HOW EU MEMBER STATE INTERESTS PERMEATE INTO EUROPEAN COMMISSION DECISION-MAKING: A ROLE THEORETICAL APPROACH TO THE COMMISSION'S *CABINET* SYSTEM

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Abstract

Although the European Commission has to be immune to member state influences in order to act on behalf of the whole Union, historically its cabinets have been portrayed as national enclaves and even 'mini-Councils', constituting a venue for national interests to penetrate in European Commission decision-making. Despite the Kinnock reforms which led to the denationalisation of cabinets, empirical evidence whether denationalisation has an effect on the cabinets' role as access points for national interests still needs to be discovered. This article claims that in order to test whether the denationalisation of European Commission's cabinets has indeed prevented national interests to be represented in European Commission decision-making, the focus should be on agency rather than structure. Role theory has to contribute significantly in this regard.

Keywords: *European Commission's Cabinets, Denationalisation, Intergovernmentalism, Supranationalism, Role Theory*

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Ulusal Çıkarların Avrupa Komisyonu Karar Alma Sürecine Sızması:
Komisyonun Kabine Sistemine Rol Teorik bir Yaklaşım

Özet

Avrupa Komisyonu'nun Birliğin ortak çıkarları adına çalışabilmesi için ulusal çıkarlara karşı bağışık olması gerekir. Buna rağmen tarihsel olarak Komisyon içindeki kabineler, üye devletlerin kendi ulusal çıkarlarını Komisyon kararlarına sızdırabildiği ve üye devletler tarafından kuşatılmış 'mini-Konsey'ler' olarak tanımlanır. Her ne kadar Kinnock reformları kabinelerin ulusalsızlaşmasını sağlamış olsa da, bu ulusalsızlaşmanın kabinelerin ulusal çıkarlar için bir erişim noktası olması üzerindeki etkisinin henüz araştırılması gerekir. Bu makale Avrupa Komisyonu kabinelerinin ulusalsızlaştırılmasının gerçekten ulusal çıkarların Komisyon kararlarında temsil edilmesinin engelleyip engellemediğini araştırabilmek için rol teorik bir yaklaşımın uygulanması gerektiğini iddia ediyor.

Anahtar Kelimeler: Avrupa Komisyonu Kabineleri, Ulusalsızlaştırma, Hükümetlerarası, Uluslarüstü, Rol Teorisi

Introduction

The relationship between member states and the European Commission and to what extent the Commission is an obedient servant or an autonomous actor has been studied extensively.[1] Yet the debate whether the balance of power is shifting towards the member states or the European Union's supranational institutions still continues. Scholarship on the autonomous powers of the EU's supranational institutions emphasise the resources at their disposal and stress their capacity for independent action and ability to pursue their own preferences even when these diverge from those of the member states.[2] The opposite, intergovernmental view, on the other hand,

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[1]   See for example, Hussein Kassim and Anand Menon, "European Integration since the 1990's: Member States and the European Commission" (paper presented at the ARENA Seminar, University of Oslo, 11 February 11, 2004); Hussein Kassim and Anand Menon, "Bringing the Member States Back In: The Supranational Orthodoxy, Member State Resurgence and the Decline of the European Commission since the 1990s" (paper prepared for the CONFERENCE OF EUROPEANISTS OF THE COUNCIL FOR EUROPEAN STUDIES, Montreal, Canada, April 15-17 April, 2010); Andrew Moravcsik, "Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach", *Journal of Common Market Studies* 31, no 4 (1993): 473-524; Mark A. Pollack, "Delegation, Agency, and Agenda Setting in the European Community", *International Organization* 51, no 1 (1997): 99-134.

[2]   Kassim and Menon, "Bringing the Member States Back In."

stresses the formal and informal powers of the member states over the supranational institutions and usually denies any important causal role for them in the integration process.[3] With the aim to contribute to this debate, this paper focuses on the extent of independent action the European Commission displays and whether its policy entrepreneurship is limited because of certain constraints. In contrast to scholarly work that tends to focus on the Commission as a political actor, this paper will focus on the Commission as an organisation and administration. Thus, rather than drawing a line between intergovernmental and supranational arguments, this paper aims to shed light on the inner workings of the organisation and how the Commission's supranational autonomy is not immune to member state influences.

Studies of the European Commission portray the institution as being either permeated by national interests at all levels or as an independent institution exercising its autonomy. [4] According to the former (intergovernmentalist) assumption, although member states delegate agenda-setting powers to the Commission, these powers are decided and framed by national governments. Moreover, even if powers are delegated, member states have control mechanisms in place to control the Commission and its decision-making powers.[5] Supranationalists, on the other hand, argue that supranational institutions are able to develop independent interests and a capacity for action.[6] However, while the focus of these studies is on the supranationalist - intergovernmentalist divide, it is surprising that the Commission's cabinet system is mainly left out from such analysis, since the

[3] Pollack, "Delegation, Agency and Agenda Setting."

[4] Morten Egeberg, "Executive Politics as Usual: Role Behaviour and Conflict Dimensions in the College of European Commissioners", *Journal of European Public Policy* 13, no 1 (2006): 1-15.

[5] Control mechanisms such as comitology (Mark A. Pollack, *The Engines of European Integration: Delegation, Agency and Agenda-Setting in the EU* (New York: Oxford University Press, 2003)); the recruitment process of Commission officials (Arndt Wonka, "Technocratic and Independent? The Appointment of European Commissioners and its Policy Implications", *Journal of European Public Policy* 14, no 2 (March 2007): 16-189) and through informal governance (Mareike O. Kleine, *Informal Governance in the European Union: How Governments Make International Organizations Work* (Ithaca, NY: Cornell University Press, 2013).

[6] See for instance Liesbet Hooghe, "Several Roads Lead to International Norms, but Few via International Socialization: A Case Study of the European Commission", *International Organization* 59, no 4 (Autumn 2005): 861-898.

cabinets of the Commissioners are described as the 'black boxes' of the Commission.[7]

Being the personal assistants of the Commissioners, cabinet members are well documented as acting as 'mini Councils' within the EU's most supranational institution and have been described as access points for member state interests penetrating in Commission activity. The idea of cabinets acting on behalf of their respective member states stems mainly from the recruitment process in which cabinet members are recruited by the Commissioner's themselves with direct involvement of the Permanent Representations of the Member States in Brussels. More importantly, however, is the fact that these cabinet members shared the same nationality as their Commissioners leading to 'national units' which is quite unusual within the Commission where the norm for administrative units is multinational composition.

The characterisation of cabinets as 'mini Councils' within the Commission gains especially importance considering not only their role in the legislative process but also the legal obligation of Commissioners and Commission staff to act objectively and impartially in the interest of the whole Union. The 1999 Kinnock reforms[8] aimed to solve this problem by introducing new rules for the denationalisation of cabinets, i.e. recomposing the cabinets to consist of nationally diverse members. Having multiculturally composed cabinets would have prevented cabinets from acting as 'national representatives' through which member states could interfere in Commission

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[7] See for instance: Morten Egeberg and Andreas Heskestad, "The Denationalization of Cabinets in the European Commission", *Journal of Common Market Studies* 48, no 4 (2010): 775-786; George Ross, "Policy Development and the Cabinet System in the Delors' Commissions", unpublished, 1993, Accessed: December 14, 2018, http://aei.pitt.edu/7234/1/002484_1.pdf.

[8] The Kinnock reforms, named after Neil Kinnock, the Vice President of the European Commission who was responsible for the reform process, was the first major and comprehensive reform process the Commission had undertaken since its foundation. The reforms were mandated by the European Council and the European Parliament after the Santer Commission had resigned entirely following allegations of fraud, corruption and mismanagement. Although demanded by the Council and the Parliament, however, the Commission under the leadership of Romani Prodi had expanded the scope of reforms (see: Hussein Kassim, "'Mission Impossible', but Mission Accomplished: The Kinnock Reforms and the European Commission", *Journal of European Public Policy* 15, no 5 (2008): 648-668.

decision-making. The rules have been applied immediately and we even observe an overfulfilment of the requirements.[9] However, to what extent the denationalisation of cabinets had an effect on their role as access points for member states interests has yet to be measured.

The literature on cabinets tells us that the characterisation of cabinets as 'national enclaves' might still hold true. The EUCIQ findings, [10] which conclude that the denationalisation has let to actual changes in cabinets, is one major exception. The study states that the 'image of cabinets as instruments for the interests of member states is not widely shared by cabinet members',[11] and that with denationalisation 'cabinets serve less as a channel through which the Commissioner's home state pursues its interests than as a personal staff focused on managing the Commissioner's portfolio'.[12] At the same time, however, the authors stress that one should not discard the fact that, as an EU ambassador once claimed, 'the cabinets have always channelled impulses from national capitals, and they probably always will.[13]

Understanding the actual effects of the denationalisation of cabinet members is challenging, yet highly important. It is important because, any evaluation of Commission activity, centring on supranational and state-centric assumptions would be lacking or incomplete without analysing cabinet members' role in Commission activities, and whether they continue to be access points for member state interests. On the other hand, it is challenging because cabinet members are actors that work within the most supranational institution, yet are characterised as 'national enclaves', which constitutes a dilemma in itself. As will be seen throughout this paper,

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[9] As will be seen in the next sections the number of nationalities represented in the cabinets exceeds the number formally required, Egeberg and Heskestad, "The Denationalization of Cabinets".

[10] The 'European Commission in Question' (EUCIQ) project is based on a large-scale survey of Commission officials, conducted in 2008 by a multinational team, including John Peterson, Hussein Kassim, Michael Bauer, Renaud Dehousse, Liesbet Hooghe, Andrew Thompson and Sara Connolly. The findings of the project were published as a book titled 'The European Commission of the Twenty-First Century'. For more information on the project please see: https://www.uea.ac.uk/political-social-international-studies/european-commission-in-question/home.

[11] Hussein Kassim et al., *The European Commission of the Twenty-First Century* (Oxford: Oxford University Press, 2013), 198.

[12] Kassim et al., *European Commission*, 200.

[13] Peterson (2006) quoted in Kassim et al, *European Commission*, 209.

attempts to investigate the post-Kinnock reform cabinets and their role as access points for national interests have been made, with mixed results. As Gouglas et al., [14] puts it, 'studies generally discuss the advantages and disadvantages typically associated with European Commissioners' cabinets. However, scholarly attention on the actors within them remains extremely limited'. Drawing on Hussein Kassim's[15] emphasis on the lack of knowledge regarding the role conceptions of officials in different parts of the Commission, this paper will elaborate on role theory to understand the role of cabinet members and if their denationalisation has indeed resulted in Commission decision-making *without* member state interference.

Before explaining in detail how role theory is a useful approach for investigating the effects of the denationalisation of cabinet members, this paper first presents an overview of the literature on the cabinet system. Their function and historical evolution, as well as the effects of the Kinnock reforms will be explained in detail. In the second part, a detailed account of role theory and its concepts will be given. This paper will present a review of how role theory is applied to cabinet members in the literature, as well as demonstrate how this approach is useful to understand cabinet members' actual decision behaviour and what benefits this method can produce.

I. The Cabinet System of the European Commission

It is commonly acknowledged that the cabinet system of the European Commission is indispensable for Commission activity. David Spence states that 'if it did not exist, it would have to be invented'.[16] Despite their central role, however, it seems that the cabinet system is quite understudied. [17]

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[14] Athanassios Gouglas, Marleen Brans, and Sylke Jaspers, "European Commissioner cabinet advisers: Policy managers, bodyguards, stakeholder mobilizers", *Public Administration* 95, no 2 (2017): 359.

[15] Hussein Kassim, "Perspectives on the European Commission", in Efficient and Democratic Governance in the European Union, ed. Beate Kohler-Koch and Fabrice Larant (Mannheim: University of Mannheim, 2008), Accessed: April 14, 2018, http://www.mzes.uni-mannheim.de/projekte/typo3/site/fileadmin/BookSeries/Volume_Nine/CONNEX_Report_Series_09.pdf.

[16] David Spence, "The President, the College and the Cabinets", in *The European Commission*, ed. Geoffrey Edwards and David Spence, 3rd edition (London: John Harper, 2006): 68.

[17] The cabinet system was first introduced in the High Authority, however, the actual decision and motives underlying it are not documented. Katja Seidel (2010) assumes that

Initially cabinet members came to Brussels as the personal assistants of Commissioners to provide the necessary support for Commissioners to carry out their collegial responsibilities. The very idea that every Commissioner should have the support of a small personally appointed staff was initially proposed by Emile Noel, the first EC Secretary-General.[18] In the early days it was agreed to keep cabinets small, at four persons: two advisors (one *chef de cabinet* and one deputy) plus a secretary and a typist, whereas the President's cabinet would consist of four advisers and two secretaries. However, as the Commission's activities grew, so did the number and tasks of cabinet members.[19] Indeed, by the mid-1970s, the number of cabinets reached an average of 14 members.

As for their tasks, cabinet members[20] have multiple responsibilities. In line with the collegiality principle, cabinet members are responsible for acting as the bridge between the Commissioner and services, other Commissioners and the Secretary-General; establishing ties and arranging consultations with various bodies outside the Commission; assisting the Commissioner in EP and Council of Minister meetings; writing or revising speeches for the Commissioner; and accompany the Commissioner on official trips.[21] Besides providing technical assistance cabinet members also play a highly political role within the Commission. They politically guide their Commissioners with tasks such as keeping the Commissioner up to date on the most important developments within a particular policy area; identifying key interests within member states; constructing deals with DG

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they were likely introduced at the suggestion of the French, Belgian and Italian members of the High Authority who were familiar with ministerial cabinet systems.

[18] Cini (1996) cited in Athanassios Gouglas, Marleen Brans and Panagiotis M. Chaslaridis, "European Commission Cabinet Advisers and Policy Making" (paper submitted for the NOPSA Conference, Workshop 23, Gothenburg, Sweden, 2014).

[19] Mareike O. Kleine, "Trading Control: National Chiefdoms within International Organizations", *LSE 'Europe in Question' Discussion Paper Series* 59 (2013), Accessed: April, 18, 2018, http://www.lse.ac.uk/europeanInstitute/LEQS%20Discussion%20Paper%20Series/LEQSPaper59.pdf.

[20] Cabinet members may be titled 'advisers' or 'experts' if they are senior in terms of experience, age or Professional position. More junior officials are usually titled 'personal or policy assistants'. With respect to policy-making they constitute the core cabinet. The rest of the cabinet comprises administrative assistants, but also spokespersons, press officers, interns and drivers.

[21] Derk-Jan Eppink, "Life of a European Mandarin", Inside *The Commission*; 3rd edition (Tielt: Lannoo Publishers, 2007).

members and other Commissioner cabinets which have divergent views on specific policy proposals; and informing the Commissioner about what is going on in other areas besides their own portfolio.[22]

An important role of cabinet members who are appointed by and retain their posts at the Commissioner's personal discretion[23] is their involvement in the legislative process. According to official doctrine, the DG draws up a draft proposal on the basis of general guidelines given by the Commissioner. When ready, the Director-General sends the draft by internal post to the office of the Head of Cabinet.[24] If some Cabinets and their Commissioners have objections on the draft proposal or if conflicts have not been fully settled at the administrative level, the whole proposal must be decided under oral procedure.[25]

Special Chef meetings, officially known as the 'process of consultation between cabinets' are ad hoc meetings, attended by sectorally responsible members of each cabinet and chaired by a Member of the President's Cabinet. A member of the Legal Service and the Secretariat-General as well as experts from the DG in charge of the file are also present.[26] At this stage, any possible 'landmines' in the proposal have to be removed before the proposal reaches the Commissioners. The 'Hebdo', attended by each Head of Cabinet takes place weekly on Mondays and is chaired by the Secretariat-

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[22] Anchrit Wille, *The Normalization of the European Commission: Politics and Bureaucracy in the EU Executive*, (Oxford: Oxford University Press, 2013).

[23] Spence, *The President.*

[24] The draft proposal is send up the hierarchy to the Commissioner and his/her cabinet with the request to agree to inter-service consultation (ISC). The draft proposal as well as an explanatory memorandum is circulated among other DGs for 'technical comments' in order to prevent any disputes and conflicting interests between directorates. For instance, DG Budget must be consulted if a proposal has budgetary implications. Consulted DGs usually have to respond within four weeks and may express one of three opinions: a disapproving 'avis negative'; an agreement; or an agreement subject to certain comments. The agreement with comments is the most frequent response by DGs (Hartlapp et al. 2010). If the response is an 'avis negative', the lead DG either takes back its proposal or and drafts a new text or the open points are handed up to the cabinet, in order for them to find a solution.

[25] "Commission Decision of November 2005 amending its Rules of Procedure Commission of the European Communities", Official Journal of the Commission of the European Communities (2005): 83-90, Accessed: December, 14, 2018, http://ec.europa.eu/dorie/fileDownload.do;jsessionid=Kd--   %20uvFZsYYpL5apnLuOpYKUiz8Kk8C0ifObQLQ8U9FQpa746y3L!-2142749860?docId=613&cardId=613.

[26] Eppink, *European Mandarin*.

General. It follows the same agenda as the College meeting held weekly on Wednesdays. The meetings last much longer than the meetings of the Commissioners.[27] In these meetings the Heads of Cabinet have to achieve consensus on as many points as possible, before proposals reach the final level, the College of Commissioners.

Due to the sheer scope of the different dossiers and their highly technical contents it is impossible for the Commissioners to discuss many problem points. Because of the lack of time and detailed knowledge on an issue, the points open for discussion have to be limited. If the heads of cabinets agree on a document unanimously in the 'Hebdo', the draft is treated as 'A point' in the College meeting that follows. There is no need to discuss the document in the College meeting. However, if no agreement can be achieved in the 'Hebdo', the document is handed to the College as a 'B point' document for oral discussion. Here discussion among the Commissioners takes place and decisions are taken by simple majority.[28]

As seen, proposals are first subjected to cabinets before they reach the Commissioners and disputable issues that need to be solved are handled by them. Eppink describes the role of cabinet members in the legislative process as 'cabinet members oil the system.[29] Thanks to them, everything has already been decided when the College of Commissioners meets on Wednesdays... All the dirty work has been done behind the scenes by the cabinets. They have done the fighting; they have arranged the manipulations and the intrigues. All the Commissioners have to do is raise their hand in approval and then sign the draft directive'. This clearly shows that cabinet members are not only at the heart of EU decision-making on a technical level but also shape and influence the process.

A. Cabinet Members' Role in Decision-Making

Commissioners need to have a broad overview of all EU policy areas, due to the collegiality principle. Consequently, one task of cabinet members

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[27] Eppink, *European Mandarin*.
[28] See; Miriam Hartlapp, Julia Metz and Christian Rauch, "Linking Agenda Setting to Coordination Structures: Bureaucratic Politics Inside the European Commission", *Journal of European Integration* 35, no 4 (2013): 425-441; Ross, "Policy Development"; and Wille, *Normalization*.
[29] Eppink, *European Mandarin*, 142.

is to gather the necessary information for their Commissioner on not only what is going on in their policy areas but also in other portfolios. When Robert Toulemon became Marjolin's *chef de cabinet* in 1962, he was told by Marjolin: 'There is no need for an intermediary between my director-general and me in anything to do with economics, finance and monetary matters, [...]. It would only confuse things. You have absolutely no need to concern yourself with matters within my remit. Your job is to keep me informed of what my colleagues are up to, what they are proposing, what they are about to propose and to give me your opinion'.[30]

As understood from Jan Derk Eppink's memoir,[31] this information gathering is one of the most important tasks cabinet members perform and also shapes decision-making. Moreover, it is not always done in a straightforward manner but, as Eppink describes it, 'behind back doors'. Prior knowledge on ideas and proposals is fundamental because Commissioners need to know which proposals have a chance to pass in the College and which would face strong opposition. Cabinet members alert their Commissioners to issues, problems, and opportunities on the horizon, and they provide the Commissioner with advice and information about the relevant advantages and disadvantages of different policy options.[32] They also need to know if proposals from other policy areas are in contrast to their own portfolio interests and with whom they can build coalitions and construct deals. In this regard they are the essential deal-makers.[33]

In the legislative process, close cooperation between the cabinets and DGs significantly increases the likelihood of a policy proposal to be adopted as proposed.[34] However, the relationship between cabinet members and DGs

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[30] Interview with Robert Toulemon, December 17, 2003 cited in Marie-Therese Bitsch, "The College of Commissioners: A New Type of Public Authority", in *The European Commission 1958-72. History and Memories of an Institution*, Michel Dumoulin ed. (Luxembourg: Publications Office of the European Union, 2014): 200, Accessed: December 14, 2018, http://bookshop.europa.eu/en/the-european-commission-1958-72-pbKA7606187/.

[31] In his book 'Life of a European Mandarin' Jan Derk Eppink gives a detailed account of his experiences as a cabinet member for Commissioner Fritz Bolkestein (1999-2004) and Siim Kallas (2004-2007).

[32] Wille, *Normalization*.

[33] Spence, *The President*.

[34] Maurizio Carbone, *The European Union and International Development: The Politics of Foreign Aid* (London: Routledge, 2007).

is described as hostile. Peterson states that 'they (the cabinets) are widely viewed as being disrespectful both of the work of the Services and the Commission's independence'.[35] Eppink explains the relationship between cabinet members and DG staff as 'instead of working with each other, everyone works against each other', and adds that cabinets try to limit the influence of the Director-general on the Commissioner, while the DG staff tries to limit the influence of the cabinet on their administrative procedures.[36] This happens especially if the wishes and goals of a DG and the Commissioner regarding a policy is not the same. That cabinet members interfered too far aggressively and directly in the work of the services and the DGs is commonly stated in the literature.[37]

The increasing interference by cabinets into the work and tasks of the services was also highlighted by an internal report of the European Commission in 1991.[38] Although the 1999 Kinnock reforms aimed to normalise the relations between cabinets and services by redefining the roles of cabinets and drawing 'sharper lines of responsibility between cabinets and services',[39] recent studies demonstrate that the hostile relationship still continues; the members of cabinets are amongst the least popular Eurocrats for the Commission's services.[40] Given the fact that cabinets are often accused of acting on behalf of their respective member states, and that national governments are able to penetrate into Commission decision-making through the cabinets, the continuing and well documented 'hostile' relationship between cabinets and DGs and Services gains importance. As will be seen below, the recruitment process of cabinet members also demonstrates that this tense relationship might be the result of clashing

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[35] John Peterson, "Mission? Gestion? Cabinets and the Barroso Commission" (paper prepared for the EUROPEAN UNION STUDIES ASSOCIATION CONFERENCE, Los Angeles, April 23-25, 2009: 2), Accessed: December 12, 2018, http://aei.pitt.edu/33119/1/peterson._john.pdf.

[36] Eppink, *European Mandarin*, 106-107.

[37] "Proposals for Reform of the Commission of the European Communities and its Service", *European Commission*, Spierenburg Report (1979), Accessed: December, 14, 2018, http://aei.pitt.edu/993/1/Spirenberg_report.pdf.

[38] "Commission des Communautés Européennes 1991" cited in Kleine, *Informal Governance*.

[39] Wille, *Normalization*, 98.

[40] Kassim et al., *The European Commission*.

interests within an Institution that is bound to act on behalf of the whole Union impartially and without outside interference.

B. Cabinet Members: Personal Advisors or 'Mini Councils'?

Cabinet members have historically been portrayed as 'national enclaves'.[41] The primary reason for this is the recruitment process. Contrary to other Commission officials, cabinet members are recruited by the Commissioners themselves. They do not have to submit to usual requirements for entry into the organisation. Moreover, Commissioner's are not left to their own devises in this process. Permanent Representations of the Member States in Brussels spend considerable time supporting their own nationals.[42] Indeed, when Sandra Kramers was appointed to President Juncker's cabinet, newspapers referred to a diplomat who stated that 'the Dutch Permanent Representation in Brussels has been trying to make sure for months that a Dutchman forms part of Juncker's cabinet'.[43]

Because of the recruitment process, while units in the Commission administration are multinationally composed, cabinets have historically been filled mainly with nationals of the respective Commissioners, and were commonly referred to as, for instance, the 'German cabinet' or the 'French cabinet'. Moreover, common practice until the 1990s was that additional posts to the ones funded by the Commission could be funded by the country from which a Commissioner originated.[44] Even in the field of promotions and appointments of DG officials, 'the early cabinets played a crucial role in trying to get their nationals placed in the right jobs'.[45] Consequently, cabinets have often been portrayed as national representatives acting as access points for national interests within an institution that is supposed to be supranational in character and has to be shielded from member state involvement.[46]

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[41] Michelmann 1978 cited in Egeberg and Heskestad, *Denationalization of Cabinets*, 777.
[42] Spence, *The President*.
[43] Janene Pieters, "NL Could Get Role in New EU Cabinet", NL Times, September 16, 2014, Accessed: December 17, 2018, http://www.nltimes.nl/2014/09/16/nl-get-role-new-eu-cabinet/.
[44] Egeberg and Heskestad, *Denationalization of Cabinets*.
[45] Ritchie 1994 cited in Gouglas, Brans and Chaslaridis, *Cabinet Advisers*, 7.
[46] Egeberg and Heskestad, *Denationalization of Cabinets*.

What further enhances the characterisation of cabinets as 'national enclaves' is the task of cabinet members to maintain contact with government institutions in their Commissioner's home country and to advise their Commissioner on the possible implications a policy proposal could have 'back home'. [47] Cabinet members were frequently suspected, and according to David Spence 'not always unjustly, of leaking internal Commission documents to their national administrations'.[48] In return, they received detailed briefing on their own government's concerns about a particular proposal before a Commission debate took place. Thus, cabinets acted as a go-between mechanism and 'they served as a transmission belt between the Commissioner and his or her home country, and the Member States themselves did not shy away from using these ties to raise objections to legislative proposals in the making'.[49] According to Eppink 'as soon as a draft reaches the political level – in other words, the level of cabinets – national interests come more strongly into play'.[50]

As seen, cabinets constituted 'a quasi-national element in the supranational administration'.[51] An oft-cited complain of a Dutch official in the Commission's Secretariat-General describes the role of the cabinets more clearly: 'Intergovernmentalism begins when proposals hit the cabinets. They are mini-Councils within the Commission'.[52] Another supporting argument comes from George Ross who was able to spend a period as an observer of Delors' cabinet. Ross accused some cabinets of becoming 'shadow cabinets' for the national administrations of individual Commissioners.[53]

II. The Prodi Reforms: From 'Internal Spies' to More 'European' Cabinets?

The issue of national affiliations of the cabinets was highlighted for the first time in the 1979 Spierenburg Report. The report drew also attention to the above explained problems between the cabinets and the Commission

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[47] Nugent 2000 cited in Wille, *Normalization*, 99.
[48] Spence, *The President*, 63.
[49] Kleine, *Informal Governance*, 70.
[50] Eppink, *European Mandarin*, 119.
[51] Katja Seidel, *The Process of Politics in Europe: The Rise of European Elites and Supranational Institutions* (London: Tauris Academic Studies, 2010), 22.
[52] Cited in Peterson, *Mission? Gestion?*, 2.
[53] George Ross, *Jacques Delors and European Integration* (Cambridge: Polity Press, 1995).

administration arguing that cabinets create a barrier between the Commissioners and DGs. However these concerns were not addressed until the Prodi Commission. After the Santer Commission resignation, following allegations of corruption and mismanagement, and the European Council mandate to Romani Prodi, to reform the institution comprehensively, the issue of 'nationality' within the cabinets was addressed. Prodi introduced new rules regarding the private offices.

First, he introduced the rule that either the Chef or the Deputy Chef of Cabinet should be of a nationality other than the Commissioner's own. Secondly, he reduced the number of cabinet members to six members per cabinet. The representation of at least three different nationalities within the cabinets was also required, whereas in the past this number was only one. Prodi's successor Manuel Barroso took Prodi's reforms several steps further by adding two new rules. First, cabinets should reflect a 'reasonable' gender balance. Second, all Commissioners should select at least three members of their cabinets from the Commission's services instead of 'importing' them from their home countries.[54] As seen, as a result of the Prodi reforms (and Barroso's contributions) the cabinets have become more European and less 'nationalised' (i.e. denationalised), with more officials drawn from the DGs rather than being 'imported' from outside the Commission. To put it differently, the reforms aimed to facilitate a less politicised Commission administration. Or at least that was the intention.

In their study Egeberg and Heskestad show that the new rules have been successfully implemented.[55] In regard to the demographic composition, a considerable degree of denationalisation has taken place. However, according to Mareike Kleine in regard to the size and nationality of cabinets, 'Commissioners once again found various ways around the rules'.[56] For instance, although the number of cabinet members decreased, the number of policy assistants, experts and advisers (who are not official members of the cabinet but work within the Commissioner's cabinet) increased. Egeberg and Heskestad point to the fact that most Heads of Cabinet are still compatriots

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[54] Peterson, *Mission? Gestion?*
[55] Egeberg and Heskestad, *Denationalization of Cabinets*.
[56] Kleine, *Trading Control*, 20.

of their respective Commissioner. [57] According to Peterson there is no indication that the new cabinets which were smaller and more 'European' had become any less of a bridge between national capitals and 'their' Commissioners and 'cabinets do what they always have done: act as recipients of national and sectoral lobbying efforts, link Brussels with national capitals, coordinate policy, mediate between competing interests and help maintain collegiality'.[58]

Basing their arguments on the EUCIQ project findings, Kassim et al. are among the few authors who argue that the denationalization has indeed led to actual changes in cabinets and that cabinets are now more portfolio oriented.[59] This argument is based on the following responses they received from cabinet members: the question 'whether cabinets are too preoccupied with developments in their Commissioners' home states' has been answered as follows: 30 per cent disagreed, 32 per cent took a neutral view and a third agreed with the proposition. Moreover, half of the respondents consider that managing the Commissioner's relationship with his or her home country is a priority for the cabinet. Ten of the twenty-eight respondents consider that safeguarding the interests of the compatriots of the Commissioner is a function of the cabinet.

As seen, there is no unity in the literature regarding the post-reform cabinets and whether they continue to act as access points for national interest in EU decision-making. Whereas scholars such as Kassim et al. conclude that the Kinnock-reforms led to a 'functional denationalisation' of the cabinets,[60] Egeberg and Heskestad argue that the denationalisation of cabinets fits into a larger picture of the Commission that over time has weakened some of the constraints and control mechanisms that were originally imposed on it by those who erected it in the first place.[61] Peterson approaches the issue with an emphasis on the 2004 and 2007 enlargements and argues that the new rules were introduced to extent the EU's habits of cooperation. [62] Due to the nationality rule, the cabinets of the new

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[57] Egeberg and Heskestad, *Denationalization of Cabinets*.
[58] Peterson in Egeberg and Heskestad, *Denationalization of Cabinets*, 8.
[59] Kassim et al. *The European Commission*.
[60] Kassim et al. *The European Commission*.
[61] Egeberg and Heskestad, *Denationalization of Cabinets*.
[62] Peterson, *Mission? Gestion?*

Commissioners were not filled with inexperienced members. Moreover, the requirement to have at least three members from the services ensured that cabinet members stem mostly from the EU-15 states. In this context, Peterson concludes that the denationalisation of cabinets 'rescue' the Commission: 'The Commission has to be independent and pursue the collective European interest but at the same time it needs to be sensitive to national interests of its member states, which have become far more diverse in an EU of 27... Cabinets do the trick'.[63]

III. Theorising the Denationalisation of Cabinets: A Role Theoretical Approach

The sociological dilemma whether social structure or human agency matters is also the focal point of integration theories. Is integration driven by individual member states' interests or by the Union's supranational institutions?[64] Do supranational institutions shape political behaviour, gain autonomy and extend their own power at the expense of the member states or do member states control the institutions they have created through check and balance mechanisms? The agency vs. structure dichotomy forms the core of the intergovernmentalist vs. supranationalist debate that dominates European integration theories.

In the post-World War II era political science had rejected the focus on institutions in favour of two theoretical approaches based more on individualistic assumptions:

behaviouralism and rational choice.[65] Both of these approaches assume that individuals act autonomously as individuals and are not constrained by formal or informal institutions. At the end of the 1980s, however with the institutional turn, focus shifted to the structure. The primary concern of this

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[63] Peterson, *Mission? Gestion?,* 9.
[64] See; James G. March and Johan P. Olsen, "The New Institutionalism: Organizational Factors in Political Life", *The American Political Science Review* 78, no 3 (1984): 734-749.
[65] It has to be noted that institutionalist theory in the pre-war period, the so-called 'old institutionalism', was influenced by interwar idealism and focused on the formal and legal institutions of governments, the relations among levels and branches of government and particularly on the (then) new global institution the 'League of Nations'. See Colin Hay, Michael Lister and David Marsh (eds.), *The State: Theories and Issues* (London: Red Globe press: 2006) and B. Guy Peters, "Institutional Theory: Problems and Prospects", *Reihe Politikwissenschaft/Political Science Series* 69 (July 2000): 1-18.

new approach was not *if* supranational institutions matter but *how*.[66] The Commission, granted with extensive supranational prerogatives, was of particular interest for this new scholarship.

All three variants of new institutionalist theories differ over the processes and mechanisms through which institutions impact upon political outcome.[67] What they have in common, however, is their emphasis on structure. Institutions influence individual action by providing a political or cultural environment which alters the individual's sense of what is in her/his best interest. What sociological and historical institutionalism argues is that identities, priorities and interpretations are all created by this environment. The identification of an institution as being supranational provides it with a certain ethos and behaviour. According to this, the behaviour of the Commission is influenced by its self-perceived role as a supranational institution which encourages it to support further integration. Actors can therefore be seen to behave in a manner they perceive as being socially appropriate in accordance with their roles, leading to the dispersal of authority away from the central state.[68]

The rational choice variant of institutionalism views humans as utility-maximisers who are able to rank their priorities in accordance with fixed preferences. Politics is seen as an arena in which individuals try to maximise their personal gain. In this context, states create and maintain institutions to lower the transaction costs associated with inter-state activity, such as incomplete contracting, imperfect information, and the inability to monitor and enforce agreements. Cooperation, therefore, is instrumental, and is not necessarily a social practice.[69]

While new institutionalist theories emphasise the role of institutions in shaping preferences and behaviour, they discard an actor-based approach. In the same context, the general approach of studies regarding intergovernmental or supranational actors within the EU system is to adopt

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[66] Pollack, *Delegation*, *emphasis added*.
[67] Anil Awesti, "The European Union, New Institutionalism and Types of Multi-Level Governance", *Political Perspectives* 2, no 8 (2007): 1-23.
[68] Mark D. Aspinwall, and Gerald Schneider, "Same Menu, Separate Tables: The Institutionalist Turn in Political Science and the Study of European Integration", *European Journal of Political Research* 38, no 1 (2000): 1-36.
[69] Aspinwall and Schneider, "Same Menu, Separate Tables."

either a rationalist (emphasis on agent) or constructivist (emphasis on the structure) perspective. Either individuals have fixed preferences which may change over time because of utility maximising interests, or preference change occurs as a result of interactions and the internalisation of common norms. This paper, however, argues that for investigating the actual effects of behaviour an approach that comprises both agency and structure simultaneously, is required. While acknowledging the scope conditions of socialisation within a given social context, an individualistic methodology should not be discarded. It has to be said that measuring agent preferences is not an easy task, since such a measurement requires – as Zürn and Checkel put it – 'getting inside heads'.[70] Nevertheless, with the right method, asking individual agents directly could help to shed light on measuring actual behaviour.

Drawing on previous studies on the Commission that focus on the role conceptions and/or expectations of officials,[71] we argue that role theory and its concepts provide an efficient method for investigating the denationalised cabinets of the Commission because the theory emphasises *both the agent as well as the structure* [72] in which the agent operates as parts of social behaviour. Originally developed by sociologists, 'the concept of role deals with the *assumptions and values individuals bring to their interactions* with others'.[73] Though the theory lost its popularity in the 1970s,[74] it recently regained scholarly interest. The definition of role is drawn directly from the theatre. When actors portray a character in a play, their performance is determined by: the script, the director's instructions, the performances of

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[70] Michael Zürn and Jeffrey T. Checkel, "Getting Socialized to Built Bridges", in *International Institutions and Socialization in Europe*, ed. Jeffrey T. Checkel (Cambridge: Cambridge University Press, 2007), 253.

[71] See for instance: Jan Beyers, "Multiple Embeddedness and Socialization in Europe: The Case of Council Officials", in *International Institutions and Socialization in Europe*, ed. Jeffrey T. Checkel (Cambridge: Cambridge University Press, 2007); Kassim et al., *The European Commission*; and Wille, *Normalization*.

[72] *Emphasis* added.

[73] "Introduction", in Sebastian Harnisch, Cornelia Frank, C. and Hanns W. Maul (eds.), *Role Theory in International Relations: Approaches and Analyses* (Abingdon: Routledge, 2011): 1-4, (*emphasis* added).

[74] See Donald D. Searing, "Roles, Rules, and Rationality in the New Institutionalism", *The American Political Science Review* 85 no 4 (1991): 1239-1260; and Wehner, L. E. and Thies, C. G., 'Role Theory, Narratives, and Interpretation: The Domestic Contestation of Roles', *International Studies Review* 16, no 3 (2014): 411-436.

fellow actors, reaction of the audience and the acting talents of the players. Thus, 'an actor's performance is programmed by external factors but also the interpretation of the actor regarding his or her part'.[75] Actors do not simply act passively according to a script, but are actively involved in categorising themselves with an action orientation.[76] 'The unique distribution of these factors causes each role occupant to exercise his or her role behaviours in an individualised manner'.[77] To summarise, role theory assumes that actual behaviour within a social context is the result of:

a) *Role conceptions*: Mental guidelines individuals bring to office and intent to follow.[78] In other words, their conception of what should be done.

b) *Role expectations*: What the office holder thinks is expected from him/her (ego expectations) and implicit or explicit demands by others signalled through language and action (alter expectations).[79]

c) *Role Performance*: The actual outcome of behaviour, shaped by both, role conceptions and expectations.

A. Role Theory Applied to the Study of Cabinets

As mentioned before, studies investigating the cabinets from a role theoretical perspective are present in the literature.[80] However, throughout these studies concepts such as role conceptions and expectations are used without defining the theory itself. This presents particular shortcomings in understanding the roles of the denationalised cabinets. As explained above,

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[75] Ralph M. Goldman, *The Future Catches Up: Educational and Instructional Experimentation*, Vol. IV. (Lincoln: Writers Club Press, 2002), 565.

[76] Lisbeth Aggestam, "Role Identity and the Europeanisation of Foreign Policy: A Political-Cultural Approach", in *Rethinking European Union Foreign Policy*, eds. Ben Tonra and Thomas Christiansen (Manchester: Manchester University Press, 2004), 81-98.

[77] Parsons 1951 cited in Sharon. M. Hillery "Factors Associated with Professional Role Socialization of Nurses", *Retrospective Theses and Dissertations*, paper 9531 (1991), 9, Accessed: December 17, 2018, http://lib.dr.iastate.edu/cgi/viewcontent.cgi?article=10530&context=rtd.

[78] Bruce Headey, *British Cabinet Ministers: The Roles of Politicians in Executive Office* (London: George Allen and Unwin, 1974).

[79] Kal J. Holsti, "National Role Conceptions in the Study of Foreign Policy", *International Studies Quarterly* 14, no 3 (1970): 233-309.

[80] See for instance: Gouglas, Brans and Chaslaridis, *Cabinet Advisers*; Kassim et al., *The European Commission*; and Wille, *Normalization*.

cabinet members have been characterised as access points for national interests in the Commission. Measuring whether such a description still holds true is challenging. Questions about 'national interests' or links with the 'home state' are likely to generate more 'constructivist' answers. Furthermore, the denationalisation of cabinets has to be evaluated as part of a greater picture. As Jan Beyers puts it 'although roles are properties of individual actors, they also provide information about groups, networks, or larger social aggregates function. In sum, a study of role playing should focus on the individual without losing sight of the broader context in which the individual is embedded'.[81] Today cabinets operate not only in a reformed but also enlarged Commission. Therefore, evaluating the role of cabinet members with a focus on their links with 'back home' does not cover the whole picture.

'In order to gain a full picture of an organisation, it is insufficient merely to examine structures and procedures. Attention needs also to be paid to the origins, experience, and attitudes of its staff'.[82] Moreover, 'officials do not join the Commission as blank slates. They have particular philosophical views and they are shaped by experiences or laden with interests related to their national or regional background'.[83] These statements emphasise the need adopt an approach that bridges the agent-centred and structuralist perspectives, which role theory provides. Role theory helps us to understand the different aspects that generate social actors' actions. The main purpose of the approach is first and foremost to determine how *individual* actors conceive their roles.

Studies concerned with the effects of reforms on the cabinets' role as access points for member state interests provide several assumptions. Kassim et al. for instance refer to the effects as 'functional denationalisation' in which cabinets serve less as a channel through which the Commissioner's home state pursues its interests than as a personal staff focused on managing the Commissioner's portfolio.[84] Although not based on available data on the actual behavioural consequences, Egeberg and Heskestad found that the rules introduced with the Kinnock reforms have been implemented and that a

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[81] Beyers, *Socialization in Europe*, 101.
[82] Kassim et al., *The European Commission*, 6.
[83] Kassim et al., *The European Commission*, 23.
[84] Kassim et al., *The European Commission*.

considerable degree of denationalisation had indeed taken place. Drawing on studies of national administrations they assume that once demographically clustered cabinets become decomposed their 'representational linkage' would diminish. Egeberg and Heskestad argue that the denationalisation of cabinets fits into a larger picture of the Commission that over time has weakened some of the constraints and control mechanisms that were originally imposed on it by those who erected them in the first place.[85] In contrast, Mareike Kleine views the cabinet system as another source of informal governance and assumes their continuing role as transmission belts between national interests and the Commission.[86] Derk-Jan Eppink's accounts of his time as cabinet member demonstrate that the representative linkage role of cabinet members indeed continues.[87]

These different accounts and assumptions lead us to belief that the role of cabinet members and the extent to which member state interests penetrate in Commission decision-making needs further scrutiny. As explained above, role theory possesses the adequate concepts for this. Commissioner cabinets are units consisting of individual members and each individual would have different conceptions regarding their roles. At the same time, they may also be subject to different (alter) expectations (from their Commissioners).[88] What officials do, and how they do it, is not only determined by the rules and the definition of their responsibilities, but also by these role conceptions. The set of values and predispositions that officials bring to their job will affect their performances and the decisions they make.[89]

In this context, based on the two main concepts of role theory, i.e. role conceptions and expectations, and the assumption that actual behaviour is the result of the interplay between them, this paper argues that finding answers for the following questions would contribute to scholarship on the actual effects of the denationalisation of cabinets:

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[85] Egeberg and Heskestad, *Denationalization of Cabinets*.
[86] Kleine, *Informal Governance*.
[87] Eppink, *European Mandarin*.
[88] As mentioned before, role expectations have two dimensions: ego and alter. Whereas ego expectations refer to individuals assumptions about what is expected from them, alter expectations refer to implicit or explicit demands by others signalled through language or action.
[89] Wille, *Normalization*.

1) Do cabinet members' role conceptions and expectations differ according to whether they share the same nationality with their respective Commissioner?

Two competing arguments regarding the denationalisation of cabinets are that cabinets tend to focus more on the policy portfolio of their Commissioner and less on national interests and that multinationally composed cabinets has led to more interests being represented within cabinets. Thus it could be argued that multinationally composed cabinets may become access points for several national interests rather than only one.[90] It could also be argued that, as studies of national administrations show, nationality is more relevant in officials' behaviour in units which are uni-nationally composed.[91] However, cabinet members have multiple tasks and each member is allocated with a specific responsibility. Cabinet members' characterisation as national representatives is not the sole result of coming from the home country of their respective Commissioner but also because they are responsible for establishing ties and arranging consultations with various bodies (sectoral and national) outside the Commission. Cabinet members that are compatriots of their Commissioner could see their role as ties between the member states and the Commission more than non-compatriots because they simply work for the Commissioner who (to be politically correct) 'knows the country best'. In the same light, their assumed (ego) expectations could direct them to adopt more 'representative' role conceptions. In this context, determining if compatriots (of the Commissioner) are more endowed with tasks related to national politics is important.

2) Do cabinet members' role conceptions and expectations differ according to whether they have previously served in a DG

One of the rules regarding cabinet composition was that at least three members should have served in a previous Commission position rather than being drawn from outside the Commission. One of the rules regarding cabinet composition was that at least three members should come from the services of the Commission. The assumption was that officials with previous experience in the administrative level would adopt more supranational

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90 Egeberg and Heskestad, *Denationalization of Cabinets*, 776.
91 Egeberg and Heskestad, *Denationalization of Cabinets*, 782.

(portfolio-oriented) roles and be more immune to national pressures, due to their previous experience of working for the general interest of the whole Union. In this context, it could be assumed that cabinet members with no previous Commission experience will be more focused on political developments and political implications a policy issue may have in the Commissioners home country and consequently would more likely emphasise their 'representative' role. Based on their experience in working in the Commission their conception of effective decision-making would influence their own role conceptions as cabinet members. The same assumption applies also to their ego expectations.

These questions serve to understand and determine the interplay between cabinet members' conceptions of their given roles and what they think is expected from them. This approach does not only determine which specific roles cabinet members identify but also the causal factors (such as nationality or previous career experiences) that lead to variance or convergence in role conceptions and expectations (if there are any). Studies focusing on whether more multinational and European cabinets do not constitute a venue for national interests to enter Commission decision-making seem incomplete without taking individual actors' role conceptions and expectations into consideration. An actor based perspective is necessary to understand to what extent cabinets today are more 'European', since (in the words of Commission President Jean-Claude Juncker) 'it is not structures and rules that make things happen in an organisation, but human beings'.[92]

Conclusion

When Sandra Kramer was appointed as cabinet member to President Juncker, the headline of the *NL Times* read 'The Netherlands could get role in new EU cabinet' and Kramer's appointment was described as 'the Netherlands is getting a direct line with the new President of the European Commission'.[93] Similarly, the *DutchNews.nl* headline was 'Dutch get second

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[92] "Communication from the President to the Commission: The Working Methods of the European Commission 2014-2019" European Commission (November 11, 2014), Accessed: January 17, 2018, http://ec.europa.eu/transparency/regdoc/rep/3/2014/EN/3-2014-9004-EN-F1-1.Pdf.

[93] Janene Pieters, "NL Could Get Role in New EU Cabinet", *NL Times*, September 16, 2014, Accessed: December 17, 2018, http://www.nltimes.nl/2014/09/16/nl-get-role-new-eu-cabinet/.

representative in European Commission cabinet'. [94] Even after the Prodi Reforms, cabinets continue to be described as 'national enclaves' in the literature. One (of the few) exceptions are Kassim et al. who argue that the denationalisation has led to changes in cabinets and their previous roles as access points for national interests. [95] At the same time, however, they conclude that one should not disregard the claim that 'the cabinet have always channelled impulses from national capitals, and they probably always will'. [96] It seems that the reforms which aimed to create multinational, i.e. more 'European' cabinets has not led to any changes in how cabinets are conceived. At the same time, due to their highly important role, both within the Commission's daily activities and the legislative process in particular, any evaluation of the European Commission's autonomous power seems to be lacking without analysing the cabinets, and whether they continue to act as national representatives.

Studies that aim to investigate the attitudes of Commission officials tend to focus on preference changes resulting either from a socialisation process or mere rational calculations. However, both approaches seem to be insufficient for analysing the actual effects of the denationalisation of cabinets. Both approaches are useful in explaining why the cabinet system has been established in the first place, or why and how the denationalisation has taken place. However, neither can provide an understanding on the actual effects of the reforms. For this, one has to look at how cabinet members conceive their roles and if in time or under certain circumstances role conceptions change. Since we cannot think of individuals operating in social settings independent from the constraints imposed by the given context, we should determine if or how assumed role expectations (i.e. alter expectations) affect an actor's role conceptions.

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[94] "Dutch Get Second Representative in European Commission Cabinet", *Dutch News*, September 16, 2014, Accessed: December 17, 2018, http://www.dutchnews.nl/news/archives/2014/09/dutch_get_second_representativ/.

[95] Kassim et al., *The European Commission*.

[96] EU Ambassador quoted in John Peterson, "The College of Commissioners", in *The Institutions of the European Union*, eds. John Peterson and Michael Shackleton, 2nd edition (Oxford: Oxford University Press, 2006), 91.

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