds programmes and the partnership principle have helped towards the creation of governance networks, vertical and horizontal, where knowledge is shared among EU, national and sub-national actors (Hamedinger *et al.*, 2008: 2678-9). As Hamedinger *et al.* (2008: 2678-9) present with the case of the city of Graz, the sharing of best practices among all these actors has contributed to the better implementation of the EU funded programmes.

Considering policy evaluation and monitoring, the 'rigid and bureaucratic planning system' of the EU has forced the Austrian authorities to organize better the fragmented regional policy system in terms of funding, strategic planning, competences and to clearly define policy procedures (Gruber *et al.*, 2010: 14). Prior to the EU regional policy introduction to the country,

Austria did not have a long-term tradition of evaluating regional policy, and the EU Structural Funds requirements have become an incentive towards the development of evaluation processes (Polverari and Bachtler, 2004: 10). Ex-post, interim and ex-ante evaluation are now a common place and co-ordinating mechanisms such the KAP-EVA platform facilitate co-operation and co-ordination in Austria's regional policy (Gruber *et al.*, 2010: 15).

All these developments stress the importance of Structural Funds in Austria's regional policies and have enhanced the role of sub-national actors. The federal level, however, still controls regional policy. The regions may have certain competences and can elaborate their own development programmes, but the federal level has to approve them. For example, considering the financing of the regional development projects the regions, although they have their governments, some significant financial resources and can use funds independently, they cannot raise taxes (Ferry, 2005: 5). Their main funding comes from the federal government, which distributes funds based on several factors, but mostly on population figures (Ferry, 2005: 6). This example presents in a straightforward manner the prominent role of the federal level in terms of regional policies' co-ordination.

9.2.1. Co-ordination

Traditionally there are two main organisations involved in the regional policy; the Federal Chancellery and the ÖROK, the Austrian Spatial Planning Conference. The Federal Chancellery is responsible for regional policy and, since 1995, the main contact with the European Commission for the Structural Funds (Ferry, 2005: 5). The Federal Chancellery co-ordinates regional policies between federal ministries and funds initiatives, such as the FER

(Support action for independent regional development),⁴³ which had encouraged participation of local and regional actors in regional policy issues (Ferry, 2005: 5). Nonetheless, the Federal Chancellery does not have significant financial resources for implementing regional policy measures (EPRC Austria, 2006: 2).

The other federal level organisation about regional policy is the ÖROK (Austrian Conference on Spatial Planning). The ÖROK was founded in 1971 and its political executive body comprises of the federal government, the federal regions and municipalities (Ferry, 2005: 5). Its aim is 'to co-ordinate spatial developments at the national level' (ÖROK, 2011). It actually acts as a forum where various actors involved in regional policy field come together. Its legislative acts are mostly recommendations with no legal force, but they function as a framework for ensuing policy decisions in the field (Ferry, 2005: 5). Apart from these two institutions there is a multitude of other agencies and bodies, which some of them emerged due to the EU's Structural Funds. Such an example is the Regional Managements.

These have emerged since 1995 as a result of Länders' further transfer of competencies at the local level and are used as instruments to mobilise and co-ordinate efforts at regional and local levels (Gruber *et al.*, 2010: 9). They are non-elected and their task is to co-ordinate the several regional actors (public-private) within and beyond the Länder into the implementation of Structural Funds (Ferry, 2005: 5). They constitute a link between the public and private sphere, support the work of the managing authorities and socio-economic actors and can be found in almost all Austrian regions (ECAS, 2010: 18). Regional Managements depend on local and regional initiatives and are bottom-up driven, but their competences tend to be more top-down defined through the involvement of regional authorities (Länder; Gruber *et al.*, 2010:

⁴³ FER is no longer in operation (1979-1999; Polverari and Bachtler, 2004: 28).

9). The role of these managements is also not officially defined and this has as a result their success to depend significantly on the capabilities and capacities of regional managers (Gruber *et al.*, 2010: 9).

In parallel to these formal and informal co-operation mechanisms within Austria's regional policies, other instruments of policy co-ordination have emerged, such as STRAT.AT and STRAT.ATplus.⁴⁴ Their creation has been the answer of Austrian authorities to the increased complexity of policy-making processes and they have managed to improve significantly communication among all levels of governance (Gruber *et al.*, 2010: 15). All these institutions and bodies are involved at some extent in Austria's regional policy and they shape it. Even so, any effort to improve communication and co-ordination has also resulted in a 'large increase of management requirements' (Gruber *et al.*, 2010: 18).

Nowadays, there is a complex set of institutions and co-ordination instruments, which in many cases share objectives and face, therefore, the risk of duplication of efforts and overlap (Ferry, 2005: 8). This institutional surplus produces the fragmentation of policies and funding schemes, diminish any positive effect from participation within the regional policy-making and can risk the effectiveness of policies (Gruber *et al.*, 2010: 13-14). The withdrawal, during the current financial period (2007-2013),⁴⁵ of several national agencies from ERDF-co-financing highlights some 'negative attitude towards EU funding and risk-averse behaviour', and can be seen as the result of this complicated administrative system (Resch, 2010: 31). This situation

⁴⁴ STRAT.AT plus 'is... a platform for strategic monitoring' and 'aims to offer a bottom-up process for learning and dialogue, targeting a broad partnership to develop new strategies' (Commission Staff Working Document, 2012: 7).

⁴⁵ For the 2007-2013 financial period several national agencies withdrew from ERDF-co-financing can be attributed to this complicated administrative system (The Austrian Research Promotion Agency (FFG) Resch, 2010: 31).

is becoming more complicated due to the nature of the EU regional policy where it seems that there is no clear hierarchy of objectives (Gruber *et al.*, 2010: 12).

9.3. NMG interaction with Austria's political system and democratic milieu

The EU regional policy, through the partnership principle, has brought about several innovations to Austria's governance structures and in other cases has transformed them. Various evaluations of the EU's cohesion policy in Austria depict significant, and positive as well, results in administrative and policy implementation processes, and in policy sectors such as research and development, employment and innovation (Gruber *et al.*, 2010: 3). In particular, the influence of NMG in Austria's regional policy can be seen through the impact of the EU Structural Funds in aspects of horizontal and vertical governance, participation and policy learning (Hamedinger *et al.*, 2008). Hamedinger *et al.* (2008) provide with a very interesting example of these developments at the local level using the case study of Graz; a city of 225,000 inhabitants and the capital of the federal province of Styria. As they mention in the conclusion of their research, the EU programmes transformed remarkably local governance decision structures and institutions and 'led to the emergence of new governance structures' (Hamedinger *et al.*, 2008: 2683).

9.3.1. Influence on administrative structures and powers

The EU regional policy in Austria has not brought significant changes in the country's administrative system, but it has contributed to the greater visibility of regional and local actors at the national and European levels. In particular, the EU regional policy improved regions' professionalisation, in terms of systems and participants, through factors such as the multi-

annual strategic planning, financial support, exchange of experience and the partnership principle (Bachtler and Taylor, 2003: 5). The EU regional policy has also helped Austrian sub-national authorities to become more involved in the fields of policy learning, evaluation and monitoring and has improved their communication with the EU.

Austria's centralised federal system, although it distributes some legislative and executive competences to the regions and local authorities, it reserves the most important role for the central state. According to Article 15 of the Federal Constitution Act, the regions (Länder) have competences in all areas 'not explicitly mentioned in the Constitution' (residual clause; Erk, 2004: 2). Accordingly, the regions (Länder) have a limited number of exclusive regional competences, which are constitutionally defined. This formal delineation of competences, although vague, shapes a standard context where the EU regional policy does not bring about significant changes to national/regional/local relations and competences (Hamedinger *et al.*, 2008: 2677). Actually, the traditional structures of Austria's regional policy (Federal Chancellery, ÖROK) encapsulate the EU Structural Funds programmes.

Nevertheless, the EU regional policy in Austria has an impact on the greater decentralisation and visibility of regional and local actors at the national and European levels. First of all, it enhances the priority of regional policies and transfers competences to the regional and local level of administration (EPRC Austria, 2006: 2). The case of Graz provides a fine example of how the EU regional policy helped towards the development of city's administration and its international operations (Hamedinger *et al.*, 2008: 2679). The EU programmes politically reinforced the role of districts in the city (e.g. elected representatives introduced in 1993), and allowed them to be involved in some programmes such as the 'Small Project Fund' (Hamedinger *et al.*, 2008: 2678).

These developments appeared with the introduction of the EU programmes in Austrian regional policy and do not exist in other similar-sized cities where EU Structural Funds do not apply (Hamedinger *et al.*, 2008: 2679). The EU regional policy principles (concentration, programming, partnership, additionality) and funding increase regions' financial independence, bring them to a closer communication with the EU and make them improve their capabilities in order to achieve their targets and ensure funds. Eventually, the regions have become more self-confident, have tried to define better their position and competences and nowadays participate more in regional policy (Gruber *et al.*, 2010: 8).

9.3.2. Co-operation bodies/Partnership schemes

In Austria the EU regional policy funding and programmes are controlled through the existing national governance structures. The two main traditional organisations involved in the regional policy, the Federal Chancellery and the ÖROK, the Austrian Spatial Planning Conference, still constitute the most important co-operation mechanisms responsible for the co-ordination of regional policies. As a matter of fact, the implementation of the EU regional policy in Austria has reinforced their role. The Federal Chancellery, for example, since 1995 is the main contact with the European Commission for the Structural Funds, co-ordinates regional policies between federal ministries and encourages participation of local and regional actors in regional policy issues (Ferry, 2005: 5). Moreover, ÖROK can issue legislative acts, which, although are mostly recommendations with no legal force, function as a political framework for consequent policy decisions (Ferry, 2005: 5).

The EU regional policy, though, has brought about the emergence of new intermediate bodies and partnership schemes (STRAT.ATplus or the KAP-EVA platform), which are

involved, formally or informally, at some stage of Austria's regional policy. The majority of these partnership schemes are mostly incorporated into the existing national co-operation structures (ÖROK), but there are few new ones that function at the sub-regional level. Such bodies are the Regional Managements. They constitute considerable mechanisms of co-operation, although they lack a clearly defined role and all of their members are not democratically legitimated (Ferry, 2005: 7). They face some legitimacy issues as well. Their legitimacy depends mostly on the capabilities of regional managers and their effectiveness in regional policies (Gruber *et al.*, 2010: 9).

Similar developments take place at the local level, which are facilitated through the EU funding and regional policy guidelines. In the case of Graz the department of 'European Programmes and International Co-operation Unit' has been created, which was founded inside the existing urban planning and development office as soon as Austria entered the EU (Hamedinger *et al.*, 2008: 2676). That posed a significant administrative development. This department, which is involved both in planning and implementation of several projects, has become the gate-keeper of the EU programmes in the city and has since enhanced their better implementation. Moreover, the co-operation of all departments involved has improved; a development which was necessary due to the size of the projects (Hamedinger *et al.*, 2008: 2676).

This department has also introduced a broad range of civil society actors, such as NGOs and private sector interests, at the consultation process (Hamedinger *et al.*, 2008: 2676). The consultation of the civil society is maintained at the implementation of the projects, but there the main role lies in the municipality and the joint efforts of the European Programmes department and private external expertise (programme office; Hamedinger *et al.*, 2008: 2676-7). In general, the municipality maintains the overall control of the projects, but tasks and duties

are shared and redefined ‘between the project office and project carriers’ (Hamedinger *et al.*, 2008: 2677).

In sum, all these partnership schemes and institutions create a dense net of regional organisations and improve multilevel governance and regions’ capacities and adaptability to national and international developments and programmes (Gruber *et al.*, 2010: 9). In addition, this dense network of co-operation, most of the times, improves policy results (e.g., evaluation of policies through KAP-EVA platform; Gruber *et al.*, 2010: 15). However, all these bodies often share objectives and thus they face the risk of duplication of efforts and overlapping competences. This condition increases the administrative burden without necessarily improving co-operation (Ferry, 2005: 8). The EU regional policy guidelines and funding does not help to solve this problem either. As the ÖROK respondent claims, there is an issue of proportionality. The development of partnership schemes in the administration of EU regional programmes is time consuming and increases the administrative structures and processes for small amounts of money.

The fact that for the 2007-2013 financial period several national agencies withdrew from ERDF co-financing can be attributed to this complicated structure for implementing programmes (Resch, 2010: 31).⁴⁶ Indeed, the Austrian authorities prefer to implement the EU regional policy following the ‘good Austrian mainstream’ of policy-making ‘within existing national and EU general conditions’ (Gruber *et al.*, 2010: 18). In consequence, the dominant role of traditional co-operation mechanisms in programming and implementing regional policies does not allow much room for other co-operation mechanisms to influence policy-making processes. This leads not only to minor reforms towards greater decentralisation, but

⁴⁶ e.g. the Austrian Research Promotion Agency (FFG)

also reduces the EU regional policy visibility (Gruber *et al.*, 2010: 13). This condition explains why the Austrian authorities, for the new programming period, have proceeded to some sort of centralisation in regional policy by transferring more responsibilities to the ÖROK (Managing Authorities supervision; ÖROK respondent).

9.3.3. Role of elected stakeholders

Politicians, and particularly those at the sub-national level, tend to favour NMG processes in the Austrian regional policy. The EU regional policy although it has helped the Austria sub-national authorities to gain greater visibility, it has not affected significantly their competences or legitimacy, and it has not altered the configuration of Austrian regional policies. At the sub-regional level the EU programmes have reinforced the role of local politicians and promoted the development of policy networks and the greater involvement of citizens. Moreover, the further development of NMG often depends significantly on the encouragement and openness of policy-makers and their personal political choices (Hamedinger *et al.*, 2008: 2684). For example, in Graz it was the encouragement and openness of policy-makers, which has promoted the new governance structures and policy processes in the framework of the EU funding programmes (Hamedinger *et al.*, 2008: 2683-4).

There are, however, some issues especially in the context of some intermediate bodies. The fact that the role of these bodies in Austria's federal system is not standardised raises some concerns about their accountability and democratic legitimacy (Ferry, 2005: 7). This is particularly observed in the context of Regional Managements, which are not elected institutions but hold a certain power in Austria's regional policy. This condition has raised questions regarding the democratic anchorage of NMG with representative democracy and has

discouraged elected stakeholders, particularly at the federal level, from promoting further the employment of partnerships and new policy instruments in regional policy.⁴⁷ Nonetheless, Austria's corporatist tradition, with the institutionalised relations among the various social actors, and the fact that the implementation of the EU regional policies takes place mainly through the traditional channels of the country's national administration, eases any tensions and secures the role and legitimacy of elected stakeholders.

9.3.4. *Civil society participation*

Austria's democratic environment along with the high levels of civic engagement contribute towards the greater involvement of civil society in regional policies. As the Commission Staff Working Document (2012: 7) claims the Austrian 'traditional social partnership model is reflected in the ESF and the ERDF programmes'. The social and economic partners, within the context of ÖROK, are involved in the designing and monitoring of the current period (2007-2013) STRAT.AT plus (partnership agreement), which 'offers a bottom-up process for learning and dialogue, targeting a broad partnership to develop new strategies' (EC, Commission Staff Working Document, SWD 106, 2012: 7).

The Structural Funds have certainly reinforced CSOs' participation through the requirement for multilevel partnerships and decentralised initiatives. Civil society and private interests are involved in the Voluntary Agreements (VAs), the Monitoring Committees (MCs) and Regional Managements. These partnership schemes, along with other formal and informal ones, take place both at the vertical (national, regional and local levels) and horizontal levels.

⁴⁷ Federal level politicians, do not see in a favourable way the role of NGOs and consider their involvement as an effort 'to influence decisions that they were not responsible for' (Batory and Cartwright, 2011: 708)

In the region of Styria the regional managements have become the intermediaries between public actors and civil society and have promoted a more strategic approach on public activities that involves a regular monitoring and evaluation of projects (Tödtling-Schönhofer and Wimmer, 2007: 91-2). In the city of Graz, the capital of the Styria region, the Structural Funds supported network-building and shared responsibilities among various partners (civil society, private interests, official authorities) and citizens gained significant competences for local projects (Hamedinger *et al.*, 2008: 2678).⁴⁸ Nevertheless, it has to be mentioned that the level of citizen participation varies and, in general, it is stronger at the local level than at the regional one (Haak-Griffioen, 2011), and to those places and policies where the EU funding is available (Gruber *et al.*, 2010: 16).

According to a report by the European Network of National Civil Society Association (ENNA), NGOs have found significant opportunities to participate in partnership agreements in the context of MAs (2013a).⁴⁹ The Austrian NGOs have access to basic information, such as the ‘timeline of the process, draft documents, invitations to public consultations [and] information about the partners ... closely involved in the process’ (ENNA, 2013a: 5). As a matter of fact the ENNA report finds that the ‘Austrian managing authority’s web site provides probably the most concise information relevant to the drafting process for the Partnership Agreement’ (PA) (2013a: 6). In addition, the process is open for all interested actors, but also includes invited stakeholders, the NGOs are perceived as equal partners, and the managing

⁴⁸ Small Project Fund

⁴⁹ ENNA brings together national associations, platforms, umbrella, and CSOs from 18 European countries that are members of the European Union (EU), or the European Economic Agreement (EEA) area, or are applying to the EU (ENNA, 2013a: 3). The study involved 20 managing authorities (Portugal, Romania, N.Ireland, Austria, Lithuania, Estonia, Germany, Scotland, Czech Republic, Cyprus, Belgium, Wales, Ireland, Poland, Spain, Hungary, Slovenia, England and Malta) and combines information from MAs’ websites and NGO respondents involved in the process (ENNA, 2013: 5).

authority provides feedback to received comments (ENNA, 2013a: 6). In all, according to the ENNA report the Austria case provides one of the best examples among the 20 case studies regarding the NGO involvement in partnership schemes in the context of MAs.

Another report by the SORA institute (Florian *et al.*, 2012) which investigates the involvement of civil society in the EU's Europe 2020 Strategy and National Reform Programmes (NRP) finds similar results.⁵⁰ In particular, the study finds that the NGOs are involved in Austria's Europe 2020 Strategy in several ways, of which many are institutionalised (Florian *et al.*, 2012). As regards the implementation of Europe 2020 Strategy in the context of the regional policy the study finds that a large number of participation opportunities have been established for 'the purpose of programming for the [2014 – 2020] Structural Funds period as well as supporting implementation' (Florian *et al.*, 2012). The preparation of partnership agreement started early (2012), was 'publicly accessible and broadly advertised' and involved all stakeholders (Florian *et al.*, 2012). Public forums, two formal written consultations, a website and an e-mail newsletter have further allowed civil society actors to contribute into partnership agreements, while focus groups have worked to 'determine the agreement's content with regard to specific issues' (Florian *et al.*, 2012). In all, NGO representatives surveyed by the SORA study view positively the whole process and believe that their contribution is appreciated (Florian *et al.*, 2012).

On the whole, the EU regional policy favours the involvement of civil society actors into, mainly, the consultation process of the operational implementation of the EU programmes. Given the favourable social, political and economic environment of the country, the EU regional policy creates significant opportunities for the third sector to participate in

⁵⁰ The report is commissioned by the Austrian Federal Chancellery and includes interviews with experts from NGOs (Florian *et al.*, 2012).

policy procedures at national, regional and sub-regional levels. Despite Austria's corporatist environment and the history of social partnership involvement, civil society cannot always have a very influential role in the regional policy procedures. As Batory and Cartwright (2011: 712) claim, the established Austrian administrative and corporatist traditions seem to have prevented the successful involvement of other less established actors, like the NGOs. Indeed, Civil Society Organisations' (CSOs) participation takes place in a not always standardised and institutionalised environment where informal procedures often prevail and traditional partners and experts are dominant (MCs; Batory and Cartwright, 2011: 710-711; Florian *et al.*, 2012: 2-3). For example, in the context of ÖROK NGOs are not involved (ÖROK respondent). Something similar takes place in the context of Advisory Council for Economic and Social Affairs. In a study carried by the European Economic and Social Committee⁵¹ NGOs do not have a formal representation in this council,⁵² and cannot have an actual involvement in national economic and social councils (Social Economy Europe, 2015: 4, 6).

Moreover, the majority of NGOs function 'under tight human and financial resources' and this situation confines further their contribution in policy-making processes (Florian *et al.*, 2012: 2-3). Furthermore, the SORA report reveals that NGOs, during the National Reform Programme of 2011, had no 'room for manoeuvre in the development of Austria's national reform programme' (Florian *et al.*, 2012). The design of that process has not allowed them to influence the preparation of national reports and usually the flow of information regarding planning or decision-making processes has one direction; 'from the planning and decision-making bodies to the public' (Florian *et al.*, 2012). Ultimately, this condition diminishes CSOs'

⁵¹ The study investigates the involvement of NGOs in national economic and social councils and in programming structural funds at national level.

⁵² This council is an informal institution.

opportunities to influence decision-making processes. It also reduces their visibility both at national (public and public administration) and European levels (Florian *et al.*, 2012).⁵³ The European Anti Poverty Network (EAPN), in a report investigating the inclusion of CSOs in the 2014-2020 EU regional policy poverty reduction target, also presents that CSOs cannot always fully participate in partnerships, The reason for that is the design of the process, which may also reveal some sort of reluctance of behalf of public administration to further involve CSOs in partnership processes (EAPN, 2013). This, however, is not that prominent in Austria as it is in other member states. In any case, EAPN Austria does not have voting rights in the PAs and Operation Programmes (OPs), despite having a seat in the consultation processes of these partnership schemes (EAPN, 2013: 5).

9.3.5. EU regional policy in the region of Styria

As this thesis has mentioned previously the EU regional policy and NMG have not brought significant changes in the country's administrative system and decision-making processes. The vertical structures of governance (national, regional and sub-regional) did not change, and the pre-existing constitutionally established allocation of competences still define the decision-making processes (Hamediger *et al.* 2008: 2677). In this context, both regions and municipalities can act as managing authorities for the EU regional programmes and participate on an equal footing in the structures of OROK where regional development programmes are decided (Hamediger *et al.* 2008: 2677). Nevertheless, some changes have taken place. The EU regional policy and NMG have managed to enhance the competences of sub-national

⁵³ At the European level NGOs contribution is '[hardly] perceived in existing reports and debates' (Florian *et al.*, 2012)

authorities and helped them to become more involved in the fields of policy learning, evaluation and monitoring and have improved their communication with the EU. Some of these changes have been presented in this thesis through the analysis of the example of the city of Graz, the capital of the region of Styria. As Hamediger *et al.* (2008: 2683) have explained the EU programmes have a transformative effect at the local governance decision structures and institutions and 'led to the emergence of new governance structures'.

Similar developments have taken place at the regional level too. In the region of Styria the EU regional policy and NMG have managed to promote bottom-up development initiatives, have facilitated the development of networks, have enhanced cross-border co-operation schemes and have connected the regional level with the European, national and local ones. (Tödtling-Schönhofer and Wimmer, 2007: 87). All these developments have been facilitated by the functioning of regional management offices (7 offices in the region) which were established with the accession of Austria in the EU in 1995 (Tödtling-Schönhofer and Wimmer, 2007: 88). The seven regional management offices in Styria function as coordination bodies at the sub-regional level that bring together several actors at the designation, implementation and evaluation of regional development programmes, they provide information and, eventually, facilitate the access to the EU regional funds (Tödtling-Schönhofer and Wimmer, 2007: 88).

As a matter of fact, in Styria, unlike other Austrian regions, the regional managements have a more bottom-up logic, are more flexible and follow a 'risk for own solutions' approach (Tödtling-Schönhofer and Wimmer, 2007: 89). This flexibility has favoured the development of networks and regional developments strategies, as regional actors are regularly invited to elaborate regional development strategies and exchange ideas on regional development programmes (Tödtling-Schönhofer and Wimmer, 2007: 89). As a result, Styria nowadays is considered to be a pioneer in the establishment of networks and clusters, which have constituted

the region as a 'highly innovative business location' (Rodrigues and Barbu O'Connor, 2013). This environment has also promoted, after 2004, the emergence of cross-border networks among Austrian, Slovenian and Hungarian actors with a strong cross-border entrepreneurial orientation (Tödting-Schönhofer and Wimmer, 2007: 93-4).

Moreover, the regional managements have helped towards the greater decentralisation of the regional administration and institutional capacity building (Tödting-Schönhofer and Wimmer, 2007: 91). The regional managements have become the intermediaries between public actors and civil society and have promoted a more strategic approach regarding public activities that follows a regular monitoring and evaluation of projects (Tödting-Schönhofer and Wimmer, 2007: 91-2). The introduction of strategic approaches in regional development programmes and of flexible governance structures have improved the capacities of regional actors, have enhanced the co-operation of public and private actors, and have also introduced more actors in regional policies (Tödting-Schönhofer and Wimmer, 2007: 92).

In sum, the EU regional policy in Styria has brought some positive developments in terms of regional government capacities, working in partnerships and policy outcomes. The involvement of several actors in regional development programmes has helped them gain experiences and knowledge in European regional development programmes and has improved their professionalism in regional governance (Hartmann, 2008: 53). The EU regional policy principles and funding also set a context within which the policy-making processes (planning, implementation, evaluation) have improved significantly (Hartmann, 2008: 53). Particularly, the evaluation culture has been positively influenced (Hartmann, 2008: 53). These developments in decision-making processes are reflected in the policy outcomes as well. The region has developed an innovation driven specialisation, which is broadly recognised (Rodrigues and Barbu O'Connor, 2013).

Nevertheless, the EU regional policy and NMG have raised some issues in Styria as well. Some regional actors consider that the EU regional policy has increased the administrative burden and bureaucracy and this constitutes the decision-making processes complex and lengthier (Hartmann, 2008: 54). This thesis has actually presented that this complaint is common among many regional actors in other Austrian regions as well. This complexity has also implications to issues of regional co-operation and affects the coordinating role of regional managements. Actually, there is not always a clear definition of competences among the regional administration, regional managements and other sub-regional actors, public and private, and this has an impact on issues of accountability and transparency (Tödting-Schönhofer and Wimmer, 2007: 94).

9.3.6. Summary

To sum up, the Structural Fund regime has transformed the informal Austrian regional policy framework and has helped it to adapt to the particular structures of the EU programmes (Gruber *et al.*, 2010: 14). The Structural Funds have brought about strategy driven approaches, organised the funding regime, systematically involved the various actors, and have defined procedures of policy-planning, implementation and evaluation (Gruber *et al.*, 2010: 14). For example, in Graz the EU programmes promoted partnerships, policy evaluation, planning initiatives and ‘communication processes between administration and citizens’ which did not exist previously in the city and still do not exist in other cities or regions not involved in the Structural Funds programmes (Hamedinger *et al.*, 2008: 2679). Through these developments, the administration of Graz has gained experience in the programming of development initiatives (see Small Fund Projects), and has also been involved in networks of co-operation

with other European cities (URBACT) on several policy issues which enhance further policy learning (Hamedinger *et al.*, 2008: 2679).

Therefore, it becomes apparent that the Structural Funds policy framework has brought significant elements of NMG in Austria's regional policy. New actors and multilevel administrative processes, bottom-up policy initiatives and partnerships are introduced in several stages of the EU programmes. Some of these elements are not completely new in the political system of the country, but certainly the EU regional policy principles, guidelines and funding have reinforced them and shaped a proper framework where they can function. The examples of the region of Styria and of the city of Graz, with the introduction of programme planning and partnerships, are very characteristic (Hamedinger *et al.*, 2008: 2683).

Nevertheless, the emergence of all these developments in Austria's regional policy does not respond properly to the question of co-operation and co-ordination. The increase of the administrative workload has reduced the positive results of participation. Moreover, the EU programmes are mostly implemented through existing institutions and bodies, where NMG are not that prominent. Additionally, some of these co-ordination instruments and institutions, such as the Regional Managements, are not elected and this raises questions about accountability and legitimacy (Ferry, 2005: 7). Finally, NMG apply mostly to regions or policies where Structural Funds co-finance (Gruber *et al.*, 2010: 16). This inability to expand further is reflected in the prevailing attitude on the discussion of the future of the EU regional policy in Austria, which supports that 'it must be limited to a "good Austrian mainstream" within existing national and EU general conditions' (Gruber *et al.*, 2010: 18). . So, it can be said that in Austria NMG have been partly introduced into the traditional regional policy procedures and, to a degree, they have transformed some of their structures.

9.4. EU regional policy and citizens' awareness and support - Austria

Initially, it is necessary to be reminded that Austria is a net contributor to the EU budget and the Structural Funds do not apply in the same way to all Austrian regions. Consequently, since the awareness for the EU regional policy is connected with the eligibility for support from the EU funds, the awareness of this policy is low (22 per cent in Flash Eurobarometer (FL)298: 9; 16 per cent in FL 384 2013: 8) and not the same everywhere in the country. The connection between funding and awareness also explains why the percentage of awareness in 2013 is lower than the previous survey of 2010 and much lower than that in 2008 (64 per cent; EC, FL 234: 7). Despite the low percentages of awareness, the positive opinions about the EU regional policy are inversely proportional and are constantly increasing since 2008 (74 per cent in 2008, 77 per cent in 2010 and 85 per cent in 2013). This tendency probably highlights that the EU regional policy funding concerns fewer recipients in the country. Another interesting feature that emerges from the last two surveys has to do with the negative opinions (8 per cent in 2010 and 7 per cent in 2013). The 2010 survey, which is the only one that provides with country-level analysis, shows that this 8 per cent believes the funds had a negative impact, mostly because they have been allocated to wrong projects (46.7 per cent; 2010: 51). This answer may be connected with the policy-making processes of the EU regional policy in Austria, and seems to question who is taking the decisions and with what criteria.

Considering the issue of the governance level where decisions should be taken about regional policy, the majority of Austrian citizens consider the regional level as more appropriate (37 per cent in 2010, 41 per cent in 2013). This sounds reasonable if we consider the federal political system of Austria. The National level follows (26 per cent in 2010, 28 per cent in 2013) and then is the local (13 per cent in 2010, 14 per cent in 2013) and European (18 per cent in 2010, 13 per cent in 2013) ones. It has to be mentioned here that in 2008 in a similar

survey almost 70 per cent of the EU citizens had considered as a ‘good thing’ that the EU regional policy gave member states and regions the right to participate in strategies and policies (EC, FL 234, 2008: 21). In Austria the positive responses reached 86 per cent.

In summary the Flash Eurobarometers (298, 2010; 384, 2013) indicate that the EU regional policy in Austria, although it is considered to have a positive impact, it does not manage to reach significant awareness among Austrian citizens. Instead, there is an important decline since 2008 (FL 234, 2008). Certainly the positive opinions about the policy results of the Structural Funds could be considered as an element that reinforces the output side of legitimacy for the EU. Even so, the small percentage of awareness seems to reduce any positive impact. Instead, it is mostly the regional and local authorities that seem to gain support.⁵⁴

These results, if they are cross examined with the Standard Eurobarometers, show that the EU in Austria does not gain significant support from its regional policies. In fact, all the Eurobarometers (EB) examined in this study (76 to 81, from autumn 2011 to spring 2014) portray that the Austrian citizens tend to trust less the EU and its institutions than the national ones (Figure 1). In addition, the negative images towards the EU are more prominent than the positive ones (Figure 2). This data of course must be examined in the context of the financial crisis and the ensuing negative consequences for the EU as well. Nonetheless, it can also highlight the limits of the EU regional policy, and NMG, within the Austrian political context.

⁵⁴ In Eurobarometer 77 (Autumn 2012) regional and local authorities are trusted by 65 per cent (+3 since the last survey) and national governance and parliament by 48 per cent (both +2 since the last survey). In Eurobarometer 81 trust to regional and local authorities has fallen to 58 per cent (Spring, 2014: 31), trust to government to 33 per cent (Spring, 2014: 27) and trust to parliament to 35 per cent (Spring, 2014: 28).

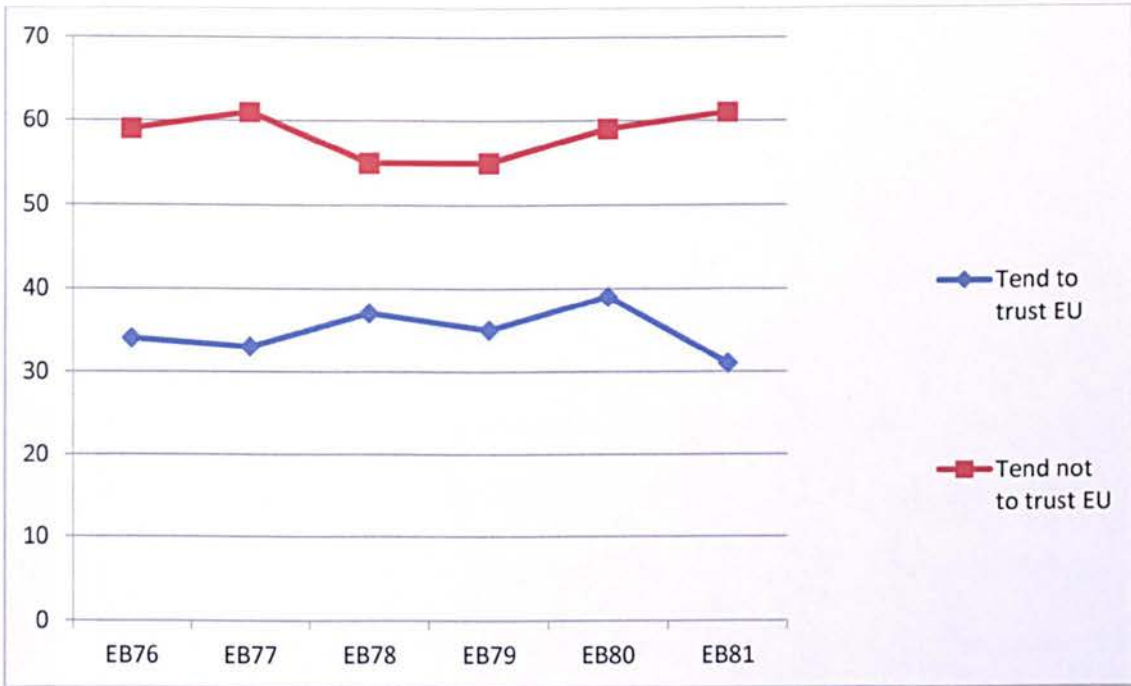


Figure 1: Trust to the EU in Austria

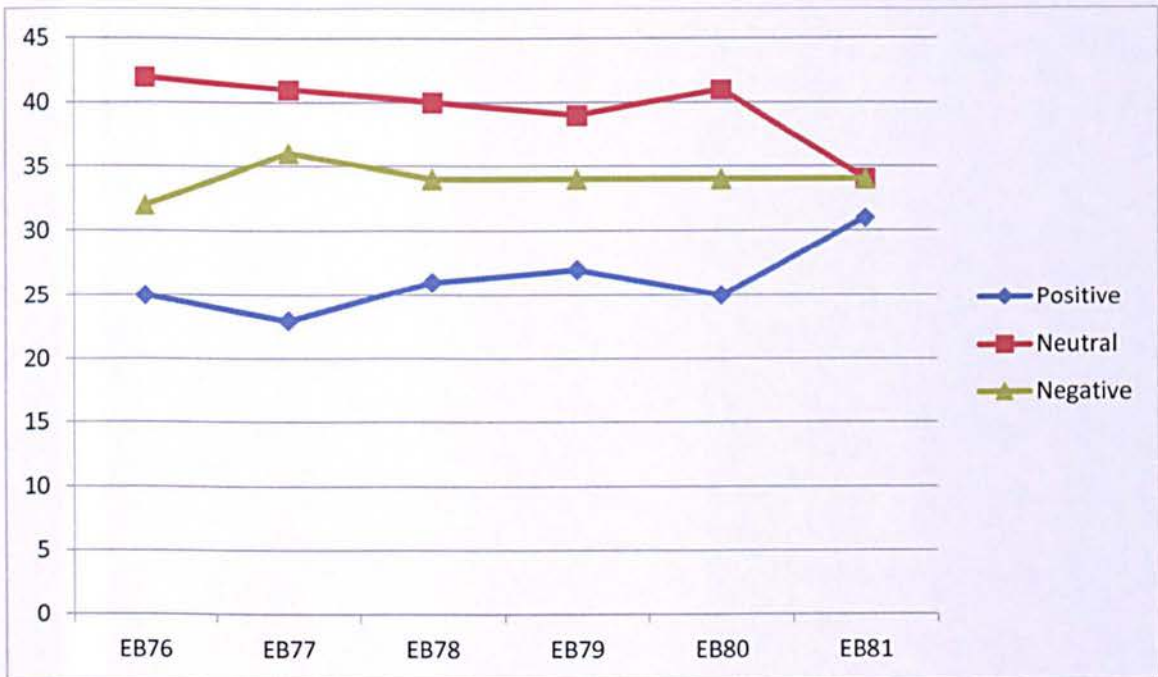


Figure 2: EU image in Austria

10. DENMARK

Denmark is a decentralised unitary state where local level of government is constitutionally established and is endowed with significant political competences and autonomies (Skelcher *et al.*, 2011: 26). Denmark is a constitutional monarchy with a parliamentary, representational democracy. Since 1953 it has unicameral system with a 179-member parliament (Folketing). Denmark's political system has a multi-party political structure and Danish governments are often formed on the base of small minority governments.⁵⁵ Indeed, since 1909, no single party has had the majority in Parliament and multi-partisanship has been the main element of the Danish political system (Denmark. Dk). In terms of its administrative structure Denmark has two tiers of administration, a national and a sub-national, subdivided into regional and local tiers. Between the regional and local (municipalities) sub-tiers there is no subordination since they hold different responsibilities and duties (LGDK, 2009: 4).

10.1. Danish democratic milieu

Denmark presents a very interesting case study both in terms of democratic milieu and regional administration. Considering the first, Denmark is a characteristic consensus democracy with strong associational organisations. Consensus and compromise are the basic characteristics of this country's political environment and are reflected in all levels of governance. The fact that since 1909 there has not been a single party government is certainly a strong indicator of this condition. As Skelcher *et al.* (2011: 17) argue this country is a

⁵⁵ Denmark. Dk, *Government and Politics*, The Official website of Denmark, Ministry of Foreign Affairs of Denmark. Available at: <http://denmark.dk/en/society/government-and-politics/>

'consensual democracy with a distinctively Scandinavian culture of consensus and structures of conciliation'. Furthermore, Denmark is characterised by a strong state and civil society and by a strong national and local representative and participatory democracy (Skelcher *et al.*, 2011: 27).

This participatory and representative democracy is further enhanced through the involvement of direct democratic procedures both at local and national levels. This direct democratic element is presented clearly through Vatter and Bernauer's (2009: 352) indicator of cabinet-direct democracy relationship. The Danish referendum for the Treaty of Maastricht is such an example at national level. At local level, except from the several referenda on a range of local issues, there is direct involvement of citizens through participation in various advisory committees or even through, albeit experimental, web-based discussion fora (LGDK, 2009: 7). Several referenda are taking place, mostly at local level, while there are other forms of direct participation (local web-based discussion fora) as well. In Copenhagen an experiment of directly elected sub-local councils has also been launched, which, however, did not proceed further (LGDK, 2009: 8). It was not completely abandoned either, as the city council has established twelve sub-councils consisting of representatives from local institutions and other organisations, both political and not, in order to enhance communication between the citizens and the authorities (LGDK, 2009: 8).

The level of civic engagement of the country is among the highest in Europe and citizens' participation in several political and other organisations, voluntary or not, is very strong too. This is stressed in the ESS 2002 survey, which shows that Denmark scores rather high (better than Austria) in terms of civil engagement and particularly in terms of associational involvement (Acik-Toprak, 2009a: 14; Acik-Toprak, 2009b: 227). The strong civil society and consensus democracy have resulted in the emergence of a corporate tradition, which favours

the proliferation of governance networks in a series of policy fields (Skelcher *et al.*, 2011: 27). These governance networks have helped to resolve disputes and reinforce co-operation through negotiations and have gained significant powers inside the Danish political systems (Skelcher *et al.*, 2011: 26). Such governance networks are prominent in parties-interest groups' relationships in all levels of government and since the 1980s they have spread to more policy fields (Skelcher *et al.*, 2011: 27). There is also a significant variation in the formation of these governance networks. These may be formal or informal, initiated from below or above, and some of them have been institutionalised and gained legitimacy (Skelcher *et al.*, 2011: 27).

10.2. Danish administrative system

In terms of national administration Denmark is a devolving unitary state. This process of decentralisation evolved gradually since the late 1980s and was significantly influenced by the impact of the Structural Funds. The latter reinforced local governments' economic activities and a series of partnerships at all levels of governance, with the aim to achieve better development results. The Danish central government reacted towards this development with decentralising its regional policy and reinforcing bottom-up activities. The administrative reform of 2007 has enhanced the role of local governments and introduced the regional tier of administration. Moreover, the Structural Funds reinforced the proliferation of governance networks in regional policy and have transformed the role of central government into that of policy efforts co-ordinator. This scheme of administration seems to work since local actors and interest groups have a significant tradition of co-operation and consensus seeking attitudes.

In the Danish administrative system decision-making responsibilities lie mostly in the central government and the implementation of policies mainly in the regional, and particularly,

local governments (Biela *et al.*, 2012: 459). In fact, local governments/municipalities have a more important role and more responsibilities than the regions. The regions, through the administrative reform of 2007, have fewer responsibilities limited to the healthcare policy-field (Halkier, 2012: 1). The regional capabilities are limited (healthcare, regional development plans), and several of the previous County responsibilities have been allocated to local governments (Fotel, 2010: 8). Central government intended to increase the efficiency of the local level government, instead of regions, and to improve the formers' ability to cope with 'future challenges - domestic and foreign' (LGDK, 2009: 3). In particular, the aim of the reform has been to enhance local economic development and competitiveness, through the creation of the proper conditions (investments, education, business environment, high quality of public services) and to allow the local level governments to be connected with developments at the international level (LGDK, 2009: 3).

Municipalities have a certain financial autonomy. They receive income taxes, which amount to 70 per cent of all municipality revenues, and have significant autonomy in distribution of expenditure, with the exemption of some social security benefits (LGDK, 2009: 13). Instead the regions are not entitled with this capability and rely on national, and some local, funds (LGDK, 2009: 16). Despite this financial autonomy of municipalities, central government still has an influential role. The 2007 reform, although it has enhanced the role of sub-national actors, it has also curbed the independence of municipalities through 'tax freezes' and controls over their expenditure levels (LGDK, 2009: 3). Furthermore, the Ministry of Finance each year negotiates with the municipalities their overall finances and sets some limitations (LGDK, 2009: 15).

Additionally, several actors, national and local, public and private have an active involvement in Danish regional policy. This emerges as a consequence of the strong role of

corporatist and local actors in national policies (Biela *et al.*, 2012: 453). All these actors are co-operating and forming several national and local governance networks, which are engaged in policy-making and policy implementation in various policy fields (Skelcher *et al.*, 2011: 26). These governance networks, which can have different forms or roles, include politicians, administrators from all levels of governance, interest groups and various members and organisations from the society (Skelcher *et al.*, 2011: 26). Politicians and public administrators tend to favour the proliferation of these networks, as they see in their involvement in public governance positive results both in terms of efficiency and acceptance of the policies from the public (Skelcher *et al.*, 2011: 26-27).

10.2.1. 2007 Reform

The administrative-territorial reform of 2007 has been a significant breakthrough in Danish regional government. This reform has turned the 14 counties into 5 regions and has reduced the 271 municipalities to 98, all of them with elected councils, which govern their affairs. This reform came as the result of central government's focus to strengthen the global role of country's economy and was in line with the Lisbon agenda on growth (Galland, 2008: 9). This reform, and the Business Development Act (2005), has given the new regions statutory responsibility for regional development projects through partnership bodies, the Regional Growth Forums (RGFs) (Yuill *et al.*, 2010: 3). Regional policy now is based on regional programmes, 'which bring together wide-ranging funding sources and co-ordinate regional priorities and national policy objectives via partnership agreements' (Yuill *et al.*, 2010: 3). This new institutional set-up has integrated European, national, regional and local regional development activities 'within a single, programme-based, policy structure' (Halkier, 2009: 1).

The 2007 reform institutionalised partnerships in regional policy and further reinforced the role of non-hierarchical modes of governance in Denmark. Nevertheless, the new administrative structure did not alter the prominent role of the national level in regional policy. The new institutional set-up both decentralises and centralises the regional policy (Halkier, 2009: 8-9). From the one side the regions are obliged to engage in economic development activities, while the national level only ensures that these follow national and European regulations (Halkier, 2009: 9). From the other side, the element of centralisation emerges as the outcome of the Business Development Act defining the tasks of the different regions (Halkier, 2009: 9). In this context, the regional tier functions as the co-ordinator of the whole partnerships strategy, and the national and local tiers hold the responsibilities and competencies of regional policies (Galland, 2008: 9).

10.3. Co-ordination bodies

The central government, through the Ministries of Welfare and Finance, is entitled with the overall supervision, co-ordination and policy-making and this role has evolved during the last decades. In almost all areas of local government's responsibilities there are national counterparts and in some more complicated policy-fields the state plays a more influential role (e.g. environmental planning, food and veterinary control; LGDK, 2009: 9). This prevailing position of the central government can explain the reason why there are no formal national institutions to represent local government interests at the central government (LGDK, 2009: 10).

At the regional level the establishment of Regional Growth Forums (RGFs) is a significant development. There are six RGFs each consisting of twenty members, which were

created in 2006 with the 2005 Business Development Act and are re-elected every four years (OECD LEED Forum, 2009). These fora have no legal status, act as committees, and their task is to centrally co-ordinate local and regional policies and improve the conditions for fostering economic growth (OECD LEED Forum, 2009). At the national level the Danish Growth Council co-ordinates the RGFs and ensures that their regional efforts are integrated 'into the broader framework of economic development policy' (Halkier, 2009: 9).

These fora bring together elected actors from regional and local government (municipalities), private sector interests and knowledge institutions (Halkier, 2009: 9). All these actors are creating policy networks, which are involved in the designation and decision-making of regional projects funded by the EU or other sources (Halkier, 2009: 9). They, therefore, manage to increase horizontal co-ordination as they bring together various actors both at national and sub-national levels. At the same time they manage to increase vertical co-ordination too, since they create partnerships at local, regional and national levels. Such an example of vertical co-ordination is the partnership agreements. These are documents which are signed between the central governments and each one of the RGFs, they are revised annually, and entail both a political commitment towards the regional policy aims and specific procedures that the two sides have to follow (Halkier, 2009: 10).

10.4. EU regional policy in Denmark

Denmark is among the EU countries that receive a small amount of EU funding for regional policies. In particular, during the 2007-2013 period the country received only €613

million (EC, 2009c).⁵⁶ Despite this small amount the EU regional policy has to present some results. During the period 2007-2013 the ERDF has supported new start-ups (3,500), research and development projects (245 projects) and has offered funding for 104 renewable energy projects (EC, 2014d: 2). The ESF has also contributed to the creation of around 200 SMEs and supported 17,000 people in acquiring new skills, of which one thousand found a new job (EC, 2014d: 2). For the new programming period 2014-2020 the EU regional policy funds will support projects aiming to tackle social exclusion, promote entrepreneurship and business innovation, and enhance green economy (EC, 2014d: 2).⁵⁷

The Structural Funds have a significant influence on the appearance and development of governance networks in Denmark. They have replaced national programmes offering direct subsidies to private firms in problematic regions in order to tackle high unemployment (Halkier, 2012: 4). Furthermore, the partnership principle and the decentralised management of the Structural Funds have become the positive example for regional and local governments to engage in economic activities through development bodies (Halkier, 2012: 5). This has resulted in the proliferation of several governance networks and brought to the fore the demand for better co-ordination among all actors involved. The central state has undertaken this role and has become the co-ordinator of all these development activities. So, regional policy has become the combined effort of ‘decentralised and synchronised policy networks’ between the regional and national governments respectively (e.g. RGF) (Halkier, 2012: 6).

⁵⁶ Link for 2007-2013: http://ec.europa.eu/regional_policy/sources/docgener/informat/country2009/da_en.pdf

For 2014-2020, the country will receive €553 million European Commission (2014) Cohesion Policy in Denmark, March 2014 (available at: http://ec.europa.eu/regional_policy/information/cohesion-policy-achievement-and-future-investment/factsheet/denmark_en.pdf) [Accessed: 18/08/2014].

⁵⁷ See Appendix C for maps

Prior the 2007 reform the counties, in consultation with local authorities and other civil society actors, were involved in the formulation of regional development programmes. Regional development bodies have been created, entitled with the administration and implementation of Structural Funds. The monitoring and evaluation of these policies, which are imposed by EU rules, were organised by monitoring committees involving national, regional, local, public and private actors and the Commission (Yesilkagit and Bom-Hansen, 2007). In all, the Structural Funds, with their funding regime, promoted the involvement of more actors in the designation and implementation of regional policies and reinforced the role of regional governments.

Even so, the EU's regional policy has not brought about something completely new in the country's implementation structures of regional policies. In Denmark several partnership schemes among public and private actors at national and regional levels exist even since the late 1950s, and have always been consulted in the implementation of regional policy (Yesilkagit and Blom-Hansen, 2007: 517). So, as Yesilkagit and Blom-Hansen argue, Denmark has managed to absorb some significant aspects of the EU's Cohesion Policy inside already existing national governance structures (2007: 503). This condition has not changed significantly after the 2007 reform.

10.5. NMG interaction with Denmark's political system and democratic milieu

The analysis of the Danish regional policy shows that the EU's Structural Funds have contributed to some changes in Denmark's governance structures. Since the end of 1980s large development programmes, supported by the EU Structural Funds, have been introduced in Danish regions and have resulted in the decentralisation of regional policies (Damborg and

Halkier, 1996: 5). This decentralisation has increased the commitment of regional authorities to regional development plans and has led to the creation of a multitude of bottom-up initiatives (Damborg and Halkier, 1996: 5). The 1988 EU reform with the introduction of partnership principle, which envisages non-hierarchical modes of governance and greater participation of more actors in all levels of policy processes, has also played a central role towards this.

10.5.1. Influence on administrative structures and powers/Co-operation bodies/Partnership schemes

The Danish political, social and economic background has favoured this decentralising approach in regional policy and the country's authorities have welcomed the partnership principle in the implementation of Structural Funds. This decentralisation process is further reinforced through the administrative reform of 2007, which transformed the regional tier of governance. This reform has shifted the Danish governance structures towards a more 'network oriented, consulting and dialogue based' direction (Galland, 2008: 2). As a result, nowadays, the drafting and preparation of regional policy is based on a bottom-up process, involving a wide range of partnerships, and its implementation is decentralised and relies mostly on 'local authorities and agencies' (European Commission, 2007 Partnership in Cohesion Policy: 5).

It can be said that since the 1990s NMG have gained pace in the context of the Danish political environment. This proliferation of NMG can be seen through the formation of horizontal and vertical governance structures and the co-operation and participation of various stakeholders at all levels of the Danish regional policy. Certainly the role of the Structural Funds, with the application of the partnership principle, has facilitated this development, but their role must not be overestimated. In general, the Danish political environment has favoured

the emergence of some sort of networking even since the 1950s. Such initiatives are part of the Danish political environment, which is characterised by a strong civil society and a strong corporatist tradition of networking between the strong state and the various interest organisations (Skelcher *et al.*, 2011: 26).

Nevertheless, the Structural Funds had an impact on the proliferation of policy networks in Danish governance structures. The EU funding, which surpassed the level of the previous national one (Halkier, 2001), in combination with the partnership principle has given the incentive to regional and local actors to develop several regional development activities. Regional governments, in co-operation with local ones, private interests and other civil society actors have developed several governance networks in order to promote regional development policies. The EU partnership principle has also helped Danish authorities gain experience in business development strategies and has been an important influence towards the 2007 reform (Danish Regions respondent). Even at the local level practices of consultation and citizens' participation are welcomed and favoured, although they are not legally institutionalised. In all, these policy networks support participation and are based on non-hierarchical modes of governance.

The 2007 administrative reform has increased the significance of these networks and, through the creation of partnership bodies, the RGFs, has helped to the better co-ordination of all actors involved at all levels of governance. Although the regional tier lost competencies and responsibilities in favour of the local and national ones, the importance of partnerships, participation and governance networks are still significant. Actually, the RGFs have allowed the regional level to enter the regional policy decision-making processes at the national level (Danish Regions respondent). The participation of economic and social partners in the delivery of Structural Funds is further reinforced by the Lisbon Strategy as well. Its regulatory

requirements facilitate ‘a greater involvement of the private sector not only in advisory bodies and Monitoring Committees (MC) but as active participants in the implementation of Operation Programmes (OPs)’ (Bachtler, 2008). The common practice nowadays in the country is ‘multilevel partnerships with particular consideration given to areas of special need’ (Halkier, 2009: 12). This has replaced the pro-1990 practice of top-down, hierarchical, initiatives and the pro-2007 uncoordinated bottom-up ones (Halkier, 2009: 12). Therefore, it can be said that the 2007 reform institutionalised the employment of NMG in regional policy.

10.5.2. *Civil society participation*

Traditionally Denmark has a very active civil society, which is regularly consulted, mostly informally, but also formally, on several issues (EESC, 2015: 6). As a matter of fact the Danish civil society has direct access to information and can influence decisions at all Danish democratic institutions, local and national (Larsen-Jensen *et al.*, 2015: 24). It can exercise this influence on the EU affairs as well, which is a very sensitive issue for the Danish society due to its Euroscepticism. It can do this through the European Affairs Committee (EAC), which is mandating and controlling the government on issues regarding the EU (Larsen-Jensen, *et al.*, 2015: 25). It can also do this through its participation in government-established advisory bodies or informal debates with the Municipal Councils (EESC, 2015: 6). This influence though can be seen mostly in the programming of policies and is weaker in the monitoring and evaluation, where the role of the national authorities is prominent (Polverari and Michie, 2009: 44).

In this context, the EU regional policy, through the employment of partnership principle, seems to further enhance the involvement of third sector and to create opportunities for more participatory and deliberative policy-making processes. The EU regional policy,

however, is not the driving force of this process, as it was not for the 2007 administrative reform. The EU regional policy is incorporated into the traditional policy-making structures of the Danish administrative system, which does not leave much space for civil society to participate (Yesilkagit and Blom-Hansen, 2007).

In fact, in the context of RGFs, where real partnerships can take place, there is no third sector/NGO representation (Olsson, 2011: 19-20). The European Anti Poverty Network (EAPN) report also mentions that the EAPN Denmark, although it tried to informally influence the process, it did not manage to achieve any real outcome (EAPN, 2013: 6). Another NGO, the Women's Council in Denmark, also has a similar view regarding the contribution to the European 2020 strategy. In particular, this organisation claims that the participation of relevant CSOs in the consultation process was not satisfactory and that they lacked information.⁵⁸ The EAPN report also raises the issues of time and information. Especially, it mentions that some EAPN members, including Danish, had 'too little time... to react on the consultation documents, no real exchange with national authorities and too little information' (EAPN, 2013: 3). Eventually, the EAPN members conclude that the partnership principle 'remains a rhetorical exercise leaving the real power in the hands of public administration' (EAPN, 2013: 2).

10.5.3. Governance challenges

These 'governance challenges' have to do mostly with the legitimacy, transparency and accountability of RGFs and civil society's participation. As it was mentioned previously, the

⁵⁸ 'However, this committee does not include members from women's organisations, and hence The Women's Council has not been informed directly about the work of the committee perspective in their work. ... We would like to see the Structural Funds seriously integrate the gender mainstreaming'. (EESC, 2011: 30-1)

RGFs are composed of several actors, but only the representatives from local and regional governance are elected and have democratic legitimation. The private interests' actors instead rely upon functional legitimacy. Moreover there is some sort of confusion between the legitimacies of local and regional elected stakeholders. The first have been elected from local communities while the others from voters of the region (Halkier, 2012: 9). Thus, in the context of RGFs it is sometimes observed the phenomenon of 'conflicting legitimacies', which causes tensions in the relationships of all actors involved (Halkier, 2012: 9). Some representatives from the regional tier have also argued that the new institutional set-up has not increased neither the democratic potentials of the regions nor the role of regional politicians (Fotel, 2010: 17).

The issue of 'conflicting legitimacies' can have implications to issues of co-ordination and efficiency as well. The new actors have to define their roles and competencies in order to co-operate properly and achieve their aims. These policy networks 'require an understanding of new stakeholders' roles and identities' (Galland, 2008: 12). The new institutional set-up has changed several of these roles. Galland (2008: 13-4) claims that the former relationship between the 'regulatory counties' and the 'complying councils' has turned into a relationship between 'mediating councils' and 'decision-making municipalities', and this also leads to some sort of competition between regional and local stakeholders. The new institutional set-up affects the issue of participation as well. The variety of actors and interests involved seems to guarantee a greater role in decision-making to the 'well-organised' and 'established' players than the 'empowered citizens' (Galland, 2008: 14).

Fotel (2010) presents these arguments in his investigation of the new regional policy in the Zealand region after several interviews with regional and local stakeholders. He finds that the initially positive attitudes of politicians and administrators towards 'networking' and 'bridge building' came to a halt due to 'internal and external co-ordination barriers' (Fotel,

2010: 10). He also finds that citizens were mostly excluded from the whole policy process in favour of administrators (Fotel, 2010: 11). Furthermore, there was a disappointment on behalf of regional politicians and administrators in relation to local actors and private actors' commitment to the participatory process (Fotel, 2010: 11). As Fotel claims, the reason for this was the eventual domination of 'hierarchical and top-down planning rationalities' (2010: 11). Parallel to this, it is observed a conflict of priorities among all actors involved. Fotel (2010: 16) presents the example of Zealand's international initiatives, which are halted due to different strategies and lack of co-ordination.

Finally, as several stakeholders in Zealand admit, the focus on entrepreneurial strategy has dominated over other sectors of regional policy (Fotel, 2010: 12). As a matter of fact, the majority of the funds, both national and European, have a narrow scope and are allocated mostly to economic growth projects through the RGFs (Fotel, 2010: 13).⁵⁹ This mostly one-dimensional focus also leads to a technocratic control of the regional agenda, which leaves minimum space of political control (Fotel, 2010: 14). As Skelcher *et al.* (2011: 28) observe the politicians participating in RGFs are turned into 'metagovernors' with no absolute powers and are endowed with the mandate to overview the policy results. This condition also affects their legitimacy, which relies mostly on their achievements ('functional legitimacy') and not that much on their electoral credentials (Halkier and Flockhart, 2002). Eventually, this leads to dissatisfaction of regional politicians and according to a 2009 survey four in five regional politicians were 'widely dissatisfied with their conditions and the regional democratic legitimacy' (Mandag Morgen, 2009 in Fotel, 2010: 14).

⁵⁹ Cultural projects are funded through the European Territorial Co-operation Funds (Danish Regions respondent)

Moreover, this business development focus affects the inclusion of more CSOs in RGFs. As the respondent from Danish Regions mentions, civil society is represented at the national monitoring committee, the Danish Regional Competitiveness and Employment Programmes, and it participates at the dialogue drafting the programmes. Nonetheless, the focus on the business development strategies and the lack of social priorities reduces their role and influence in RGFs (Danish Regions respondent). There is an issue of ‘relevance’ as well. NGOs, citizens, or other CSOs, not only do not always have any relevance with the policy agenda of regional policies, but also they lack the capacities and means (personnel, funding) to make a noteworthy contribution (Danish Regions respondent).

Despite the abovementioned arguments, it seems that these conflicting legitimacies and responsibilities do not affect negatively the Danish regional policy (Galland, 2008: 14). One reason for this is the fact that since the 1990s regional and private interests have worked in partnerships in regional bodies, and, therefore, a sort of functional legitimacy is widespread in the Danish regional policy (Halkier and Flockhart, 2002). Moreover, the general attitude of Danish politicians towards these policy networks is positive. As Skelcher *et al.* (2011: 26-27) point out, Danish politicians see positive results in the involvement of these networks in public governance both in terms of efficiency and acceptance of the policies from the public. Halkier (2012: 1), finally, insists that in general this new phase of the Danish regional policy is considered as ‘good news’ from all actors involved. Eventually, elected stakeholders’ positive attitude instils some sort of input legitimacy to these fora, along with the output one gained through their efficiency in policy outputs.

In recent years the RGFs have managed to improve their performance and tackle satisfactorily issues of co-operation and participation. Larsen (2012: 136) observes that ‘[A]lthough, there is still room for improvements, the regional growth fora [RGFs] have come

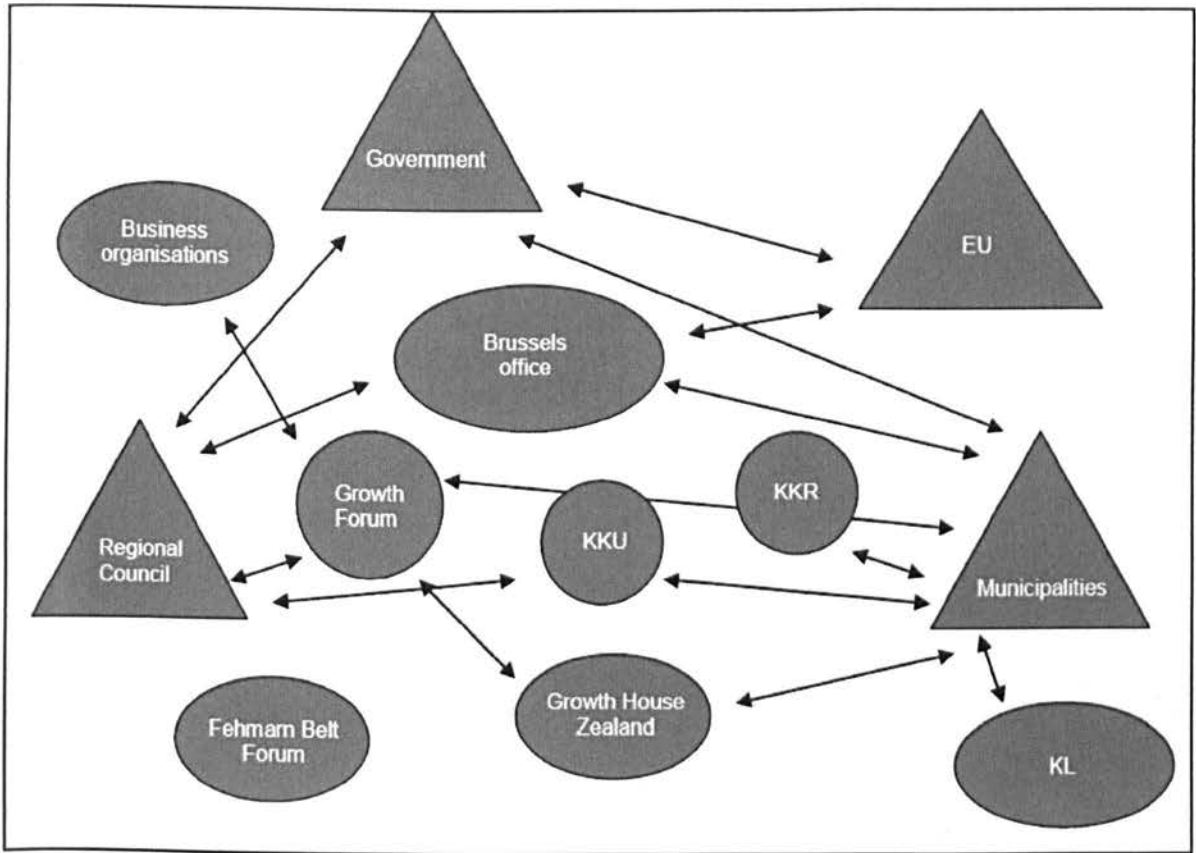
a long way in improving their conditions for partnership creating since their establishment in 2005 and 2006'. In fact, the RGFs have managed to institutionalise partnerships incorporating them into the national policy-making framework (Polverari and Michie, 2009: 19). Furthermore, the improvement of RGFs work should be also attributed to the consensual Danish tradition of policy-making, which mitigates any tension among stakeholders and enhances the development of partnerships and consultation processes.

10.5.4. EU regional policy in the region of Zealand

Zealand Region is one of five administrative regions in Denmark, established by the administrative reform in 2007. As it was mentioned in the analysis of the Danish case study the 2007 reform has transformed the administrative and governance structures in the country and has led towards a more 'network oriented, consulting and dialogue based' direction (Galland, 2008: 2). The EU regional policy, although did not inspired that much this reform, has a significant influence on the appearance and development of these governance networks through its principles, particularly the partnership principle, and funding. Actually, the EU structural funds constitute an important financial tool in regional development policies in Zealand as they contribute up to one third of all funds allocated to the region (Groth and Sehested, 2012: 50). Thus, in Zealand region the 2007 reform has replaced the former hierarchical governance with 'soft tools of coordination, communication and dialogue' (Groth and Sehested, 2012: 18). This new governance environment is also described as 'pluricentric co-ordination' (Groth and Sehested, 2012: 19).

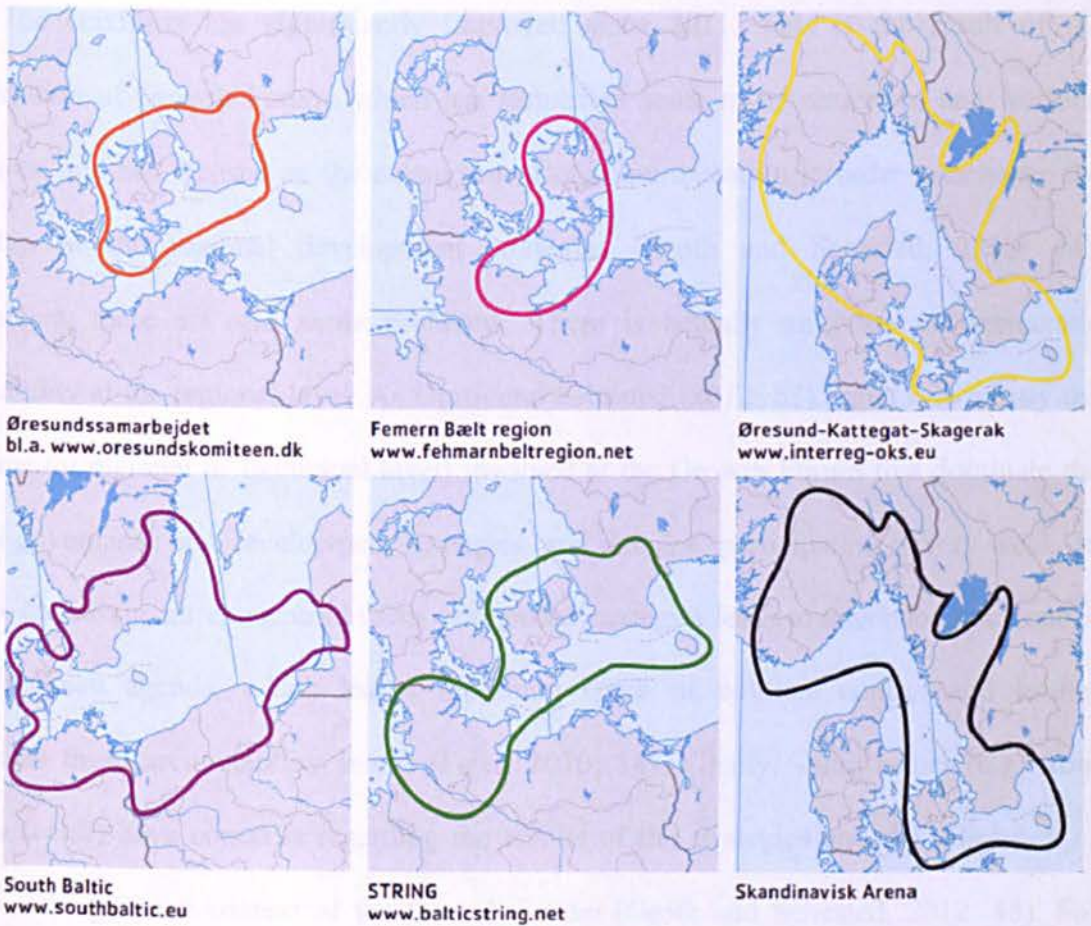
In this network governance the central government has a central place, but its role is mostly to set goals and actually acts (the EU as well) as a meta-governor (Groth and Sehested,

2012: 18). The regional authority and municipalities cooperate on an equal footing on issues of regional development and they are assisted by several formal and informal bodies (Groth and Sehested, 2012: 18). One of these bodies is the Growth Forum Zealand, which involves public and private actors in the preparation of a regional business development strategy and has helped to the better co-ordination of all actors involved at all levels of governance. Other regional actors that participate in governance networks in Zealand are the Municipal Contact Committee (KKU) and the Local Government Contact Council (KKR). The first one is a mediating body involving the regional mayors and the chairman of the regional council (Groth and Sehested, 2012: 14). The second one is an informal political platform representing the interests of municipalities (Groth and Sehested, 2012: 14-5). Finally, there is a number of other regional stakeholders like business organisations, knowledge institutions, social and economic actors. The following figure presents very well this network (Sørensen *et al.*, 2011 in Groth and Sehested, 2012: 18):



This new governance environment has resulted to the institutionalisation of governance networks, the emergence of new institutional settings and the enhancement of regional level competences and co-operation (Groth and Sehested, 2012: 59). The initial problematic relationship between the municipalities and the regional council has progressively changed and nowadays there are fewer tensions in their co-operation in regional development programmes. In fact, in Zealand region the actors involved in the EU regional policy programmes, and regional development programmes in general, have learned to communicate better and cooperate (Groth and Sehested, 2012: 59). This co-operation has mostly the form of pluricentric co-ordination where no actor (regional council, Growth Forum Zealand or municipalities) can take control (Fotel, 2010: 16). In any case the development of governance networks has managed to bring several stakeholders together and to create a common understanding of

regional problems, which facilitates the ownership of the policies (Groth and Sehested, 2012: 39). Furthermore, the regional development plans of Zealand also have an ‘outward’ dimension, which aims to enhance the region’s international perspective (Fotel, 2010: 15). As a result of this perspective the Zealand region has been involved in several trans-regional and cross-border partnership schemes like the southern Baltic network (part of the future European Macroregion, called BSSSC), the Fehmarn Belt, the Öresund Regional Co-operation, the String and the Scandinavian Arena (Fotel, 2010: 15).



(source: Groth and Sehested, 2012: 41)

This new governance environment however has some problems as well. In the case of Denmark the major problem in the employment of the EU regional policy and NMG has been that of ‘conflicting legitimacies’. This problem is mainly the result of the 2007 reform which

has transformed the administrative structures in the country. Thus, in Zealand the initially positive attitudes of politicians and administrators towards 'networking' and 'bridge building' came to a halt due to 'internal and external co-ordination barriers' (Fotel, 2010: 10). The co-operation between municipalities, the regional authority and the Growth Forum was rather problematic and there was 'a lack of inter-agency and organisational integration' (Groth and Sehested, 2012: 56). Eventually, the whole process was rather exclusive, followed an hierarchical rationality and citizens were not included (Fotel, 2010: 11).

The condition has significantly improved since 2011. This is the result of the reorganisation of Growth Forum, which has simplified some of its structures and working procedures, and has focused on the enhancement of communication in order to enhance the ownership of the regional development strategies (Groth and Sehested, 2012: 44). Nevertheless, there are still some problems. There is actually an issue of democratic accountability at the regional level. As Groth and Sehested (2012: 63) argue it is mostly the politicians (at regional or municipal level) involved at the Growth Forum that dominate the regional governance and development strategies, and citizens' participation is very weak. In addition, the strong entrepreneurial focus of regional strategies leads to a technocratic control of the regional agenda, which leaves minimum space of political control and further deteriorates these accountability issues (Fotel, 2010: 14). Finally, some actors (e.g. from business sector) have concerns regarding the results of the strategies and the efficiency of strategy-making in the context of the Growth Forum (Groth and Sehested, 2012: 48). For example, the representatives from business sector focus on the incompatibility of some business development tools (e.g. EU rules 'limiting direct funding to private companies') with the problems the region faces (Groth and Sehested, 2012: 47-8).

10.6. EU regional policy and citizens' awareness and support - Denmark

As it was mentioned at a previous part of this piece or research, the amount of Structural Funds plays an important role in people's awareness of the EU's impact. Denmark, like Austria, is a net-contributor to the EU budget but the EU funds allocated to the country are even less than that in Austria (€613 millions for Denmark, €1.47 billion for Austria).⁶⁰ This certainly affects the level of awareness of the EU's regional policy. In the Flash Eurobarometer 298 (2010) the level of awareness of the EU's regional policies in Denmark (16 per cent) is lower than in Austria (22 per cent). Three years later this percentage has further fallen to 13 per cent (EC, FL 384, 2013). The low level of awareness also coincides with one of the lowest percentages of perceived benefits from the regional policy in the EU (60 per cent in 2010, 65 per cent in 2013). This percentage is even lower for those who said that they had experienced personal benefits from an EU regional project (5 per cent in 2010, 8 per cent in 2013).

The EU regional policy awareness constantly declines since 2008 when the previous survey took place (23 per cent in 2008).⁶¹ This development coincides with the cut back on the funds allocated to the country with the 2007-2013 regional programmes. This is a similar development with that in Austria. Another similarity is that the positive perceptions of those aware of regional policies have increased since 2010 (65 per cent in 2013, 60 per cent in 2010, and 67 per cent in 2008). The negative ones since 2008 decline too (no negative views in 2013, 8 per cent in 2010, 16 per cent in 2008). This may have the same explanation with Austria's case, where the decline in the EU regional policy funding concerns fewer recipients within the

⁶⁰ European Cohesion policy in Denmark, European Cohesion in Austria

⁶¹ EC, Flash Eurobarometer 234, 2008: 7

country. In any case the EU's regional policy in Denmark attracts less interest than that in Austria. The negative aspects, though, focus almost on the same issues. These are mainly the limited funding, the wrong projects and the complexity in the process of accessing funds (EC, FL 298, 2010).

An interesting trend is observed when the preference of the governance level responsible for the management of the EU region policy is concerned. In 2010 the national level comes first with 30 per cent and then is the regional (28 per cent), the local (19 per cent) and finally the European (16 per cent). In the 2013 survey this changes and the regional level comes first with 37 per cent, the national with 24 per cent, the local with 17 per cent and the European with 15 per cent. The high percentage of the national level is a normal result when one considers the latter's prominent role. The higher percentage of the regional level probably indicates that the 2007 reform has consolidated and that it brought positive and recognisable results in the administration of regional policy. This finding also coincides with the fact that nowadays the co-ordination and co-operation in the Danish regional policy has significantly improved. In addition, Danish citizens tend to trust more the local and regional governments than any other national or European institution.⁶² Another interesting feature comes from the Flash Eurobarometer 234 of 2008, which finds that the involvement of various bodies (local business, trade unions) in the project selection process of the EU regional policy is appreciated by the 76 per cent of the Danish people. Although this is very high, it is the second lowest among the 27 EU member states.⁶³

⁶² In Standard Eurobarometer 81 (Spring, 2014) it is indicated that Danish people tend to trust: Regional and Local government (73 per cent), National Parliament (61 per cent), European Parliament (58 per cent), European Commission (54 per cent), European Council (52 per cent) and National Government (46 per cent). Support towards the regional and local governments is higher in all six Eurobarometer surveys.

⁶³ The EU27 average is 82% and Greece has the lowest with 74%.

In Denmark, however, the trust towards the EU is generally higher than in the other three case studies, despite of the fact that during the last three years it has slightly diminished and negative opinions have increased (Eurobarometers 77 to 81 Figures 3 and 4). The EU institutions and democracy are also seen in a positive way in the country in comparison with the other three case studies. This diminished trust can be better understood through the impact of the financial crisis during the last years, which has also affected Denmark. A characteristic example of this tension is that Denmark, which traditionally has been Eurosceptic⁶⁴, was considering a veto against the EU's budget unless it received a budget rebate (Euractiv.com, 26/10/2012).⁶⁵ This eurosceptic attitude seems to be at odds with the findings from the Eurobarometer surveys. It must not be neglected, though, that in the country there has never been a strong political vision of an ever closer union with the EU and the basic arguments in favour of the Danish participation have been based on the economic benefits from the membership (Sørensen, 2004: 12-13). Nowadays the crisis questions these advantages.

⁶⁴ Currently Denmark has four opt-outs from EU policies: EMU, Citizenship, CSDP, AFSJ.

Economic and Monetary Union: Denmark does not participate in the euro, the third phase of Economic and Monetary Union.

Common defence: Denmark does not participate in the elaboration and implementation of decisions and actions which have defence implications.

Justice and home affairs: Denmark only participates in EU judicial co-operation at an intergovernmental level.

Union citizenship: The Danish Opt-out on citizenship has been embodied in the Amsterdam Treaty, where it is stated, that union citizenship is a supplement to national citizenship and not a replacement.

Folketinget, EU-Oplysningen, 'Danish Opt-Outs' Available at: http://www.euo.dk/emner_en/forbehold/ [Accessed at:30/08/2014].

⁶⁵ Finally Denmark secured a billion Kroner (€134 million) rebate.

Denmark secures billion kroner EU rebate, Copenhagen Post., 8 February 2013.

Available at: <http://cphpost.dk/news/denmark-secures-billion-kroner-eu-rebate.4295.html>

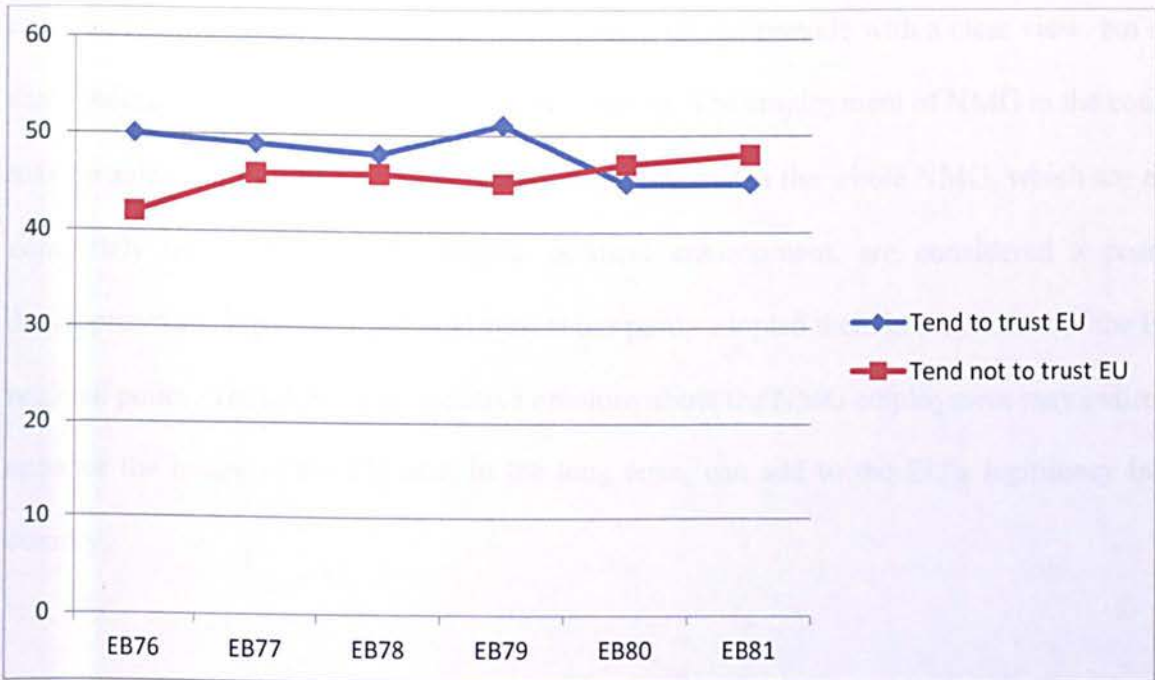


Figure 5: Trust to the EU in Denmark

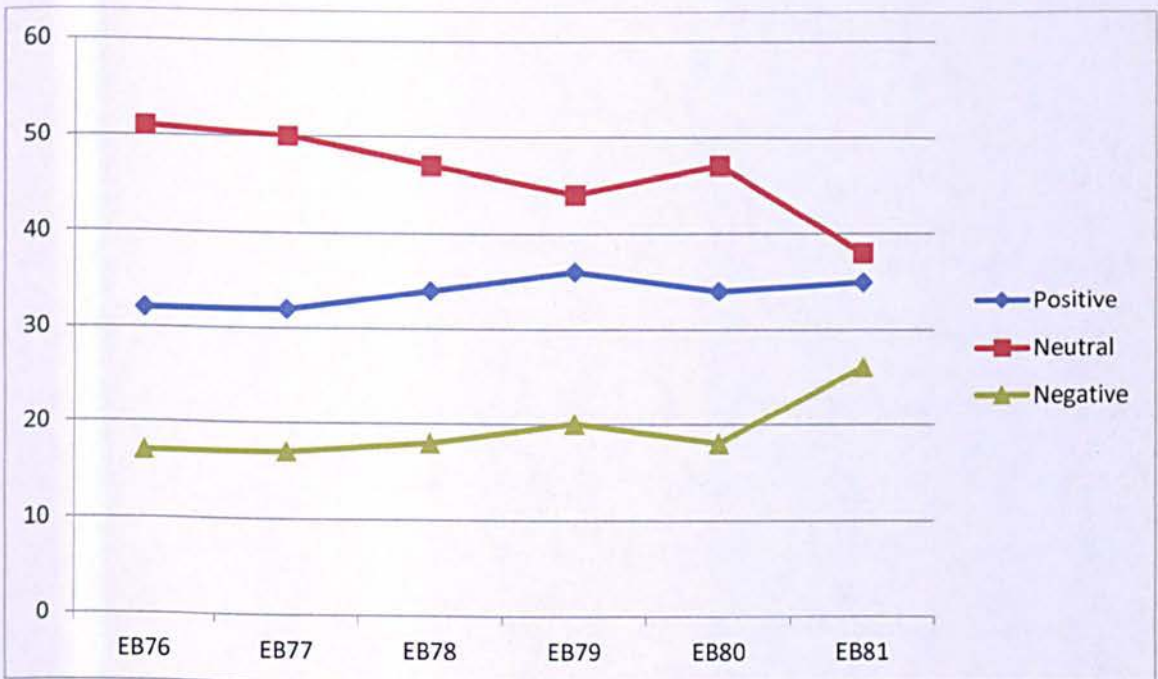


Figure 6: EU image in Denmark

In conclusion, the abovementioned surveys show that the EU regional policy and NMG cannot enhance significantly the EU's democratic legitimacy. The low EU regional policy visibility, the crisis and the general eurosceptic attitude in the country, are factors that

contribute to this situation. These surveys, though, do not provide with a clear view, but only some indications or trends within the Danish society. The employment of NMG in the country may be able to bring some positive results in the future. On the whole NMG, which are not a completely new feature in the Danish political environment, are considered a positive development and the Danish political system has partly adopted them in the context of the EU's regional policy. Therefore, these positive opinions about the NMG employment may indirectly enhance the image of the EU and, in the long term, can add to the EU's legitimacy in the country.

11. ITALY

Italy is a parliamentary republic where the executive power rests with the Prime Minister and the Cabinet. The Head of State is the President, who has mainly a ceremonial role and represents the unity of the state. Italy has a bicameral legislature, the House of Deputies, with 630 members, and the Senate, with 315 members. Both are elected through a proportional representation system except for six senators, who are given life appointments. In terms of national administration Italy nowadays can be considered a regionalised state where the regions have significant responsibilities (Ferry, 2005: 20). There are twenty regions, which are subdivided into one hundred provinces. There are also five regions (Aosta, Friuli Venezia Giulia, Trentino-South Tyrol, Sardinia and Sicily), which have greater autonomy.

11.1. Italian democratic milieu

In terms of democratic milieu Italy can be considered to be closer to the consensus democracy pattern with weak associational involvement. The Italian consensual pattern of democracy is mostly a result of the several cleavages, ideological, religious, social and territorial, inside the Italian society, which require a consensual and conciliatory management (Fabbrini, 2009: 31). There are some arguments, though, claiming that Italy, since the early 1990s, has made a significant turn towards the majoritarian model (Fabbrini, 2009). As regards the level of civic engagement, and particularly associationalism, Italy is ranked much lower than the European average (Acik-Toprak, 2009a: 14; Curtis *et al.*, 1992: 143-144). This is a common feature of Eastern and Southern European countries and there are only a few exceptions (e.g. Slovenia; Acik-Toprak, 2009a: 3-4). This condition, however, does not define the whole spectrum of Italian politics and society. There are various socioeconomic and other cleavages, which differentiate the level of associationalism and civil society organisations'

(CSO) involvement among the Italian regions. For example, there are regions like Tuscany with a long tradition of citizens' participation, where innovative methods of civil society participation are applied ('Tuscan Law'). There are also others mostly in Southern Italy, where civil society plays a minor role.

Italy's political history since the Second World War can be divided in two periods 'corresponding to two different modes of functioning of democracy' (Fabbrini, 2009: 30). These two periods are the so-called First Republic between 1948 and 1993, and the Second Republic from 1993 onwards. This is a conventional distinction and is marked by the 1993 popular referendum that led to abolition of the proportional electoral system (Fabbrini, 2009: 31). The difference actually between these two periods lies in the nature of consensual democracy. Fabbrini (2009: 30) insists that since 1993 majoritarian features of democracy have increased inside Italy's political system. Nonetheless, these majoritarian features have not managed to alter completely its consensual character (Fabbrini, 2009: 30). As Morlino (2009: 22) claims pre-1993 consensualism is very different than post-1993 for a number of reasons.

The changes that took place since 1993 can be summarised into five categories: the electoral system, the party system, the government-parliament relations, the interest group-institutional organisations relations and the division of power (Morlino, 2009: 22). Italy continues to have coalition governments, although nowadays there is a sort of bipolarism (Morlino, 2009: 22). This bipolarism has resulted in a more competitive democratic system, where the formation of the government depends on the electoral outcome and not on 'protracted post-electoral negotiations' (Fabbrini, 2009: 36). As a matter of fact, since the 1996 elections, for the first time in the history of the Italian republic, there is a political alternation in government between centre-left and centre-right coalitions (Fabbrini, 2009: 36).

Furthermore, there is a weak bicameral system in which both chambers have identical legislative powers (Morlino, 2009: 22). Nevertheless, the parliament is rather strong in relation to government. This partly has changed since 2001, as result of strong parliamentary majorities, but the parliament could still question the preeminence of the government (Fabbrini, 2009: 36). This was more obvious with the centre-left coalition, as the centre-right was dominated by the personality of Silvio Berlusconi (Gingsborg, 2005 in Fabbrini, 2009: 36). The latest examples of parliament's strength are the inauguration of the technocratic government of Mario Monti, during the political crisis of 2011, and Enrico Letta's removal as Prime Minister from Mateo Renzi in February 2014.

The relationship between interest groups and government is another interesting feature of Italy's consensual democracy. In Italy, traditionally there is a fragmented system of interest groups representation, which is closely connected with the fragmented party system (Fabbrini, 2009: 38). During the period of the Cold War that system was following strictly ideological lines which were dependent on the political parties. The collapse of communism, though, has eradicated those ideological divisions and created an environment of multitude interest organisations concerned with the promotion of their particular interests (Fabbrini, 2009: 39). In several cases interest groups form political parties and participate in government coalitions in order to represent their interests in a more efficient way (Fabbrini, 2009: 39). These 'personal' or 'functional' parties, eventually, increase party fragmentation and shape Italy's consensual pattern of democracy. It is characteristic that Italy nowadays has the most fragmented party system of all the main Western democracies (Fabbrini, 2009: 39).

Finally, another element that reinforces the consensual pattern of Italian democracy is the relationship between government and direct democracy. Vatter and Bernauer (2009: 352) in their comparative research find that the third dimension of cabinet-direct democracy

relationship is rather strong in this country. Since the early 1970s in Italy popular referenda commonly took place to decide certain political changes (Fabbrini, 2009: 32). Some examples are the referenda of 1991 and 1993, which changed the electoral laws and abandoned the proportional representation and the defeated referendum of 2006 about constitutional reform. Nonetheless, the last twenty years the majority of Italian referenda encounter very low citizens' participation and are declared void.⁶⁶ This trend, although it indicates a lack of citizens' interest in politics, should also be attributed to the very prominent role of the Italian political parties. The centralist Italian party system has managed to control referenda by manipulating the required voters' quorum according to their political preferences (Uleri, 2002).⁶⁷

11.2. Italian administrative system

Italy since the early 1970s can be considered a regionalised state, where the regions are endowed with a significant range of competencies such as regional economic development, town planning, public transportation, environment and other (Ferry, 2005: 20). This development has taken place progressively and has been influenced from several factors both internal and external. Due to the several cleavages of the Italian society the country's constitution of 1948 foresaw the creation of regions. Nevertheless, until the 1970s there were only five autonomous regions,⁶⁸ and despite the constitutional declaration, Italy was a unitary state (Morlino, 2009: 11). The regional reform of 1970s proceeded to a partial decentralisation,

⁶⁶ In the last decade the only exceptions were the 2006 Constitution referendum and the 2011 one on nuclear energy and privatization of water services. In general, Constitutional referenda have no participation quorum requirement <http://news.bbc.co.uk/1/hi/world/europe/5110326.stm> (Christian Fraser, 25/06/2006).

⁶⁷ In some cases they were encouraging voters to participate, while in others to abstain.

⁶⁸ Sicily, Sardinia, Trentino Alto Adige, Val d' Aosta and Friuli Venezia Giulia

as the central state did not transfer significant competences to regional and local authorities. That was about to change during the early-1990s.

Two important factors, an internal and an external one, contributed to that change. The internal factor was the collapse of the political system between 1992 and 1996. The post-war party system collapsed due to political corruption and this has led to the release of centrifugal forces such as the Northern League, a party with geographically defined political identity, which opposed the inefficiency of the unitary state (Fabbrini and Piattoni, 2008: 6). The external factor was the increasing influence of the EU. The Italian state was obliged to follow a reorganisation of its financial policy, as a result of the obligations deriving from the Maastricht Treaty and the Stability and Growth Pact (Fabbrini and Piattoni, 2008: 7). It also was the European regional policy, which pushed further towards greater decentralisation. Hence, since the early 1990s, all the previous national development programmes (e.g. “*Intervento Straordinario*”) have come under the provision of the Structural Funds’ principles and objectives (Ferry, 2005: 20).

The process of decentralisation followed several reforms during the 1990s. In 1993 the Law no. 81 provided for the direct election of local-council mayors and provincial presidents in order to not only increase their decision-making capacity, but also to impose greater control over their activities (Morlino, 2009: 20). In 1997 Bassanini Law, which was characterised as a move towards ‘administrative federalism’, transferred more functions from central government to the regional ones (Ferry, 2005: 21). Almost 40 per cent of the administrative functions of national ministries, such as regional development or productive activities and environmental policies, have been transferred to regional and local administrations, along with greater fiscal autonomy (Ferry, 2005: 21). Furthermore, Bassanini Law proceeded to the creation of

specialised offices endowed with the co-ordination of efforts of central, regional and local authorities (Ferry, 2005: 21).

The constitutional reforms of 1999 and 2001 moved further towards the decentralisation of the state. Through these reforms all levels of governance (Municipalities, Metropolitan Cities, Provinces, Regions and State) have become hierarchically equal and regional and local authorities have gained more competences, such as lawmaking and revenue-raising powers, and general financial autonomy (Morlino, 2009: 20). Moreover, the law 1/99 dictated that the presidents of the regions would be directly elected and the regional authorities could choose their own electoral systems (Fabbrini and Brunazzo, 2003: 112). Further reforms in 2003 (131/2003; *La Loggia*) and 2005 (11/2005; Legge Buttiglione) have reinforced the regions' role in terms of international relations, and participation in the formulation and implementation of the EU legislation (Bilancia *et al.*, 2010: 127). The most recent attempt for further decentralisation, or federalisation, of the Italian state came with the 2005 proposed Constitutional reform, which was, however, defeated in a referendum in 2006 (Morlino, 2009: 21).

11.2.1. Co-ordination

A significant parameter of this decentralisation of the Italian state is the requirement for co-ordination among central, regional and local authorities. In the early 1990s, the Budget Ministry and the Inter-ministerial Committee for Economic Planning (CIPE) undertook the task of co-ordinating the national development with the community policies (Ferry, 2005: 22). Later in the 1990s the Regional Policy Observatory (1993) and the Direct Unit (1995) were created in the context of the Budget Ministry. These agencies were endowed with the co-ordination of national-regional policies and the co-ordination of regional projects, which were

co-financed by the Structural Funds (Ferry, 2005: 22). Nevertheless, both did not manage to fulfil with success their tasks, and their responsibilities were often ‘vague and overlapping’ (ISMERI Europa, 2002). The establishment of the Cohesion Policy Service (1995) within the Budget Ministry, which has later been renamed ‘Department for Development and Cohesion Policies’, further improved co-ordination (Dipartimento per le Politiche di Sviluppo e Coesione).

The co-operation between the central state and the regions is also taking place through several other bodies and mechanisms, formal or informal (Ferry, 2005: 23). Such formal bodies are the State-Regions and State-Municipalities Conferences, which allow regions and local authorities to participate in government designations. These Conferences, which mostly have a consulting role, have progressively expanded their competencies and nowadays are involved mostly in decision-making activities (Ceccherini, 2009: 235). After the 2001 reform, the formation of the Inter-Ministerial Committee for the Communitarian Affairs (CIACE in 2006) is another instrument of co-ordination between regional, national and EU initiatives. This committee, where regions and local authorities can also participate, functions as a sort of a Cabinet of European Affairs, which deals with issues related to Italy’s participation in the European Union and co-ordinates the various Ministries involved.⁶⁹

11.3. EU regional policy in Italy

Structural Funds have played a catalytic role in Italy’s regional policy. Since the early 1990s the country has received a significant amount of money from Structural and Cohesion

⁶⁹ European Sustainable Development Network (ESDN), Italy, Evaluation and Review, <http://www.sd-network.eu/?k=country%20profiles&s=evaluation&country=Italy>

Funds and nowadays, Italy is the third largest beneficiary of the European Union's Cohesion Policy after Poland and Spain.⁷⁰ For the 2007–13 programming period, the country has received a total of almost €29 billion from the ERDF and the ESF.⁷¹ These funds have contributed to a significant number of projects that have a positive impact on employment, education and infrastructure projects. In particular according to information from the European Commission the ERDF fund have helped Italy to (EC, 2014e: 2):

- create more than 47,000 jobs;
- start-up more than 3,700 businesses;
- support more than 26,000 SMEs;
- extend broadband internet coverage to more than 940,000 additional people;
- serve more than 1 million additional people by waste water projects;
- construct or reconstruct more than 1,500 km of railroad.'

The ESF funds have also supported (EC, 2014e: 2):

'more than 500,000 projects, involving more than 6.6 million participants, of which more than 2 million between 15 and 24 years of age and nearly 0.5 million above 55 years. Interventions covered a wide range of areas, e.g. preventing early-school leaving to employment paths for people entering the labour market, including for disadvantaged people,

⁷⁰ See Appendix C for maps

⁷¹ European Cohesion Policy in Italy, Cohesion Policy 2007-2013 (2009d).

Available at: http://ec.europa.eu/regional_policy/sources/docgener/informat/country2009/it_en.pdf.

For the period 2014-2020 Italy will receive around €33 billion (2014e). Available at: http://ec.europa.eu/regional_policy/sources/information/cohesion-policy-achievement-and-future-investment/factsheet/italy_en.pdf

from training for workers to support higher education and improvement of administrative capacity.’

For the new programming period 2014-2020 the EU regional funds will focus on projects involving the improvement of employability skills, innovation in business, infrastructure and sustainability projects and public administration efficiency and the promotion of social inclusion (EC, 2014e: 2).

The Structural Funds have played an important role in the formation of the country’s regional administrative system as well. The EU funding has encouraged more pro-active strategies towards regional policies involving more actors and moving towards a ‘stronger regional development approach’ (Bachtler and Taylor, 2003: 16). An example of this development is clearly reflected on the Italian regional policy in the Southern regions (the *Mezzogiorno*), where the ‘*intervento straordinario*’ has been replaced by an ‘*intervento ordinario*’ (Ferry, 2005: 20). This ‘*intervento ordinario*’, during the late 1990s and early 2000s, has transferred almost 70 per cent of the total Structural Funds available for Italy to the regional level of administration (Graziano, 2010: 316).

The Structural Funds strategies have promoted partnerships and learning abilities. Graziano (2010: 317) provides with the example of the southern Italian regions, which, in order to develop the EU strategies they needed well interconnected regional political actors. Indeed, the EU norms and rules enhanced the building of political capacity for regions and transformed relationships with other regional actors within their limits (Graziano, 2010: 317). These relationships have also been institutionalised and the previous *ad hoc* partnerships between all levels of governments, which were involving several actors, have acquired a more official character (Graziano, 2010: 317). Such examples are the Government–Regional–Municipalities-Agreements, the Department for Development and Cohesion Policies or the

CIACE committee. All these bodies, including other formal or informal mechanisms of co-ordination, mark the increasing importance of sub-national participation and the significance of vertical and horizontal actors in co-ordinating regional development policies (Ferry, 2005: 23).

11.4. NMG interaction with Italy's political system and democratic milieu

The decentralisation of the Italian state, which has been heavily influenced by the Structural Funds, led to the introduction of NMG into the country's political context. The EU funds have replaced previous national funded regional programmes and through the principles of partnership and subsidiarity have encouraged more pro-active strategies towards regional policies involving more actors and moving towards a 'stronger regional development approach' (Bachtler and Taylor, 2003: 16). Certainly, these developments were reinforced by the fact that the regionalisation of the country is constitutionally established, due to several economic and social cleavages in the Italian society even since 1948. Still, it is the EU funding regime that has accelerated this development and has led to the employment of NMG in Italy's political environment.

11.4.1. Influence on administrative structures and powers

In Italy, despite the fact that the regionalisation of the country is constitutionally established since 1948, it was the EU regional policy that accelerated the decentralisation of national administration and has led to the emergence of NMG into Italy's political environment. Since the 1990s the Italian national administration has undergone several reforms which resulted in the emergence of a system that Ferry describes it as 'administrative

federalisation' (2005: 21). The Maastricht Treaty and the obligations deriving from the Stability and Growth Pact in combination with the EU's regional policy principles and objectives have led towards this direction (Ferry, 2005: 20; Fabbrini and Piattoni, 2008: 7). Those developments had as a result that the regional and local administrative tiers have gained more competences and responsibilities (lawmaking and revenue-raising powers, general financial autonomy) and have become hierarchically equal to the national level (Morlino, 2009: 20).

Regarding the competences and visibility of Italian sub-national tiers there are some significant changes. In general, the regions have improved their legal and administrative systems and have managed to be involved in issues related to the implementation of the EU law (Bilancia *et al.*, 2010: 138). A new law on fiscal federalism, approved in 2009, potentially can have significant implications for regional policy, despite the fact that the country is rather centralised in the collection and distribution of revenues (Palermo and Wilson, 2013: 13). Moreover, the regions have improved their evaluation capacities, although in Italy the administrative structures and law system do not favour the emergence of such an evaluation culture (Polverari and Bachtler, 2004: 8). A network of policy evaluation unit is created at national and regional levels, which have to co-operate with 'other institutional actors through networks and working groups' (Polverari and Bachtler, 2004: 20).

The regions have become more active in increasing their visibility in Europe as well. The appointment of regional representatives in COREPER, the maintenance of regional liaison offices in Brussels, the creation of networks with other EU member states' regions and international bodies and the increased lobbying efforts clearly indicate this development (Bilancia *et al.*, 2010: 160). Some regions with greater capacities, like Lombardy, are more active towards this effort than others. Even so, all regions are intensifying an identity-formation

process and promotion of regional trademarks in combination with organisational reforms in order to cope with the process of Europeanisation and the better management of European funds (Bilancia *et al.*, 2010: 160). All these efforts, however, are not always perceived as beneficial from the Italians. As Bilancia *et al.* (2010: 160) claim, it is often questioned whether money spent for regional representation offices in Brussels can help in terms of regional development projects, tourism or other regional issues. For example, since 2002 the regions have failed to spend all money allocated to them and it is only a few of them that have the potential to influence the EU policies (e.g. Lombardy, Tuscany and Emilia-Romagna) (Bindi, 2011: 194).

The role of the central state towards this decentralisation process has certainly been affected, but it cannot be claimed that it has diminished significantly in importance. The central state still holds the collection and distribution of revenues and the interests of national parliamentarians are not undermined (Palermo and Wilson, 2013: 13). The decentralisation reforms are often vague, incomplete and sometimes contradictory and this affects regional competences too (Palermo and Wilson, 2013: 6-7). Regional bureaucracies expand while the bureaucracies at the central level are not reduced comparably, and this eventually undermines the decentralisation process by reducing regional authorities' efficiency and increasing the cost of reforms (Palermo and Wilson, 2013: 7). Furthermore, there is a lack of formal institutional mechanisms to involve regional governments at the national level decision-making. The Italian political system is still dominated by a mainly centralised party system and therefore the regional-national channels are politicised and largely dependent on party affiliations and personal relationships (Bilancia *et al.*, 2010: 155). The Senate cannot resolve this issue, as it does not function like a territorial chamber and tend to be more accountable to party leaders than regional voters (Polverari and Bachtler, 2004: 19).

Finally, regions' increased competences do not always enhance policy efficiency, nor result in a more efficient implementation of the EU law (Bilancia *et al.*, 2010: 167). As Bilancia *et al.* claim, infringement procedures have been initiated against Italy during the last ten years due to actions or inactions of Italian regions.⁷² In such cases the central state has to intervene in a preventive way, without necessarily involving the State-Regions Conference (Bilancia *et al.*, 2010: 167). An example of central state's intervention is Prime Minister Monti's 'serious concerns' over Sicily's regional debt and his reassurance towards Sicily in 2012, but towards other regional governments as well, of central government's intervention to bail-out their debts.⁷³

11.4.2. Co-operation bodies/Partnership schemes

The increased influence of regional and local actors in Italy's administrative system has led to the creation of several bodies of co-ordination. Despite the initial difficulties, nowadays co-ordination has been significantly improved particularly within the central government (Ferry, 2005: 23). Within the central government, in the Ministry of Economy and Finance, the establishment of the Department for Development and Cohesion Policies has improved not only the vertical co-ordination, but also the horizontal one and promoted the greater participation of sub-national actors (Ferry, 2005: 22-23).

⁷² Eur-infra database (<http://eurinfra.politichecomunitarie.it/ElencoAreaLibera.aspx>) in Bilancia *et al.*, 2010: 167.

⁷³ Dinmore, G, 2012, "Sicily default fears add to Monti's woes", *Financial Times*, <http://www.ft.com/cms/s/0/261bdd52-d030-11e1-99a8-00144feabdc0.html#axzz2DHeznsBX>

Co-operation is further reinforced by the State-Regions, the Regions-Municipalities and the Unified Conferences, which have an advisory role, but can co-ordinate 'actions and regulations between different levels of government' (Ferry, 2005: 23). There is also the State-Regions-Autonomous Provinces-Municipalities-Local Autonomies Conference, which is known as unified Conference (Ceccherini, 2009: 218). The Inter-Ministerial Committee for Communitarian European Affairs (CIACE) promotes consensual decision-making in the Italian administration regarding EU policy proposals, and is another example of these intermediate bodies (OECD, Reviews of Regulatory Reform: Italy, 2007: 27). Parallel to these formal co-operation bodies there are other informal channels of co-operation and communication, mostly bilateral, between the state and each region (Bilancia *et al.* 2010: 135).

The institutionalisation of these bodies sets up an area of multilateral co-operation for regional policies and promotes further the decentralisation of Italian administrative system. The State-Regions Conference has gained a primary role while the other two Conferences a supportive one. They may have only advisory powers, but their intervention in many issues is compulsory, and depending on the matter, they may have a more influential role in national bills (Bilancia *et al.* 2010: 135). Thus, the regions have acquired effective means of negotiation inside Italy's administrative system and they have increased their functions (Ceccherini, 2009: 226). Additionally, these conferences are political and technical fora where representatives of the central, regional and local executive power come together to confer with each other and participate in government designations (Ceccherini, 2009: 234). Hence, they provide with an area of multilateral co-operation, which favours local representatives as well, since they achieve this way to have their voices heard at national level. Finally, these Conferences play a significant role in relation to the EU integration, as they bring regional and local representatives in connection with the European level (Ceccherini, 2009: 235).

The formation of these institutions and bodies is certainly a positive development for the Italian regional policy and the advance of new modes of governance into the country's political environment. There are, though, certain issues that thwart their function and, consequently, the further development of the NMG. These institutions do not have significant powers (e.g., veto) to really affect national politics or to resolve conflicts (Bilancia *et al.*, 2010: 136). There is also no clear legal framework that could define the role of each counterparty inside these intermediary bodies. This situation often leads to conflicts over competences, which during the last years have been resolved with the assistance of the Constitutional Court (Palermo and Wilson, 2013: 16).

Against this background, several sub-national actors try to pursue their interests through other channels of communication or lobbying. In particular, regional and local actors often establish bilateral communication with the central government, especially when they both belong to the same political family. Such bilateral relations, however, can have a very negative impact on issues of trust, which is very important for multilevel governance. This condition limits regions' influence over the bargaining positions of their national government as well (Morcillo, 2010: 14). There are, though, examples where regional and national governments from different political parties have a very good co-operation. In particular, the last few years, and due to the financial crisis and the fund cuts from central government, sub-national actors tend to co-operate better and agree on common positions towards the central government (Palermo and Wilson, 2013: 21).

11.4.3. *The role of elected stakeholder*

In Italy the role of sub-national elected stakeholders has gained in significance while the decentralisation process of the Italian state has been undergoing. The first step was the direct election of local and regional policy-makers. In 1993 the Law no. 81 allowed the direct election of local-council mayors and provincial presidents and in 1999 with the law 1/99 the same applied to the regional authorities. That is a significant improvement in terms of legitimacy for sub-national authorities and has helped the sub-national authorities comply with the increased competences they gained from the Italian state's decentralisation process. As Graziano claims, the EU regional policy legitimised the regions as political arenas, favoured the development of regional interest groups and shaped a more inclusive and transparent political environment (2010: 316). Italian sub-national authorities, though, do not manage to achieve the same results in terms of political autonomy and policy efficiency in each Italian region, due to different socio-political experiences and capabilities.

This political environment also affects the role of national political parties and results in changes at the interest representation in these regions (Graziano, 2010: 327). National political parties and official authorities are often reluctant to allow other actors play a more important role and tend to hinder the widening of autonomies and competences of sub-national authorities (Heinelt and Lang, 2011: 15). The reason behind this attitude is that they have nothing to gain in terms of electoral influence (Graziano, 2010: 329). This electoral influence in many cases, and particularly in the south, can be easily translated as 'clientelistic' networks. The greater political autonomy and democratic legitimisation of sub-national authorities, in combination with the development of regional interests groups, does not allow much space for such clientelistic political relations (Graziano, 2010: 329). These clientelistic patterns of course are not obsolete, as the regional-national channels are still politicised and largely hinges on

party affiliations and personal relationships (Bilancia *et. al*, 2010: 155). The national-parties can still influence some developments and in most of the cases decisions about the EU regional policy despite of the fact that the increased regional authorities' competencies are shared between the regional and national levels (Lang and Heinelt, 2011: 13).

The EU regional policy has achieved the legitimation of the sub-national elected stakeholders also through an indirect way. This legitimation is achieved by linking regions with the EU. Through the several EU programmes and the decentralised policy-making processes, regional actors have been closer to the European level of governance and the EU integration project as well. Given that in Italy the citizens tend to support the EU integration project, regional stakeholders' connection with that enhances their profile and political role (Bilancia *et al.*, 2010: 158). The current financial crisis, though, could also have an impact on this relationship. In any case, the EU regional policy with its principles and funding regime has increased the visibility of regions and sub-national actors, has reinforced the legitimacy of the regional level and has supported the development of regional interest groups.

The enhanced role of the regional level can be also connected with another development within the Italian political life. The EU regional policy has facilitated the emergence of 'regional' parties which compete at regional and even national level (Bilancia *et al.*, 2010: 150). Several of them exist nowadays in Italy, but the most well known is the Northern League (Lega Nord) which was established in Lombardy in the early 1980s. This is not a common phenomenon in all Italian regions and depends on the particular socio-political background in each one of them. It promotes, though, the agenda of federalisation, or at least of greater decentralisation of the Italian political system (Bilancia *et al.*, 2010: 150).

11.4.4. *Civil society participation*

In Italy, despite the existence of a partly consensual political system, civil society's involvement is not that prominent as it is in Denmark and Austria. This condition does not apply to all Italian regions, as there are significant differences among them. In this context, the EU regional policy the last twenty years has led to some developments, particularly through the implementation of the partnership principle which has encouraged the involvement of more actors and promoted NMG in the Italian political environment. As a matter of fact, these developments in Italy are more significant in comparison to the previous two case studies (Austria and Denmark). After all, the process of adjustment to the EU policies (Stability and Growth Pact/Maastricht Treaty and EU structural fund policies) has contributed towards several changes in Italy's political and administrative systems.

The EU programmes and their funding regime has strengthened the role of social networks and has increased participation in regional and local governance structures (Graziano *et al.* 2004: 4). The EU regional policy decision-making processes, that demand an inclusive approach and co-operations, have made the regional authorities involve several stakeholders and technocrats in early-consultation mechanisms (Bilancia *et al.*, 2010: 155-6). Through these processes public and private actors at regional and local levels have been incorporated within the 'EU norms of inclusive patterns of programming and decision-making' (Graziano, 2010: 318). In addition, societal actors, through their participation in the regional political arenas, which are becoming more autonomous from national politics, have indirectly gained legitimacy (Graziano, 2010: 330).

The increased involvement of civil society in regional policies has partly led to some sort of institutionalisation of NMG as well. The respondent from the Department for Development and Cohesion Policies of the Treasury (Department of Development) presents

the example of the partnership agreements in the context of State-Regions conference. These agreements do not constitute particular rules that standardise the whole process, but they have legal value and foresee and formalise the participation of socioeconomic actors in the programming phase of regional policy (Respondent, Department of Development).

Some innovative methods of citizens' consultation have also emerged. Several web conferences take place and there are occasions where conferences on regional policy operation programmes are accessible to the public through live streaming (Respondent, Department of Development). These developments seem to satisfy civil society actors and no issues of democracy and transparency have been, therefore, raised (respondents, Department of Development and State – Regions Conference). The great number of participants in several of Italy's regional policy decision-making processes is indicative of civil society's approval of these participatory procedures. In fact, during the current consultation on the content of partnership agreement six hundred representatives of socio-economic actors are involved; some of them just to get some information and others with a more active role (respondent, Department of Development).

The EESC study on 'Developing the Partnership Principle in EU Cohesion Policy' (Olsson, 2011) provides a description of some of these developments. It claims that there is a variety of partnership schemes from region to region which are often formal but not genuine (Olsson, 2011: 28). This report presents some good examples from the application of the partnership principle in several Italian regions. These include Mezzogiorno (South Italy), Puglia, Tuscany, Lazio and Trento (Olsson, 2011: 28-30). In all these examples some innovative co-operation schemes have emerged, whose aims sometimes extend beyond the scope of the EU regional funds (e.g. Puglia) (Olsson, 2011: 28-30). Nevertheless, CSOs are not always included in these partnership schemes. In Tuscany for example, where the EU funding

programmes (EARDF, ESF and EAFRD) are integrated in the general regional development programmes, the most relevant partnership schemes do not lie within the context of MCs, but within the context of other bodies (Olsson, 2011: 29). In those bodies CSOs are not always included (Olsson, 2011: 29).

As regards the region of Mezzogiorno, Graziano (2010)⁷⁴ argues that the EU regional policy has legitimised the regions as political arenas, favoured the development of regional interest groups and shaped a more inclusive and transparent political environment (Graziano, 2010: 330). In general, partnership schemes have increased and the EU rules have forced regional authorities to open up and co-operate with more social actors in decision-making processes (Graziano, 2010: 326). Nevertheless, this condition does not necessarily safeguard the efficiency of policy results. Graziano (2010: 328) shows that despite the greater development of non-hierarchical modes of governance in the region of Basilicata, in terms of expenditure capacities other regions with not that developed governance networks (e.g. Calabria) perform better.

In most Italian regions regional authorities try to enhance inclusive decision-making processes and co-operation through the involvement of several stakeholders and technocrats in early-consultation mechanisms (Bilancia *et al.*, 2010: 155-6). This does not take place in a similar way everywhere, but, as it was mentioned above, there are differences from region to region. In Lazio, for example, the MA of the ERDF try to enhance partnerships and they have ‘launched an interactive website for this purpose’ (Olsson, 2011: 30). In Trento partnership schemes ‘encourage sustainable development measures that promote ‘green’ projects and

⁷⁴ He examines how the EU regional policy influences regional patterns of interest representation and the employment of NMG in four southern Italian regions: Basilicata, Calabria, Campania and Puglia.

involve a number of actors (Olsson, 2011: 30).⁷⁵ In all, in North-Centre Italy the partnership principle is integrated in the governance system and in some regions (e.g. Tuscany and Latium) regional authorities have introduced statutes that foresee greater citizens' participation (Olsson, 2011: 29; Ausina, 2012: 167). Nevertheless, these statutes vary significantly. For example, in Emilia-Romagna the issue of participation refers to a 'generic right to participation', while in Tuscany there is a 'declaration of "principles" for participation' (Ausina, 2012: 168).

Especially, the example of the Tuscan Law (no. 69/2007) is a very interesting case, as it highlights how deliberative democratic governance forms at regional level can have a practical application to everyday political life (Carson and Lewanski, 2008: 82). Tuscan Law was an initiative, which expired in 2013, and aimed at enhancing civil society participation in the setting of local and regional policies within the system of representative democracy (Carson and Lewanski, 2008: 75).⁷⁶ It had an experimental character and it was taking place in the context of the decentralisation of the Italian state.⁷⁷ The Tuscany Law is a characteristic and partly successful experiment of participatory processes, but as Corsi argues, 'the fact that no public debate procedure has been initiated cannot be left unsaid' (Corsi, 2012: 192).

For the 2014-2020 period there was a significant development which has created a more standardised environment for the involvement of civil society. The EU regional policy 'stimulates new developments through the introduction of the Code for Conduct on partnership (ECCP)⁷⁸ for the new programming period 2014-2020' (Respondent, Department of

⁷⁵ Environmental NGOS have been involved in sustainable development programmes 'within protected areas and Natura 2000 sites' (Olsson, 2011: 30).

⁷⁶ The Law expired on the 31st of March 2013 and it is not known yet whether a new law will be passed and its future content (Lewanski, 2013: 13).

⁷⁷ Financial resources for this effort come from the regional government (Carson and Lewanski, 2008: 80).

⁷⁸ EC, Commission Staff Working Document, SWD 106, 2012 and

development). Through the ECCP the EU is trying to expand further partnerships, to involve 'even those who are affected by policies', and also to involve more actors 'in all steps of policy making and not only in preparation and implementation of programmes' (Respondent, Department of development). The provisions of the ECCP are not, however, a completely new development in the Italian regional policy. As the respondent from the Department of Development mentioned, in 2012 an experimental application of partnerships in the innovation and technological development policies took place, where civil society was 'consulted at the preparation of programmes'.

The increased influence of civil society on the EU regional policy in Italy certainly provides strong evidence of the introduction of NMG in Italy's political system. There are, though, some issues regarding civil society's role, which also affect the implementation of NMG in Italy's regional policy. The main two questions that arise are the extent to which the EU regional policy is the driving force towards greater civil society's involvement and the degree of civil society's influence on policy-making procedures. In particular, regarding the impact of the EU regional policy, it is argued that each region's particular tradition is probably the main force behind any participatory project (Respondent, State-Regions Conference). So, in regions like Tuscany or Emilia Romana socio-political experiments like the Tuscany Law are mostly efforts deriving from the participatory traditions of these regions (respondent, State-Regions Conference). As a result, in the case of Tuscany Law, or in any other regions' similar effort, the EU mostly contributes by providing a sort of a guiding framework (Ausina, 2012: 164).

Regarding the degree of civil society's influence on regional policies the picture is clearer. The EU regional policy procedures and principles may require a more significant role for civil actors, but the latter are only involved at the consultation level of policies and not in the implementation and evaluation (respondents, State-Regions Conference and Department of Development; Lang and Heinelt, 2011: 14). Moreover, this consultative involvement is concentrated on the provision of information and technical expertise on policy issues, and does challenge neither the political decisions of central authorities, nor their role (Chabanet and Trechsel, 2011: 111).

The report 'Real Civil Society Democracy in Europe' presents that in Italy is not established a national mechanism that organises the consultation with CSOs (Larsen-Jensen *et al.*, 2015: 35). In fact, the government is not often involved in dialogue with CSOs and if it does this depends on political actors' will and CSOs capacities (Larsen-Jensen *et al.*, 2015: 35). Moreover, although CSOs have an active role in consultations, they are not able to set the agenda (Larsen-Jensen *et al.*, 2015: 36). The same applies when considering their involvement in the implementation and evaluation of policies and their ability in lobbying the government where CSOs have limited impact (Larsen-Jensen *et al.*, 2015: 36). CSOs also have problems accessing information, despite the existing legislation (Law 241/90) that safeguards citizens' and CSOs' access to government documents (Larsen-Jensen *et al.*, 2015: 36). As a matter of fact, a survey by the Italian think tank Fondaca (2010)⁷⁹ shows that a significant number of CSOs, especially at the local level, have limited access to information from the EU (2010: 24).

Regarding the CSOs difficulty obtaining access to information, the respondent from the Italian Department of Development presents an additional dimension through the example of

⁷⁹ The survey is based on interviews with 50 Italian CSOs from national, regional and local levels.

the CNEL (National Council for Economy and Work). The CNEL, a legally established body which aggregates social actors and facilitates their involvement in national level consultation, participates at the State-Regions Conference and appoints a certain number of civil society's representatives (respondent, Department of Development). Its involvement, however, cannot change the allocation of powers in the State-Regions Conference and does not alter the top-down logic of national governments' decision-making approach (Chabanet and Trechsel, 2011: 110). The prominence of each social partner's role in this consultation process varies significantly as well. The established social partners, the economic sphere and the 'adversarial industrial relations' hold a more prominent position in the consultation processes than third sector's representatives (Chabanet and Trechsel, 2011: 103). As a matter of fact, the third sector representatives were recently included into the CNEL (Chabanet and Trechsel, 2011: 103). Chabanet and Trechsel (2011: 111) describe this condition as a 'statist model of civil society' where the involvement of civil society's organisations does not answer 'concerns of input and output legitimacy'. Eventually, this situation is one of the reasons that have led to the domination of technocrats and experts in policy-making procedures in regional policy (respondents State-Regions Conference, Department of Development).

The abovementioned condition is not the only reason that accounts for the reduced role of CSOs. The CSOs in general do not seem in position to mobilise citizens and exercise control over the policy-making procedures. The respondent from the Department of Development mentions that there were occasions where the failure of regional authorities to achieve targets was not followed from any sort of control from citizens and CSOs in general, despite the fact that everything was open and easily accessible to the public through the official site of the department. The respondent described this condition as a lack of 'democratic control'. This

situation should not be surprising given Italy's weak civil society and low levels of civic engagement as a whole.

The national political environment influences some developments too. For example, the centre-rights governments have not favoured that much social dialog and consultations with CSOs (Larsen-Jensen *et al.*, 2015: 36). Moreover, the Italian political system, and particular the strong party-system, is not always in favour of greater civil society's involvement. As it was mentioned above, NMG transform the regions into political arenas and bring new actors to the forefront. This has as a result to reduce the influence of the Italian political parties in some regions, because it affects their networks of political influence, which in many cases can be characterised as clientelistic. Additionally, there is a tendency in the Italian politics, but in other member states as well, to blame the EU for every unpopular policy (respondent State-Regions conference). Therefore, the citizens tend to be unfamiliar with the EU and its policies. Actually, in Italy there is a pro-European population, which, however, knows very little about the EU and tends to participate less in its political processes (respondents State-Regions conference, Department of Development). This certainly does not help towards citizens' involvement in the EU regional policy processes.

Finally, another factor which affects civil society's participation is the complexity of the EU regional policy processes. This complexity is considered as a very important reason for citizens' disengagement with the EU in general. As the respondent from State-Regions conference mentions the EU regional procedures are very cumbersome and tight in terms of time that not only they cannot promote issues of transparency and accountability, but also they undermine the usefulness of regional policies. For this reason, the government and the regions, in order to avoid any further delays and absorb the funds, may exclude some civil society actors from the whole process. This complexity also prevents some CSOs from participating, because

they cannot follow the whole process due to lack of capacities and resources (respondent, Department of Development). The current financial crisis deteriorates this condition and affects not only the involvement of CSOs, especially the smaller ones, but also the participation of other social partners like trade unions. For example, in several centre and north-central Italy municipalities, due to economic crisis ‘many local authorities refuse to discuss how to allocate resources and to engage in dialogue and consultation with trade union organisations’ (Larsen-Jensen *et al.*, 2015: 35).

11.4.5. EU regional policy in South Italy (*Mezzogiorno – Basilicata, Calabria, Campania and Puglia*)

The southern Italian regions can offer an interesting example in this analysis, as they all belong to Convergence regions (or less developed regions according to the 2014-2020 programme) and the allocation of funds is higher. They depict in greater detail how the EU regional policy and NMG currently affect the administrative structures and policy-making processes at the regional and sub-regional levels in the context of the EU regional policy in Italy. Furthermore, they can show the extent to which the partnership principle has achieved to introduce social and economic actors in the several phases of policy-making. Graziano’s study (2010), which was mentioned at a previous part of this thesis, can offer some valuable insights regarding the application of NMG in south Italy. Graziano examines the effects of the EU regional policy in four southern Italian regions, Campania, Calabria, Puglia and Basilicata, and he shows how the EU regional policy has affected the institutional capacities and decision-making processes.

Until the mid-1990s the regional administrations in these southern regions were lacking the institutional capacities to proceed to coordinated programming and the key decision role was in the hands of central administration (Graziano, 2010: 320). Moreover, the decision-making style was mostly exclusive and was not favouring the development of partnerships (Graziano, 2010: 321). In fact, the national parties, and particular the Christian-Democratic Party, were playing a dominant role (Graziano, 2010: 321). This condition was also enhanced by social partners' weakness to participate, especially in the regions of Calabria and Campania (Graziano, 2010: 321-2). By contrast, the region of Basilicata presents a different picture. Basilicata has a strong partnership tradition and the decision-making style is more inclusive (Graziano, 2010: 321). Moreover, the regional administration had achieved in the past to play a more constructive role in programming and coordinating activities and 'there was a better knowledge' of how EU regional policies work (Graziano, 2010: 320). A good example that highlights the difference among the four regions in terms of decision-style and administrative organisation and capacities is the case of regional offices. The central state, in order to follow the EU regional policy guidelines, had promoted the development of these offices to coordinate regional programming activities (Graziano, 2010: 320-1). Nevertheless, in all regions except of Basilicata these offices were practically inactive (Graziano, 2010: 320).

The EU regional policy, through its guidelines and funding, has partly changed this condition. This change also took place in the context of the significant developments that occurred in the national political arena during the early 1990s. The Italian government, in order 'to meet criteria for adopting a single currency of the euro', has proceeded to several administrative and political reforms that constituted the EU regional policy and its mechanisms 'the only game in town' (Graziano, 2010: 321). Against this background, since the late 1990s the decision-making processes have become more inclusive and regional administrations, in

order to take advantage of the EU funding, started to become more effective in the co-ordination of programming activities (Graziano, 2010: 326). Local interests have also been more actively involved in regional projects and infra-regional and cross-border networks that bring together local actors and public institutions have emerged (Graziano, 2010: 326-7).

As regards the development of cross-border networks the Calabria region offers an interesting example of how the EU regional policy has contributed to the emergence of these networks. The Interreg programmes, in combination with the EU's New Neighbourhood policy, has offered opportunities for co-operation projects with other Mediterranean countries and has become the stimulus for creating partnerships in the Mediterranean area (Cugusi and Stocchiero, 2007: 19). In this context, the Calabrian region's local administration has promoted the improvement of co-operation schemes and cross-border partnerships involving several actors, public and private (Cugusi and Stocchiero, 2007: 19). This development has been facilitated by the emergence of bodies such as the International Affairs Department, which is responsible for the coordination of cross-border co-operations and has also contributed to the enhancement of participation (Cugusi and Stocchiero, 2007: 22).

In all, these changes have legitimised the regions as political arenas, have favoured the development of regional interest groups and shaped a more inclusive and transparent political environment (Graziano, 2010: 316). There are though some differences between the four regions as well. As a matter of fact, these changes are more prominent in the regions of Calabria, Puglia and Campania and not in Basilicata, where a more structured 'institutional programming mode' and an inclusive decision-making style were combined with a strong partnership tradition (Graziano, 2010: 323). In any case, as Graziano points out, all actors involved in the decision-making processes in the EU regional policy in the four regions agree that some changes have taken place (2010: 328). They also agree that the central state, and

particularly the Italian Ministry for Economic Development, plays a significant role (Graziano, 2010: 328).

The EU regional policy and NMG may have led to these changes, but they have not managed to transform significantly administrative and decision-making structures, and, in certain occasions, have also had some negative effects in relation to political accountability and participation. Regarding the extent of changes Graziano shows that in Campania, Puglia and Calabria regional administrations still face significant difficulties and administrative challenges in organising and coordinating partnership schemes, while the lack of a cooperative culture is an additional burden as well (2010: 324-5). It is actually the role of the central state that safeguards and further promotes partnerships at the regional and sub-regional levels (Graziano: 2010: 328). Furthermore, the administrative weakness is not the only reason that weakens partnerships in Puglia, Campania and Calabria. This is a problem of social actors' weaknesses as well. As it was said in previous part of this thesis CSOs in Italy are often very weak and lack organisation and resources. Milio suggests that this is the case in Puglia (2013: 11) and this is a common problem in cross-border partnerships in Calabria as well (Cugusi and Stocchiero, 2007: 19). Moreover, as Piattoni (2010: 124) explains, the CSOs often have a very narrow scope and audience, promoting 'issue-specific values, ideas, and interests' that fail to represent and inform larger parts of the society. This condition also favours the employment of informal channels of communication. In Puglia, for example, Milio shows that this is a very common phenomenon (Milio, 2013: 10).

The new governance structures and decision-making processes, that the EU regional policy and NMG have brought, have generated some fragmentation of regional strategies as well (Milio, 2013:9). The EU regional policy and its innovative, and complex, governance structures obscure the responsibilities among national, regional and local actors, and often

between actors at the same governance level (politicians – civil servants) (Milio, 2013: 8-9). In this context, the enhanced role of local actors in Basilicata does not always favour the long-term regional development targets, because local actors tend to be more focused on their own aims and problems (Milio, 2013: 9). Likewise, in Calabria the cross-border partnerships often suffer from fragmentation and overlapping competences, which hinder collaboration and co-operation (Cugusi and Stocchiero, 2007: 19). This condition in both regions is also enhanced by the phenomenon of ‘contractualisation’ in which the actors responsible for the decision-making and planning of a policy might be different from those responsible for its implementation (Milio, 2013: 9). In all, this fragmentation and complexity of EU regional policy results to problems of accountability and favours an attitude of blame shifting which Milio describes as ‘the blurring effect [of EU regional policy] on political accountability’ (2013: 8). In her investigation on the regions of Sicily and Basilicata these accountability issues and blame-shifting attitudes are more prominent in the former than the latter (2013: 8).

11.5. EU regional policy and citizens’ awareness and support – Italy

The results from the Flash Eurobarometers 298 and 348 show a different picture regarding the awareness of EU regional policy in Italy. In the 2010 Eurobarometer (Flash EB 298), and despite the fact that Italy is the third largest beneficiary of Cohesion Policy after Poland and Spain, the levels of awareness of the EU regional policies was below the EU average of 34 per cent (33 per cent; 2010: 9). In the 2013 Flash Eurobarometer (Flash 348), though, the awareness increases by fifteen percentage points (48 per cent). This is a significant increase, but is not necessarily favouring the EU. In the 2010 survey 56 per cent of those respondents aware of the EU regional policies believe that the EU projects had a positive effect

and only a 10 per cent believes that they were personally benefited by EU projects. Both figures are the lowest among the (then) 27 member states.

In the 2013 survey the positive opinions decline further to 51 per cent while the negative ones reach 20 per cent, increased by 5 percentage points. As a matter of fact, Italy's support is the lowest among the 28 EU member states and presents the highest negative opinions. The allocation of the funds to the wrong projects is one of the major reasons for this condition (30 per cent),⁸⁰ but other reasons and the difficulty to access the funds play an important role too (36 and 23 per cent respectively). These findings show clearly that the EU regional policy in Italy faces several issues and certainly does not seem able to increase support towards the EU.

In spite of these negative views there are some interesting findings regarding the regional and local levels of administration and the EU regional policy. In both Flash Eurobarometer surveys the majority of citizens prefer the decisions for the EU regional policy to be taken at the regional and local levels (Figure 5). This preference coincides with the findings of the Eurobarometer surveys, which indicate that the Italians tend to trust more the regional and local administration than the rest of the national institutions.⁸¹ Even so, people mostly identify themselves with the local and national levels of government, except from those regions where there is a stronger regional identity (Bilancia *et al.*, 2010: 157). The support, though, towards the regional level is growing due to its increasing competences and its linkages with the EU level. As Bilancia *et al.*, (2010: 158) mention the EU integration is widely accepted

⁸⁰ In 2010 48.7 per cent responded that the EU funding goes to the wrong projects (Flash EB, 2010: 51).

⁸¹ Trust towards: regional and local administration (18 per cent), national government (17 per cent) and national parliament (14 per cent) (Standard Eurobarometer 81, Spring 2014, p.31).

among the Italian population and therefore regional authorities, in order to increase their popular support, try to link themselves with the EU.

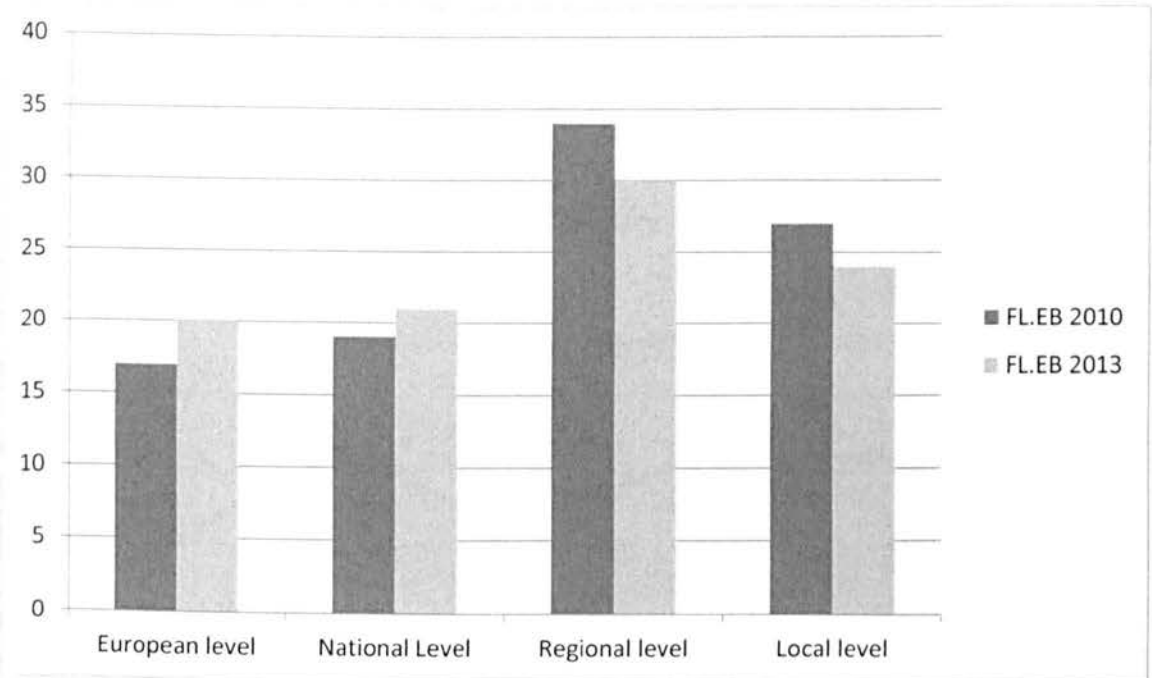


Figure 5: Preferred level of decisions for the EU regional policy in Italy (Flash Eurobarometers 2010 and 2013).

These findings regarding the EU’s regional policy seem to agree with the general attitudes of the Italian citizens towards the EU as a whole. The last six Eurobarometer surveys show that the Italian population is not that ‘Euro-enthusiastic’ as it used to be in the past. The Standard Eurobarometers show that the Italian people tend to have a less positive view towards the EU and its institutions and their trust towards the EU has seen a significant decline (Figures 6 and 7). Nevertheless, the EU and its institutions still enjoy greater support than the rest of national institutions and the EU democracy is considered to work better than the national one.⁸² On the whole, these results clearly show a dissatisfaction of the population towards the EU.

⁸² Italian support towards: National Government (17 per cent), National Parliament (14 per cent), Regional and Local governments (18 per cent), European Parliament (33 per cent), European Commission (28 per cent), European Council (32 per cent); EU democracy (34 per cent positive opinions), national democracy (27 per cent positive opinions). (Standard Eurobarometer 81 Spring 2014).

Certainly the financial crisis plays a very important role, but it is not the only one. In Italy there is general disaffection towards politics, particularly domestic, and an increasing vocal Euroscepticism from center-right, but not only,⁸³ political forces with strong elements of populism, which use the EU issues to gain concessions in other policy domains (Comelli, 2011). Accordingly, this dissatisfaction towards the EU should be also seen under the prism of these developments in the domestic political scene.

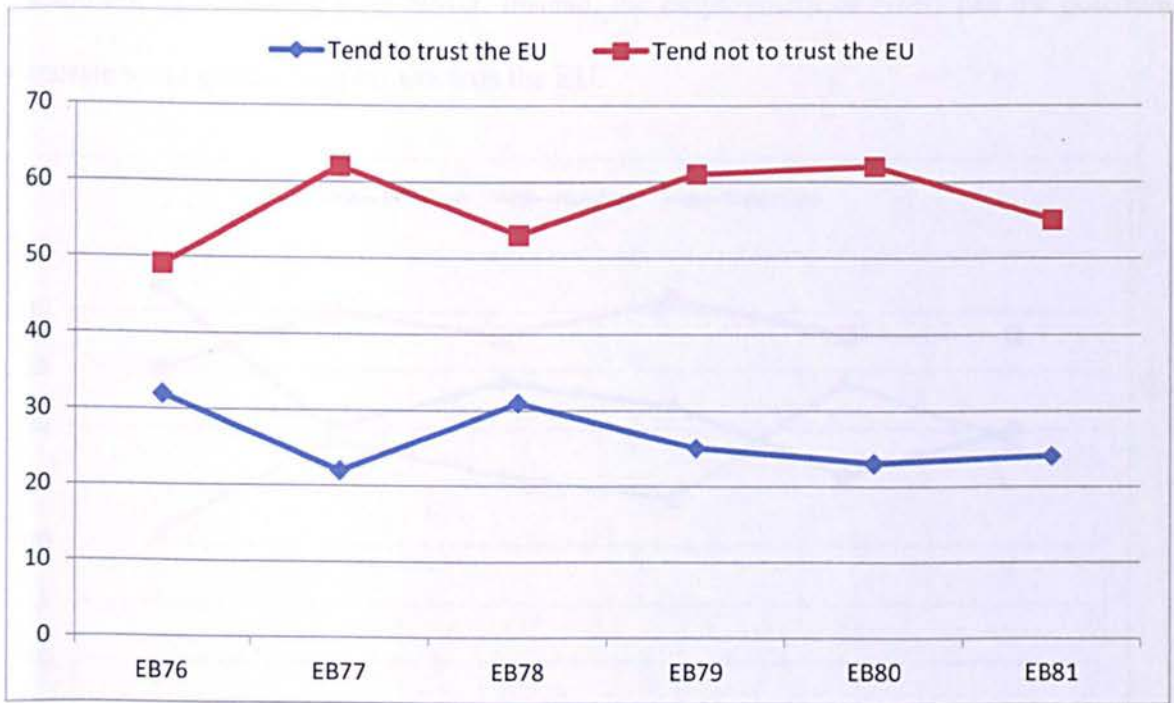


Figure 8: Trust to the EU in Italy.

In this context we can identify some attitudes of the Italian citizens towards the EU and draw some conclusions on the issue of the latter's democratic legitimacy. In general the citizens in Italy are in favour of the further EU integration and tend to trust more the EU and its institutions than the national ones. Still, recent surveys indicate that negative opinions towards the EU increase. This can certainly be connected with the current financial crisis, but is also

⁸³ See the Five Star Movement of Pepe Grillo.

connected with the national political scene. Despite this, the process of regionalisation through the influence of the EU funding programmes, policy procedures and guidelines, gets significant support. As Graziano (2010: 328-329) points out it is the support of national, regional, public and private actors that favours this development. All these actors see the EU and its policy procedures as the tool which can ‘foster socioeconomic cohesion’ and tackle problems such as clientelism (Graziano, 2010: 329). Therefore, all negative views about the EU regional policy should not be connected with NMG. Instead, the employment of NMG has the potential to generate some greater support towards the EU.

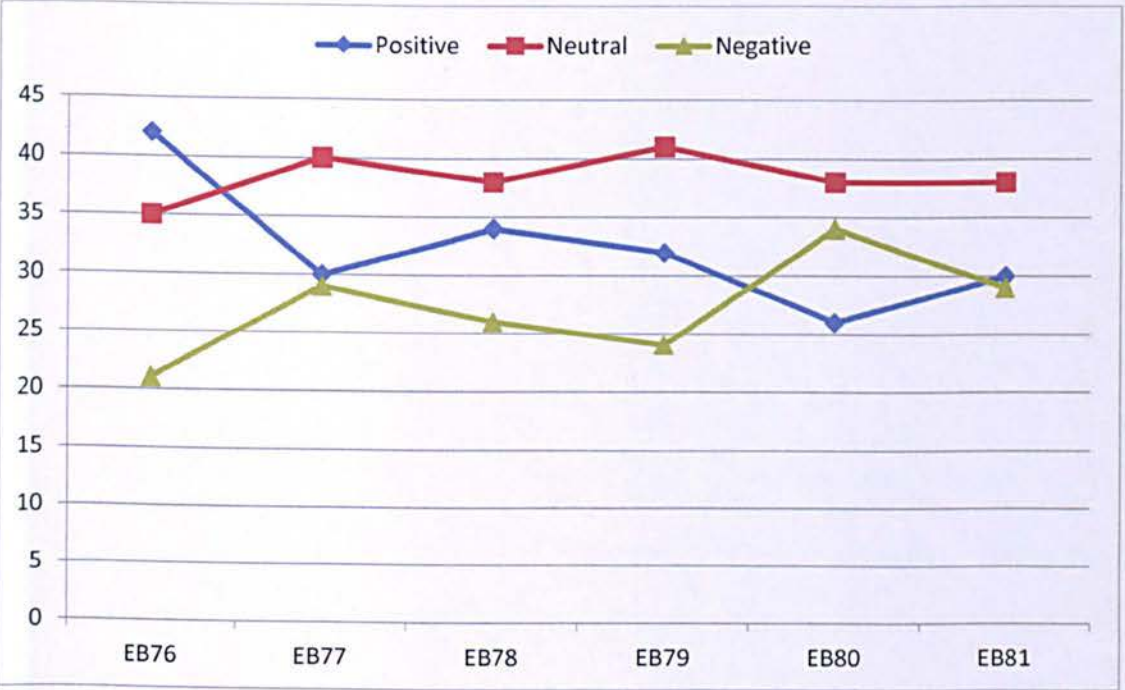


Figure 9: EU image in Italy.

12. POLAND

Poland is the fourth case study of this analysis and shares many common features with other Central and Eastern European Countries (CEEC). It also presents certain similarities with the old cohesion states (Greece, Ireland and Portugal) in terms of adaptation to EU policies and governance structures (Rees and Paraskevopoulos, 2006). Poland, along with Hungary, has pioneered the transition to democracy in Eastern Europe. This transition was not easy and had a certain impact on its political, social and economic environment. In economic development terms the 2005 Polish GDP amounted to 62 per cent of the EU 25, ranking the country among the last five of the EU 27 (Ministry of Regional Development [MRD], 2011: 6). Actually, for the period 2007-2013 Poland is receiving 20 per cent of the Cohesion Policy budget, the largest among all EU member states (MRD, 2011: 5).

12.1. Polish Democratic milieu

The Constitution of 1997 ended the so-called 'post-communist' era and consolidated Polish democracy (Kucharczyk, 2010: 9). In general, Poland's democratic political system can be classified closer to the majoritarian pattern of democracy and in relation to the three other case studies is definitely more majoritarian (Vatter and Bernauer, 2009). The Polish Prime Minister is the head of government and the President, who is directly elected, is the head of the state, with limited responsibilities. There are two chambers of parliament, the 'Sejm' (lower house), with 460 MPs who are elected by proportional representation, and the Senate with 100 members who are elected with a more majoritarian electoral system. Both are elected for four years.

There can be also found elements of consensus democracy in Poland's political system. According to Vatter and Bernauer's twelve politico-institutional variables these elements can be found in the executive-legislative relationship, in the bicameral system and in the role of direct democracy in the country's political system (Vatter and Bernauer, 2009). This direct democratic element is rather prominent in the Polish political arena, which can be observed in other East European democracies as well (Slovenia, Latvia, Lithuania; Vatter and Bernauer, 2009: 346). In Poland, from 1989 to 2009 have taken place four referenda involving the participation of all citizens, but two of them did not bring any results due to low participation (Winczorek, 2010: 17). Referenda also take place at local level, but they rarely bring results due to low voter participation as well (Winczorek, 2010: 17).

Associational organisation and civic engagement in Poland is rather weak. There are observed low levels of participation in voluntary schemes and a weak co-operative culture, which is probably a remnant of the communist legacy (Rodrigues, 2010: 8; Purdam and Tranmer, 2009: 11). Furthermore, Polish NGOs, which constitute the institutionalised part of civil society, are rather weak. Apart from the problem of lack of funds, NGOs most of the times tend to function as contractors of public administrations, and this cuts them off from their social base (Markowski, 2010: 114). This situation is also reflected on the ESS of 2002 where Poland in terms of civic engagement is ranked very low along with Portugal, Greece and Hungary (Acik-Toprak, 2009a: 3). Another ESS survey in 2006 found that only a 13 per cent of respondents stated that they participated in a voluntary organisation the last twelve months when in Norway it was 77 per cent (Markowski, 2010: 118).⁸⁴ On the whole, the citizens tend

⁸⁴ In the same survey 14 per cent of the respondents of 26 European countries declared active involvement in voluntary associations in the 12 months before the survey. The results for the UK were 9 per cent, for Switzerland 13 per cent, for Denmark 25 per cent and for the Netherlands 24 per cent (Skeltser *et al.*, 2011: 17).

not to trust NGOs and this relationship is deteriorating after twenty years of democratic transformation (Markowski, 2010: 119).

The evaluation of the overall democratic milieu of Poland has to take under consideration the fact that this state has performed a significant democratic transformation over the last twenty years. It was just in 1997 when the Constitution of the Polish Republic was adopted and the current political system was consolidated (Winczorek, 2010: 12). The country has made significant improvements but there are still some significant issues. Some of these issues can be recognised in the areas of freedom of media, corruption and clientelism, health care, integration of immigrants, education, co-ordination of government activities, the administration of justice and participation of citizens in elections (Markowski, 2010: 71). These issues have some importance in the evaluation of Polish democracy, but they do not constitute exclusively a Polish characteristic. Many EU states share similar problems. For example, the low voters' turn-out in elections often appears in many other EU countries.

The low voters' turn-out in Poland, which is lower than some other CEE countries, is connected with an increase of populism and Euroscepticism (Kucharczyk, 2010: 9-10). This came as a result of economic inequalities, corruption and clientelism and 'xenophobic nationalism combined with political Catholicism' (Kucharczyk, 2010: 9). The recurrent populism is the result of a general deficit of trust inside Polish society (Kucharczyk, 2010: 10). This lack of trust is obvious in people's perceptions about any kind of civic engagement, which weakens the influence of civil society in the Polish socio-political arena. Despite these issues, the Poles are in favour of democracy and democratic transition and in a survey of the Institute of Public Affairs in 2009 the two thirds of the citizens consider the democracy building in their country a success (Kucharczyk, 2010: 10).

12.2. Polish administrative system

Poland is a unitary parliamentary republic with three levels of administrative division. The Polish regional and local policy starts in the 1990s after the collapse of communism and its centralist doctrine of administration. Since that time, and under the influence of the EU, started a process of decentralisation, which transformed the administrative system of the Polish state. Nevertheless, the unitary character of the state is still dominant and Poland, from several aspects, exhibits similarities with the Greek and Portuguese paradigms of administrative decentralisation and adaptation to the EU regional policy (Rees and Paraskevopoulos, 2006: 202). The process of Europeanisation, however, which is associated with democratisation and modernisation, plays an important role towards devolution, network creation and institution building, particularly at the sub-national level (Rodrigues, 2010: 5).

Decentralisation reform in Poland initiated with the introduction of the democratic elections for municipal governments ('gmina') in 1990 and their delegation with functions such as education, social care responsibilities or local infrastructure services (Swianiewicz, 2010: 102). These responsibilities were further expanded during the 1990s and in some sectors, like in primary education, they became an important task of local administration. For example, municipalities took over duties such as teachers' salaries or appointment of school directors (Swianiewicz, 2010: 102). A second wave of decentralisation came during the period 1998-1999 and involved the introduction of the other two tiers of the Polish sub-national administration, the counties ('powiat') and the regions ('województwo'). With these reforms both counties and regions have gained significant responsibilities in education, health care, social welfare and infrastructure (roads, railways, hospitals). Concerning the regions, though, their main responsibility has become the 'strategic planning for regional development' (Swianiewicz, 2010: 102).

The role of regional authorities was further increased with later reforms such as the direct election of municipal mayors in 2002 and the expansion of elected regional governments' role in the managing of EU Structural Funds in 2004-2007 (Swianiewicz, 2010: 103). The process of decentralisation in Poland has continued with the National Strategy of Regional Development for 2010-2020, adopted in 2010.⁸⁵ The new strategy aims to constitute multilevel governance as the basic principle of regional development and, hence, foresees new roles for all actors involved, at all levels, private and public (OECD Observer, 2008: 7).

The reform of 1999 has created a three-tier administrative system composed of 16 regions, 379 counties and 2479 municipalities. Municipalities constitute the oldest and the most important tier of sub-national authority, which are also protected by the Polish Constitution (Swianiewicz, 2010: 103). Municipalities are also entitled with the great majority of decentralised tasks and receive almost the 75 per cent of all regional spending (Swianiewicz, 2010: 103). The counties and the regions receive 15 and 10 per cent respectively. The reforms of 1999 and of 2004-2007 increased the political role of regional governments in planning of regional development strategies and allocation of the EU funding (Swianiewicz, 2010: 103).⁸⁶ The increasing role of Polish regions can be seen by the fact that for the period 2007-2013 the regions are in charge of a significant amount of the EU Structural Funds, in contrast to the 2004-2006 period when all EU funding was allocated to the central government (OECD Observer, 2008: 4). Furthermore, in the 2007-2013 period each region has full autonomy in the implementation of its Regional Operating Programme (Swianiewicz, 2010: 103).

⁸⁵ Since 2004 when Poland became a member of the EU, regional policy was specified (principles, criteria and mechanisms) through policy documents such as the National Strategy for Regional Development 2001-2006, the National Development Plan 2004-2006, the National Strategic Reference Framework 2007-2013 and the National Development Strategy 2007-2015 (OECD Observer, 2008).

⁸⁶ EU funds account for almost 30% of total sub-national public investments (Swianiewicz, 2010: 103).

Concerning the financial autonomy of sub-national administration it must be mentioned that Poland has made noteworthy efforts towards this direction during the last decades. During the 1990s there was a significant fiscal decentralisation, which reinforced particularly the role of municipalities (Bruszt, 2005: 14). Thus, Polish municipalities receive ‘shares of the income taxes collected on their territory’ (Bruszt, 2005: 14), the regions do not enjoy the same level of local autonomy and have only limited fiscal capabilities (Bruszt, 2005: 16). Nonetheless, all three tiers of administration lack sufficient funding and are over-dependent on central government (Rees and Paraskevopoulos, 2006: 187). For example, in 2002 almost 85 per cent of the regional revenue was transferred from the state budget (MRD, 2007: 43). In any case, Polish sub-national authorities are in a better position than their counterparts in other CEE countries like Hungary or the Czech Republic (Bruszt, 2005: 15).

12.2.1. Co-ordination

Some modes of co-ordination can be found in the Joint Central-Local Government Committees (Swianiewicz, 2010: 104). In these committees sub-national governments are represented through their associations; Polish regions, counties, metropolises, towns, rural areas (Swianiewicz, 2010: 104). Within this body the sub-national governments can discuss any draft law affecting them before it is sent to the Parliament, although this is not always the case (Swianiewicz, 2010: 104). This certainly is a significant influence of the sub-national level into the national political scene, but it faces some problems too. It is sometimes observed an unclear allocation of competences between national and sub-national actors, which results in problems of co-operation and has implications to the planning and implementation of regional development projects (Rees and Paraskevopoulos, 2006: 187).

This lack of co-operation can be seen in the public-private relationships as well. During the 2001-2006 period public-private partnerships were more difficult in Poland than any other OECD country and this had certain implications to the effective absorption of the EU funds (OECD Observer, 2008: 6-7). This condition does not mean that there are no formal ways of communication among public and private actors at all levels of government. At the national level there is the 'National Strategy for Regional Development', which favours dialogue among various social actors (interest groups or NGOs), while at the regional one the head of the regional governments ('Marshall') has to consult the appointed regional governor ('Voivod') and other local actors (Rees and Paraskevopoulos, 2006: 188). Despite these communication channels, local governments' support to bottom-up local initiatives or partnerships with NGOs is still very weak (Swianiewicz, 2010: 109). Most of the times local authorities are just informing the citizens about various policies or projects and involve NGOs in programmes of co-operation only when it is imposed by national legislation (Swianiewicz, 2010: 109-10).

These weaknesses of local and regional administration constitute the role of central state dominant in any co-ordinating effort (Rees and Paraskevopoulos, 2006: 188). The Constitution defines that the Prime Minister is responsible for the supervision of local governments (Swianiewicz, 2010: 103). This supervision takes place through the appointed regional governor (Voivods) or the Regional Chambers of Accounts (RCA; for financial issues), but is 'limited to checking if local decisions comply with the national legislation' (Swianiewicz, 2010: 103-4). Moreover, since 2005, the Ministry of Regional Development controls the management of regional programmes.⁸⁷

⁸⁷ Until 2005 it was allocated to the Ministry of the Economy and Labour.

12.3. EU regional policy in Poland

The EU regional policy funds during the 2007-2013 programming period have a significant impact in the policy economy and contributed to a big number of projects. In particular Poland was benefited from several infrastructure projects. There were constructed 5,800km of roads, 3.2 million people have benefited from urban transportation improvement projects, while significant projects have improved broadband access and waste water treatment (EC, 2014f: 2).⁸⁸ Furthermore, ERDF have created 43,000 new jobs and have funded more than 600 research projects (EC, 2014f: 2). Finally the ESF has helped almost 6.7 million people gain training and employment skills (EC, 2014f: 2). The abovementioned projects will be continued for the new programming period 2014-2020 and further enhanced. The basic priorities is the modernisation of transport, energy and ICT infrastructures, the improvement of entrepreneurship environment and labour market condition, and the further support to a sustainable and environmental-friendly economy (EC, 2014f: 2).⁸⁹

The impact of Structural Funds, and of the EU in general, on Poland is significant not only towards the formation of the Polish regional policy, but also towards the same the democratic system of the country. The process of Europeanisation is associated with democratisation and modernisation, and affects the institution building and learning process at all levels of governance (Rodrigues, 2010: 5). The prospect of EU membership and the objectives and principles of the EU Cohesion Policy were the driving force towards the development of regional policy in Poland. The implementation of the EU regional policy in the country is connected with the improvement of the capacity of the administrative actors involved

⁸⁸ http://ec.europa.eu/regional_policy/sources/information/cohesion-policy-achievement-and-future-investment/factsheet/poland_en.pdf

⁸⁹ See Appendix C for maps

and of the decentralised patterns of governance (Dabrowski, 2011: 2). In particular, the Structural Funds contributed towards the modernisation of administration, the adoption of strategic planning and the enhancement of inter-institutional co-operation (Dabrowski, 2011: 5-13).

That process did not start with the Structural Funds. Even before the accession to the EU, Poland was receiving pre-accession aid aiming at supporting regional development targets and institutional adjustments to the EU regional policy-making structures (MRD, 2011: 15). Such programmes were the PHARE, ISPA and SAPARD. These programmes helped Poland to adapt to the principles of the EU Cohesion Policy⁹⁰ and proceed towards the regional institution building (Rees and Paraskevopoulos, 2006: 187). The 1999 reform, which established the three tiers of regional and local government, was a result of that process of Europeanisation. With that reform Poland became the first new member state to establish elected governments on NUT-2 (regional) level (Swianiewicz, 2010: 103).

The accession of Poland in the EU in 2004 opened the way to the EU Cohesion policy and the influx of Structural Funds in the country.⁹¹ In financial terms, almost the 30 per cent of sub-national public investment comes from EU funds (Swianiewicz, 2010: 104). This is a significant amount of money, which triggered further actions in order to allow the country to absorb these funds effectively. The need for co-operation of all actors involved was one of them. Initially, for the period 2004-2006, that co-operation was not that effective due to lack

⁹⁰ Concentration, programming, partnership and additionality (Rees and Paraskevopoulos, 2006: 187).

⁹¹ 22.5bn for the period 2004-2006 and 67bn for the 2007-2013 period (EC, 2009e).
http://ec.europa.eu/regional_policy/sources/docgener/informat/country2009/pl_en.pdf.

For the period 2014-2020 the country will receive 77.6bn (EC, 2014f).
http://ec.europa.eu/regional_policy/information/cohesion-policy-achievement-and-future-investment/factsheet/poland_en.pdf

of regional capabilities and experiences, and hence the implementation of Structural Funds policies was centrally organised (Dabrowski, 2011b: 209). For example, the Integrated Programme for Regional Development (IROP) was prepared at the central level for all 16 regions and the latter had limited influence in this (Dabrowski, 2011b: 209).

The period 2004-2006 worked as a preparation, or an interim, one for future developments. During the period 2007-2013, the co-operation has been improved and the regions are granted with greater responsibilities in the management of Structural Funds (Dabrowski, 2013: 5). So, for 2007-2013 the regions organise their Regional Operational Programmes (ROP) and are responsible for their effective implementation on the ground with the significant contribution of Structural Funds resources (Dabrowski, 2013: 5). Nevertheless, the final responsibility for EU cohesion policy still remains under central state's authorities, as the regions manage only the 28 per cent of the structural funds and the Ministry of Regional Development is still responsible for the effective management of the funds (Bafoil, 2010: 13).

12.4. NMG interaction with Poland's political system and democratic milieu

Poland's Europeanisation process is the stimulus behind a series of reforms, which brought significant changes into the country's governance and political landscape. This Europeanisation process created not only the regional tier of governance, but also resulted in the establishment of new institutional actors and policy-making procedures, and to the emergence of NMG in the Polish political arena (Gasior-Niemiec and Glinski, 2007: 30). The EU regional policy is at the driving position of this Europeanisation process and, with its principles and funding, has opened the window for the development of multilevel governance in the country. As a matter of fact, nowadays, at the vertical level of governance it is observed

a new allocation of competencies between local, regional, national and supranational authorities (Bruszt, 2008: 622). The same is observed at the horizontal one where these authorities share responsibilities with each other and other social partners such as civic groups, trade unions, NGOs and other actors.

12.4.1. NMG impact on decentralisation process

In Poland the adaptation to the EU institutional environment was a great motivation towards the decentralisation of national administration prior and after accession. Due to this motivation a series of reforms took place, which not only created the regional tier of governance, but also resulted in the emergence of new institutional actors, policy-making procedures and new modes of governance (Gasior-Niemiec and Glinski, 2007: 30). Indeed, the regional tier was created in order to satisfy the EU's NUT2 level of regional administration. This decentralisation process, which took place gradually during the 1990s and the 2000s, was further reinforced with the launch of the cohesion policy in Poland. The EU regional policy funds and principles enhanced the capacity of the administrative actors involved, the inter-institutional co-operation and facilitated the appearance of decentralised patterns of governance (Dabrowski, 2011: 5-13). Nowadays, multilevel governance is considered to be one of the basic principles of Polish regional policy (OECD Observer, 2008: 7).

The subsequent administrative reforms have vested the Polish regional and local actors with significant administrative competences and some sort of fiscal capabilities, particularly for the municipalities (Bruszt, 2005: 14). The municipalities, the counties and the regions have increased their competencies, mainly in education, health care and social welfare issues and enhanced their democratic legitimacy through municipal elections, and elections for local and regional councils. In addition, the Polish regions have become more active at international level

through trans-border co-operation activities (Blaszczuk *et al.*, 2006: 4). The sub-national authorities also have improved their position in terms of planning and implementing the EU regional policies. The municipal tier, which is constitutionally established as the basic unit of local self-government, has the greatest share of decentralised functions and spending (Swianiewicz, 2010: 103). The regional tier plays an important political role too, as it gained significant competences in the allocation of EU funds (Swianiewicz, 2010: 103).

In spite of this massive decentralisation process and the introduction of NMG, the central authorities still remain very strong. The national government has the most important role in the Structural Funds management and leaves sub-national authorities with not that much power to influence regional policies (Dabrowski, 2011: 11). This condition causes tensions between the national and regional tiers and hinders the further development of the Polish multilevel system of governance (Dabrowski, 2011: 11). An example of this condition and central government's control over the regions is the case of the Voivods. The latter, who are not elected but appointed governors by the central government, reduce the autonomy of the Marshals and of the regional governments and contribute towards the centralisation of regional policy (Kovács, 2009: 48). In general, in the Polish regional administration is observed a pattern of governance similar to the French one where a self-governing part co-exists with another one which represents 'deconcentrated central state functions' (Bruszt, 2005: 14).

The further decentralisation efforts in Poland are also hindered by the fact that multilevel governance approaches do not affect the whole of the public sector but are limited to those 'which are directly involved in the planning, managing and implementing of EU policies' (Kozak, 2012: 70). Additionally to this condition, the low quality of the institutional system causes more problems towards any devolving effort. The over-regulated Polish administration does not leave much space for innovation and transparency and, in certain

aspects, leads to inefficiency (Kozak, 2012: 64; Dabrowski, 2011: 13). Therefore, officials that operate in such an environment tend to mistrust the dispersion of authorities to several administrative tiers and to support more hierarchical governance approaches in achieving policy goals (Kozak, 2012: 64).

12.4.2. Co-operation bodies/Partnership schemes

The great decentralisation of national administration the last twenty years has led to the emergence of several intermediary bodies, which favour co-operation and co-ordinate the EU regional policy in Poland. Given the recent history of the country these changes are an important step towards the application of non hierarchical modes of governance. Nowadays in the country there are several institutions at the central level which co-ordinate regional policy at all levels of government and among various policy sectors. Bodies such as the Joint Central-Local Government Committee, the Committee for Co-ordination of the National Development Strategy (NDS), the Regional Steering Committees (RSCs) and Monitoring Committees (MCs) bring together actors from central, regional and local tiers, which try to co-ordinate their efforts in order to make a better use of the EU regional programmes.

Particularly the Joint Central-Local Government Committee constitutes the most important mean of interaction between national and sub-national levels and has achieved to reinforce regional and local actors at the national political scene (Swianiewicz, 2010: 104). In addition, at the RSCs and MCs the participation of the counties' representatives guarantees that the sub-national interests are taken into consideration (CoR, n.d.).⁹² Since 2007 exists the

⁹²CoR, *Division of Powers. Systems of multilevel governance.* (Website).

Committee for Co-ordination of the NDS. This committee functions as a forum of vertical co-ordination where representatives from various ministries, sub-national authorities and economic and social partners co-operate in the implementation of current regional policies (Dabrowski and Allain-Dupre, 2012: 10). In practise, this mechanism intends to clarify the tasks of each participant and help to avoid duplication of efforts (Dabrowski and Allain-Dupre, 2012: 10). Other co-operation schemes are also developed at the local level, which find through this process a more effective way to be involved in joint EU-funded development programmes (Dabrowski, 2011: 12). On the whole, the proliferation of all these bodies has helped the sub-national actors to gain experiences, has improved their competences and has brought them to closer communication with the EU and its policy procedures.

Despite these developments the intermediary bodies do not allow sub-national actors play a more influential role. It is observed a problem of communication and allocation of competences. Actually, all of these bodies have mostly a consultative role that cannot really affect policy making. For example, the Joint Central-Local Government Committee theoretically should be consulted on any draft law affecting regional policy issues before it is sent to the parliament (Swianiewicz, 2010: 104). This, however, is not always the case. Another example comes from the functioning of the RSCs. These institutions did not manage to promote partnerships because political motives and clientelistic networks diminished their transparency and resulted in negative views (Dabrowski, 2011: 13). Eventually, this condition led to their exclusion from the implementation of the 2007-2013 period of regional policy. The majority of the actors involved saw them as plain 'talking shops' which delay regional projects, and thus

when central government decided not to use them for the 2007-2013 period, all actors involved received it as a positive development (Dabrowski, 2011: 13).

The weaknesses of the co-ordination institutions have as a result the central state to control significant parts of the EU's regional policy programmes and to co-ordinate it through the Ministry of Regional Development (MRD). This centralisation, however, does not always help issues of co-ordination. There is an unclear allocation of competences between national and sub-national actors, which has implications for the planning and implementation of regional policies too (Rees and Paraskevopoulos, 2006: 187). In addition, in case of doubt regional authorities often communicate on an informal basis with the MRD in order to clarify competences and other issues (Dabrowski and Allain-Dupre, 2012: 10). Nonetheless, the situation has improved since Poland's accession to the EU and, despite some burdens caused mostly from the centralised national administration system, the co-operation mechanisms has allowed greater flexibility for sub-national actors in the regional policy issues.

12.4.3. *Elected stakeholders*

Among all case studies the EU regional policy has the greatest impact on Poland. The motive of the EU accession in the 1990s and the adaptation to EU policies, including regional ones, have triggered a process of decentralisation and democratisation the same time. This process has had a tremendous impact on the country's political environment, national administration system and the political role of sub-national elected stakeholders. The first and most important change in this process has been the establishment of elected sub-national governments. In 1990 it was the introduction of democratic elections for municipal governments ('gmina'). The 1998-1999 reform has introduced the other two tiers of the Polish

sub-national administration, both with elected governments, the counties ('powiat') and the regions ('województwo'). Finally, in 2002 it has been introduced the direct election of municipal mayors.

The most important tier of sub-national government is the municipal tier, which is also protected in the Polish institution (Swianiewicz, 2010: 103). But the political role of regional tier is very important too as it holds a significant position in allocation of the EU funds and besides is entitled with some sort of supervision of local governments (Swianiewicz, 2010: 103-4). On the whole, the introduction of direct elections for sub-national public authorities strengthens their role and decreases the influence of national political parties especially at the local tier (Swianiewicz, 2010: 106). This development should be also attributed to the weak influence of national parties in Polish society and to voters' distrust towards them (Swianiewicz, 2010: 107). Both derive from the Communist party legacy during the communist period and the problematic performance of the party system after 1989 (Swianiewicz, 2010: 107). This weak role of national parties at sub-national politics, particularly at the local level, also derives from the fact that local issues are faced with a technocratic vision disconnected from any political connotation (Swianiewicz, 2010: 107).

Even so, there are some issues with Polish sub-national authorities, which have an impact on their political role. Despite the development of this weak multi-level governance system, the not clear allocation of roles between national and sub-national authorities and the interference of central government in regions' actions, result in tensions that hinder the further development of sub-national actors' institutional capacities. Furthermore, the lack of trust and the weak civic society do not allow the bottom-up initiatives in policy-making. In general, the mechanisms, which could allow citizens participation, are not very well developed and this does not allow the sub-national authorities to have a more prominent political role in the further

development of a multilevel governance system. The lack of these mechanisms also cannot prevent the creation of clientelistic networks, and thus cases of corruption are not uncommon in Poland's sub-national administration (Swianiewicz, 2010: 112).

In any case, the improved position of sub-national authorities nowadays is considered a positive development for country's democracy and decentralisation process (Swianiewicz, 2010: 110). The introduction of direct elections was accompanied with new competences and a more active role in the EU's funding programmes. The latter actually is a source of prestige for local and regional authorities and also acts as a stimulus towards sub-national actors' better organisation and adjustment to European guidelines (Dabrowski, 2011: 6). Nonetheless, the further Europeanisation of governance structures also relies on the particular competences, attitudes and interests of these actors (Dabrowski, 2011: 14). The central state in general has favoured this development, although it still holds a dominant role in regional policies and, in several cases, is unwilling to proceed to further decentralisation. Moreover, the people tend to trust more local authorities than the central government, despite the fact that the turn out in local elections is lower than that in parliamentary ones (Swianiewicz, 2010: 110).

12.4.4. *Civil society participation*

In Poland CSOs and citizens' participation is less developed than that in the other three case studies of this study. This is a result of particular socioeconomic and political factors which did not allow the further development of civil society. In particular, the communist legacy has created a general mistrust towards CSOs, which cannot be easily eradicated even twenty years after the fall of communism in the country. Societal actors (trade union, NGOs, business interests, other civil society organisations) cannot or do not want to adopt the

European social model as a result of citizens mistrust towards any societal organisation (Heinelt and Lang, 2011: 18-9). This condition, at least for the trade unions, derives from the fact that in the CEE countries the latter were formulated from the Communist party, which is surrounded with suspiciousness in the eyes of the citizens (Heinelt and Lang, 2011: 18-19).

Even so, Poland is in better position than other new member states, due to the political uprising of trade unions during the 1980s, which shaped an environment that enhanced the role of civil society in politics (Dezseri, 2008: 8). The EU also enhanced the CSOs' role in Poland's democratic milieu. Due mostly to the process of accession to the EU and to the EU regional policy's guidelines and principles, the CSOs have gained a role in Polish politics and have become more visible in society. The USAID CSO sustainability index for 2012 states that, 'the CSO-government dialogue continued to expand throughout the year and extended to policy issues beyond CSO registration and operations' (2013: 150).

The EU, and particularly the EU regional policy, through its funding and guiding principles, has been the driving force towards the development of CSOs in Poland. In fact, it has been the decentralised and multilevel approach in the managing and monitoring of the EU Structural Funds, which has contributed towards the greater involvement of civil society actors in several policy fields (Niemiec and Glinski, 2007: 44). Additionally, the CSOs in Poland have received significant help from the EU funding. Through this funding there is a slight but steady improvement of their infrastructures and better training for their members in various topics (USAID, 2013: 155). This also has resulted in some sort of institutionalisation of NMG in Polish regional policy and has brought the participation of civil actors in several bodies such as the RSCs and MCs and in the ROPs, mostly with a consulting role.⁹³ In all, the MRD has

⁹³ Initially the constitutional reforms of 1997, which also introduced the principle of subsidiarity as a systemic rule, empowered civil society by guaranteeing the freedom to form and operate (Markowski, 2010: 116-7). This

made significant efforts to improve partnerships schemes and during the 2007-2013 programming period has launched a broad consultation with organised CSOs (Olsson, 2011: 30).

Nowadays the CSOs are involved in several partnership programmes funded by the EU, have a more active role in the EU regional policy and co-operate better with government departments and agencies (USAID, 2013). For the new programming period (2014-2020) they were 'invited to participate in the Team on the Strategy Europe 2020' and have also asked greater and more accessible funding for smaller CSOs and an increased role 'in the strategic programming, monitoring, and assessment of EU funds' (USAID, 2013: 154). As regards the latter their demands are reinforced, and probably influenced, by the European Code for Conduct on partnership (ECCP), which the EU promotes for the new programming period. All these CSOs activities and their increasing professionalisation affect their public image as well. Over the last years CSO's visibility in media is growing, most of the times in a positive way, and also results in a slight improvement in terms of public trust (USAID, 2013: 156).

These developments constitute a strong evidence on the Polish CSOs' increased role in regional, and not only, policies. They also highlight how through the process of Europeanisation and adaptation to the EU policy-making processes, NMG have emerged in the Polish democratic milieu. It seems, however, very optimistic to claim that the CSOs play a central role in the implementation of the EU regional policy in Poland. As Chabanet and Trechsel (2011: 159) claim, in the relationship between CSOs and the Polish government the basic feature is the combination of 'Southern' and 'Statist' models of civil society. The 'Southern' model applies to the existence of clientelistic networks where access is restricted to

institutionalisation of civil society was further reinforced with the Act on Public Benefit and Voluntary Activity (2003), which is considered 'the constitution of NGOs' (Markowski, 2010: 117).

a close club (Chabanet and Trechsel, 2011: 159). The 'Statist' model also refers to a weak civil society where top-down approaches of civic engagement are dominant and enhance traditional and long established social partners (Chabanet and Trechsel, 2011: 159). In this context, NGOs, most of the times, tend to function as contractors of public administrations, and this cuts them off from their social base (Makowski, 2010: 114).

In particular, the CSOs do not manage to influence policies and they are mostly constrained into a consultative role, while market and public administration actors control the policy processes. Niemiec and Glinski (2007: 44) show that in the MCs CSOs' position is 'outnumbered, underweight and overshadowed by discretionary powers on part of public administration'. Market actors and employers' federations have an informal influence on regional policies due to their closer links with the central administration and their economic importance, which can facilitate the absorption of EU funds (Dezseri, 2008: 13-4). Central authorities' position and attitudes towards civil society seems to contribute to the CSOs' weaknesses as well.

Politicians show little interest in changing the political and institutional models of policy-making and most of the times proceed with a superficial application of the partnership principle (Markowski, 2010: 119; Lackowska-Madurowicz and Swianiewicz, 2013: 1408; Chabanet and Trechsel, 2011: 159). So, formal consultation procedures are put in place, but CSOs not only have a minor role in them, but also their selection criteria sometimes are narrow and seem to be based on clientelistic considerations (Chabanet and Trechsel, 2011: 159). The USAID report claims that some initiatives like the Public Debate Forum, which was launched in 2011, may show some willingness from central government to enhance CSOs' involvement in policy-making. Even so, controversial proposed legislation on issues of public gatherings

and access to public information prove the opposite (USAUD, 2013: 150).⁹⁴ Chabanet and Trechsel (2011: 155), actually insist that some of the developments in terms of openness to civil society might be the result 'of Poland's preparations for holding the Presidency of the European Council in 2011'. In addition, there is a 'bureaucratic, complicated, and lengthy' legislative framework which hinders the legal registration of new CSOs (USAID, 2012: 151).

Another factor that affects CSOs' ability to influence policies is their lack of expertise and general capacities, despite the significant EU support in terms of funding, training and exchange of information. In most of the cases their members are volunteers and lack expertise, time and financial resources (Dezseri, 2008: 12-3). Additionally, there are issues with their code of ethics. As the USAID report (2013: 157) presents the CSOs publish their annual budgets, because they have to do so and not due to transparency reasons and respect to their members and shareholders. The report also claims that in general it is difficult to get reliable data for their finances, personnel or other administrative issues (USAID, 2013: 157). These weaknesses are closely connected with issues of funding. The public funding becomes the most important source of income for CSOs budgets, while other private sources decline (USAID, 2013: 150). This limited choice of funding reduces their resources and does not enhance their image as independent actors in the Polish society.

Larger CSOs and those activated at the national level tend to have better organisational and financial capacities and opportunities to participate in national consultations, like the EU's Strategy Europe 2020 or in the MCs and consultations on the new programming period for the EU regional policy. At the local level small CSOs have limited capacities, minor influence and are dominated by local governments (USAID, 2013: 156). The European Social Fund and EU

⁹⁴ Such proposals took place in 2011, but were declared unconstitutional in 2012 (USAID, 2012: 151)

programmes, like the Leader in rural areas, have promoted the development of partnerships between CSOs, local businesses, government, and media and joint CSO-government projects, but they did not affect the power relation between local authorities and CSOs (USAID, 2013: 156).

Finally, a basic reason that hinders the further involvement of CSOs in regional, and other, policies is the still strong general public mistrust towards them. This mistrust can be seen through the decreasing participation of activists and citizens and the increasing reliance to public funding instead of private sources (Chabanet and Trechsel, 2011: 159). In particular, according to the USAID report (2013: 153), during the last two years (2010-12) the CSOs faced a revenue drop of 7 per cent attributed to the drop of contribution from citizens and other private actors. Consequently, despite the fact that a slight improvement is observed, the general citizens' mistrust remains high and prevents CSOs from a more active involvement in policy-making processes.

The latter becomes more prominent when one considers the failure of consultation procedures established within the central government regarding EU issues (Chabanet and Trechsel, 2011: 157-8). For example, the European Public Debate online forum, which is the most prominent example of inviting civil society in consultations over EU policies, from 2004 to 2011 had just one hundred visits (Chabanet and Trechsel, 2011: 158). Similar conditions can be also found in the Parliamentary Commission of EU issues and in Trilateral Socio-Economic Commission where participation can be hardly considered satisfactory. Chabanet and Trechsel (2011: 159) claim that in the Parliamentary Commission there was a lack of transparency that has made that body 'not a relevant access point for CSOs'. Indeed, during the period 2006 to 2009 only one public hearing was organised by this body (Chabanet and Trechsel, 2011: 159). The Trilateral Socio-Economic Commission is faced with similar transparency issues as well.

In fact, one of its teams, which is responsible for consultations with social partners on issues connecting Polish legislation with that of the EU, had never had regular meetings (Chabanet and Trechsel, 2011: 160). Thus, the above examples show that central governance's reluctance to promote civil society's greater participation is intertwined with the latter's lack of capacities, or interest to change this situation.

Many of the issues raised on the abovementioned analysis are also stressed out by representatives from Polish CSOs. In particular two studies composed by CSOs present a very clear view of how civil society is nowadays involved in the EU regional policy in Poland. The first one has been conducted by European Network of National Civil Society Associations (ENNA) and the second one by the CEE Bankwatch Network and Friends of the Earth Europe organisations. The first study examines the involvement of CSOs in the 2007-2013 programming period, while the second their involvement in the 2014-2020 programming period and the compliance with the European Code of Conduct on Partnership. Both highlight that there is significant progress, but there are several issues too. In general, there is an improvement in the involvement of partners, especially at the regional level, and this is 'mainly the result of the introduction of EU-level regulations and the guidelines prepared by the Ministry' (Bankwatch, 2014: 13).

In all, CSOs have achieved a satisfactory level of information regarding the programming process of regional development programmes. The two studies show that CSOs have relevant information regarding regional policy, which is 'public and available in advance and via different channels' (ENNA 2013a: 6; Bankwatch/Friends of Earth Europe, 2014: 2-3). The timeframe has also been in general satisfactory, but some problems emerged in the context of OPs, which did not allow partners to comment on preparatory documents and draft partnership programmes (Bankwatch, 2014: 2). On the whole, civil society has access to

information regarding the timeline, draft documents and public consultation process (ENNA 2013a: 6). Civil society has also improved its role in MCs. The MRD, which prepares the MCs, has consulted with CSOs over their set up and composition and has included several of their proposals (Bankwatch, 2014: 11). Another NGO, EAPN Poland, provides a similar description. Several of its proposals (18 out of 53) were ‘fully or partially adopted...in the preparatory phase of the OP with anti-poverty goal’ (EAPN, 2013: 10). This is certainly a significant improvement in the 2014-2020 programming period, despite that CSOs ‘still have less seats ensured than other socio-economic partners’ (Bankwatch, 2014: 11). Another improvement is the fact that MRD, in the context of the PAs, has to prepare in partnership with civil society ‘clear uniform guidelines for regional governments on strengthening the partners’ involvement in the monitoring process’ (Bankwatch, 2014: 9).

Nevertheless, the central state (MRD) still plays a very significant role in the whole process, which affects the involvement of CSOs. The PAs were prepared centrally and the partners could provide feedback to the process and the draft documents at a later stage and not at the preliminary planning stages (Bankwatch, 2014: 5). This is a top-down approach which leaves little space for dialog and a fruitful involvement of civil society. Besides, the consultations took place in the form of conferences with no structured organisation, where the participants were simply ‘informed about the process and the structure and content of the draft document’ (Bankwatch, 2014: 5). An additional problem that emerged in these conferences was that CSOs were initially excluded and only local and regional governments could participate (Bankwatch, 2014: 5). This changed due to the intervention of the Polish National Federation of NGOs, which gave the opportunity to some NGOs to participate (Bankwatch, 2014: 8). Nevertheless, consultations were open mostly to invited partners and this excluded several CSOs (ENNA 2013a: 9).

One more issue emerged with the allocation of funding. Financial allocations had not been 'subject to consultations, and in many cases they were only made public with the final draft of the OP submitted to the European Commission' (Bankwatch, 2014: 10). Finally, CSOs did not receive feedback regarding their input and this in several cases implied that they were not considered as equal partners in the whole process (ENNA 2013a: 7). There were some exceptions among the regions to this condition, where the managing authorities were open to involve CSOs. Nevertheless, in several cases CSOs could not offer constructive input (Bankwatch, 2014: 12).

In summary, the Polish case study shows that there have been significant steps in terms of civil society's participation in the EU regional policy. Given Poland's socioeconomic and political past it is fair to say that the EU has contributed significantly towards a major transformation of governance styles and processes. In particular, through the process of Europeanisation, and especially the EU regional policy, the civil society has managed to become a visible actor in policy-making processes. The EU regional policy guidelines have led to a sort of institutionalisation of NMG, especially inside the MCs, where Polish CSOs can potentially find some space to participate at the EU Structural Funds programmes. Additionally, the CSOs have improved their capacities through their more active involvement in the EU regional policy as a whole and through the EU funding for training programmes. As a result of these developments the CSOs nowadays are in a better position in their relations with state and other stakeholders and their opinions matter in several policy fields, like the Strategy Europe 2020.

In spite of these developments, the CSOs have mostly a perfunctory role in policy-making processes and cannot really influence decisions. In Poland, like in the other three case studies, the CSOs fail to constitute themselves equal partners with other government

stakeholders or other more professional social partners (trade unions, business interests; Dezseri, 2008: 10-13). In Poland, though, this situation is more prominent due to the absence of any assistance from the state, reduced CSOs' capacities and a general mistrust from the public. As a matter of fact, the gap between CSOs and society, after 20 years of democratic transformation, seems to be growing (Markowski, 2010: 119). The decreasing participation of activists, the increasing reliance on public funds instead of other sources and the several weaknesses of local CSOs, which are supposed to be closer to the citizens, seem to explain this gap.

12.4.5. EU regional policy in the region of Lower Silesia

The transformative effect of the EU regional policy and NMG can be very well presented through the example of the region of Lower Silesia. Lower Silesia is located in the south west of the country, on the borders with Germany and Czech Republic, in the most developed part of the country and has a rather satisfactory administrative capacity and strong civil society (Dabrowski, 2013: 6). In the context of Poland's three-tier system of regional administration Lower Silesia, and the other Polish regions as well, has gained significant competences in the organisation and management of regional development strategies. As a matter of fact, the Polish administrative system has undergone a significant process of decentralisation and the regional authorities are now responsible for the organisation of Regional Operational Programme (ROP). This has enhanced their role in regional policies and their profile at the national administrative structures (Dabrowski, 2013: 6).

The EU regional policy has also reinforced the development of partnership schemes within the region and with other Polish and European regions. Since 2004 in Lower Silesia the

EU regional policy principles, guidelines and funding have enhanced the collaboration of several sub-regional actors in all phases of regional development projects (Dabrowski, 2013: 8). The ROPs, which are organised by the regional authority, have become more inclusive and trust relationships have been built between regional and local officials (Dabrowski, 2013: 8). The local authorities are more involved now and their voices can be heard in several regional development programmes (Dabrowski, 2013: 9). Moreover, there is some sort of a spill-over effect of partnership practices at local level. All actors involved in the EU regional policy programmes consider partnerships as a positive development and this has resulted to the growth of new partnership schemes even beyond the context of the EU regional policy (Dabrowski, 2013: 12). Finally, the Monitoring Committees (MCs) have become the main coordinating bodies of regional development programmes, and have enhanced further the development of partnership schemes in Lower Silesia. In this context the EU regional policy with the Interreg programmes has also supported cross-border co-operation with German (Saxony) and Czech Republic regions. The responsibility for implementing and co-ordinating the programmes lies with the regional authority and in the MCs participate national, regional and local authorities' actors 'as well as the economic, social and environmental partners concerned' (European Commission, n.d.).⁹⁵

Despite these positive developments there are still some issues regarding the implementation of partnerships at the EU regional policy programmes. These issues are mostly connected with aspects of co-operation and inclusiveness in partnership schemes. Regarding co-operation sometimes there are observed some tensions between the actors involved. For example, during the period 2004-2006, in the context of Integrated Regional Operating

⁹⁵ http://ec.europa.eu/regional_policy/en/atlas/programmes/2000-2006/european/interreg-iii-a-saxony-de-lower-silesia-pl

Programmes (IROPs)⁹⁶ there was an unclear division of competences between the Marshals and the Voivods and problems of co-operation, especially when rival parties controlled these two positions (Dabrowski, 2011: 11). One more issue is the swallow adjustment to partnership in implementation and monitoring of the EU regional policy programmes (Dabrowski, 2013: 10). Although MCs try to involve more actors, local authorities' involvement in partnerships is still driven mostly by self-interest and a partnership culture is not always very well established (Dabrowski, 2013: 14). This condition though has improved significantly during the previous programming period (2007-2013). This improvement actually has taken place due to the enhanced role of MC and its 'continuous informal consultations' with stakeholders (Dabrowski, 2013: 14). Finally, the CSOs' role in regional development programmes in the region, although is stronger than that in other Polish regions and they have more opportunities to participate in partnership schemes, is still not that important. As Dabrowski (2013: 9) mentions the ROPs are dominated by local actors and CSOs do not always have the capacities to contribute.

12.5. EU regional policy and citizens' awareness and support - Poland

The Flash Eurobarometer 384 is showing that in Poland 80 per cent of the citizens are aware of the EU regional policy, which is the highest percentage in the EU of 28 member states. This percentage has increased since 2010 when took place the previous survey. This is reasonable considering the increasing level of funds allocated to Poland during the last years. More impressive are the features indicating what Polish people think about perceived benefits from the EU regional policy. Among those aware of this policy the 93 per cent, the second

⁹⁶ Replaced by ROPs in 2007-2013 period.

highest in the EU of 28, believe that the EU regional policy has a positive impact on the development of their cities and regions (Flash Eurobarometer 384, 2013: 11). These are definitely very impressive statistics and the percentages are higher than the previous survey of 2008 and 2010.

Another interesting feature of this survey is the preferred level of decision-making for the EU regional policy projects. According to the Flash Eurobarometer 384 (2013: 49) the majority of Poles prefers the local level (35 per cent). It follows the regional (30 per cent), the national (18 per cent) and the European (11 per cent).⁹⁷ This finding reflects on the developments of the Polish regional policies over the last 20 years. Local governance (municipalities) constitutes the oldest and the most important, in terms of funding and tasks, tier of sub-national administration and is protected by the Polish Constitution as well (Swianiewicz, 2010: 103). The high percentage of the regional level is an interesting finding as well, given the centralist character of the Polish state. In general, in Poland attitudes towards multilevel governance and decentralisation are rather positive but at the same time someone can observe the mistrust towards social society actors. This is clearly reflected on the Flash Eurobarometer 234 (2008: 21-22). In that survey support for multilevel governance is among the highest in the EU of 27 (86 per cent), but support towards the involvement of third actors among the lowest (78 per cent).

In order to have a better view we have to combine these findings with Polish citizens' perceptions about the EU. According to the last six Standard Eurobarometers Polish people tend to trust the EU more than their national government, political parties and the parliament. The local and regional governments are the only institutions that the Poles tend to trust the

⁹⁷ In the 2010 survey these values were 45 per cent for the local level, 30 per cent for the regional level, 13 per cent for the national level and 8 per cent for the European level.

same or slightly less than the EU (Figure 8).⁹⁸ In addition, the EU as a whole is considered something positive by the majority of the Polish citizens and percentage of the positive opinions is among the highest in the EU of 28 (Eurobarometer 81, Spring 2014: 32).

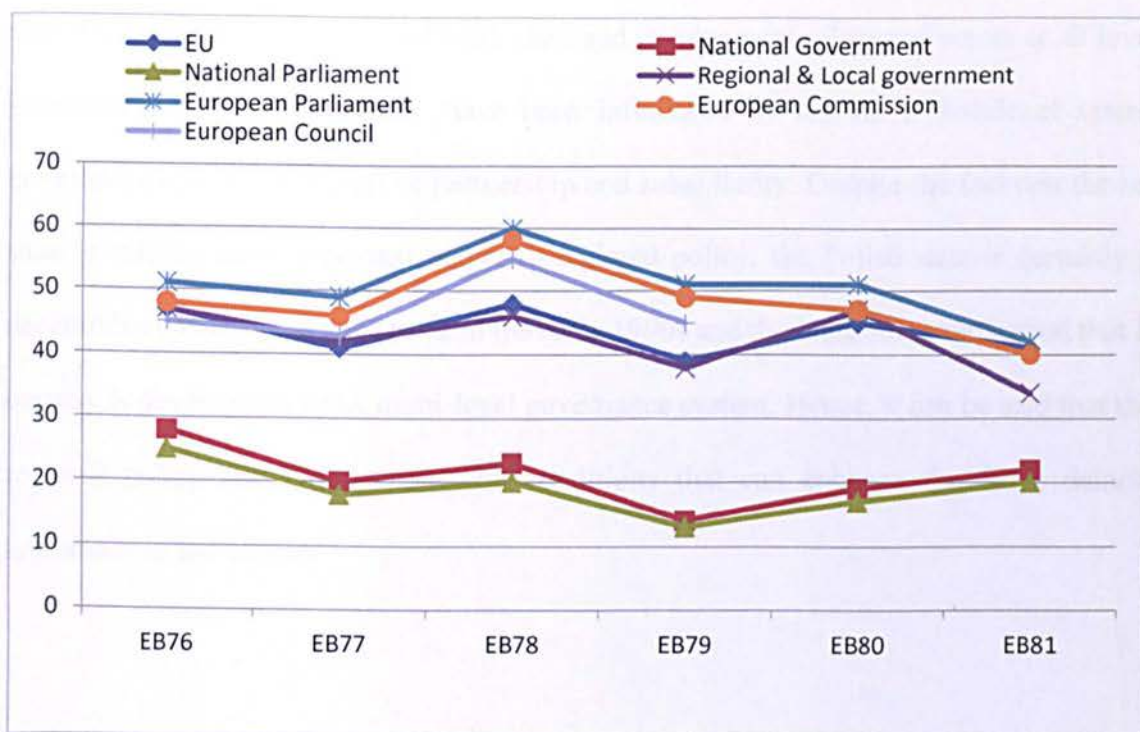


Figure 10: Trust towards the EU and other institutions (national-European) in Poland.⁹⁹

When we try to combine the abovementioned findings we find that the Poles are in favour of the EU and the European integration and they consider multilevel governance as a positive thing. This is easily explained, since the EU contributed with its funds, principles and policy guidelines towards the democratisation of the country and the modernisation of the Polish administration. Indeed, two thirds of the Polish citizens, in a survey of the Institute of Public Affairs in 2009, consider the democracy building in their country a success (Kucharczyk, 2010: 10). The current financial crisis obviously puts some pressure on this

⁹⁸ Standard Eurobarometers 76,77,78,79,80 and 81 (Tables of Results).

⁹⁹ The last two Eurobarometers (80 and 81) do not provide figures for the European Council.

relationship (see the declining trust towards the EU and its institutions), but not that strong since the Polish economy is not affected that much.

In this context, the non-hierarchical modes of governance seem to play a significant role. The decentralisation of the Polish state and involvement of several actors at all levels of governance, public and private, have been influenced by the EU's multilevel system of governance and the principles of partnership and subsidiarity. Despite the fact that the central state is still the most important player in regional policy, the Polish state is certainly more decentralised than that it used to be in the early 1990s and there are some indication that in the country is developed a weak multi-level governance system. Hence, it can be said that the EU regional policy and NMG create the conditions that can enhance the EU's democratic legitimacy in the country.

13. SUMMARY – NMG INFLUENCE ON CASE STUDIES' GOVERNANCE STRUCTURES AND DEMOCRATIC MILIEU

The examination of the four case studies has provided with a general overview of the employment of NMG in the context of the EU's regional policy. The aim of this examination has been to identify how exactly NMG are employed in each case study. It actually answers to the question of whether NMG are employed on the four case studies through the EU regional policy. In fact, the analysis has shown that NMG are currently applied on the four case studies, but this application is not uniform and depends on the particular socio-political environment in each case study and the level of the EU funding. There are significant differences among the four case studies, both in terms of administrative systems and democratic milieus, and the EU regional policy funding is not allocated equally. Against this background, the way NMG currently apply to each one of the four case studies defines their impact on the EU's democratic legitimacy issue.

In particular, this analysis has examined how the EU's regional policy and NMG affect the national administration and devolution of powers, the development of co-operation schemes, the role of elected stakeholders and the involvement of civil society in decision-making processes. These four features hold a prominent position in this investigation, as they constitute the essence of NMG. The latter are based on the devolution of power structures, the emergence of partnerships and the involvement of more actors, and particularly of citizens, in the decision-making processes. These four features also show how NMG interact with the mechanisms of representative democracy. Therefore, the evaluation of the impact of NMG on these four issues can provide with some insights regarding the NMG influence on the input, throughput and output sides of the EU's democratic legitimacy. In any case, a summary of

these developments at the four case studies can demonstrate some general trends and some differences that derive from the employment of NMG on the EU's regional policy.

13.1. Influence on administrative structures and powers

The analysis of the impact of the EU regional policy and NMG on the national administration systems highlights the extent to which regional and local actors have gained greater competences within the EU's multilevel system of governance. This condition actually is foreseen by the Treaty of Lisbon which has extended the subsidiarity principle to the regional and local level (European Union, 2007b: 12):

*3. Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at **regional and local level**, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level (Article 3b).*

Against this background this analysis describes the extent to which the EU regional policy and NMG have supported the provisions of subsidiarity principle and have enhanced sub-national governments. In all, the EU's regional policy has an impact on the administrative systems of the four member states and the competences of their sub-national actors, but this impact is not the same and depends significantly on the particular socioeconomic and political background. As a matter of fact, in member states like Austria, Denmark and Italy the devolution of powers towards sub-national authorities is not that prominent and has not been exclusively influenced by the EU regional policy. Instead, that has been the case in Poland. Nevertheless, the EU regional policy has certainly facilitated some developments.

In Denmark, the 2007 reform, which created the regional tier of administration, was not directly influenced by the EU regional policy, but it was enhanced through its principles and funding (Damborg and Halkier, 1996: 5). In Austria and Italy, a federal and regionalised state respectively, the regional tier of administration pre-existed the EU's regional policy. Even so, the EU regional policy has contributed particularly towards the enhancement of sub-national actors' competences and increased their visibility at national and European levels. Instead, the Polish authorities, in order to adapt to the European institutional environment and policy-making procedures, have proceeded to a series of reforms which not only have created the regional tier of governance, but also have resulted in the emergence of new institutional actors, policy-making procedures and NMG (Gasiór-Niemiec and Głinski, 2007: 30).

In particular, in the case of Poland, which among the new member states has achieved the best results in terms of administrative system restructuring, new sub-national tiers with elected governments and significant competencies are being created or restructured. In Denmark the EU regional policy has contributed to the restructuring of the sub-national tiers. The regional tier is created in order to facilitate the better co-ordination of regional development policies, where a noteworthy part of their funding comes from the EU Structural Funds. Nonetheless, the motivating force behind the emergence of the regional tier has been the reinforcement of the business environment in the country (Yuill *et al.*, 2010: 7). Besides, Denmark receives a small amount of EU funding. For this reason, the restructuring of national administration can be indirectly attributed to the EU's regional policy influence.

In terms of competences the overall view is that the sub-national tiers in all case studies have improved their position. The only exception seems to be the Danish case study where the 2007 reform has removed some of the regional tier's competences. Nevertheless, the local tier remains strong and the regional one gained statutory responsibility for regional development

projects through partnership bodies (Yuill *et al.*, 2010: 3). In Italy and Austria the regional and local actors have gained additional authorities and autonomy towards the central administration. In Italy, for example, the current administrative system is described as ‘administrative federalisation’ due to the elevated role of regions in policy-making. In Austria the regions (Länder) have improved their capacities in several fields and established a more direct communication with the EU.

Against this background, the EU’s regional policy has certainly an impact on the role of the central state in all case studies as well. Several of its competences are transferred to sub-national actors and, to some extent the latter are more visible not only at the national, but also at the European level. The national governments, though, still control regional policies. In Austria and Denmark the national governments encapsulated the EU Structural Funds programmes inside already existing national governance structures. In both cases the basic reason is to achieve better co-ordination of efforts.

In Italy the national government retains its competences and controls the financing of regional policy. This control causes problems to the Italian regional policy due to the fact that the current financial crisis has sharply reduced transfers from the national level. In addition, the Italian political party system does not allow much space for further and coherent diffusion of capacities, and there is no formal mechanism of regional representation at the national level. The dominant political culture is that the national government has the ultimate responsibility, but this often results in tensions over competences (Palermo and Wilson, 2013: 22). In Poland, finally, despite the great decentralisation effort since the 1990s there are still significant elements of centralisation in the structures of national administration (e.g., Voivods) and the national government holds the most prominent role in the Structural Funds management and certification of payments (Dabrowski, 2011: 11). Furthermore, the Polish institutional system

is over-regulated, and some of its sectors encounter quality problems, which set more obstacles towards any devolving effort.

On the whole, it can be argued that NMG have partially managed to devolve central governments' power towards sub-national public actors in regional policy-making processes. This development is certainly not uniform and relies heavily on national political environments, experiences and capabilities, as the EU does not impose any particular pattern, neither the devolution process is only driven by EU regional policy factors. Still, in all case studies the enhancement of sub-national actors' competences results in some issues of co-ordination. Furthermore, the national government holds a central role in this devolution course and in several cases seems not willing to proceed further. This is sometimes caused by Commission's rules as well. For example, according to Article 226 EC it is the central government which is responsible towards the EU for infringements committed by its sub-national authorities (Borghetto and Franchino, 2009: 2). Another example comes from Poland where during the 2004-2006 period the Commission supported central government's decision to circumvent sub-national authorities in the implementation of Structural Funds due to their insufficient capacities (Dabrowski, 2007: 6; Rees and Paraskevopoulos, 2006: 189).

13.2. Intermediate bodies

Another important dimension of this analysis is the element of co-operation in the implementation of the EU regional policy. NMG involve several actors in a complex and decentred policy process which, in order to achieve policy results, needs some sort of co-operation, or co-operative attitude. Without that co-operation NMG can result in a chaotic procedure. They can become inefficient or alienate several of the participants, especially those

with the least effective means of influencing the decisions. Consequently, NMG cannot enhance democratic legitimacy since, at the output side, they do not provide with policy outcomes, and, in the input side, participants either may not find it useful to participate or simply withdraw because they cannot have an influence.

The requirement of the EU's regional policy for decentralisation and greater participation brings to fore the need for better co-operation. The latter is facilitated through the proliferation of several intermediate bodies, formal and informal. In all case studies new intermediate institutions are established and are entitled with the co-ordination of regional policies at all levels of governance and across various policy sectors. These new institutions have a mostly consultative role and create forums of exchange of communication and co-operation among actors involved in the EU regional policy programmes at all levels of administration. From this point of view their contribution to multilevel governance is significant.

The intermediate bodies enhance the role of sub-national administrations and provide them with a channel through which they can influence national politics. The establishment and institutionalisation of such bodies promote multilevel governance through network-building and exchange of information and offer the opportunity to actors, who otherwise would have no means to intervene, to participate in policy-making processes. These co-operation mechanisms also contribute to the improvement of the several phases of policy-making process, like those of consultation, implementation, monitoring and evaluation. For example, policy evaluation is significantly improved even in countries which previously did not have so strong experiences (Italy, Poland, even Austria). These bodies help sub-national administrations to gain greater visibility and bargaining power at the European level too. All in all, through these intermediate bodies the actors involved in the EU regional policy gain experiences and knowledge and

establish relations among each other. This helps towards trust-building which is a very important component of NMG.

These developments are associated with the particular socio-political environment and national administrative system of each case study. As regards the first, in member states like Denmark and Austria, where exist more consensual approaches of policy-making, the development and functioning of co-operation institutions is not unfamiliar with national policy-making approaches. In Italy and Poland, with a less consensual political environment, the development and functioning of such institutions may face some issues in terms of co-operation. Sub-national actors may try to avoid co-operation in the context of these multilateral bodies and proceed towards more traditional bilateral relations with the central government, which may also be favoured by political or personal affiliations.

The administrative system of each case study plays an important role too. In Austria for example, with the long tradition of co-operation institutions and a constitutionally established chamber of regional representation, the new co-operation mechanisms do not constitute a significant change in the country's administrative system. The new institutions coexist with the traditional ones, although the latter retain their prominent role in the application of the EU's regional policy programmes. Even so, the new institutions, like the Regional Managements, have gained an intermediate role that facilitates regional development through policy networks (Bachtler and Taylor, 2003: 30). Consequently, they create policy platforms that can promote NMG.

In Poland and Italy the new institutions are a clear evidence of the emergence of multilevel governance approaches due to the EU's regional policy. This is more evident in Poland and to a lesser degree in Italy, due to latter's different historical experiences and more decentralised political system. Denmark is not a regionalised or federal state, but the emergence

and functioning of these intermediate bodies is facilitated by the country's consensual political environment. This environment promoted partnerships long before the introduction of the EU's regional programmes. Therefore, the country has an experience of co-operation mechanisms and multilateral institutions. The impact of the EU regional policy, though, lies in the institutionalisation of these mechanisms, which derive from the principles defining the implementation of Structural Funds.

Still, in all case studies the most common issue that these institutions face is that of co-ordination of efforts. Despite the institutionalisation of several of these bodies, it is often observed an unclear allocation of competences, which results in problems of communication and duplication of efforts. In Italy and Poland the lack of co-operative experiences and attitudes favours bilateral communications with the central government and leads to a lack of trust among the actors involved in these bodies. This condition is also exacerbated by the lack of clear delineation of competences between the central state and the sub-national authorities. Something similar takes place in Austria too, where the proliferation of these institutions has increased administrative burdens. This makes several sub-national authorities, particular those who are not that involved with the EU's regional programmes, to avoid multilevel governance approaches and further decentralisation. In Denmark the administrative reform of 2007 created similar problems of co-ordination or, according to Galland, 'governance challenges'.

All in all, the development of intermediate bodies in the context of the EU regional policy in the four case studies has enhanced the role of non-hierarchical modes of governance, increased participation and improved in several aspects the quality of governance processes. This development is not similar in each one of the case studies and relies significantly on the particular socio-political environment of each case study. It also relies on the different influence of the EU regional policy, particularly its funding programmes, on each one of them.

At the same time the development of these intermediate bodies has also increased the administrative burden and has led to some governance challenges, which undermine the further development of governance networks. In some occasions too NMG employment tends not to apply to all aspects of these bodies' functioning.

13.3. Elected stakeholders

Another dimension of this analysis focuses on the role of elected stakeholders in the context of the EU's regional policy. Particularly it focuses on the role of sub-national stakeholders, which are closer to the citizens. This dimension is very important, as it connects representative democracy with NMG. In general, elected public authorities constitute the legitimate representatives of a democratic society and any change in their role can have a direct impact on democratic legitimacy. The EU regional policy affects their role, as, through its principles and funding regime, introduces several innovations into the traditional hierarchical forms of governance. As a result, the analysis of the interaction between elected stakeholders and NMG can highlight a part of NMG association with democracy, which has implications to the EU's democratic legitimacy as well.

The decentralisation process influenced by the EU regional policy has affected the political role of sub-national authorities in all case studies. The latter have gained new competences or have become more visible both at national and European level and often they have to work and co-operate in a relatively new political environment, which may involve various actors both public and private. This condition enhances their political influence at national level, but also creates some legitimacy challenges. Certainly the particular political

environment in each case study plays a significant role towards both the political roles and the way elected stakeholders respond to these challenges.

The most significant changes emerge in those case studies where sub-national elected stakeholders gained recently more competences. This assumption seems very reasonable when we examine the case studies of Italy and especially Poland. In Italy, in spite of the regionalisation of the state at an earlier time, the greatest changes have taken place since the early 1990s and the introduction of the EU regional policy. The latter has triggered a process which released sub-national actors and political forces from the close central state's control and legitimised the regions as political arenas. In Poland the change was tremendous. In twenty years time this country has undergone a process which transformed the centralist administrative organisation of the Communist era into a weak multilevel governance system. Suffice to say that the role of sub-national stakeholders is transformed as well.

On the other hand, in the case studies of Austria and Denmark the political role of sub-national stakeholders is not altered dramatically. This is a consequence of the pre-existing administrative structures and co-operation culture in both these two case studies. Particularly the second is a feature which is rather weak both in Italy and Poland. After all, in Austria and Denmark the EU regional programmes are channelled through already established structures or procedures. In Austria the dominant and institutionalised political players at the sub-national level retained their role at the national political arena. The EU regional policy helped them gain in competences and visibility, but the country's centralised federal system did not undergo any serious reform. Some changes took place at the sub-regional level, particularly the municipalities, without, though, affecting the configuration of Austrian regional policies.

The improved position of sub-national stakeholders has some implications to their relations with the national level political stakeholders. The latter in general favour the

decentralisation process and the establishment of new political roles for sub-national stakeholders. Nonetheless, they tend to retain the control of regional policies and in some cases seem unwilling to proceed to greater decentralisation. Such is the example of Italy where national parties hinder any further federalisation of the state. Something similar is taking place in Poland where the central state is directly involved in the administration of the regional tier through the appointment of Voivods. Local actors instead are more independent and hold a political neutral stance *vis-a-vis* the national political arena. In Austria is not observed any particular change in the relation between the national and sub-national stakeholders, as the EU regional policy did not provoke any significant administrative reform. Finally, in Denmark it could be claimed that since the 2007 reform the central state has reinforced its position towards the sub-national tiers.

Denmark is the only case study where the regional tier saw its political role to be reduced. The 2007 reform replaced the previous administrative structures with a new regional tier which mostly functions as co-ordinating mechanism for the allocation of regional funds, national and European. This reduced regional stakeholders' political role has triggered some dissatisfaction. Even so, politicians, at all administrative levels, support the reform and the efficiency of policies does not seem to be affected. This condition has also resulted in some sort of functional legitimacy for regional stakeholders, who have been transformed to 'metagovernors' entitled with the supervision of regional policies in the country (Skelcher *et al.*, 2011: 28).

Another issue which affects elected stakeholders' political role and legitimacy is that of co-operation in the context of intermediate bodies. As it was mentioned previously, the multitude of actors involved in these bodies, public and private, often results in issues of overlapping competences and conflicts of legitimacies as is the case of RGF in Denmark. In

Poland a similar example is the case of RSCs, but not the only one. The problems of co-operation are enhanced mostly by the not always a clear allocation of roles in the Polish multilevel governance system condition, which is exacerbated by the fact that the local level is much stronger and autonomous than the regional one (Kozak, 2012: 70). In Austria such legitimacy issues arise in the context of the Regional Managements. There the problem has to do with the fact that these bodies hold significant powers in regional policies without being democratically legitimised.

This condition has as a consequence these intermediate bodies to rely mostly on the output side of legitimacy. Nevertheless, in each case study sub-national authorities do not respond in the same way to these legitimacy challenges. In Denmark, due to the pre-eminence of entrepreneurial strategies over other sectors of regional policy, elected stakeholders have turned into some sort of 'metagovernors' and can rely on functional legitimacy (Fotel, 2010: 12). The consensus culture of the country also helps to ease the tensions that emerge. In Austria, several sub-national authorities, especially those who are not influenced by the EU regional programmes, prefer to follow the 'good Austrian mainstream', within existing national and EU general conditions (Gruber *et al.*, 2010: 18). In Italy and Poland sub-national authorities may try to avoid these new mechanisms and rely on traditional bilateral communication with central state, which can be based on political affiliations as well.

In conclusion, the EU regional policy has helped sub-national elected stakeholders gain competences, visibility and legitimacy and made them an important element of multilevel governance in all case studies. They function as the intermediate which could connect democratic procedures with the NMG. In any case there are several differences in terms of their political role, and the particular democratic environment and administrative system of each case study play a central role. The level of the EU funding is very important too. In certain

cases the need of local actors to take advantage of the EU funds has forced them to adapt to the EU principles and favour non-hierarchical modes of governance. Nevertheless, their legitimacy and political role faces some issues in the context of co-operation institutions. The latter can rely mostly to a functional legitimacy, which may be at odds with elected stakeholders' democratic legitimacy. This issue of conflicting legitimacies exists, roughly, in all case studies, but the response to this issue depends on the political environment of each case study.

13.4. Civil society participation

The investigation of the four case studies highlights the degree of other actors' involvement in regional policies, the phase in which they are involved (policy formulation, implementation and/or evaluation), and the influence they exercise. In particular, this comparative analysis focuses on the role of civil society, and the extent to which the EU regional policy and NMG can mobilise the EU citizens and make them be involved in the EU policy-making processes. In this context, the respondent from the European Parliament says that the EU regional policy 'is exactly that policy where the NMG can apply [and where] new allocation of powers can be observed'. This policy has as a clear objective to 'involve civil society to the largest extent in all possible stages of the policy-making procedure' (respondent EU parliament).

In fact, the EU is constantly pursuing the greater involvement of more actors in the policy-making processes of the regional policy. Since the first deployment of partnership principle in 1988, significant changes have taken place in the role of civil society in all EU member states. The amendment of article 11 (par. c) of the General Regulation of Structural Funds, during the negotiations for the 2007-2013 programming period, which further broadens

the range of involved actors, was the most recent change before the ECCP.¹⁰⁰ The latter aspires to extend further civil society's engagement in the EU regional policy. This constantly evolving process can be also reflected on the developments that occur in the four case studies that are analysed in this piece of research.

In all case studies examined in this thesis the EU's regional policy has offered the opportunity to new actors to participate in some phase of the policy-making process. The degree of participation, however, varies due to the particular socio-political environment and democratic milieu of each member state. Even inside the member states there are noticed similar differentiations. The case of Italy, where in northern regions participation is more extended than in southern ones, is a noteworthy example. In addition, the level of funding is a very important factor as well, as it can increase the EU visibility and mobilise easier the civil society. Batory and Cartwright (2011: 704) identify as crucial factors towards the implementation of partnerships 'the degree of centralisation (unitary vs. federal), administrative traditions and political styles (consensual vs. adversarial), the density of social capital and the degree to which the EU issues or particular policies are contested in domestic politics'. All these actors interact with each other and shape a complicated environment that affects the implementation of partnerships, and civil society's involvement in general.

This comparative investigation finds that the EU aspirations have been partly fulfilled. In the four case studies the EU regional policy principles and guidelines have played a role towards the higher involvement of CSOs in several phases of regional policy decision-making. First of all, in all case studies CSOs have the opportunity to be involved in several partnerships

¹⁰⁰“Any other appropriate body representing civil society, environmental partners, non-governmental organisations, and bodies responsible for promoting equality between men and women.” *Article 11 of the General Regulation No. 1083/2006*

schemes. The STRAAT2020 platform in Austria, the RGFs in Denmark, the State-Regions Conference in Italy and the MCs in all case studies are just few examples at the national level. There are more at the local level, but the majority of them are mostly informal. The CSOs have also gained easier access to information regarding several policies, basically through internet, and have also gained access to EU funding for training and other programmes that can enhance their capacities. Moreover, representatives of the CSOs see in a positive way these developments and they make efforts to be further involved in policy-making processes and gain more funds from the EU (respondents, EU Parliament, Italian Department of Development, State-Regions Conference). Actually, in all case studies, and especially in Poland, the EU regional policy funding and regulatory requirements have helped the CSOs to improve their organisation and capacities.¹⁰¹

The analysis of the four case studies also shows that the involvement of civil society in the EU regional policy can primarily be seen in the drafting phase of the policy, and to a lesser extent during the implementation, and that it has a consultative nature (EU Parliament respondent). The respondents, who are interviewed for this study, have pointed out that it is not easy to include civil society actors in all phases of policy-making. All of these actors cannot make always a positive contribution, as they do not have the capacities to do so. Additionally, the expansion of their involvement could make the processes more complicated and time-consuming and result in deadlocks and, eventually, loss of funding. Therefore, in all case studies civil society finds it easier to participate at the local level than the regional or national.

¹⁰¹ Bachtler (2008) claims that the Danish trend to involve social partners in programme implementation was further reinforced due to the EU Structural Funds guidelines. That was particularly the case for NGOs.

This is rather reasonable too, considering that at the local level it is easier to develop trust relations, which are crucial for the application of NMG.

Another remark about civil society's involvement in the EU regional policy has to do with the support from elected stakeholders and the political system in general. So, in Italy or Poland the political system is not always very keen to support the greater involvement of CSOs. In Austria most of the times political support is satisfactory and, as the case of Graz depicts, this support is crucial towards the improvement of participatory schemes. In the rest of the regions, however, and at the federal level of administration, there is a reluctance to further involve CSOs. The case of Denmark also has some similarities with that of Austria. Despite that, the country's consensual political environment makes political stakeholders more open to civil society's interventions. In general, elected stakeholders, particularly at the national level of administration, raise some issues regarding the CSOs' participation in policy-making processes. These issues refer to CSOs' legitimacy and capacities, which are closely connected with aspects of policy-ownership and responsibility (respondents State-Regions Conference, Danish Regions).

The national level fears that the involvement of more actors, with probably less capacities, may result in more time-consuming policy-making processes and, consequently, to loss of funds with political costs too. If co-operation bodies and the most prominent stakeholders fail to achieve their goals, then they may be accountable for that failure. Hence, CSOs' further engagement in regional policies faces a general objection in all case studies. As it can be noticed in MCs, CSOs cannot play an influential role and traditional stakeholders remain the privileged interlocutors of central state. These objections against the CSOs' involvement became obvious during the negotiations for the Code of Conduct on Partnership. As the respondent from the Italian Department of Development mentions, initially the Code

was strongly objected by national authorities, because it was considered as 'intrusive in their national policies'. As a result of this condition, civil society actors sometimes try to circumvent co-operation bodies and proceed to bilateral, and most of the times informal, relations with central authorities. This practise can be found mostly in Italy, but Poland too, and is part of the particular policy-making processes in the country (respondent Italian Department of Development).

In this context another important parameter concerns the existence or not of a tradition of regional development policies. It seems that the existence of such a tradition in a member state is hindering the further involvement of CSOs (European Commission, CIVGOV, 2006: 90). These traditions lead to an 'if it ain't broke, don't fix it' approach, which makes these member states reluctant to change the existing processes and institutional structures. The case of Denmark with the creation of RGFs seems to be an exception. The RGFs have created platforms of participation that allow several actors to co-operate. Nonetheless, the role of CSOs has not altered dramatically and the traditional stakeholders still control the policy-making processes and set the policy agenda. At the local level CSOs find more opportunities to be involved in partnership schemes and several experiments take place either in the context of the EU regional policy (Graz case) or outside this (Copenhagen project). Even there though the patent is to incorporate any partnership scheme into the existing ones, where established social partners are more prominent.

Against this background, Batory and Cartwright (2011: 704) claim that maybe it is easier for new Member States to develop 'their own institutional arrangements for implementing the partnership principle', as there are no such participatory traditions, or they are not very well developed. The case of Poland is partly supporting this suggestion. The EU regional policy had a transformative effect in Polish administration and has led to new

institutional arrangements and roles for civil society. It is, however, rather imperfect and superficial. The application of the EU partnership principle, and the involvement of CSOs in the implementation of EU regional policy, is 'created de jure, in compliance with EU requirements', without altering 'domestic political styles or attitudes towards such cross-sectoral co-operation' (Lackowska-Madurowicz and Swianiewicz, 2013: 1408). Similar developments take place in Southern Italy as well. The application of partnership principle and of NMG in general are considered as 'something we have to do' in the context of the EU regional policy guidelines (respondents Department of Development, State-Regions Conference).

Hence, experts and technocrats tend to have a more prominent role in the partnership arrangements than the CSOs. This thesis finds that in the four case studies technocrats dominate the processes. The respondent from the State-Regions Conference states that this is 'definitely the case in Italy'. But certainly the same takes place in Poland, Austria and Denmark. In the last two cases this situation is attributed to the 'Lisbonisation' of regional policies agenda. Due to the fact that these two member states do not receive significant funding, there is a one-dimensional focus to growth oriented policies connected with the Lisbon Strategy priorities. After all Denmark and Austria have the highest levels of expenditure allocated to Lisbon priorities (Bachtler, 2008). This technocrats' predominance, however, is sometimes a *sine qua non* condition. The complexity of the EU regional policy demands such expertise. Besides, their involvement supports the political decision of elected stakeholders (respondent Danish Regions). This condition is more prominent in countries like Denmark, which has a strong tradition in such partnership schemes, and where aspects of functional legitimacy are broadly accepted from all actors involved.

The pre-eminence of technocratic agenda affects the visibility of the EU funding and citizens' awareness. The respondent from the EU parliament specifically mentions the difference between Poland and Denmark; in the first citizens tend to recognise easier the EU's contribution in their daily life. Certainly the EU regional policy visibility is not automatically interpreted into increased citizens' approval and involvement in regional policies. It is mostly the greater level of funding that brings greater support. It is necessary to point out, though, that citizens in Italy are not that familiar with the EU regional policy either. As the respondent from the Italian department of Development mentions, citizens often tend to be indifferent towards regional policies and this may lead to a certain lack of democratic control. This could probably be attributed to the general low level of civic engagement too. In any case, citizens' alienation, or lack of interest, should not always be attributed to the predominance of experts and technocrats in the policy-making processes, as similar developments can be observed at the national political arena too.

A final remark on the civil society's involvement in the EU regional policy has to do with the complexity of the EU regional policy decision-making processes. As it was mentioned before, this complexity enhances the role of experts instead of citizens and may result in issues of accountability and transparency. In addition, this complexity raises concerns of co-operation and co-ordination. Indeed, the EU Parliament respondent considers the issue of complexity as the most important problem for the application of NMG in the EU regional policy. The Italian respondent from the State-Regions Conference also claims that the whole process is rather cumbersome and bureaucratic, the time limitations are very strict¹⁰² and it is becoming more complex. This concern is acknowledged in all case studies, and probably this is the reason why

¹⁰² "Commission expects the consultations to last a couple of months, but this is not the case...it may last ten months" (respondent State-Regions Conference)

countries like Austria follow this 'if it ain't broke, don't fix it' approach. In Denmark, however, the complexity of the processes may not be a very important issue. The country's consensual political environment and experience in participatory projects help the involved actors to tackle easier such difficulties.

The findings of this study regarding the involvement of civil society in the EU regional policy in the four case studies are also supported by the ENNA report 'Future of European Structural Funds. Putting local organisations in control!' (2013). That report investigates the challenges that have emerged concerning the EU regional policy across all EU member states during the programming period 2007-2013, and presents ENNA's proposals in order to tackle some of these challenges in the current programme 2014-2020 (ENNA, 2013b: 3). The challenges and solutions are presented from the NGOs perspective (ENNA's national members) and involve the majority of the EU states (ENNA, 2013b: 3). Among these member states Austria, Denmark and Poland are also included.

The report examines topics related to governance and monitoring, legal and financial framework and technical assistance (ENNA, 2013b: 4). Regarding governance and monitoring ENNA suggests that there is space for improvement 'in the monitoring, planning and evaluating processes' (ENNA, 2013b: 4). There are certain differences among member states, but in general, in many cases (e.g. Poland) NGOs are not treated as equal and relevant partners in all phases of the EU regional policy and they are not adequately involved at the national level (ENNA, 2013b: 4). Furthermore, NGOs' involvement, despite the partnership agreement, does not follow a standard pattern or regular basis and their suggestions and input most of the times 'do not receive adequate consideration' (ENNA, 2013b: 4).

Regarding implementation ENNA report claims that the rules and financial requirements constitute a significant burden for CSOs (ENNA, 2013b: 5). The report finds that

CSOs often lack technical and financial requirements (especially the smaller ones) and they cannot cope with the complex processes of the EU regional policy (ENNA, 2013b: 5). These processes involve ‘the lengthy application procedures, the excessive regulation on implementation and overly complex accounting’ which are far more complex than the national ones (ENNA, 2013b: 5). This condition, along with ‘the use of co-finance and large contracts’ increases the financial risks even for larger CSOs and affects their ability to make a contribution to the whole process (ENNA, 2013b: 5-6). These financial risks also affect the issues of technical assistance. Only a four per cent of funding (2007-2013 programme) was available for technical assistance, of which CSOs have to find match funding (ENNA, 2013b: 6). Eventually this condition does not allow smaller CSOs to participate.

In all, ENNA recommends that the European Commission should enhance further the role of civil society in all phases of operational programmes and try to simplify the process and reduce the financial burden of CSOs (‘more fixed budget payments with simplified rules’) (ENNA, 2013b: 4-5). In order to reduce the financial burden ENNA suggests the continuation of advance payments for CSOs, ‘as without these it is not possible for the majority of the sector to be involved in the programmes’ (ENNA, 2013b: 5). It also suggests a more direct access to the EU regional funds for small CSOs (ENNA, 2013b: 6). Finally, ENNA report proposes an increase in allocations for technical assistance, which can also reach up to 95 per cent from Europe (and only a match of five per cent for the CSO) (ENNA, 2013b: 7).

Against this background, the EU has taken under consideration the issues raised by the several civil society partners and the importance of the issue of complexity, and thus for the programming period 2014-2020, has adopted the European Code of Conduct on Partnership

(ECCP), which, among others, foresees ‘the **simplification** of the delivery system’.¹⁰³ The ECCP for the 2014 – 2020 period has taken the form of a legally-binding Commission Regulation (EC, EU No 240/2014) and aims to facilitate the greater involvement of partners¹⁰⁴ in the ‘whole programme cycle consisting of preparation, implementation, monitoring and evaluation’ (EC, EU No 240/2014: 1). The ECCP has as objectives to improve transparency ensure partners’ capacity and enhance the exchange of knowledge, but it leaves enough flexibility to member states to organise these partnerships (EC, EU No 240/2014: 1). This is certainly a very serious effort to enhance civil society’s participation, and organise and simplify NMG policy-making processes in the context of the EU regional policy.

This is an endeavour which has to be seen in practice in order to be evaluated. Some early findings from the EAPN (2013) and the CEE Bankwatch Network / Friends of the Earth Europe (2014) reports, which examine the involvement of CSOs in the designing of the current programme, indicate that ‘there is clearly still room for improvement’ (EAPN, 2013: 3).¹⁰⁵ In any case though, it is acknowledged by all actors that NMG constitute a complicated procedure of governance which takes time and needs trust relationships to be well established. In the context of the EU’s multilevel system of governance this governance process can certainly bring the civil society closer to the EU and its policies (respondent Italian Department of Development) and has a positive effect on policy efficiency (respondent Danish Regions). It is, however, a relatively new process and all the actors involved have to be adapted. This takes

¹⁰³ The Future of the ESF: 2014-2020, (bold text in the original)

available at: <http://ec.europa.eu/esf/main.jsp?catId=62&langId=en>

¹⁰⁴ Regional, local, urban and other public authorities / trade unions / employers / non-governmental organisations / bodies responsible for promoting social inclusion, gender equality and non-discrimination (EU No 240/2014: 1-2).

¹⁰⁵ The EAPN report is pan-European, while the CEE Bankwatch Network/Friends of the Earth Europe examines the situation in Poland

time, but, as the respondent from the Department of Development said, democracy is a constantly developing process.

In conclusion, the EU regional policy has achieved to introduce civil society in policy-making processes. This, of course, varies from case to case and it is not always a result of the EU's principles and guidelines. As the Italian respondent from Department of Development mentions there is a general trend that favours the greater involvement of citizens in various social, economic and political fields. The EU is trying to promote this trend further and through the regional policy it has partly achieved it. The last twenty years since the introduction of partnership principle there have been created several co-operation bodies in all member states where civil society participates and communicates with other social actors, political, social and economic, at all levels of governance (local, regional, national and European).

Nevertheless, the EU's regional policy has partly achieved its aims because civil society is not able to influence decisions. It participates at the policy designation and to a smaller degree at the evaluation and monitoring. The examination of civil society's involvement in the MCs shows that established partners are prominent in all case studies and technocrats and other experts dominate the policy-making processes. As Piattoni (2006: 65) argues, the involvement of civil society in the EU regional policy is 'mostly perfunctory' and has more chances to influence decisions when it follows informal relations.

As a result, it can be said that there is an adaptation instead of adoption of the partnership principle, which can be observed in all EU member states (Bache and Olsson, 2001 in Batory and Cartwright, 2011: 704). The complexity of the EU regional policy decision-making processes contributes towards this condition, as it discourages national authorities from engaging more actors in the policy-making processes. This tendency nowadays, under the pressures of the current financial crisis, is becoming more common in all member states. It is

further reinforced due to the fact that the EU citizens do not know, or do not show much interest in learning, about the EU and its policies. At the local level, though, it seems that it is easier for civil society to participate and have a more influential role.

PART III: CONCLUSION

14. THE IMPACT OF NMG ON THE EU'S DEMOCRATIC LEGITIMACY - CONCLUSION

14.1. Input - throughput – output legitimacy

This study has analysed the impact of NMG on the EU's political system and tried to find out whether they can make a contribution on the issue of the EU's democratic legitimacy. The basic argument of this investigation is that the EU's political system does not apply to any particular model of legitimacy (direct, indirect or technocratic), as the EU is neither a nation-state nor a mere international organisation. It is a multilevel system of governance that combines elements from both systems and hence it has to rely for its legitimation on all models of legitimacy. Additionally, the EU is a union of liberal democracies and thus it has to satisfy the legitimising criteria of a liberal democracy as well. This is obviously a difficult equation, which the EU has to solve. Arguments stressing the EU's democratic deficit exist since the early 1990s, but recently, under the impact of the current sovereign debt crisis of the Eurozone, have become more acute and undermine not only the project of the European integration, but also the future of the EU. Against this background, the research question of this study has intended to investigate whether NMG can enhance, or at least have any impact on, the democratic legitimacy of the EU's political system.

NMG theoretically can satisfy both the criteria of fairness and effectiveness, which constitute the cornerstone of democratic legitimation for any liberal democratic polity. In the context of the EU's multilevel governance system, where several actors (private and public) interact at all levels of governance (local, regional, national, European), the employment of NMG seems to provide with a flexible decision-making process which can solve problems

across the EU in policy areas where member states retain their exclusive competences (Borrás and Ejnæs, 2011: 108). At the same time the more participatory decision-making processes can bring the European citizens closer to the EU. Thus, NMG seem to reinforce the input, throughput and output sides of the EU democratic legitimacy issue and connect the direct, indirect and technocratic models of legitimacy that co-exist in the context of the EU's political system.

Nonetheless, NMG also put some pressure on the traditional set up of representative democracy. It is argued that the policy-making processes of NMG constitute a circumvention of the conventional decision-making processes of representative democracy. Therefore, from a normative approach to legitimacy, there are raised some concerns regarding their democratic legitimacy (Borrás and Ejnæs, 2011: 109). Actually, the anchorage between representative democracy and NMG is one of the issues that this study identifies as a serious obstruct regarding the contribution of the NMG on the EU's democratic legitimacy.

This piece of research has based its analysis on the EU's regional policy. In particular, it has investigated the employment of NMG, through the principles of partnership and subsidiarity, on the EU regional policy in four member states; Austria, Denmark, Italy and Poland. The EU regional policy is a good example for two reasons. First of all, this policy is considered to be at 'the leading edge of multilevel governance' where several actors, supranational, national, regional, local, private and public, are entangled in various interconnected policy networks (Marks 1993: 402-403). Secondly, this policy has a redistributive and compensatory nature. Public spending policies and welfare state arrangements are considered important factors towards the centralisation of government functions and the mitigation of the tensions of political cleavages (Obinger, Leibfried and Castles, 2005 in Eiselt, 2007: 3). Hence, the EU aspires that the regional policy, with its welfare

and economic support arrangements, could have a legitimising effect on its political system as well (Eiselt, 2007: 3).

The selection of the case studies (Austria, Denmark, Italy and Poland) was based on administrative and socio-political criteria and on the level of the EU funding that these member states receive. The application of those criteria on the selection of case studies was deemed necessary due to the particular nature of this policy field, which is characterised as a policy 'in a state of flux' where co-exist regions with diverse models of public administration and political and financial capacities (Ferry, 2005: 4). In addition, the EU's regional policy does not have the same legitimising outcomes with those of national social and welfare policies. This is a result of the differences between the political systems of the nation-state and of the EU. In the EU the intergovernmental features of policy-making, which most of the times aim to satisfy all bargaining sides, are very strong. This condition overloads the EU regional policy with too many and divergent objectives which eventually weaken its performance (Eiselt, 2007: 3). For this reason, the application of these criteria has helped this study not only to identify a more representative sample of case studies, but also to present a more complete analysis of the impact of NMG on national administrative systems and political cultures and on the EU's democratic legitimacy issue.

The analysis has found out that the application of NMG has resulted in some developments on the national administrative systems and political cultures in each case study. So, on the one side NMG have advanced the decentralisation of the national administrative systems, and have favoured participation. This has positive outcomes in terms of transparency and accountability of policy-making processes and has resulted in better policy outcomes. Additionally, all actors involved consider them as a positive development in European governance. On the other hand, NMG increase administrative burden and make the policy-

making processes lengthier and cumbersome. This may result in negative policy outcomes, or, more often, to the exclusion of less established or capable actors, most of the times CSOs, from the policy-making processes. The analysis of the case studies shows that either elected stakeholders may avoid the full employment of NMG, or experts and private interests, who are more experienced in development projects, may dominate the decision-making processes.

This thesis initially examines how NMG apply to each one of the member states. This is necessary as the way NMG apply to the EU regional policy defines the extent to which NMG influence the EU's democratic legitimacy. In this context, the analysis has found out that the EU regional policy has managed to advance the employment of NMG and has resulted to some developments on the national administrative systems and political cultures in each case study. So, on the one side NMG have advanced the devolution of the powers of the national administrative systems, and have favoured participation in all four case studies. This development has positive outcomes in terms of transparency and accountability of policy-making processes and has also resulted to better policy outcomes. Additionally, all actors involved consider NMG as a positive development in European governance. On the other hand, NMG increase administrative burden and make the policy-making processes lengthier and cumbersome. This may result in negative policy outcomes, or, more often, to the exclusion of less established or capable actors, most of the times CSOs, from the policy-making processes. The analysis of the case studies shows that either elected stakeholders may avoid the full employment of NMG, or experts and private interests, who are more experienced in development projects, may dominate the decision-making processes. In all, the analysis of the four case studies shows that NMG, although they bring some changes, also bring some problems that hinder their employment. Eventually, this condition has as a result NMG to be

partly employed on the EU's regional policy, which consequently affects their legitimising impact.

14.2. NMG complexity: Inherent and contextual

The problems that emerge from the employment of NMG in the EU's regional policy have an impact on their contribution to the input, throughput and output sides of the EU legitimacy. As this thesis has presented there is a combination of factors that leads to these problems. The inherent complexity of NMG is certainly one of them, but not the only one. Besides, the issues emerging from NMG complexity can be to an extent resolved with the improvement of the management of governance networks, the development of trust relations among all actors involved and the better anchorage of NMG with democratically legitimated public authorities (Sørensen and Torfing, 2009: 245). Furthermore, at the national level of governance the problems emerging from the employment of NMG can be better resolved. In all case studies, despite the form, the level and the effectiveness of NMG employment, the actors involved in the processes can communicate better with each other due to the familiar political environment into which they can all co-operate. Each actor roughly knows what to expect and how to act and hence the inherent complexity of NMG does not always add additional problems to their application. So, this thesis believes that NMG fail to instil legitimacy to the EU's political system due to a combination of factors, which hinder their full employment. These factors are the particular socio-political environment of each member state, the nature of the EU's regional policy and the current financial crisis.

In the context of the EU political arena a homogeneous socio-political environment, which could establish a common policy-making context for NMG, does not exist. There are

different administrative systems and the levels of civil society engagement influence in a dissimilar way the development and functioning of NMG and governance networks. In the EU there are three broad socio-political environments, which are reflected on this study with the selection of the four case studies. These are: The Northern and Western European context with the corporatist traditions, consensual culture and greater and more institutionalised involvement of the social partners; the Southern European context, whereby civil society participation is weak and mainly associated with the enhancement of the local and regional authorities; and a Central and Eastern European context, where distrust to CSOs is strong, but also is observed a large effort, under the influence of the EU as well, to develop legal frameworks enhancing civil society's participation (see Poland and the legal framework for NGOs) (Banthien *et al.*, 2003: 47– 8).

In those case studies with a more majoritarian pattern of democracy or a weak civil society NMG fail to develop those partnerships that could enhance the input and throughput sides of legitimacy. For example, NMG function differently in majoritarian political environment than a consensual one. So, there are obvious differences between, for example, the Danish and the Polish case studies. Additionally, in member states with a tradition in regional development policies the employment of NMG seems as an unnecessary effort, which can only increase the complexity of policy-making processes with negative consequences in the effectiveness of regional policies. Hence, this great diversity within the EU's political system contributes to the inherent complexity of NMG, as it brings a greater variety of actors from several governance levels and increases the co-operation and co-ordination difficulties.

This condition further obscures the linkage of NMG with the procedures of representative democracy and eventually affects their impact on the EU's democratic legitimacy. Indeed, within the EU's political system the 'shadow of hierarchical authority',

which constitutes the necessary framework for NMG to perform, either does not exist, or is not easy to distinguish. Instead, there is a heterogeneous development of governance networks, which prevents the deployment of NMG in a uniform way that could facilitate the mitigation of problems deriving from their complexity. This is reflected on the EU's regional policy, as it is the most characteristic example of the EU's multilevel system of governance.

The nature of the EU regional policy further exacerbates the inherent complexity of NMG. This EU policy employs lengthy policy-making processes that involve a multiple of actors. It does not also apply in the same way to all EU member states, as the level of EU funding varies, and the EU sets only a broad context of targets, principles and policy-making processes. The EU, though, sets a specific time-frame, which in several cases the member states cannot follow it (respondents, Italian State-Conference, ÖROK). As a consequence, the member states often choose to put greater emphasis on the economic dimension of regional policies and avoid the full employment of partnership schemes. Especially in member states like Denmark and Austria, which receive less funds, the regional policy agenda has a narrow scope (business development strategies (respondents Danish Regions, ÖROK). This situation reduces the EU visibility and reinforces views considering NMG as a 'neoliberal economic development' process (Fotel, 2010:18).

Furthermore, the member states do not always want the development of a uniform context. As the respondent from the Italian Department of Development describes, some national officials see the development of such a common pattern as a direct EU interference in national policies. This is not only an Italian phenomenon. In all case studies elected stakeholders and other legitimate agents often question the legitimacy of NMG or even their effectiveness. The fact that in all case studies it is observed the adaptation instead of adoption of the partnership principle highlights this tendency (Bache and Olsson, 2001 in Batory and

Cartwright, 2011: 704). Something similar happened with the consultations over the new Code on Conduct of Partnerships, where member states' stance can be described at least as sceptical. In this case, however, member states' scepticism may not be unjustified. The European officials who participated in this study do not feel very optimistic regarding the input the new Code on Conduct of Partnerships can make towards the improvement of partnerships in the EU regional policy, and how they can resolve the problem of NMG inherent complexity.

Finally, the financial crisis is another contextual factor that affects the employment of NMG. The case of Italy is a very good example of this situation, as Italy is the hardest hit from the crisis among the four case studies. The crisis has a negative impact on the effectiveness of regional policies, particularly in terms of funding, and this reduces the EU visibility. Moreover, the crisis enhances eurosceptic voices in all case studies. This is not directly connected with NMG, but it does not help them either. It is connected with the national politics where several politicians tend to blame the EU for every unpopular policy and claim as national initiative any favourable one (respondent State-Regions conference). In this context the inherent complexity of NMG is seen as an unnecessary complication deriving from the EU political system.

In sum, the inherent complexity of NMG is a reason that affects their employment in the EU regional policy in all case studies, but not the only one. The great variety of socio-political environments and administrative systems in Europe in combination with the EU's political system and the particular nature of the EU's regional policy are other important factors as well. The member states' political and administrative environments interact in a different way with NMG and, in the context of the EU's multilevel system of governance, this plurality of interactions exacerbates further their inherent complexity. Likewise, the degree of the EU regional policy influence (funding, guidelines, and principles) defines the level of employment and acceptance of NMG by national and regional stakeholders.

The simplification of NMG processes could probably mitigate some of the inherent problems. At the European level, however, this is not that easy as the simplification may mean the development of common European patterns, or homogenisation of NMG employment, which cannot be accepted easily by the member states. In addition, it does not guarantee NMG fairness and effectiveness. Such a homogenisation could impose a straight jacket approach to the employment of NMG, which could lead to the distortion of their nature and the alienation of several of the participants. The EU has recognised this issue and in the Code of Conduct for Partnership leaves sufficient flexibility to member states to organise the partnerships. This is certainly a difficult equation to solve and underlines the importance of NMG democratic anchorage at all levels of the EU's system of governance. Obviously this condition is reflected on the issue of the EU's democratic legitimacy as well.

Against this background, this thesis has explored all these interactions in the political environments of the four case studies and through their investigation identifies those features describing better the influence of NMG on the input, throughput and output sides of the EU's democratic legitimacy. Due to the abovementioned reasons it is obvious that the way NMG influence the EU's democratic legitimacy in each one of the case studies is not similar. There are, though, some similarities. The examination of these differences and similarities can allow this thesis assess the extent to which NMG can make a contribution to the EU's democratic legitimacy.

14.3. NMG impact on the input side of the EU legitimacy

This piece of research finds that NMG, as they currently apply to the EU's regional policy through the employment of partnership principle, have managed to make a contribution

to the input side of the EU's legitimacy. NMG encourage the involvement of more actors, and particular citizens and civil society, and promote those administrative structures that favour their involvement. Additionally, NMG favour the decentralisation process of national administrative systems, which enhances the political role of sub-national elected stakeholders and their visibility both at national and European levels. Thus, NMG seem to favour both participation and democratic representation, and, from a normative approach to democratic legitimacy, they can improve the democracy criterion of the input side of legitimacy.

In particular, the employment of NMG in the four case studies introduces several innovations into the traditional hierarchical structures of governance of the member states. A very prominent one is the greater devolution of central state's powers to the regional level of governance. In all case studies the sub-national actors have gained more competencies and greater visibility, not only at the national level, but also at the European one. These greater political powers for sub-national elected stakeholders enhance the sub-national mechanisms of representative democracy and eventually their legitimacy. As a result, from a normative approach to democratic legitimacy, the enhancement of sub-national level representative democracy in the context of the EU's multilevel system of governance seems to improve the input side of legitimacy at all levels of European governance. Even so, this decentralisation process of governance structures varies and relies significantly on each member state's socio-political environment and administrative system. So, in some member states new administrative structures are created, while in others the changes are minor.

The development of policy networks is another dimension of the influence of NMG on the EU's regional policy and legitimacy. In all case studies the EU's regional policy has offered the opportunity to more actors to participate in some phase of regional policies. The employment of the partnership principle supported network-building and shared

responsibilities among various partners (civil society, private interests, and official authorities) and enhanced citizens' direct participation. The engagement of CSOs in STRAAT2020 platform in Austria, the RGFs in Denmark, the State-Regions Conference in Italy and the MCs in all case studies are just few examples that highlight how NMG enhance the participation of civil society. Partnership schemes have emerged both at national and sub-national levels. Some of them, mostly at the national level, are institutionalised but the majority of them are informal and can be found at the local level of governance.

All these partnership mechanisms and governance networks create the conditions that can connect civil society with the EU, reinforcing this way the input side of the EU's democratic legitimacy. They create channels of communication and co-operation among elected stakeholders and civil society, which theoretically reaffirm peoples' will and may result in a form of direct democracy, that Boedeltje and Cornips, (2004: 5) call it 'strong democracy'. Thus, NMG under certain circumstances can enhance Beetham's direct dimension of the EU's democratic legitimacy and result in trust relations, which are crucial for the legitimation of any liberal democracy.

Nevertheless, the analysis of the four case studies shows that the EU should not expect any significant gains in terms of input legitimacy. The EU encounters several issues, connected with both analytical and normative approaches to legitimacy, which the employment of NMG cannot resolve. On the contrary, in some cases, NMG seem to deteriorate the problems of input side of the EU's democratic legitimacy. From a normative approach, the legitimacy criterion of democracy, which encloses the concepts of representation, accountability and public authorisation through elections (Beetham and Lord 1998a: 6) is not always satisfied through the current employment of NMG in the EU's regional policy. The basic problems are their

weak anchorage with representative democracy and the little influence of civil society in policy-making processes.

A common issue that this analysis has found out in the four case studies is that of 'conflicting legitimacies'. This issue highlights what Skelcher *et al.* (2011) call the democratic anchorage of NMG and describes the relationship between representative democracy and governance networks. The complex nature of the EU's regional policy creates governance networks that involve several actors in the policy-making processes, which may lack democratic legitimacy. So, within these governance networks there are elected stakeholders that gain their legitimacy through democratic institutions and the principle of territorial representation (one man, one vote), and other actors that rely mostly on technocratic legitimacy, which is based on functional representation of relevant and affected stakeholders (Sørensen and Torfing, 2009: 252).

The coexistence of technocratic and democratic legitimacies within these governance networks is common in the EU's regional policy and, as the four case studies have shown, it may lead to tensions, problems of co-operation and render the democratic legitimacy of NMG under question. This situation, however, is not similar in each member state, as it depends on the particular national background and the degree of the EU funding. In Denmark, for example, the transformation of political stakeholders to metagovernors did not provoke significant reactions due to the traditions of consensual modes of policy-making and of the close co-operation between politicians and private interests in development policies. Even there though, as Skelcher *et al.* (2011: 33) point out, there are still concerns regarding the democratic anchorage of governance networks. The issue of 'conflicting legitimacies' in the context of the Danish Regional Growth Fora (RGF) is a very good example.

Similar concerns exist in all case studies, but the response of elected stakeholders and central authorities to these governance and legitimacy challenges varies. A common response is the avoidance of further employment of NMG and the focus on effectiveness instead of fairness. In Denmark and Austria the central authorities have proceeded to some sort of centralisation of regional policies, while in Italy and Poland central authorities maintain an overall control and often elected stakeholders circumvent some of the actors and NMG policy-making processes. Likewise, elected stakeholders, especially at the national level, tend to avoid sometimes civil society's further engagement and some NMG processes in order to minimise the side-effects of the complicated decision-making procedures. This centralisation does not enhance the EU's input side of legitimacy, as the partial employment of NMG and the focus on effectiveness instead of fairness affects participation.

Despite the fact that the EU's principles, regulations and funding have contributed significantly towards the mobilisation of citizens and CSOs in policy-making processes, in practise the latter do not seem able to play the anticipated role. NMG have failed to increase citizens' participation that much, that could have a considerable impact on the input side of the EU's legitimacy. Civil society cannot fully participate in policy-making processes due to the complexity of policy-making procedures, which demand in most of the cases a high level of expertise. Only the largest and better funded CSOs can really make a contribution. Furthermore, civil society is not able to influence decisions, as it mostly participates at the policy designation and to a smaller degree at the evaluation and monitoring. The case of the MCs is a very distinguishing example of this situation. The examination of civil society's involvement in the MCs shows that established partners are prominent in all case studies and technocrats and other experts dominate the policy-making processes.

Finally, another important aspect of the NMG influence on the EU's input side of legitimacy is that of political identification. Without the existence of a political community, or 'demos', political authorities and their decisions may be questioned by the citizens, no matter how useful these policies may be 'or impeccable the procedures by which they are made' (Lord, 2000: 3). Suffice to say that in the context of the EU's political system this subdivision of democratic legitimacy is the weakest. All public opinion surveys highlight this and many of the criticisms towards the EU, its democratic system and its policies derive by this weakness of the EU to enhance some sort of common identity to its citizens. For example, regarding democracy, a survey from the British think-tank DEMOS shows that 'a number of countries – including founding members of the Union – have arguably slid backwards on key aspects of democracy in recent years' (Birdwell *et al.*, 2013: 171). Despite this, the nation-states do not face the same legitimation pressures as the EU does.

To a certain degree this is easily expected given the central role that the national identity and the nation-state play in the lives of the European citizens. The EU cannot ever create such a national identity given that it is not a nation-state. As a multilevel system of governance could possibly develop a multiple of identities that could be connected on the basis of common values and interests. This is the objective of the EU with the employment of NMG. Despite that, NMG as they currently apply to the EU's regional policy, do not seem able to provide with a solution that could enhance this dimension of legitimacy.

In the context of the EU regional policy the establishment of the CoR and of several special support instruments like the INTERREG, JASPERS, or LEADER and URBAN (previous programming periods), help towards the emergence of cross-border, transnational and interregional networks. Likewise, several sub-national authorities have opened offices in Brussels in order to have a direct communication with the European level of governance. All

these networks bring sub-national government closer to each other and closer to the European political arena in the pursuit of common interests. Obviously, this interconnection can hardly be considered as a European public sphere or 'demos', but is a step towards the emergence of a European political arena.

Nonetheless, the great differences among sub-national government models, in combination with the lack of 'common principles of territorial organisation' result in a significant variation of political objectives and agendas, which eventually do not facilitate the emergence of 'a coherent basis of a European polity' (Hooghe and Marks, 2001: 91). Instead, the EU regional policy enhances more existing strong sub-national governments and identities than a European one (Hooghe and Marks, 1996: 83). This condition should not be considered as an overall failure of NMG, but certainly stresses their limitations and the need to be better connected with the procedures of representative democracy at the multiple levels of governance in the EU.

In conclusion, this study can claim that regarding the input side of democratic legitimacy the EU does not have significant gains, despite the fact that the EU regional policy creates some favourable conditions. In fact, Beetham's legitimacy subdivision of democratisation is partly satisfied by the employment of NMG in the implementation of the EU regional policy. From a normative perspective of democratic legitimacy the standards of democracy at the EU level are not necessarily worse than those of a nation-state's. NMG, though, have not so far managed to be connected with representative democracy. Citizens' participation is weak and within governance networks democratic and technocratic legitimacies are often at odds with each other. In this environment the citizens find it difficult to make an input and they become more alienated from the whole process, which eventually affects their connection with the EU.

From an analytical approach, which is based on peoples' beliefs, the situation for the EU is worse. Despite the fact that the last six Eurobarometer surveys and the Flash Eurobarometers of 2008, 2010 and 2013 show that the European citizens in the four case studies see in a positive way the EU regional policy and tend to trust more regional and local authorities, the EU as a whole is not seen in a very positive way. In most cases, the people in the four case studies do not believe that the EU is more democratic than the nation-state, despite the fact that they tend to trust more the EU institutions than the national ones (Standard Eurobarometers 76-81). This attitude is better reflected when the people are asked whether their voice matters in the EU. The results show that two thirds of the respondents (66 per cent) believe that their voice matters less in the EU (Standard Eurobarometer 80, Autumn 2013: 7).¹⁰⁶ These opinion polls highlight citizens' disbelief towards the EU's democracy and are also connected with the absence of a European political community.

14.4. Throughput legitimacy

The application of NMG in the EU's regional policy has an impact on the throughput criterion of legitimacy as well. According to Schmidt (2013: 3) throughput legitimacy emphasises on the quality of governance processes, their accountability, transparency and efficiency, and their openness to the people and the civil society in general. NMG theoretically have the ability to improve the quality of governance processes and this is one of the basic reasons why the EU has invested so much effort on their application on several policies, and especially on the regional policy.

¹⁰⁶ In the Standard Eurobarometer 81 there is significant change in this index (voice counts 42 per cent – voice does not count 52 per cent), but this must be attributed to the 2014 European elections (Spring 2014: 7).

On the whole, the application of NMG on the EU's regional policy has brought some positive developments regarding the quality of governance. The examination of the four case studies has presented that NMG have helped towards the emergence and establishment of co-operative policy-making processes, which improve transparency and accountability at all phases of the EU regional policy decision-making. For example, policy evaluation was significantly improved even in countries which previously did not have so strong experiences (Italy, Poland, even Austria).

In addition, in the four case studies NMG have helped towards the enhancement of partnership schemes and co-operation bodies. Such co-operation bodies have been developed at both national and sub-national levels and offer a platform of co-operation and communication, which can enhance participation and promote accountability and transparency in policy-making processes. In particular, the establishment and institutionalisation of such bodies promote multilevel governance through network-building and exchange of information and offer the opportunity to actors, who otherwise would have no means to intervene, to participate in policy-making procedures. They also help sub-national administrations to gain greater visibility and bargaining power at the European level. All in all, through these partnership schemes the actors involved in the EU regional policy gain experiences and knowledge and establish trust relations among each other.

The positive impact of NMG on the quality of governance seems to be acknowledged by the participants in these co-operating governance processes as well. The majority of the involved actors consider the whole process adequately transparent and the new governance approach satisfactory. The interviews held in the context of this study tend to confirm this positive attitude towards the governance processes too. Citizens also tend to approach the whole governance processes positively. In the 2008 Flash Eurobarometer survey (2008: 21)

the majority of the respondents considered the application of the principles of subsidiarity and partnership, which allow the involvement of several actors, private and public in all levels of administration (European, national, regional and local), as a positive development. In this context, the EU's regional policy and NMG appear to create those conditions that could enhance the throughput legitimacy of the EU's multilevel system of governance.

Despite these positive developments in all case studies certain challenges regarding the quality of governance processes are observed. The most prominent issue that concerns the four member states that are examined in this thesis is again the complexity of the whole process. This complexity is exacerbated because of the emergence of several intermediate bodies, which increase the problems of co-operation and co-ordination, as several of these bodies may share, or even have overlapping, competences. The involvement of so many actors with different capacities and responsibilities makes the whole policy-making process lengthier and difficult to co-ordinate, and may raise issues of policy-ownership and responsibility as well (respondents Italian State-Regions Conference, Danish Regions). This is for example the reason why in Austria, a country with long traditions of regional development policies, the trend of centralising regional policies is observed. This trend is reinforced by the fact that countries like Austria or Denmark receive a low amount of EU funds and thus have no interest to transform their existing regional development policies which have positive policy outcomes.

Finally, there is another dimension regarding the throughput side of the EU's democratic legitimacy. Given that the throughput side of legitimacy holds the space between the political input and the policy output (Leibenath, 2008: 234), governance challenges affect both the input and output sides of legitimacy. Schmidt (2013: 19) claims that 'throughput [legitimacy] does not make up for problems with either input or output while less (and worse) throughput can delegitimise both input and output'. In the case of the EU regional policy this

means that the improvement of governance processes may not be able to legitimise the EU, if the input participation or the output performance is not satisfactory. Currently NMG, despite their complexity and the problems that emerge from their employment on the EU's regional policy, improve some aspects of governance and policy-making. They, however, neither solve the issue of participation, nor guarantee positive policy results. Furthermore, NMG, due to their flexibility and open-ended process, are considered to be less politicised. This may be very positive when the EU has to face issues of transparency, accountability or quality of governance in general, but renders it rather invisible to the citizens or even 'seemingly unaccountable' (Schmidt, 2013: 18).

In conclusion, the analysis of the four case studies shows that NMG create the conditions that can enhance the throughput side of legitimacy, through the improvement of the quality of governance. Still, this improvement does not affect significantly the aspects of transparency and accountability, because citizens cannot really participate due to the complex policy-making processes of NMG. In all case studies the central authorities in order to avoid this complexity have proceeded to an adaptation instead of adoption of the partnership principle (Bache and Olsson, 2001 in Batory and Cartwright, 2011: 704). This approach helps the authorities in the four case studies to achieve the goals of regional policies, the output side of legitimacy, but it does not make up for the weaknesses in the input side. Therefore, the analysis of the throughput legitimacy highlights one more time how important is the anchorage of NMG with the mechanisms of representative democracy and the balance between fairness and effectiveness.

14.5. Output legitimacy

The output side of legitimacy, which relies on policy efficiency, is obviously the strongest part of the EU's regional policy. The EU funding has contributed to development policies across the EU and in some member states has been the main source of financial support for several development projects. Nevertheless, measuring the efficiency of NMG is not always an easy task due to their distinctive structure and function that moves beyond the traditional notions of efficiency (cost-result; Sørensen and Torfing, 2009: 241). Hence, Sørensen and Torfing (2009: 241) suggest that the most effective and common way to evaluate their effectiveness is through ex post surveys or questionnaires measuring the satisfaction from their results. Against this background, in all member states, no matter the level of funding, the EU regional policies is admitted to have a positive contribution to regional development policies and the European citizens, who are aware of this policy, seem to recognise this. The 384 Flash Eurobarometer (September 2013: 10) shows that 77 per cent of those aware of the EU regional policy consider it as a positive policy for their region or city. This percentage is slightly higher since the last Flash Eurobarometer of 2010 (76 per cent; FL298 June 2010: 8).

The abovementioned favourable opinions about the EU regional policy indicate that NMG can have a positive contribution on the policy outcomes. The European officials from the four case studies and the EU, who were interviewed for this thesis, are in agreement with this argument. In all these interviews the respondents say that NMG and the EU regional policy have brought programming tools and some level of innovation in regional policies (respondents, ÖROK, Danish Regions). These programming tools and innovations have helped towards the better implementation of projects and the absorption of the EU funds. Additionally, NMG result in greater awareness of the EU regional policies, as they aim to involve more actors in the policy-making processes and thus they seek to create channels of information,

communication and participation. This greater awareness is also connected with ownership of policies, which is a factor that helps policy effectiveness (respondents Italian Department of Development, Danish Regions). The involvement of more actors in a policy minimises negative reactions since the policy outcomes are the result of a combined effort.

In this context, NMG seem to satisfy the output side of legitimacy from both a normative and an analytical approach. The supporting opinions of the participants and of the citizens, in combination with the positive policy outcomes of this compensatory and redistributive policy, show that there are potentials for the EU to increase its legitimacy through the output side. There is a significant condition, though, that does not allow the EU regional policy to become an important legitimising factor for the EU. This condition is the level of the EU funding which is not allocated equally to each member state. Given that the aim of the EU regional policy is to reduce wealth disparities among member states, it is reasonable that some countries and regions receive more funding than others. This affects not only citizens' awareness of the EU regional policy, but also affects the willingness of member states to adopt some of the provisions of the NMG. Considering the issue of awareness, according to the 384 Flash Eurobarometer, only one third of Europeans are aware of the EU regional policy (FL 384 Sept. 2013: 4).

In those member states where the EU funding does not play a very important role in their regional policies, the central state tends to avoid the employment of some of NMG provisions and policy-making processes, as they increase complexity without necessarily offering better policy results. This tendency is more prominent especially, if it exists a tradition of regional development policies. In Austria for example, due to the low level of funding, the authorities do not always adopt the full scale of NMG and prefer to maintain the traditional policy procedures that so far are successful (respondent ÖROK). Something similar takes place

in Denmark too. This trend is mostly connected with the throughput side of legitimacy, but it is connected with the output too, as it affects policy awareness. In fact, in both Austria and Denmark the EU regional policy awareness is among the lowest in the EU. In Poland it is observed the opposite. The EU regional policy with its principles, guidelines and funding has resulted in a significant transformation of the regional policy in the country. This explains why today the 80 per cent of Polish people are aware of the EU regional policy (FL 384 Sept. 2013: 7).

In general, the fact that the majority of Europeans is not aware of the EU regional policy is obviously diminishing the positive results of this policy and does not offer much help towards the issue of the EU's democratic legitimacy. Except from this lack of awareness some concerns exist regarding the efficiency of NMG in regional policy as well (respondent Italian State – Regions). Again the complexity of the NMG policy-making process is the most important reason for this. The application of NMG makes the policy-making process lengthier and this can result in delays in projects and loss of funds. In addition, there are always the issues of co-ordination and co-operation among all actors involved. The lack of co-ordination and co-operation can lead to tensions, which can affect the policy output. Most of the times, these problems are solved through the exclusion of the less established partners, which are the CSOs. This, though, leads to problems of input legitimacy, as the balance between fairness and effectiveness (Boedeltje and Cornips, 2004), which NMG are supposed to achieve, is changing in favour of the second. Nonetheless, in each member state these issues are also influenced by the socio-political environment and the national administrative structures.

The impact of complexity of NMG may be reflected on the results of the 384 Flash Eurobarometer as well. According to this survey (FL 384 Sept. 2013: 14) when the citizens are asked why they have a negative opinion about the EU regional policy, they give the following

answers: 30 per cent of the respondents say that the funding is allocated to wrong projects; 23 per cent that it is difficult to access the funds; 5 per cent that the funding is too little; 36 per cent give other reasons; and 6 per cent do not know. All these answers are ordinary citizens' beliefs and hence they may not be that objective, as citizens may be biased towards the EU or lack a thorough knowledge of the EU policy-making processes. These answers, though, present some interesting indicators regarding the EU's regional policy efficiency.

Regarding the first answer it is often said that the funds are going to projects which not always matter to the people. This is a common concern in all case studies and particular in Denmark, and even Austria, where the focus on business development strategy dominates over other sectors of regional policy (Fotel, 2010: 13). This one-dimensional focus is also connected with the issue of the EU funding visibility. Particularly in countries like Denmark, where the funding is low, the growth-oriented policy objectives make it difficult to citizens to identify the impact of Structural Funds on their lives (Bachtler, 2008). The second reply also highlights the complexity of the whole process. The difficulty to access the funds may help transparency, but at the same time makes the development projects lengthier or even less realisable.

The fourth reply may highlight another aspect which affects not only the EU's regional policy or NMG, but the general political and economic environment in Europe. This is the current financial crisis, which cuts not only the national budgets, but also the European one. Any positive development in the EU regional policy is not enough to change this negative economic and political environment and this obviously affects the effectiveness of the EU policies as a whole. As a matter of fact, since the beginning of this crisis the favourable opinions for the EU are in constant decline even in countries that are considered to be pro-European. In Italy, for example, the economic crisis has certainly affected the regional policies and raises concerns about their effectiveness (respondents Italian Department of Development, State-

Regions Conference). Even the citizens seem to have a more pessimistic stance towards the results of regional policies. This is reflected on the 384 Flash Eurobarometer where only the 51 per cent of Italians consider the EU regional policy as a positive policy (September 2013: 14). This percentage actually is reduced since 2010 by 5 percentage points.

In sum, the EU regional policy has managed to have an overall a positive contribution to regional development projects in the EU member states and this is more or less acknowledged by many actors. As it was mentioned previously, this acknowledgment is perceived to be the best way to assess the effectiveness of NMG, despite the fact that all actors, especially the citizens, cannot always provide with reliable answers, as they are not aware of the whole policy-making processes or they are aware of that particular part in which they are involved (Sørensen and Torfing, 2009: 241). As a consequence, the Flash Eurobarometer surveys can offer just a general assessment of the effectiveness of the EU regional policy and of the employment of NMG, but not a very accurate picture.

In any case, the greatest contribution of NMG in the policy outcomes of the EU regional policy is that it expands the awareness of this policy field and reinforces the policy-ownership. This certainly helps towards the policy effectiveness, because all actors involved contribute towards the achievement of its aims. Even so, the results of the EU regional policy cannot significantly reinforce the output side of the EU's democratic legitimacy, because only the one third of European citizens are aware and affected by this policy. Additionally, the complexity of the whole policy-making process results in problems in terms of cost efficiency and time. In each case study these problems are tackled in a different way, which depends on the national background and experiences. It is, however, frequently observed a trade-off between fairness and effectiveness in favour of the second.

The latter is a common feature in the EU policy-making in general and aims to counter-balance the weaknesses of the input side of legitimacy with the strengths of the output one. This study has presented at an earlier stage that the reliance on the output side of legitimacy does not safeguard the political legitimation neither of a nation-state (direct model of legitimacy), nor of an international organisation (indirect model). Instead, weak performance of policy outputs can destabilise a political system that depends only on the output side of legitimacy. This becomes more obvious during a period of crisis. The current economic crisis that the EU faces underlines this condition very well.

14.6. Conclusion

This thesis provides with an assessment of the influence of NMG on the EU's democratic legitimacy. It investigates how NMG currently interact with the EU's multilevel system of governance and through this interaction it analyses the extent to which they affect the direct model of the EU's legitimacy and particularly the input, throughput and output sides of democratic legitimacy. It focuses on the EU's regional policy in four member states (Austria, Denmark, Italy and Poland) and presents how NMG interact with the political environments of these states. It is the analysis of these interactions that allows the assessment of NMG influence on the EU's democratic legitimacy. Certainly this analysis has some limitations too, as it does not cover the whole range of the EU's political system. The thesis does not examine the intergovernmental side of the EU, where NMG do not apply, and focus only on one policy field and four case studies.

In this context, this piece of research adds to the knowledge of how non-hierarchical modes of governance currently function within the EU's political system and of how they

perform in terms of democracy and effectiveness at all levels of European governance. Through the employment of case study research method the thesis can present the contemporary dynamics regarding issues of governance and democracy and proceed to a comparison between theory and practice. The last argument also indicates that there is space for further research in the future. The adoption of the European Code of Conduct on Partnerships, which theoretically improves the employment of NMG in the EU regional policy, can potentially alter the current dynamics. The relevance, however, of this piece of research can be extended to fields beyond the EU regional policy and democratic legitimacy. The analysis of this thesis can be used in other EU policy fields, or other international organisations and allow the comparison between the EU and other political systems. Finally, it can also offer insights in the examination of issues of governance and democracy at sub-national, national and supranational levels.

Considering the findings of this thesis the analysis of the four case studies shows that NMG, as they currently apply to the EU's regional policy, have led to some changes that can offer great potentials for the enhancement of the democratic legitimacy of the EU's political system. They offer the opportunity to more actors to be involved, they can enhance sub-national governments' legitimacy, they are considered to have a positive contribution in terms of policy output and through their participatory and inclusive policy-making processes they can contribute towards the greater transparency and accountability of governance processes. Moreover, NMG have created channels of communication and interaction between all levels of governance in the EU (sub-national, national and European).

This analysis shows that NMG have certain limitations too. These limitations derive from their inherent complexity in combination with a number of contextual factors ranging from the socio-political environments of member states to the current financial crisis. All these factors have as a result NMG to be partly employed on the EU's regional policy. The authorities

in the four case studies, in order to avoid their lengthy policy-making process, procedural costs and administrative burden, tend to favour the most established and experienced actors. Eventually, this condition does not support civil society's greater involvement. The latter finds little space to make a contribution to the EU's regional policy. This reduces the visibility of this policy to the citizens and may have an effect on issues of transparency and accountability. Thus, the problems in participation lead to problems in the input and throughput sides of the EU democratic legitimacy.

Neither the output side, though, can make up for the weaknesses of the other two sides. The employment of NMG on the EU regional policy may bring positive results and improve aspects of policy programming and innovation, but on the whole does not increase influentially the support towards the EU. On the one side the EU regional policy does not apply in the same way to all member states, and in consequence its policy outcomes cannot have the same legitimising impact for the EU. On the other side the negative results of the current Eurozone sovereign debt crisis not only are more prominent and overshadow any positive policy of the EU, but also reduce funds from the EU budget. As the case of Italy shows, this negative economic environment affects the absorption of regional funds and the development of regional policy projects.

The abovementioned arguments highlight that NMG, as they currently apply to the EU's regional policy, do not improve equally both fairness and effectiveness. Instead, the employment of the principles of partnership and subsidiarity are applied by the member states (and the EU indirectly) in a way that favours more the side of effectiveness than that of fairness. This is not necessarily wrong, nor less democratic. It is reasonable given the nature of this policy and the particular socio-political environment in each member state. The criticism, for example, that experts and established partners play a more important role in the policy-making

process has a point, but at the same time it is not possible, neither desirable, to include actors who cannot make any contribution at all.

This condition, though, does not comply with the theory of NMG, which insists that they can enhance both fairness and effectiveness and result in a strong democracy. The reliance on effectiveness is not enough for the EU, especially nowadays that faces many problems and is criticised from several sides, and it cannot make up for the weaknesses in the side of fairness. This becomes obvious from the examination of the EU regional policy in the four case studies. Nevertheless, this thesis believes that NMG, as they apply to the four case studies, can make a contribution to the EU's democratic legitimacy. This contribution lies mostly in the fact that facilitates communication between all actors involved. This may not offer any tangible results for the EU at the moment, but has the potentials to shape a European political arena in the future. Still, the formation of such a political arena depends on other factors too.

This piece of research highlights the significance of the hierarchy in the functioning of NMG. It has presented the analysis of Skelcher *et al.* that identifies four conjectures in the relationship between NMG and representative democracy (complementary, incompatible, transitional and instrumental). Despite the differences in each state, there is a common feature. In all cases there is a national level that co-ordinates the functioning of NMG. This is the so called 'shadow of hierarchical authority'. This is the context that allows NMG to perform. Nonetheless, this context at the European level is rather obscure. Considering the weaknesses of the EU's democracy the connection between NMG and representative democracy becomes more problematic.

The EU's multilevel system of governance does not favour the development of a political context similar to that of the nation-state. This is both positive and negative. On the one side this political system offers the necessary flexibility for the EU and the member states

to work together, and on the other one it does not provide with a standard context within which NMG can perform better. This analysis has explained how this flexible context affects democracy and legitimacy at the national and European levels, and the employment of NMG in the EU's regional policy. It also shows that the EU relies mostly on the way member states employ NMG. Even if we accept Schmidt's (2004) argument that the EU's democratic deficit lies in the side of the nation-state, and that NMG could resolve it, there is no guarantee that this improves the democracy at the European level. Each member state employs NMG following its own models and interests, which may reinforce the democratic legitimacy of the national level, but not necessarily that of the European level.

On the whole, NMG constitute an innovative method of governance, which are not very familiar to the citizens and other actors yet and they are still under constant development and readjustment. The European Code of Conduct on Partnership, which is trying to simplify and strengthen the partnership principle, while respecting member states' sensibilities, is a characteristic example. This study highlights this need for a simultaneous improvement in terms of simplicity of processes and of quality of partnerships. It also highlights that NMG have to be better connected with the processes of representative democracy. Despite that, NMG can only play an auxiliary role towards the democratic legitimacy of the EU, because the latter's multilevel system of governance will never rely on the same legitimacy criteria as the nation-state does. In the long term NMG may instil some legitimacy in the EU's political system. This is, though, a long process of trust building among all actors involved and also depends on the development of the proper culture of co-operation in all European societies. Certainly this process will follow the progress of the EU's political integration too.

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Appendix A – List of Interviews:

Michael Koch-Larsen, Executive Adviser, Centre for Health Technology, Business and Regional Development, Danish Regions. Interview held on the 30th of October 2013.

Respondent Conference of Italian Regions and Autonomous Provinces. Interview held on the 1st of August 2013.

Respondent ÖROK, Consultant for EU regional policy at the ÖROK (Austrian Conference on Spatial Planning). Interview held on the 21st of November 2013.

Rossella Rusca, Director Division V, Italian Department of Development and Economic Cohesion. Interview held on the 31st of July 2013.

Dagmara Stoerring, Administrator, Committee on Regional Development (REGI), European Parliament. Interview held on the 12th of August 2013.

Appendix B – Questionnaire:

- Do the EU regional policy procedures transform governance structures and allocation of powers at national and regional/local levels (new administrative tiers, capacities and role of central and regional/local government(s), elected stake holders, other actors)?

- Do the EU regional policy procedures (partnership principle) enhance participation of other actors such as civil society (NGOs, citizens, other institutions independent from the government) and private interests/businesses? In which phase of policy making (policy formulation/implementation/evaluation)?

- Do the EU regional policy procedures increase the effectiveness of this policy sector (For example: facilitate the absorption of Structural Funds or the implementation of other regional policy projects)?

- How do the involved actors (elected stake holders, citizens, private interests/businesses, NGOs, etc.) perceive the employment of the partnership principle (participation, co-operation, non-hierarchical co-ordination) in the EU regional policy (positive, negative, neutral)? Do the citizens find the procedures transparent, accountable, legitimate?

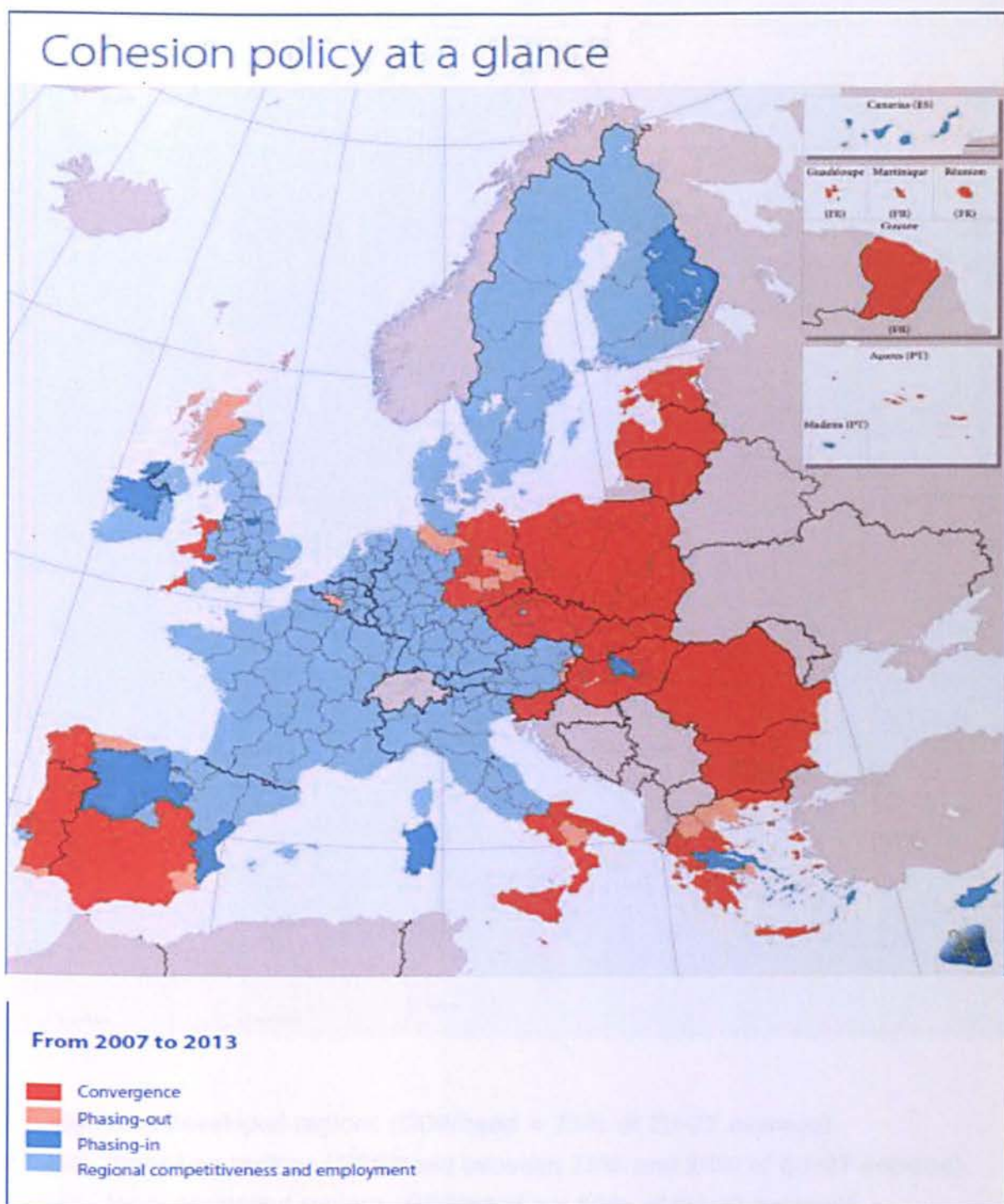
- It is argued that, the new modes of governance are complex and therefore:
 - They are time-consuming, because they require consensus among the stakeholders.
 - Favour experts and technocrats and not citizens' participation (issues of accountability and transparency – lack of interest)
 - Civil society organisations lack the capacity (administrative and financial) to make a contribution
 - There are issues of co-operation. For example, elected stake holders may not collaborate with other actors (centralisation)
 - There are issues of co-ordination and effectiveness of the regional policies, due to the fragmentation of the governance system where several actors and institutions compete for limited resources.

Are you aware of any of these issues in the implementation of the EU's regional policy?

- According to your opinion can the EU's regional policy have an effect on the EU's integration project? (For example: Does the implementation of this policy increase trust towards the EU? Does it bring citizens closer to the EU?)

Appendix C – Maps:

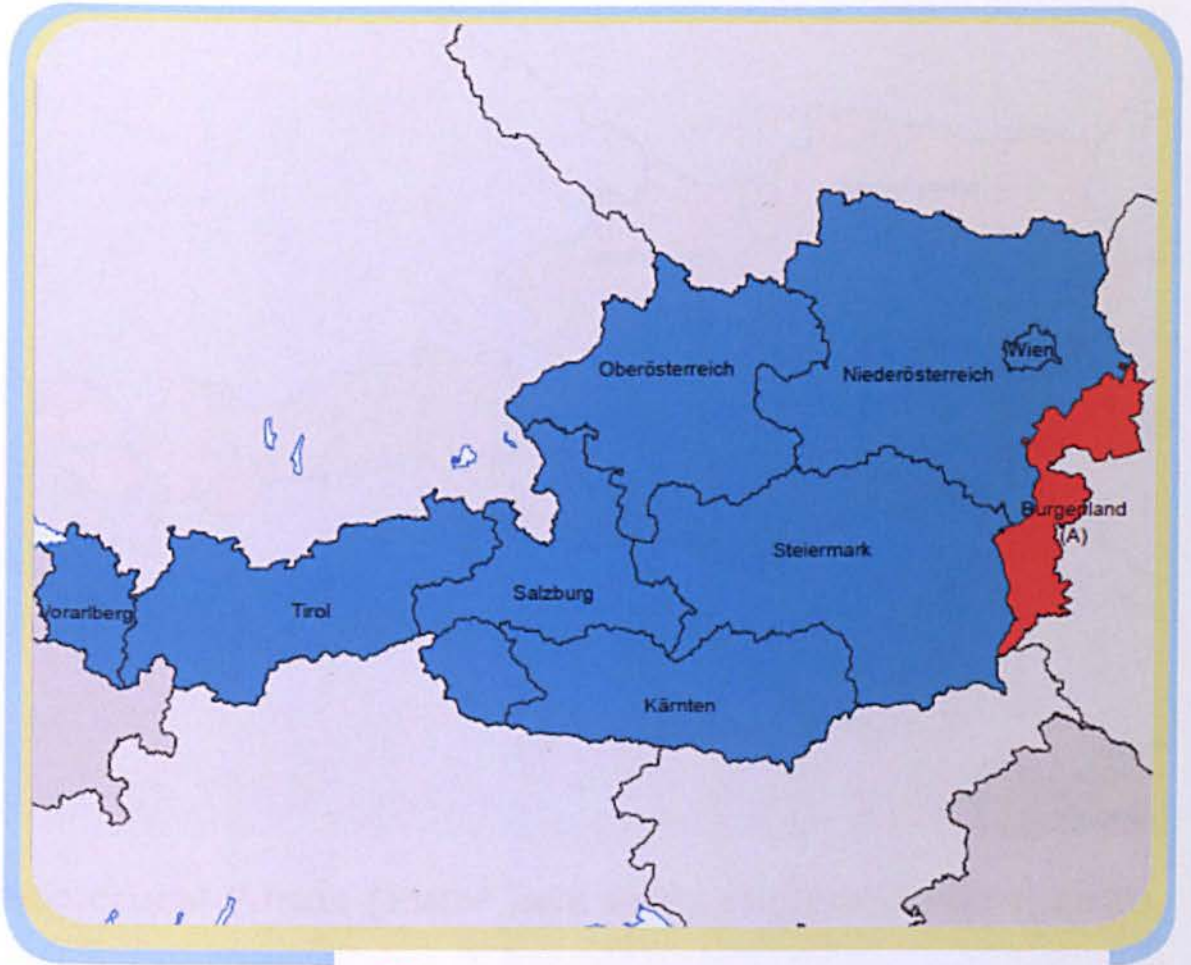
Europe eligibility regions 2007 – 2013



Austria

Eligible regions 2007-2013

Cohesion Policy 2007-13



- Convergence objective
- Competitiveness and employment objective

Eligible regions 2014-2020

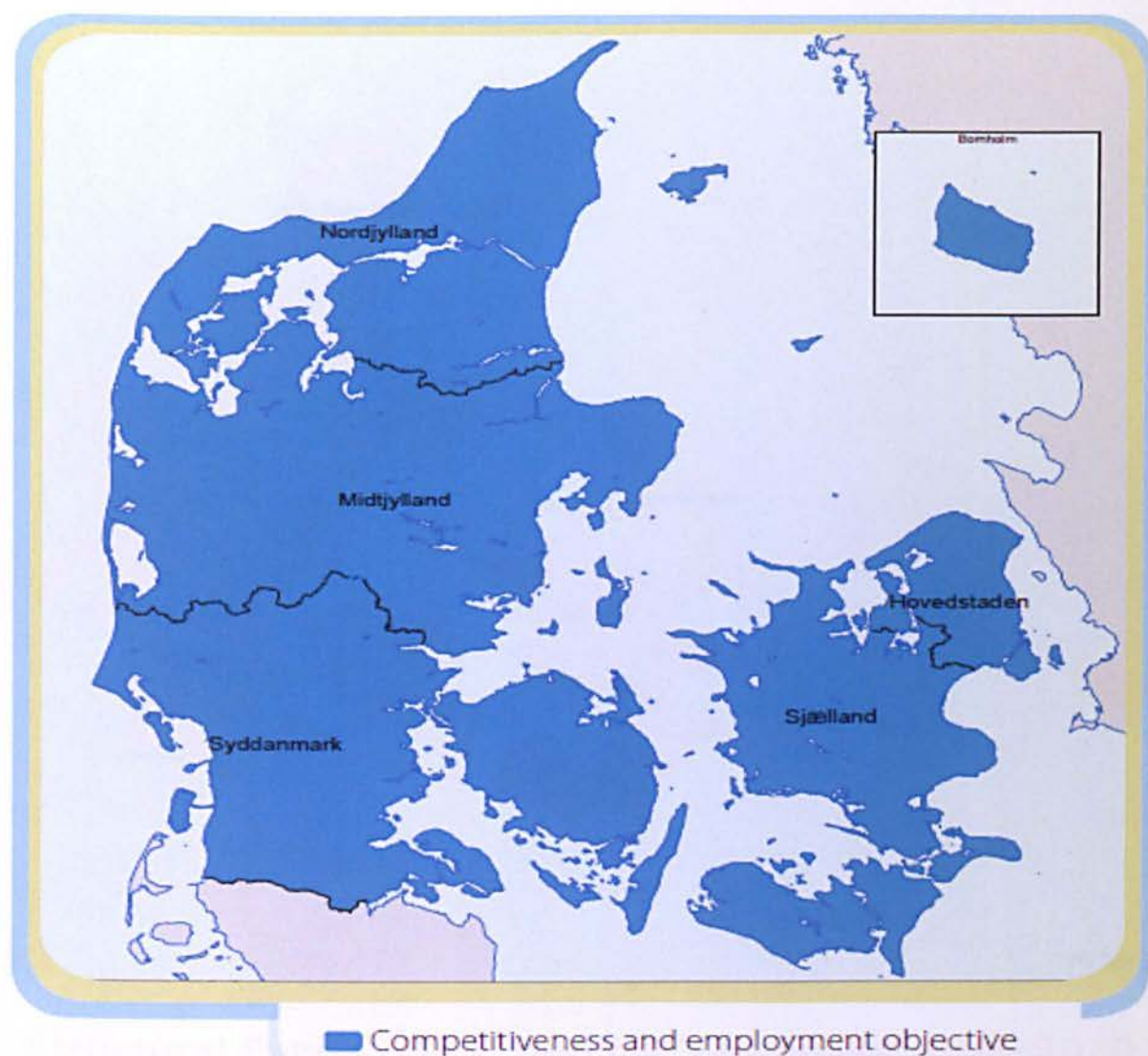


Structural Funds (ERDF and ESF) eligibility 2014-2020

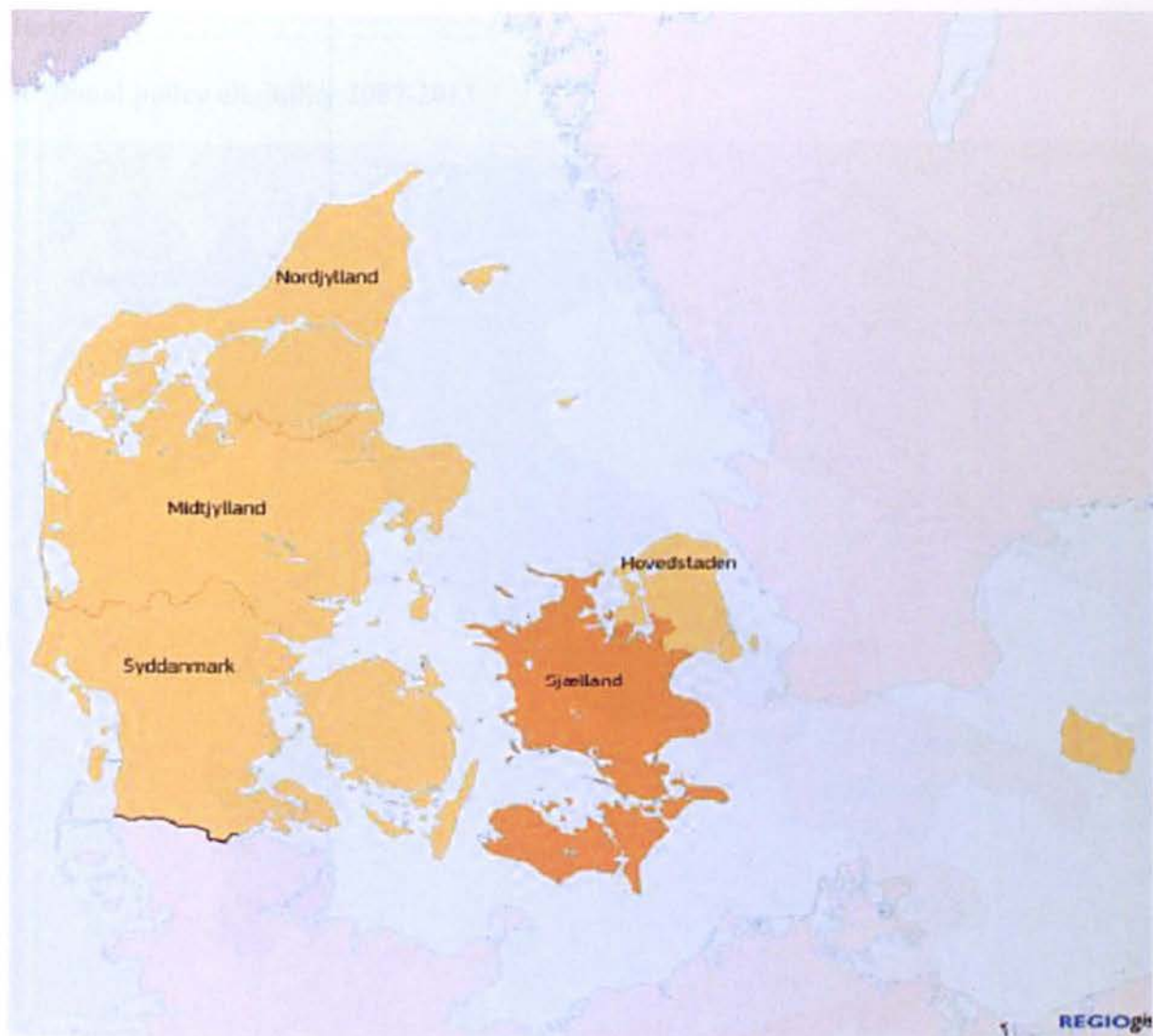
- Less developed regions
(GDP/head < 75 % of EU-27 average)
- Transition regions
(GDP/head between $\geq 75\%$ and $< 90\%$ of EU-27 average)
- More developed regions
(GDP/head $\geq 90\%$ of EU-27 average)

Denmark

2007-2013 eligible regions



Eligible regions 2014-2020



Structural Funds (ERDF and ESF) eligibility 2014-2020

- Less developed regions
(GDP/head < 75 % of EU-27 average)
- Transition regions
(GDP/head between ≥ 75 % and < 90 % of EU-27 average)
- More developed regions
(GDP/head ≥ 90 % of EU-27 average)

Italy

Regional policy eligibility 2007-2013



Regional policy eligibility 2014-2020



Structural Funds (ERDF and ESF) eligibility 2014-2020

- Less developed regions
(GDP/head < 75 % of EU-27 average)
- Transition regions
(GDP/head between ≥ 75 % and < 90 % of EU-27 average)
- More developed regions
(GDP/head ≥ 90 % of EU-27 average)

Poland

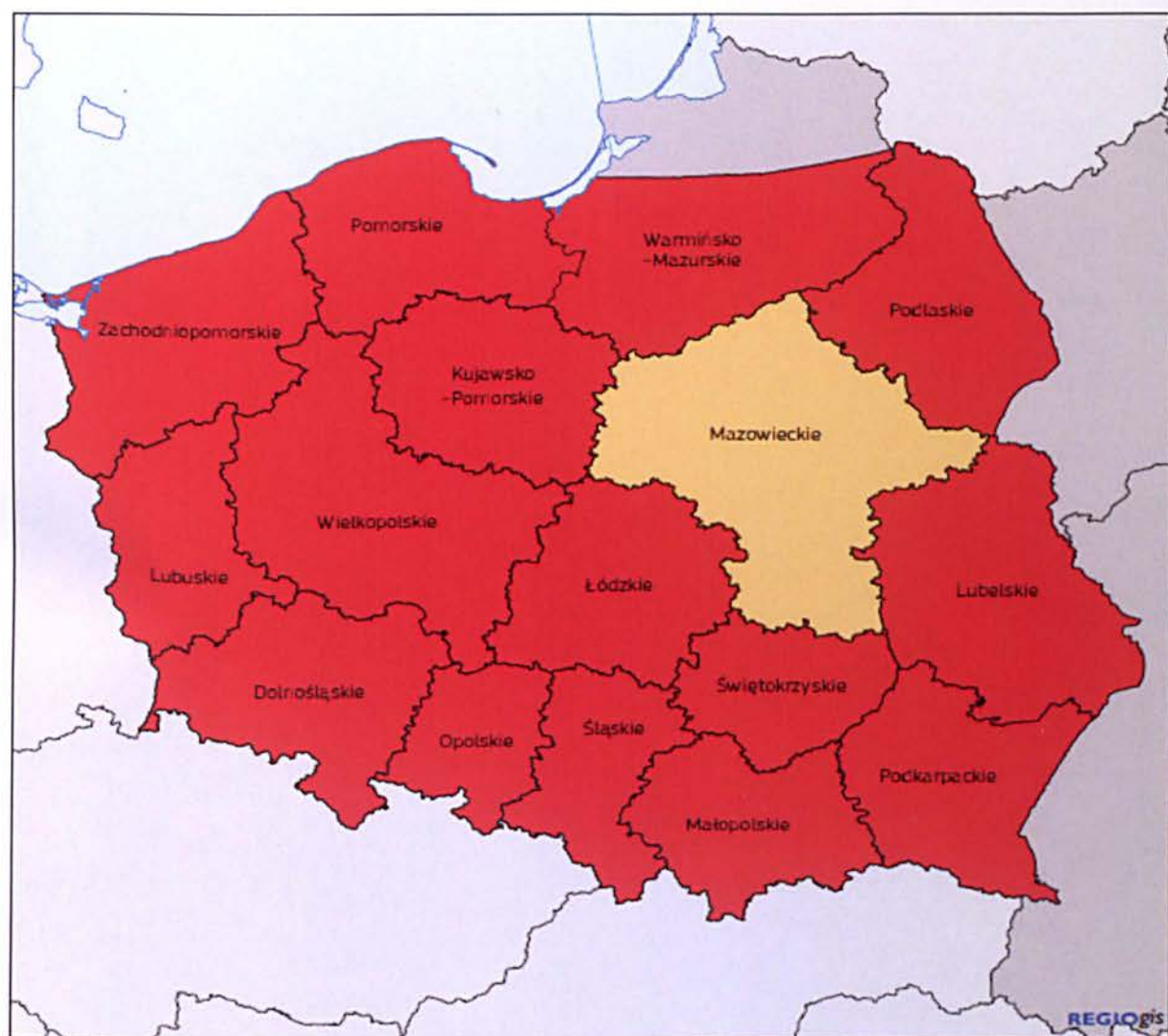
Eligible regions 2007-2013

Polityka spójności 2007-13



■ Convergence objective




Eligible regions 2014-2020



Polska

Structural Funds (ERDF and ESF) eligibility 2014-2020

Category

-  Less developed regions (GDP/head < 75% of EU-27 average)
-  Transition regions (GDP/head between $\geq 75\%$ and $< 90\%$ of EU-27 average)
-  More developed regions (GDP/head $\geq 90\%$ of EU-27 average)

0 125 Km

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