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Doing politics and pretending not to. The Commission's role in distributing aid to Eastern Europe

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INTRODUCTION

Academic research on the European Union has undergone a series of evolutions, one of which is the increasing attention given to the European administration. This concern is twofold : on one hand, the growing number of studies on EU policies has chiefly led to acknowledging the decisive role played by the Commission in setting the agenda and elaborating European public policy making (Christiansen 1996; Cini 1997; Cram 1999; Fouilleux 1999; Nugent 1995; Peters 1992; Smith 1995; Jourdain 1994) ; on the other hand, observations made lately with a more anthropological perspective on European institutions looking at the new meanings ascribed to notions of administration and policy in Brussels, revealed their specificity in comparison to existing administrative models (Abélès, Bellier, Mac Donald 1993; Abélès, Bellier 1996; Bellier 1999).

Denying the political dimension of the Commission's work – observed in the strategies it implements in order to enforce both its own understanding of issues to be considered and solutions it propounds – is thus out of question. Yet few works draw a parallel between this political activity and the distinct position held by the European commission in the European institutional system, but to stress the fact that here again, texts are betrayed by realities. The fact that it may be simultaneously deprived of democratic legitimacy while dependent upon political circumstances allowing for its work and investment to translate into matter, does not prevent the commission from exerting a decisive influence upon the European Union's decision making process and the definition of broad orientations in European construction. In another way, anthropological studies have highlighted the constraints of its institutional position, particularly its incapacity to claim political legitimacy, and shown how these constraints are apprehended in the European Commission. But they have not systematically questioned the effects of these representations on the daily practices of Commission officials and the way they build public action.

Standing precisely at the crossroad of both approaches, we shall attempt to further their reciprocal results and interrogations. Once admitted that the classical opposition between administration and politics cannot in a precise manner account for the particular roles of the European Commission and its institutional partners (Parliament, Council), trying and understanding the resilience of this opposition in the actors' discourses and perceptions as well as its consequences on the strategies and behaviours they adopt, appears momentous.

In this view, this paper shall aim at analysing how the Commission relates to the political dimension of its action, starting from two complementary hypothesis. (1) The Commission

constantly seeks out to play a political role, yet without accessing to the political legitimacy required to endorse such a role. It is therefore involved in acts seeking to legitimise the power it handles, and simultaneously to mask the political dimension of its activity. (2) This form of repression (*refoulement*) is substantiated on several modes: modes of action and management within the Commission (through resorting to technicisation and juridicisation), or the officials' self perception of their role and function in the Commission, within which the operation of defining what politics and what political officials should be takes a central place. The Commission's relationship to the political dimension of its own action may thus be considered as a relevant grid for understanding the dynamics working out the production of European public policy making.

This paper addresses and pictures out both hypothesis in two parts. First, observing and describing the different dimensions taken by the European Commission's relationship to politics, as it manifests itself in the discourse the institution and its members produce about themselves and about their partners in the EUⁱⁱ. Secondly, dwelling on the European policy towards Central and Eastern European countries as an illustration (Robert 2001b), we shall endeavour to reveal to what an extent and how the Commission's relationship to politics inspires and structures the daily practices of civil servants and leads the European Commission to selecting particular types of policy making.

I. THE EUROPEAN COMMISSION: ITS RELATIONSHIP (S) TO POLITICS

The European Commission's relationship to politics is particular and manifold. More precisely, we shall here support an hypothesis which considers the activity of the Commission

as political in nature, although this institution and actors who belong to it are striving, for different reasons, to camouflage this reality. This paper hereafter examines two distinct and complementary aspects of the effort made to shrug off politics: how civil servants construct their professional identity, constituted from the claim to specific dispositions, in opposition to the characteristics supposedly attributed to the political counterparts of the Commission – MEPs, Council personnel and members; what modes of legitimisation are favoured by the European administration in order to justify and account for its action in the European political system.

With regards to researches carried out on the EU in the past two decades, the Commission's political role and ambition today appear unquestioned and unquestionable (Christiansen 1997). In particular, specialists on EU public policy making have established that the European administration often plays a decisive role in the different steps surrounding reforms and new measures, from agenda setting to their implementation, during which its work stretches much further than the mere execution of rules and decisions adopted by the Council (Eichener 1992). Besides, numerous studies carried out on the Commission's personnel have shown the growing place and importance taken by political carriers and resources (Donnelly, Ritchie 1994; Joanna, Smith 2003; Page 1997; Smith 1996, 2002).

In this respect the PHARE programme of technical assistance to the Eastern and Central European States represents a clear example. First of all its genesis owes a great deal to Jacques Delors, chairman of the Commission, who mustered resources found in a whole array of relations built during the course of his political carrier to convince and compel his partners outside and inside the EU to entrust the European administration with western aid to Eastern Europe (Deloche-Gaudez, Lequesne 1996; Niemann 1999). Beside revealing this institution's

ability to put to the fore its own understanding of issues to be considered, such institutional activism as displayed by the Commission's representatives in the process of the creation of PHARE shows that the Commission, just like the Council and the Parliament, acts according to its own purposes. These objectives more often than not amount to the willingness to expand its own institutional prerogatives (Mak, Guignier in this book): thus, obtaining the management of the PHARE programme was perceived by those who sponsored it, as a means for the European administration to gain access to the so far restricted domain of EU Foreign policy.

Next, the room for manoeuvre left to the Commission by the successive regulations of Councils concerning the PHARE programme, who often merely indicate that PHARE is designed for aiding Eastern states in their effort of economic restructuringⁱⁱⁱ, *a contrario* emphasises the creative dimension of the Commission's management. In fact it amounts to permitting the Commission to define itself the priority sectors of Western aid, the nature of this assistance, conditions of its implementation, as well as the personnel in charge of it, i.e. companies and consultants entrusted with running project in the field.

Finally, progressive institutionalisation of the programme throughout the 1990s and the fact that it was clearly identified as one of the main instruments of European policy to applicant states, must both be matched with the Commission's capacity to 'hinge up technical and political patterns', in other words its ability to enlist technical knowledge and aptitudes to produce solutions which also take into account political imperatives and constraints to which public choices are subjected (forward-looking management of conflict between member States, anticipating symbolic consequences of its activity on relationships with Eastern Europe, and/or their electoral impact.) (Robert 2001a).

If the fact that activity of the European Commission is political in nature is now fully acknowledged, another characteristic of this institution is less frequently emphasised by researchers: the discourse the European administration produces about itself and its action tends to systematically lessen, let alone deny, the political dimension of its work, and more generally to institute ‘a-politicism’ as the *raison d’être* of this institution and the very basis of its legitimacy.

On the one hand, ‘a-politicism’ is exhibited as a personal disposition, better presented as a whole set of know-how and behaviours, exclusively belonging to the Commission's civil servants. Interviews carried out with members of the Commission in the course of our research tend to show how, when referring to their professional identity, they make constant allusion to MEPs and Council members. This allows them to claim a whole pack of personal qualities – neutrality, independence, disinterestedness, scientific knowledge, technical competence, objectivity, ability to think in the long term – set against the ‘defaults and weaknesses’ of the ‘politics’ – national interest and selfishness, ignorance and remoteness from the field, pretence, inconsistency and incoherence, short term and electoral vision. As illustrated in the following extract, actors of the Commission draw from this contrasted picture to apprehend and lend meaning to the daily tasks of implementing PHARE, and make use of this classification to decipher their relationships with their institutional partners:

‘When we worked together on the PHARE programme, Member States were always very careful about protecting [their own interest] (i.e. to offer European contracts to national consultants and enterprises). They played their part as member State, their role of defending national interest, and we [the Commission] have represented the interest of the European

Community, as usual, and the interests of applicant countries. (...) The European Parliament members were very enthusiastic about PHARE programme, we have had to rationalise their mobilisation. For example, they wanted Romanian orphanages to become, overnight, as modern as in Western Europe. (...) We [the Commission] were here to reason with them and take actual needs of the Romanian people into account. To build luxury orphanages could have been a provocation for Romanian families. This story of the Romanian orphanages is a good instance of our usual work with EP members.^{iv}

Although perhaps more obvious among agents of the PHARE programme owing to the history of the office, such dispositions are however not a particular specificity of DGIA, but can be regarded as characteristics pervasive to the Commission's administrative culture, as shown by Marc Abélès and Irène Bellier:

‘Les euro-fonctionnaires, quel que soit leur grade, sont censés procéder sur une base non émotionnelle et rester insensibles aux influences, tout en recevant les demandes de divers représentants qui leur servent en partie de source d'information. Théoriquement ils agissent rationnellement, ce qui désigne essentiellement une technique de choix, et impartialement, ce qui renvoie aux notions d'indépendance politique et éthique. Du point de vue endogène, les actes de la Commission et des ses agents, même imparfaits se fondent sur des critères quantifiables, évaluables, et s'inscrivent dans des cadres établis et contrôlables, contrairement – et l'opposition est pertinente aux yeux des hauts fonctionnaires – aux actes des hommes et des femmes politiques qui en étant soumis aux aléas des choix électoraux et non assurés de la pérennité, seraient enclins à 'céder à l'émotion.’ (Bellier 1999: 47)

On the other hand, the claim to ‘a-politicism’ also translates in the discourse put together by the European Commission to describe its activity and support the relevance of its proposals. What sets it apart from its institutional partners (Parliament, Councils, Member States) does not apparently dwell in the fact that its activity might come down to purely technical, juridical or administrative tasks, but in the efforts it spends to present it as such, and appear itself as a mere tool to attend social forces and immanent principles. The Commission's effort of repression of the political dimension in its work relates to two types of operations - hereafter artificially differentiated, but most frequently mixed up in reality:

- the concealment of the creative dimension in its work, through denying the extend of interpretative activity and available room for manoeuvre in the implementation of the Council's decisions and European rules;
- the obliteration of the ‘ideological’ dimension – i.e. based upon a reference to values and involving choice making – of its positions and suggestions, by presenting them as dictated by a certain rationale (juridical, technical) and /or compelled by European common interest.

Examples taken in the European policy towards Eastern European countries yet again help to illustrate this disposition. First, the presentation made of the programming activity of the Commission in annual PHARE reports – handed out to the Council, the Parliament and widely distributed in EU public relations offices – suggests that European civil servants are mere underlings, and that the Council's declaration and regulations are guidelines precise enough to set the frame and content of their mission. Beside, these reports never hint that certain choices may possibly be made: programming appears as a simple process both well controlled and objectivable because based on seasoned techniques (particularly the so-called ‘demand-driven’ technique which consists in co-operating with the beneficiary of aid) and relying upon a ‘scientific’ vision of transition. Thus identification of so-called priority sectors is presented

as the twin outcome of preferences expressed by partner States, and as the practical exercise of a whole constituted knowledge on changes felt in these countries. This latter observation reminds of conclusions reached in studies carried out in the case of other European policies, especially in Research (Jourdain 1996) or in programmes meant for South American States (Le Naëlou 1995) and which all uncover a process of naturalisation of choices made during the implementation of these projects, or constant reference to technical rationality presented as the ultimate and insurmountable justification of decisions made by the Commission.

It falls out of our subject in the present paper to mention every explicative factors behind the Commission's relationship to politics. Suffice to emphasise that it can be recognised as a means for the European administration to solve some of the inner contradictions relating to its institutional position. Resort to law and technical issues to make natural its positioning allows the Commission to justify its prerogatives and proposals without calling upon a political argument, prohibited anyway for want of democratic legitimacy. Qualities of independence, disinterestedness and expertise, as assumed by officials, come to attest of the capacity and legitimacy of those men and women, non elected and belonging to various nationalities, to define where Europe's general interest lies. Furthermore, European civil servants' relationship to politics, their conflicts of legitimacy with Member States manifest common features with representations and behaviours typical of national administration staff, well studied by sociology and political science researchers (Duran 1999 ; De Baecque, Quermonne 1982 ; Grémion 1979 ; Suleiman 1976). These similarities can perhaps find an explanation in the history of administration and more precisely in the types of legitimacy on which it rests. Yet it may be suggested that such conflicts are of a particular nature in the case of the European administration. Institutional rivalries first gain in acuteness, owing to the larger range of prerogatives handled by the European administration compared to national ones – while

facing more attacks and scepticism. Its legitimacy is therefore more demanding and more fragile. Besides the link made in Brussels between politics and the defence of national interests exacerbates such tensions between administration and politics, and allows European civil servants, rather than national ones, to claim a monopoly in handling "European thinking" and in defining a common European interest.

The Commission's exhibited a-politicism, to the extent that it is at the roots of its existence and autonomy as an institution and conditions both affirmation and practice of its authority, coerces this institution into permanently producing evidences of its a-politicism, and leads it to perceive itself as such. If discourses and representations prevailing within the European administration on politics partly fulfil this function, we should point out in the following part of our paper, that these cannot be taken independently from the political practices which produce them. In other words, the Commission's privileged modes of legitimisation determine, at least partly, the shape and content of its action in the European political system.

II. 'A-POLITICISM' IN ACTION: RESOURCES AND CONSTRAINTS FOR THE COMMISSION

Case studies analysed in the second part of this work are drawn from the history of the UE preparation to Eastern enlargement throughout the 1990s. Returning to the role played by the Commission in elaborating and the implementing the European policy towards Eastern European countries, we will discuss and illustrate the following hypothesis. At the beginning of the decade, the Commission's repression process concerning the political dimension of its action was activated as a resource, and made possible the whole process of both

institutionalising such a policy and of achieving its leadership in the field of public policy making. More recently though, on some issues relating to enlargement, the Commission's a-politicism seemed on the contrary to play as a constraint, to which the Commission couldn't escape, and which significantly limited the scope of available positions and possible actions.

In the 1990s, the Commission apparently particularly well managed to benefit from the perspective of enlargement to re-negotiate its role and position within the political European system. Whereas in 1989 it successfully obtained responsibility for the PHARE programme, thanks to the closer linkage between the EU and Eastern Europe in this decade it goes on to rely on this early position to secure growing autonomy and power particularly with regards to conceiving and enacting European policy in the East (Robert 2001a). Minute examination of the strategies displayed by the Commission during this period shows that these strategies work out precisely on the denial of their political dimension.

First of all, by introducing itself as an expert – neutral and independent – and never positioning itself as a decider, the European administration succeeded in presenting and pressing forth its understanding of issues pertaining to Eastern and Central European States. A chronological perspective of the Council's activities aside with reports submitted by the Commission clearly shows that the former has often simply re-used, sometimes literally, proposals put forward by the latter. However, never did the Commission claim this policy to be its making, and the documents it publishes systematically present the *Ostpolitik* as issued from efforts and will of the sole omnipotent European Council, in its desire to integrate applicant countries. Besides keeping silent about its own contribution, the solutions it presses on totally brush aside its arbitrary aspects, in other words the idea that they might have resulted from choices. Notably the essentially juridical dimension given to the pre-adhesion

strategy (based on the definition of the European Acquis, and its inclusion in the law of candidate States), made possible to introduce it as directly connected to the Treaties and founding texts, i.e. solely based on respect for the law and procedure. Such “juridicisation” apparently was key to the Commission's success with its partners, inasmuch as it depicted a temporary and eminently legitimate response to the expectations of applicant countries, it also avoided member States, who could not reach an agreement on the conditions of enlargement, the duty to take position on potentially highly conflict-prone issues. Hence the co-production of the policy apparently rested upon a particular form of exchange between different European institutions. The Commission's autonomy in the making of this public action and the institutional gains it derives from it would have been connected to its ability to provide Member State with the possibility to endorse it. To do so, it repressed the political dimension of its action: first by ascribing responsibility to member States, second/to then make it acceptable to the publics it is designed for (Roubieu 1999).

Secondly, the Commission's relationship to politics seems to have partly determined the shape and the nature of relationships between those in charge of the implementation of the PHARE programme in DG1A, and their institutional partners: member State representatives in the PHARE Management committee, MEPs in charge of controlling expenditures of the assistance programme. These exchanges stand out for the technicisation of issues and debates that surrounded the process of programming. Technicisation for instance appears in the systematic translation into technical terms – belonging to some highly specialised sector – of objectives of assistance programmes and their mode of implementation. It responds to the Commission's concern to present its work as a rational implementation of competencies and ‘scientific’ unquestionable methods, whose respect is a guarantee of quality, neutrality, objectivity, indeed the unquestionable aspect of the projects it carries out in Eastern Europe.

Yet technicisation also allows the Commission to limit its partners' ability to influence, control, and possibly sanction its activity in this domain. By compelling the use of a technical language onto their correspondents, principally in the Management Committee, officials from PHARE take them into a field of competencies they reputedly control, and are often much more at ease with. Technicisation also renders more difficult to understand the programme's ground-level realities for national representatives and Members of European Parliament. Perceiving and comprehending political issues outlined in the technical choices mentioned in the documents, require a certain degree of experience in the debates and controversies which structure the domains of public policy making (Eichener 1992, Grémion 1979, Institut für Europäische Politik 1989).

The Commission's effort of repression of the political dimension thus inspires not only discourses but also practices of its members, in their choice of particular modes of action, and the relationship to their counterparts. Besides, this 'enacted' a-politicism enabled the Commission to achieve a form of leadership in the policy designed for Eastern European States, and to preserve its autonomy in the making of this policy. If some aspects of this 'a-politicism', such as the official's claim to neutrality or independence, their legitimate competencies to define European general interest, have been presented by some studies as strategic resources, and offer an explanation for the Commission's success (Abélès 1994 ;Lequesne 1996; Nugent 1994), it should however be insisted upon that the Commission has not constantly benefited from such a stance on politics, and this didn't always work out as a means to expand its prerogatives and its range of competencies. Yet more precisely, it appears that under certain condition, the Commission can barely escape the necessity to silence the political dimension of its activity, although keeping silent limits the room for manoeuvre and available choices.

In this respect, a return to the debates that surrounded the Commission's definition of the *acquis communautaire* in the social domain appears particularly significant to us. In the process of preparation to enlargement, a group made up principally of DG1A officials in charge of the PHARE programme suggested that the *acquis communautaire* to be presented to applicant States should not solely consist in European rules, but should also take into account a number of political principles which haven't obtained juridical translation as yet, for instance the requirement of a high level of social security standards. This broad definition of the social *acquis communautaire* thus required to leave the domain of the law and take aboard a non juridical argument and legitimacy. DG5 officials' reaction to the suggestion and the subsequent decision made to 'bury the issue' and comply with a strictly and exclusively juridical definition are precisely the outcome of those constraints exerted upon the Commission in its relationship to politics. Indeed it seems that DG5 officials gave up on the defence of a more extensive understanding of the social *acquis*, to which they actually found much benefit, chiefly because such positioning would have led them to derogate to two unwritten rules governing the Commission with the European political system, connected to the necessity to affirm its 'a-politicism' (Robert 2000).

First of all, DG5 officials considered as unforeseeable and hazardous the defence of such a position that they were aware had little chance of reaching broad support among Council members. Obligation, for the Commission, to anticipate the reactions of its institutional partners (Cram 1993, Pierson 1996, Wendon 1998, Mak in this book) and thus avoid conflict or failure over a particular suggestion, is the price to pay for the exclusive qualities it asserts to be endowed with. These include its claim to ably integrate every single demands issued by the social body – even contradictory – in the process of building common interest: no more

than a simple mediating body, deprived of any proper will and objectives and therefore of political project, its existence relies on its ability to stimulate consensus and produce settlement (Abélès Bellier 1996, Lamy 1991). As underlined by one informant, French representative in the PHARE management committee, 'The Commission, who thinks itself repository of the Union's common interest, and rightly so, would not stand to find itself disavowed. So it does its utmost so that it does not happen.'^v

Besides, the need felt by European civil servants to support the pertinence and relevance of their suggestions through reference to their inner technical quality and rational characteristics has devoid of meaning the very idea of conflict. While in the political realm, opposition exists on the very basis that protagonists do not share the same values, the Commission seems at least outwardly doomed to perceive opposition as a challenge to the technical qualities of a project and the independence and neutrality of its designers, and as a contention over its own ability to define and defend European common interest. In case of opposition from the Council, the Commission's very asset turns against itself: the rationale produced to fix as rational the position it supports allows for no failure to convince. To the extent that its argument posits a project validity on the very intrinsic qualities of the institution from which it originates, failure amounts to immediate disavowal of the Commission itself. Even though, within the administration, most officials are able to display an analysis which distances itself from the position approved by the Council, it seems as if a negative vote by representatives of Member States would invariably come down to a form of individual and collective failure. Failure may bear dire consequences notably on professional carriers, as noted by Mark Pollack: 'As one Commission official explained, having one's proposal referred from a committee to the Council can cast a long shadow over the career prospects of a young fonctionnaire [...].' (Pollack 1997: 115).

Moreover, DG5 officials' refusal to support this extra-judicial definition of the *acquis communautaire* is due to the range of process of legitimisation available with regards to position of the Commission. Concerned with the creative dimension of its work, the Commission often presents its doings and sayings as the strict implementation of principles fixed elsewhere, be it law, science, or political statements approved by all of the Member States. Deprived of democratic legitimacy, the European administration cannot alone engage an explicitly political argument based on attachment to and defence of values such as the need for a high level of social security. In a broad context indeed characterised by the deafening silence of policy makers on the issue of the social dimension of Eastern enlargement, it appears that the Commission had no other choice than law. Even though law does not permit much justifying, so limited is the *acquis* in the social domain (Leibfried, Pierson 1998). As put by a DG5 civil servant:

‘In a way it is an administrative tradition in the Commission, to be focusing on legal norms. We cannot tell an applicant country: you should do so and so, if there is no legal basis, because that would imply that the Commission suddenly gives orders to third countries, on issues where it had no say within the Union, that would be somewhat schizophrenic and illogical, wouldn't it? So we have the Treaty, and all the secondary norms, these are the rules of the game, and we have to accept them, as they stand today. Yes or no, if yes then we may become a Member State.’^{vi}

CONCLUSION

To conclude with this analysis, we should like to make the subsequent two observations. The first deals with the status that can possibly be granted to the Commission's relationship to politics in this analysis. Through several instances mentioned in this paper, it appears that the repression of the political dimension is enlisted as a resource, and as such makes up a powerful tool for the legitimisation of the Commission itself and its activity. However close study of the European Ostpolitik also indicates that the Commission, in some particular political circumstances, is forced to rub off the properly political nature of its work and of its role, and that such a constraint determines and limits the actions it can undertake. The commission's 'a-politicism' cannot be apprehended simply as a choice, transient and connected to the expectation of potential gains. If it is sometimes so vigorously compelling, the reason is that it is closely tied up to the very position of the Commission in the European political system, and to the modes of legitimisation it can access. Its use also comes together into a kind of cumulative logic: when actors claim a whole set of qualities and dispositions relating to their a-politicism in order to justify of their existence and lend legitimacy to their projects, they are obviously coerced into behaving accordingly or at least pretend to; in short they must adjust to the requirements of the role they choose to play.

The second observation we shall make relates to the way the Commission communicates and strives to legitimise itself with national public opinions. One may indeed wonder if a good deal of obstacles met by Commission to exist in the daily reality of European citizens couldn't be connected to the Commission's relationship to politics. Isn't this process of repression a contradiction to the need to produce a discourse intended for European citizens, enabling them to better understand the role played by the European administration, and what it actually stands for? Doesn't it prevent the Commission from at least partly controlling its image with Member States nationals (Baisnée in this book) ? In other words, to what an extent are games

of inter-institutional legitimisation complementary to and compatible with the process of legitimisation worked out by European institutions in relation to European citizens (Abélès 1996) ? Do not these contradictions mirror fundamental tensions of the European integration process, between the control retained by Member States and the direct responsibility of European institutions before the citizens, between "the political and legal nature of the European Union", and for the Commission between the requirement of being responsible before the Member States and European citizens, and its twin function as an executive body and a public administration (Christiansen 1997) ?

Bibliography

Abélès M., Bellier I., Mac Donald M. (1993), *Approche anthropologique de la Commission*, Bruxelles: Rapport rédigé pour le compte de la cellule de prospective

Abélès M. (1994), 'l'Europe en trois dimensions', *Esprit*, juin: 99-108.

Abélès M. (1996), *En attente d'Europe*, Paris: Hachette

Abélès M., Bellier I. (1996), 'La Commission européenne, du compromis culturel à la culture du compromis', *Revue Française de Science Politique*, 46 (1): 431-455.

Bellier I. (1999), 'Le lieu du politique, l'usage du technocrate. 'Hybridation' à la Commission européenne', in Dubois V., Dulong D. (eds), *La question technocratique : de l'invention d'une figure aux transformations de l'action publique*, Strasbourg: Presses Universitaires de Strasbourg, Collection Sociologie Politique Européenne:233-253.

Christiansen T. (1996), 'A maturing bureaucracy ? The role of the Commission in the policy process' in Richardson J. (ed.), *European Union. Power and Policy-making*, London: Routledge: 77-95.

Christiansen T. (1997), 'Les tensions de la gouvernance européenne : l'administration politisée et la responsabilité multiple de la Commission européenne', *Politiques et Management Public*, 15(3): 187-210.

Christiansen T., Jorgensen K. E., Wiener A. (1999), 'The social construction of Europe', *Journal of European Public Policy*, 6(4): 528-544.

Cini M. (1996), 'La Commission européenne, lieu d'émergence de cultures administratives. L'exemple de la DGIV et de la DGXI', *Revue Française de Science Politique*, 46(3): 457-472.

Cini M. (1997), *The European Commission. Leadership, organisation and culture in the EU administration*, Manchester: Manchester University Press.

Commission des Communautés Européennes (1993), *Deuxième rapport annuel de la Commission au Conseil et au Parlement européen sur la mise en oeuvre de l'aide communautaire aux pays d'Europe centrale et orientale en 1991*, Bruxelles: [COM(93), 172 final].

Commaille J. (1994), *L'esprit sociologique des lois. Essai de sociologie politique du droit*, Paris: PUF.

Cram L. (1993), 'Calling the Tune without paying the piper ? Social policy regulation : the role of the Commission in EC social policy', *Policy and politics*, 21(2): 135-146.

Cram L. (1994), 'The European Commission as a multi-organisation : social policy and IT policy in the UE', *Journal of European Public Policy*, 2(1): 195-218.

Cram L. (1999), 'The Commission', in Cram L., Dinan D., Nugent N. (eds), *Developments in the European Union*, New York: St. Martin's Press: 44-62.

De Baecque F., Quermonne J-L. (eds) (1982), *Administration et politique sous la Cinquième République*, Paris: Presses de la FNSP.

Deloche-Gaudez F., Lequesne C. (1996), 'Le programme PHARE : mérites et limites de la politique d'assistance de la Communauté Européenne aux pays d'Europe centrale et orientale', *Politiques et Management Public*, 14(1): 143-154.

Donnelly M., Ritchie E. (1994), 'The College of Commissioners and their cabinets' in Edwards G., Spence D. (eds), *The European Commission*, London: Longman: 31-61.

Duran P. (1999), *Penser l'action publique*, Paris: LGDJ.

Eichener V. (1992), *Social dumping or Innovative regulations ? Processes and Outcomes of European Decision-Making in the Sector of Health and Safety at Work Harmonisation.*, Florence: European University Institute Working Paper SPS n° 92/98.

Fouilleux E. (1999), *Idées, institutions et dynamiques du changement de politique publique. Les transformations de la politique agricole commune*, Université Grenoble II: Thèse pour le doctorat en science politique.

François B. (2000), 'Préalables avant de prendre le droit comme objet. Notations en forme de plaidoyer pour un point de vue a-disciplinaire mais néanmoins soucieux des impensés disciplinaires' in Commaille J., Dumoulin L., Robert C. (eds) (2000), *La juridicisation du politique. Leçons scientifiques*, Paris: LGDJ: 115-121.

Grémion C. (1979), *Profession : décideurs. Pouvoir des hauts fonctionnaires et réforme de l'Etat*, Paris: Gauthier Villars.

IEP (Institut für Europäische Politik) (1989), *Comitology, Characteristics, Performance and Options*, Bonn: Selbstverlag.

Jorgensen K. E. (1999), 'The social construction of the acquis communautaire : a cornerstone of the European edifice', *European Integration online Papers* (<http://eiop.or.at/eiop/texte>), 3(5).

Jourdain L. (1994), *La France et la politique de recherche communautaire*, Université Panthéon-Sorbonne Paris I: thèse pour le doctorat de science politique.

Jourdain L. (1996), 'La Commission européenne et la construction d'un nouveau modèle d'intervention publique. Le cas de la politique de recherche et de développement technologique', *Revue Française de Science Politique*, 46(3): 496-520.

Lamy P. (1991), 'Choses vues de l'Europe', *Esprit*, octobre: 67-81.

Le Naëlou A. (1995), *Politiques européennes de développement avec les pays du Sud*, Paris: L'Harmattan.

Lequesne C. (1996), 'La Commission européenne entre autonomie et indépendance', *Revue Française de Science Politique*, 46(3): 389-408.

? : Mak J. (2001), 'The role of the European Commission in achieving public acceptance of the Euro : an example of internal fragmentation and institutional interest-maximisation', paper prepared for the workshop 'political logics within the European Commission', ECPR Joint Session, Grenoble, 6-11 april 2001

Niemann A. (1999), 'The PHARE programme and the concept of spillover : neofunctionalism in the making', *Journal of European Public Policy*, 5(3): 428-446.

Nugent N. (1994), *The government and politics of the European Union*, London: Macmillan Press Ltd.

Nugent N. (1995), 'The leadership capacity of the European Commission', *Journal of European Public Policy*, 2(4): 603-623.

Peters B.G. (1992) 'Bureaucratic Politics and the Institutions of the European Community', in Sbragia A-M. (ed.), *Euro-politics. Institutions and Policy-making in the 'New' European Community*, Washington D.C: The Brookings Institution: 75-122.

Pierson P., Leibfried S. (eds) (1998), *Politiques sociales européennes. Entre intégration et fragmentation*, Paris: L'Harmattan.

Pollack M. A. (1997), 'Delegation, agency and agenda setting in the European Community', *International Organization*, 51(1): 99-134.

Robert C. (2000), 'Ressources juridiques et stratégies politiques. Analyse d'une controverse à la Commission européenne sur la dimension sociale de l'élargissement de l'Union', *Sociologie du Travail*, 42(2): 203-224.

Robert C. (2001a), 'L'Union européenne face à son élargissement à l'Est : incertitudes politiques et construction d'un leadership administratif', *Politique Européenne*, n°3: 38-60.

Robert C. (2001b), *La fabrique de l'action publique communautaire. Le programme PHARE 1989-1998, enjeux et usages d'une politique européenne incertaine*, Université Grenoble II: Thèse pour le doctorat en science politique.

Roubieu O. (1999), 'Des 'managers' très politiques. Les secrétaires généraux des grandes villes', in Dubois V., Dulong D. (eds), *La question technocratique : de l'invention d'une figure aux transformations de l'action publique*, Strasbourg: Presses Universitaires de Strasbourg: 217-231.

Schnabel V. (1998), 'Elites européennes en formation. Les étudiants du 'Collège de Bruges' et leurs études.', *Politix*, n°43: 33-52.

Smith A. (1995), *L'intégration communautaire face au territoire. Les fonds structurels dans les zones rurales en France, en Espagne, et au Royaume-Uni*, Université Grenoble II: Thèse pour le doctorat en science politique.

Smith A. (1999), 'Commissaire européen, un homme politique sans métier ?', in Georgakakis D. (ed.) (2002), *Les métiers de l'Europe politique. Acteurs et professionnalisations de l'Union européenne*, Strasbourg, Presses Universitaires de Strasbourg: 35-55.

Suleiman E. (1976), *Les hauts fonctionnaires et la politique*, Paris: Seuil.

Trondal J. (2001), 'Is there any social constructivist-institutionalist divide ? Unpacking social mechanisms affecting representational roles among EU decision-makers', *Journal of European Public Policy*, 8(1): 1-23.

Weber M. (1995), *Economie et Société, Tome 1 : les catégories de la sociologie*, Paris: Plon (1st ed, 1921).

Wendon B. (1998), 'The Commission as image-venue entrepreneur in EU social policy', *Journal of European Public Policy*, 5(2): 339-353.

ⁱ Our work relies on the following hypothesis (Duran 1996) : the fact that EU institutional categories do not always describe the day-to-day reality of EU institutions does not imply that those categories have no effect on perceptions and behaviours of EU agents and, thus, no interest for social scientist's inquiries. In this article, this hypothesis will be illustrated by the situation of the European administration, and more precisely by the Commission's constraints of legitimacy which are associated with its institutional position in the EU political system. In this way, we agree with social constructivists (Christiansen, Jorgensen, Wiener 1999; Jorgensen 1999; Trondal 2001) to consider that the words "administrative" or "political" can be apprehended as social constructions : a job, a subject in negotiation, an issue are never 'naturally' political or technical; those categories are more likely selected and operated by UE actors to legitimise their strategies. Nevertheless, if institutions' effects depend partly on how they are interpreted and operated by social actors, institutions also strongly determine their choices and behaviours by distributing resources and imposing a number of constraints and rules that actors cannot escape.

ⁱⁱ Our hypothesis is that this relation to politics is a common feature of the whole European administration staff. It doesn't imply an understanding of the Commission as an homogenous and monolithic institution : the numerous conflicts and rivalries between services and General directories, who also have different administrative cultures, political goals and ways of working have been well studied (Cram 1994; Cini 1996). Nevertheless, this paper will not investigate those effects of internal fragmentation on the civil servant's relation to politic. Suffice to say that this fragmentation can present a problem for the Commission to manage its relation to politics : to appear as a neutral and technical expert in the service of the European common interest, it has to find ways of regulating internal tensions and masking them to external observers (Baisnée in this book, Robert 2001b: 440-465).

ⁱⁱⁱ *Règlement (CEE) n°3906/89 du Conseil du 18 décembre 1989 relatif à l'aide économique en faveur de la république de Hongrie et de la république populaire de Pologne*, [JO L375, 23 décembre 1989, pp.11-12], modified in 1991, 1992, 1993, 1995, 1996, but only to add new beneficiary countries.

^{iv} Interview with a former 'directeur général' in DGIA, in charge of PHARE service. Paris, July 1999.

^v Interview with a civil servant of the French Ministry of Foreign Affair, member of the PHARE management committee. Paris, November 1997.

^{vi} Interview with a DG5's member, Brussels, November 1996.