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# Towards Europeanization? The Persistence of Territorial Conflicts in Federal Member States

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## Abstract

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*This working paper questions the conventional wisdom regarding the Europeanization of federal member states' domestic structures. In order to evaluate claims of Europeanization, the analysis focuses on whether actors, in particular nationalist parties, and federal arrangements have adapted to the normative and domestic structures considered appropriate to shape European policies. The article examines regions' ability to feed their agendas into the member states' negotiation stance in the Council and eventually into EU audiovisual and cohesion policy decisions. In particular, the domestic structures determining whether regions may shape the member state's stance in the Council, which I call coordination mechanisms, are compared across member states and policy fields.*

## Resumen

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*Este documento de trabajo pone en duda verdades establecidas sobre la Europeización de las llamadas "estructuras internas" (domestic structures) de los estados miembros federales. Para evaluar las afirmaciones en torno a la Europeización, el análisis se centra en si los actores, en particular los partidos nacionalistas, y los acuerdos federales se han adaptado a las estructuras tanto internas como normativas consideradas apropiadas para influir las políticas europeas. El artículo estudia la capacidad de las regiones para introducir sus propias agendas en la posición negociadora de los estados miembros frente al Consejo y finalmente en las decisiones sobre la política audiovisual y de cohesión europea. En particular, las estructuras internas que determinan si las regiones pueden influir la posición del estado miembro en el consejo, a las que llamo mecanismos de coordinación, son sometidas a un examen comparativo entre estados miembros y sectores.*



## *Introduction*

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As a consequence of the extensive transfer of powers from member states to the European Union (EU) the domestic, normative structures and policies of member states have been altered. Although the burgeoning literature on Europeanization has provided substantial evidence of this fundamental change (see the contributions in Risse, Cowles *et al.*, 2001b; Featherstone, 2003), less clarity exists about the degree to which Europeanization affects specific member states as well as to whether some actors may show more resistance in adapting to Europeanization. Political parties, for instance, and in particular nationalist parties, may strongly orientate themselves towards local conditions shaping electoral competition rather than towards the norms accepted in the European arena.

Scholars have designated the term Europeanization to refer to the transformations produced by increasing integration, but how this occurs requires further elaboration (Risse, Cowles *et al.*, 2001b, 2001a). The EU transforms member states' domestic structures, normative structures, and policies by promoting the internalization of formal and informal rules that have originated in the European arena (Risse, Cowles *et al.*, 2001b; Featherstone and Radaelli, 2003; Radaelli, 2003: 36). Although Europeanization affects most member states' policies, it also bears on federal member states in specific ways. As an illustration, some scholars claim that Spanish regions have adopted a cooperative federalism similar to the German model in view of a misfit between domestic and normative structures and those valid in the European arena (Börzel, 2002: 107-116, 211-212). However, recent contributions highlighting the territorial tensions within the EU suggest that cooperative federalism may not be so widespread, particularly where nationalist parties are influential (Carter and Smith, 2008).

This article explores the Europeanization of federal political systems by analyzing the upwards EU decision-making process. Contrary to prevailing views on Europeanization (Börzel, 2002; Máiz, Beramendi *et al.*, 2002; Börzel and Risse, 2003; Fabbrini and Brunazzo, 2003) and on regions (Benz, 1993; Hooghe, 1995b: 175; Keating, 1995: 11; Hooghe and Marks, 1996: 91; Keating, 1998: 73-75; Hooghe and Marks, 2001), I argue here that domestic and normative structures from federal member states have remained unchanged rather than being transformed by Europeanization. Furthermore, this article proposes that regions governed by nationalist parties, or those that demand more autonomy for a certain region, are less rather than more influential in European decision-making than those governed by state-wide parties.

Evidence for this article is drawn from two policy studies, the first on several EU media policy decisions taken in the late 1990s and the second on the 1999 reform of structural funds. Studying both a regulatory and a

redistributive policy will make it possible to apply my conclusions to policy fields and countries outside of those discussed in this essay (McAleavey, 1994; Pollack, 1994). Whereas the first study emphasizes developments in one German region –the Rhineland-Palatinate– and in two Spanish regions –the Basque Country and Valencia– the second study targets cohesion policy reform in the Rhineland-Palatinate, the Basque Country and in Tuscany. Following William Riker (1975: 101) and Daniel Elazar (1991: 12), among others, I apply the term federal to political systems, including Italy and Spain, in which final decision-making powers are divided across tiers of government in a political system that grants its constituent units a certain measure of self- and shared-rule.<sup>1</sup>

This study relies on process-tracing techniques in order to establish how actors react to policy proposals from the EU and try to shape its outputs (Elmore, 1979; Méndez, Wislade *et al.*, 2008). In order to reconstruct actors' agendas, I have drawn from internal documents, parliamentary records, accounts published by higher officials, and around sixty interviews. The article opens with a discussion of the literature on Europeanization and establishes my departing hypotheses. Section two examines domestic structures of the countries chosen for each case study. The influence of regions on audiovisual and cohesion policy reforms will be analysed in section three and four, respectively. The conclusions discuss the implications of these findings.

## ***1. The Europeanization of Domestic and Normative Structures***

Before further specifying my departing hypothesis, the precise meaning of several concepts requires further clarification. Following Claudio Radaelli (2003: 34-36), domestic structure is used to denote formal rules assigning powers to the different departments, agencies and levels of government. Domestic structures, as far as they regulate regions' access to the EU policy powers of the centre, such as presence in the Council of the European Union, will be called here "coordination mechanisms". As is commonly accepted in the literature on Europeanization, normative structures comprise not only how interests are defined and aggregated but also norms, values, and discourse (Radaelli, 2003: 36-37). I am particularly interested in the normative structures shaping the EU policy of nationalist parties, and for this reason it will be important to discuss the concept of "goodness of fit". The concept of "goodness of fit" explains Europeanization by focusing on how actors –in this case regions and nationalist parties– adapt to the differences between the norms shaping decision-making in the domestic and the European

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<sup>1</sup> According to the Regional Authority Index (Hooghe, Schakel *et al.*, 2008: 262-266), the current, respective self-rule, shared-rule and total scores for the three countries are 20.3, 9.0, 29.3 (Germany), 21.0, 1.7, and 22.7 (Italy), and 19.1, 3.0 and 22.1 (Spain); Belgium is the country with the highest score (29.0).



arena (Risse, Cowles *et al.*, 2001a; Börzel and Risse, 2003). Actors examine the goodness of fit and then react to a potential misfit according to what is considered as appropriate behavior (Börzel and Risse, 2003: 63, 65). These two concepts –goodness of fit and appropriate behavior– correspond to Radaellis’ domestic and normative structures, respectively (Radaelli, 2003: 34-37). The present article explores the ways in which both structures interact, *i.e.* how formal institutions end up shaping what regions perceive as appropriate courses of action.

Scholars have drawn a substantial part of the evidence on Europeanization from studies on federal member states (Hooghe, 1995a; Jeffery, 1996; Börzel, 1999, 2000, 2002; Börzel and Risse, 2003). Probably, the most influential contribution has been Börzel’s comparative study of German and Spanish federalism (2000, 2002). According to her analysis, the goodness of fit between domestic and European institutions permitted German regions to softly adapt to European integration by extending the use of domestic and normative structures to European matters. In contrast, Spanish regions experienced serious problems in the late 1980s and early 1990s, resulting first from a misfit of the domestic structures and the confrontational style of Spanish politics, a characteristic which roughly falls under the domain of Radaelli’s normative structures. However, in the mid 1990s the autonomous communities defined new domestic structures similar to the German ones, at least according to Börzel. She argued that “the Spanish territorial structure was undergoing profound change in response to adaptational pressure” (Börzel and Risse, 2003: 64). As a result, regions began to wield influence over Spanish EU policy and the *estado autonómico* Europeanized, converging towards Germany’s cooperative federalism (Börzel, 2002: 136-147, 211-212).

Admittedly, Germany, Spain and other member states granted what Börzel calls co-decision rights on EU matters to regions in the 1990s. However before taking this as a token of Europeanization, the following partial hypotheses should be explored: *a)* Europeanization of a domestic structure, as far as they regulate regions’ access to the EU policy powers of the centre, should have resulted in the incorporation of regional agendas into the member states’ position in the Council, at least for some matters; *b)* If normative structures have been Europeanized, then actors would have internalized ways of behaviour such as consensual decision-making, readiness to make concessions, and trust (Schmidt and Radaelli, 2004); *c)* As a corollary, Europeanized domestic and normative structures should imply that regions are often able to shape EU decisions. The following section moves toward answering these questions by exploring domestic structures.

## 2. Coordination Mechanisms in Federal Member States

Traditionally, domestic structures have granted central governments a monopoly over external relations and at least until the 1970s foreign policy has been a prerogative of the federal centre (Duchacek, 1984; Michelmann and Soldatos, 1990). The centre's monopoly over foreign policy has particular relevance for the EU because the Treaty of the European Community (TEC) allocates the right to vote in the Council to the central governments, irrespective of whether the decisions concern the powers of the central or of the regional governments. Therefore, regions are exposed to the consequences of policies adopted by EU institutions in which regions themselves lack representation. However, the changes in domestic structures brought about by Europeanization should have eroded the centre's monopoly over external relations and endowed regions with co-decision rights on EU matters (Börzel, 2002: 211). Thus, Europeanization would imply that changes in domestic structures have granted regions the ability to bind the policy positions of the centre and also that regions have established direct contacts with the EU (Keating, 1995: 10-11; Hooghe and Marks, 1996; Loughlin, 1996; Marks, Hooghe *et al.*, 1996). However, potentially similar Europeanized domestic structures may actually work in disparate ways depending on actors' normative structures. Those domestic structures dealing with EU affairs—or coordination mechanisms—deserve careful analysis.

In Germany the coordination mechanisms for EU politics were established in the early 1990s in an attempt to gain the *Länder's* support of the Maastricht Treaty (Scharpf, 1994: 108; Jeffery, 1996: 61, 68). In order to ratify the Treaty, the federal government required the consent of the *Länder*, and in return for their support, the *Länder* demanded a constitutional recognition of co-decision rights (Börzel, 2002: 1, 211). According to the so-called *Europa-Artikel*, if a decision affects regional interests but is a competence of the centre, the regional common position must be taken into consideration, but does not necessarily have to be adopted. In contrast, the regional common position binds the central government decisively if an EU proposal affects just one of the following three exclusive legislative competences of the regions—specifically police, education, and culture—as well as either the regional administration or administrative procedures (German Basic Law, 23.5). However, in order to bind the central government, the *Länder* must first agree on a common position through a reinforced majority in the federal chamber, or the *Bundesrat*. These decisions are first prepared in the *Ressortkonferenzen*, sector-specific intergovernmental bodies where regional ministers meet. If the *Länder* agree on a common position on matters concerning their exclusive competences, German regional ministers would be allowed to negotiate in the Council with other member states' representatives

(23.6). In short, if the *Länder* define a stance on matters of their exclusive legislative or their administration, coordination mechanisms will tie the federal government to their position.

Even though the tenor of the regulation establishing the Spanish coordination mechanisms is similar to the German provisions, Spanish coordination mechanisms have completely different origins (Börzel, 1999, 2002). In Spain, central and regional governments began to establish coordination mechanisms right after accession, but Catalan and Basque demands for separate bilateral arrangements with the centre prevented the definition of an agreement among the centre and all regions on their participation in the definition of the Spanish European policy (Ortúzar Andechaga, Gómez Campo *et al.*, 1995: 137-159). The Basque and Catalan demands, which were difficult to accept both for the centre and the remaining regions, were in clear contrast with the relative powerlessness of Spanish regions. Spain's autonomous communities, in contrast to the German *Länder*, lacked any treaty ratification powers and could not threaten the centre with blocking the ratification of the Maastricht Treaty or any other treaty. Definitive progress on coordination mechanisms was not made until the centre and regions agreed on the arrangement currently regulating coordination mechanisms, which in theory would recognize co-decision rights for regions.<sup>2</sup> According to Börzel, this new arrangement allowed regions to decisively influence the centre's European agenda on subjects of their concern if a common position had been defined beforehand (Börzel, 2002: 211). The Spanish statute resembled the tenor of the German *Europa-Artikel* and also established *conferencias sectoriales* or sector conferences as the bodies where ministers from the central and regional governments determine common positions.<sup>3</sup> Unlike in Germany, the centre is present in the Spanish sector conferences, which decreases the autonomy of regions and makes it more difficult to reach a common position. In Spanish sector conferences, decisions must be arrived at unanimously, but the agreements of the Spanish sector conferences cannot be enforced by the courts.<sup>4</sup>

Like in Spain, Italian regions participate in defining the centre's European agenda through pre-existing bodies and decision-making rules whose efficacy has been extended to EU matters (Desideri, 1995; Sandulli, 1995; Frontoni, 2003). According to statutory law, discussions of EU decisions relevant for the regions take place in the *Conferenza Stato Regioni* (CSR).<sup>5</sup> In addition, both the constitution and current legislation establish the possibility of the CSR appointing a regional primer minister (PM) as the Italian representative in the

<sup>2</sup> Ley 2/1997, de 13 de marzo, por la que se regula la conferencia para asuntos relacionados con las comunidades europeas in BOE n. 64, 15 March 1997.

<sup>3</sup> The similitude can be appreciated by comparing the art. 23 of the German Constitution and regulation of the Spanish coordination mechanisms, reproduced in (Ortúzar Andechaga, Gómez Campo *et al.* 1995: 239-244).

<sup>4</sup> See the STC 76/83 on the *Ley Orgánica de Armonización del Proceso Autonómico*, the so-called LOAPA sentence.

<sup>5</sup> See in particular, *decreto legislativo* 28 August 1997, n.281 implementing art.9 Law 15 March 1997, n.59.

Council. Like in Germany, Italian regional PMs may meet in a body, the *Conferenza dei Presidenti* (CdP), without the presence of the central government, and define agreements that may be subsequently discussed with the central government in the CSR. However, Italian coordination mechanisms differ fundamentally from those of Germany in as far as that Italian coordination mechanisms require unanimous agreements among the centre and the regions. Put another way, the centre has the ultimate say on whether a unanimous regional position will be adopted as the member state's bargaining stance in the Council.

### ***3. Dirigiste and Market Liberal Agendas for the EU Media Policy***

EU media policy regulates several subjects that fall within the scope of regional domestic powers like television content and the financing of public channels. In Germany, the *Länder* own all public television channels and hold the exclusive rights to enact legislation concerning radio, television and cinema (Kleinsteuber and Thomaß, 1999). In Spain, the autonomous communities share legislative powers with the centre, but public channels have a special significance for regions in light of the linguistic diversity of Spain's autonomous communities. In the Basque Country or Catalonia, television and media regulation are considered to be essential to securing minority languages' enhanced status and visibility (Price, 1995; Cormack, 1999; Díaz Noci, 1999).

Among the media policy topics discussed in the late 1990s at the EU level, the most urgent were quotas, advertisement restrictions, and subsidies to public channels, including regional ones (Drijber, 1999; König, 2002). These terms may require some clarification for lay readers. A quota is a regulatory tool that compels broadcasters to buy and broadcast European audiovisual works to cover half of their programming time excluding news, sports event, games etc (art. 4 of the Directive). Non-compulsory quotas were established in 1989 by the first Television Without Frontiers Directive, henceforth referred to as the Directive, after heated debates between *dirigiste* and market liberals. Quotas are a typical *dirigiste* tool. *Dirigiste* actors favour intervention in markets to achieve other goals, i.e. buttressing French culture or audiovisual industry, while market liberals like the UK and Germany "skew overt political intervention in markets" (Collins, 1994: 92). Whereas the first Directive included only a review system to monitor broadcasters' adherence to non-compulsory quotas, the 1995 Commission proposal contemplated compulsory ones, stricter enforcement, and fines for broadcasters. Actors' attitudes towards quotas, subsidies, and advertisement restriction are diagrammed in figure one.

Advertisement restrictions have been traditionally contested by market liberals, as they set limits on the ability of broadcasters to attract advertising

revenue. Conversely, advertisement restrictions indirectly favour public channels, whose finances rely less on advertising revenue and more on public subsidies. The regulation of major broadcasting events was the third conflictive element in the Directive, in particular as pay-per-view broadcasters began to buy the rights to major sporting events such as the Football World Championship. In turn, the European Parliament (EP) introduced an amendment establishing a legal reserve for the right to broadcast these kinds of events in favour of free TV channels, including public ones, rather than pay TV channels. Whereas market liberals opposed this regulation, *dirigiste* actors supported the amendment as a way to attract viewers to public television at a time in which the public broadcasters were under heavy fire both from private TV stations and the Commission. As a response, some regions and member states attempted to include a protocol in the Amsterdam Treaty (1996) reinforcing the exemption of public channels from the state aid prohibition contained in the Treaty. This section shows that regions in Germany and in Spain had disparate chances of advancing their media policy concerns in spite of allegedly similarly Europeanized domestic and normative structures.

**FIGURE 1. AUDIOVISUAL POLICY, AGENDAS AND OUTPUT**

ACTOR:	RLP	FC	GFG	BC	V	SP	DGC	DGA	EP	EU OUTPUT
COMPULSORY QUOTAS	-	-	-	✓	○	○	-	✓	✓	-
ADVERTISEMENT RESTRICTIONS	-	-	-	✓	○	○	-	✓	✓	-
MAJOR SPORTING EVENTS	-	-	-	✓	○	✓	-	✓	✓	✓
PBS	✓	✓	✓	✓	✓	✓	-	✓	✓	✓

RLP: Rhineland-Palatinate. FC: Federal chamber (*Bundesrat*). GFG: German federal government. BC: Basque Country. V: Valencia. SP: Spanish central government (Spain). DGC: DG Competition. DGA: DG Audiovisual. EP: European Parliament. Whereas a minus sign implies that a region opposed a certain policy option, a check signifies that it supported it. A circle "O" signifies that the actor had no definite position.

Coordination mechanisms played a predominant role in the definition of the German media agenda in the late 1990s. Informal agreements on audiovisual matters are defined in the *Rundfunkkommission*, where regional cultural ministers meet, and subsequently examined and enacted as a regional common position by the federal chamber. With regard to the Directive, the *Länder* advanced a few clear-cut objectives deduced from an overarching preference defined in the late 1980s, namely that the German regions would reject any European regulation of broadcasting contents because this necessarily interfered with their media policy powers. Consequently, the

*Länder* pleaded for the elimination of quotas for European works, of advertisement restrictions, and of the regulation of major broadcasting events. This position was defended in the Council by two regional representatives appointed by the federal chamber, as the coordination mechanisms for policies concerning exclusive competence of regions established.

In spite of jointly advancing this agenda, some *Länder* fostered diverging internal preferences. The Rhineland-Palatinate pressed the other regions in order to include the suppression of advertisement limits. Although the other *Länder* were not particularly concerned with advertising limits because regional channels in Germany are tax-funded, Rhineland-Palatinate, chair of the *Rundfunkkommission* and home to a major private channel, had been being aggressively lobbied by commercial broadcasters. The other *Länder* eventually accepted the plea of the Rhineland-Palatinate. With regard to major events, the *Länder* were split, but a rejection of the clause reserving major sporting events to free TV channels, which would possibly favour regional channels, found its way into the regional common position because of the pressure exerted by the Bavarian government. The region was the most affected *Land* because it was home to Kirch Media, the company that owned the rights to broadcast the 1998 and 2002 World Championships in pay-per-view channels (Kreber, 2002: 141, 144). The Bavarian regional party, the *Christlich-Soziale Union* (CSU), and the Bavarian government put also pressure on the federal government, of which the CSU was also part, to reject the clause.

Negotiations followed a similar path prior to the negotiation of the Amsterdam Treaty. Thanks to their involvement in the preparatory meetings, the *Länder*, together with the Belgian regions, mobilized the European Broadcasting Union (EBU) and several member state governments. Together they managed to include a public broadcasting protocol that safeguarded their right to grant state aid to public channels in the Treaty in spite of the Commission's resistance. In short, appropriate domestic structures—coordination mechanisms—made it possible for the *Länder* first to enact common regional positions on audiovisual policy and advance it both in the Council and eventually successfully shape both the Directive and the protocol.

In Spain, the individual demands of the Basque Country and Catalonia prevented regions from defining a common position that would bind the centre on media policy. According to the tenor of legal provisions, communication between the centre and the regions on media issues should take place within two bodies, the *Consejo Asesor de Telecomunicaciones* and the *Conferencia Sectorial de Cultura*. However, in the first—a highly technical body in charge of tasks like assigning frequencies—regions made no inputs in any discussion linked to the Directive, as the official in charge admitted, but regional demands could still have been channelled through the *Conferencia Sectorial de Cultura*. This body deals with content or the actual

programmes emitted by televisions. The conference appears, therefore, as the appropriate body to discuss quotas, advertisement restriction etc, but the truth is that it only met three times in the two years preceding the reform of the Directive (Dirección General Política Autonómica, 2000: 67-68). In fact, only during the meeting in 1995 was the Directive discussed. However, the transcripts of the session show that the meetings consisted of a briefing of the regions on the Directive during which the regions made no demands. Incidentally, the Basque and the Catalan regional governments were absent from that meeting (Ministerio de Cultura, 1995).

Later on, officials from the Basque and Valencian governments and public television stations admitted that at the time they thought that the Directive would not bind regional channels, so they thought there was no reason for them to participate in the upward stage.<sup>6</sup> Regional preferences were first expressed years later when the Committee of the Regions prepared its opinions on the reports of the Commission analysing the implementation of the Directive. The Basque government, led by the Basque Nationalist Party, pleaded for compulsory quotas not of European works but of regional productions as well as for more advertisement restrictions and a guarantee that regional public channels could transmit in the regional vernacular. The overall effect of these demands would be to boost the presence of the vernaculars and of audiovisual works produced by smaller companies from the European periphery in both public and private channels. With regard to the Valencia government, the governing party, the state-wide *Partido Popular* (PP) considers the regional vernacular, Catalan, as a liability and a reminder of the historical links of Valencia and Catalonia. Thus, both the regional government and the Valencian public channel passively accepted the broad lines of the Directive without demanding improvements for minority languages.

Until the late 1990s, the Spanish government had shown no interest in collaborating with region in media matters. Autonomous communities participated neither in the shaping of the Directive nor in the establishment of the Amsterdam Treaty's Public Broadcasting Protocol because in the early 1990s the Spanish government had taken great pains to prevent the incorporation of regional public channels into the EBU, which did most of the preparatory work prior to the agreement on the Protocol. Nonetheless, in the late 1990s the central government tried to attract regions' support to a common position to neutralize a paper questioning the efficacy of the Amsterdam protocol (Ward, 2003). After two meetings with the centre regions opted for orchestrating their lobbying own effort.

While the German domestic structure has experienced some degree of Europeanization, Spanish domestic structures changed much less. In this

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<sup>6</sup> See *Las autonómicas no se ven afectadas por la directiva europea de televisión*, El País, 1.02.1991

context, it comes as no surprise that EU media decisions better reflect the market liberal preferences of the *Länder* than the *dirigiste* Basque ones, as figure one makes clear. Whereas the *Länder* pursued a joint agenda that made it possible for them to shape the German bargaining position and, eventually, EU outputs, the Basque and other autonomous communities have failed to cooperate among themselves or with the central government. Admittedly, the German regions would have preferred the suppression of quotas, but the Directive left them at least unchanged rather than making them compulsory. The same happened with advertisement restrictions. Nonetheless, media policy decisions of the 1990s did contain changes favourable to the Basque and other Spanish regions like the regulation of major events and the broadcasting protocol, but these were born out of the efforts initiated by actors like the *Länder* (Morcillo Laiz, 2009: ch. 4). The next section attempts to confirm these findings with evidence from a different policy field.

#### ***4. The agendas for the 1999 cohesion policy reform and the European Parliament***

For regions cohesion policy probably represents the most important EU policy. This regional redistributive program aims at counteracting income inequalities among European regions by assigning large amounts of money –around 243 billion Euros were spent between 2000 and 2006– to economically troubled areas (Hall and Rosenstock, 1998; Allen, 2000). By definition a regional policy like the cohesion policy grants support to certain areas and neglects others in better economic shape (Bachtler and Downes, 2000: 159). In order to attract some structural support, almost all regions undertake efforts to attract the attention of the EU to their weakest areas and sectors. This turns cohesion into an ideal policy to observe whether coordination mechanisms have been Europeanized in order to permit regions to participate in the negotiations in the Council. Moreover, cohesion policy is of additional interest because it has played a pivotal role in the polemic about whether member states or the Commission and regions control the European integration process (Leonardi, 1993; Marks, 1993; Moravcsik, 1993: 496; Hooghe, 1996).

Every cohesion policy reform combines continuity with the past with innovation of pre-existing policy elements, but negotiations usually focus on the innovations. For the programming period 2000-2006, supported areas were to be reduced from six to three types. Objective 1 (Ob. 1) targeted large underdeveloped areas like Andalusia or Sicily. Objective 2 (Ob. 2) focused on smaller areas in industrial decline like the Basque steel mills or Merseyside by Liverpool (Sutcliffe, 2000; Bachtler and Méndez, 2007: 542). Ob. 3 was a horizontal objective dedicated to training and employment promotion.

The case selection for this policy study will examine Rhineland-Palatinate, the Basque Country, and Tuscany, a region from Italy whose domestic



structures are most similar to those of Spain. The reason for replacing Valencia with Tuscany is that neither Valencia nor any other Ob. 2 region in Spain (but for the special case of Madrid, the capital region) is governed by a state-wide party, while Tuscany has been governed for decades by a coalition of leftist state-wide parties. In order to establish whether Europeanized domestic structures allowed regions to advance their agendas successfully, this section focuses on the most important topics for Ob. 2 regions in the case selection, which are listed in figure two.

**FIGURE 2. COHESION POLICY, AGENDAS AND OUTPUT**

AGENDA ITEM:	RLP	FC	FG	BC	SP	T	I	EP	EU OUTPUT
DECOUPLE	✓	✓	✓	-	-	✓	✓	✓	✓
CI CONVER	✓	✓	-	-	-	-	-	o	o
SAFETY NET	✓	✓	✓	-	✓	✓	✓	✓	✓
SOFTER ELIGIBILITY CRITERIA	✓	✓	✓	-	✓	✓	✓	✓	o
LONGER TRANSITION PERIOD	✓	-	-	✓	✓	✓	✓	✓	o
LEFT MARGIN	-	-	-	✓	-	-	-	-	-

RLP: Rhineland-Palatinate. FC: Federal chamber (*Bundesrat*). FG: Federal government (Germany). BC: Basque Country. SP: Spanish central government (Spain). T: Tuscany I: Italian central government Italy. EP: European Parliament. Whereas a minus sign implies that a region opposed a certain policy option, a check signifies that it supported it. "O" signifies that the actor had no definite position.

The German domestic structures in place for the cohesion policy reform differ from those analysed with regard to audiovisual policy. Regions assembled in the federal chamber may enact a common position on cohesion policy, but this does not bind the federal government, which merely has to take the regional position into consideration. Another contrast is that even though regional representatives can be present in the meetings of the Council dedicated to cohesion policy, the federal government and not the region will negotiate with other member states.

The regions defined a common cohesion policy agenda in spite of the abysmal economic disparities between East and West *Länder* thanks to their readiness to make compromises. For instance, Rhineland-Palatinate and many other German regions internally opposed the attempt of rich CSU –or CDU– governed regions like Bavaria and Baden-Württemberg to decouple Ob. 2 and 87.3.c TEC areas in order to grant subsidies and attract investors to the Southwest of Germany. Even though this policy would function to the detriment of the poorer regions, these accepted the demands of the wealthier

ones. As compensation, the Rhineland-Palatinate obtained the federal chamber's backing of Conver, a Community Initiative (CI) supporting the conversion of former military bases into civil infrastructure. Wealthier regions objected to the extension of Conver, but accepted the plea of Rhineland-Palatinate in exchange for support for the decoupling of Ob. 2 and 87.3.c areas. Another request from Rhineland-Palatinate included in the regional common position was the inclusion of eligibility criteria more amicable to the characteristics of its large rural areas.

Despite all regional efforts to define a common position, the federal government refused to alter its agenda on most issues. Furthermore, Helmut Kohl's cabinet openly rejected several regional demands like the extension of any CI, including Conver, the transition period, or the application of Ob. 3 measures in Ob. 2 areas. These measures would have increased the bill that Germany, the largest net payer, would have to foot. Nonetheless, the federal government and federal chamber agreed on a few issues, emerging from the overlapping between the agendas of the federal CDU/CSU-FDP government and some rich *Länder* governed by these same parties. The deal included the definition of eligibility criteria more amicable to the characteristics of Ob. 2 rural areas Rhineland-Palatinate (and Bavaria) and to a decoupling of Ob. 2 and 87.3.c. The extent to which these demands became integrated into regulations eventually enacted by the EU is discussed at the end of this section.

In Italy, the domestic structures dealing with EU matters are the CdP and the CSR.<sup>7</sup> In the first body, regions have an opportunity to define a regional common position whose total or partial assumption by the centre is negotiated afterwards in the CSR. However, the bulk of the 1999 bargaining took place in other forums set up as part of the leftist government effort to improve regional policy coordination: the so-called *nuova programmazione* or new programming. The most important among them was a working group on cohesion policy composed of regional officials, but anchored in the division for regional policy within the Italian finance ministry. In general, these coordination mechanisms functioned efficiently over the course of approximately one year (1998) –defining a common position backed by both the central and regional governments– but eventually failed when regions stopped participating in them.

Regions withdrew from the working group and from the CSR because of the shortcoming of coordination mechanisms, but also due to technical difficulties and strategies chosen by certain actors. One of the problems was that coordination mechanisms foresaw the possibility of regional representatives' participation in meetings with the Commission, but the Italian leftist government of D'Alema eventually rejected this possibility. As a result, the

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<sup>7</sup> The following paragraphs draw on (Gualini, 2003), but divert from his account as far as the territorial cleavage is concerned. On the reform of the cohesion policy in Italy, see (Ministerio del Tesoro, 1999).

regions realized too late that in their dealings with the Commission the central government had consented to tracing the Ob. 2 areas at the level of III of the *nomenclature commune des unités territoriales statistiques* (NUTS), a policy option that the Italian regions staunchly opposed. Back at home, the division for regional policy of D'Alema's executive and the regional officials involved in the working group were applying a different methodology, the local labour systems (*sistemi locali di lavoro*, SLL), which the regional PMs gathered in the CdP rejected in several occasions. Regional MPs mistrusted their own regional officials from the working group who they considered to be too heavily influenced by the central government. In early 1999, in view of these technical and political difficulties, the regional PMs abandoned the coordination mechanisms established as part of the new programming.

From this moment on, regions negotiated among themselves about how to assign the Ob. 2 and 87.3.c assisted areas. In order to strike a deal supported by all regions, the leftist regions from central Italy began to make concessions to the Northern ones, i.e. renounce their own Ob. 2 and 87.3.c. areas. The first agreement, however, was rejected by the Commission in September 1999, because it was based on the SLL rather than the NUTSIII geographic areas. A similar dynamic of disorder and concessions from leftist regions continued during most of the following year. On the one hand, the centre contemplated how regions negotiated among themselves because, according to the legislation, it could not compel them to accept any agreement. On the other hand, the centre-of-left regions continued to yield Ob. 2 and 87.3.c areas first to the regions governed by the *Lega Nord* and *Forza Italia* and then to Val d'Aosta and Friuli-Venezia-Giulia, two regions governed by nationalist parties. Italian coordination mechanisms make apparent the extreme difficulties of defining agreements by unanimity and the readiness of regions led by nationalist parties to take advantage of this.

While Spain avoided the collapse of the coordination mechanisms and the delays in the definition of Ob. 2 areas, Spanish regions ultimately failed to produce a common agenda. The Spanish legislation determines that the agreements on cohesion policy defined in the coordination mechanisms have to be taken into consideration by the central government, as in Germany. In theory, the negotiation between the central and regional government should take place in a sector conference called *Consejo de Política Fiscal y Financiera*, but the truth is that the ministers never deal with cohesion policy in the *Consejo*. In reality, cohesion policy is discussed in a subordinated body, the *Foro de Economía Regional*, a series of informal meetings where regional officials express their preferences regarding ongoing cohesion policy reforms. However, the *Foro* does not enact any formal recommendations, written scripts or any other documents, and in any case the central government plays a dominant role. In fact, the *Foro* has never produced a single regional common position on cohesion policy that could influence the centre's stance

in the Council. As a result, the central government has retained unrestrained power to define the Spanish agenda on cohesion policy.<sup>8</sup>

The Basque agenda for the reform was organized along two main axes. On the one hand, the regional government tried to maximize the amount of funding available for its large Ob. 2 area by demanding strict eligibility criteria, a rejection of the safety net, and coherence among Ob. 2 and 87.3.c areas. These demands placed the Basque Country in opposition to other Spanish regions like Madrid or the Balearic Islands, which were in comparatively better economic shape and would have lost Ob. 2 funding if more strict criteria had been applied. The safety net rejected by the Basques was sought after by the rich *Länder* and other regions from net payer countries. As explained above, these same affluent regions were interested in dissociating Ob. 2 and 87.3.c areas in order to implement their own regional policy in former Ob. 2 areas. These demands left the Basque Country somehow isolated during the negotiation at the European arena. On the other hand, the Basque government tried to obtain the qualification of Ob. 1 for a small industrial area in decline by Bilbao, the Left Margin. Such a request ran against an extended agreement in concentrating the Ob. 1 resources in a small number of underdeveloped regions. Moreover, since Spain was going to be the largest recipient of Ob. 1 funding, retaining this agreement was fundamental for the central government, which consequently opposed Basque efforts to overturn its strategy for the reform. In view of this, the Basque Nationalist Party orchestrated a media campaign at home and in Brussels accusing the central government of leaving the Left Margin in the lurch. The campaign finished when the official responsible for cohesion policy within DG Regional Policy publicly rejected the Basque demands. In brief, the PNV openly pursued an agenda that contradicted the concerns of the remaining Spanish regions, those of the central government, and the few EU-wide elements of agreement on the cohesion policy reform.

This comparison of regional strategies for cohesion policy reform has shown that domestic structures granted regions almost no influence on the centre's agenda and consequently scarce chances of shaping EU outputs, as shown in figure two. To put it bluntly, while German or Italian regions wielded limited influence over the bargaining position of their central governments, Spanish autonomous communities merely participated in an exchange of views with the centre.

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<sup>8</sup> The analysis of the cohesion policy reform bases on (Gobierno Vasco, 1998; Fernández Miranda, 1999b, 1999a; Bourne, 2003) as well as on interviews with the officials from the Basque, the Catalan and the Spanish government involved in the negotiation.

## Conclusions

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This article offers unexpected insights into the Europeanization of federal member states. Even in federal states like Spain, regions failed first to feed their concerns into the European agendas of the respective member state and then into EU decisions. Admittedly, in Italy and in Spain some reassignment of powers between the centre and the regions took place, but coordination mechanisms, or the domestic structures involved in the EU upwards decision-making process, remained unchanged in any significant way. Italian and Spanish coordination mechanisms require that all regions plus the central government define unanimous agreements, which makes their effectiveness dependent upon the benevolence of the centre and of nationalist parties. In contrast, the German coordination mechanisms, requiring a reinforced majority, allowed the *Länder* to make decisive contributions to EU media policy and, to a lesser extent, on cohesion policy. In sum, the ability of regions to shape EU decisions is much more limited than expected, making any talk of Europeanization and of cooperative federalism in Spain (or in Italy) inaccurate.

The preceding claims could be questioned by arguing that other policy sectors like environmental policy may have been altered by Europeanization. In my opinion, this is improbable because the explanatory variables like coordination mechanisms and normative structures remain relevant across policy sectors, including regulatory and redistributive decisions. To be more precise, crucial factors like whether decisions are taken by a majority, as in Germany, or by unanimity, as in Italy and Spain, shape the outputs of coordination mechanisms across all policy fields. Furthermore, problems do not only arise from the unanimity rule, but also from the fact that coordination mechanisms in Spain or in Italy fulfil none of well-established requirements necessary to obtain coordination among actors in federal systems (Scharpf, 1992a: 16, 1992b: 85, 91).

These flawed coordination mechanisms not only failed to promote Europeanized normative structures, but encouraged actors to mistrust each other and left no place for neighbours' concerns. While Europeanized normative structures are most usually characterized by trust, readiness to compromise, and balanced interest definition (Schmidt and Radaelli, 2004), domestic actors—central and regional—were adamant in the pursuit of their interests, diffident toward others, and one-sided in their agendas. In particular, nationalist parties define more clear-cut agendas than political parties competing across the country, which must take into account the interests of voters in all regions (Scharpf, 1992b: 61-62). In fact, regions with differentiated identities and powerful nationalist parties are less capable of shaping EU policy than those that lack those characteristics, but could rely on

coordination mechanisms. This is true even if a party is member of a governing coalition –CSU– or is simply giving external support to a governing party –PNV– and in spite of numerous claims to the contrary (Marks, Nielsen *et al.*, 1996: 59; Bomberg and Peterson, 1998: 221; Bache and Jones, 2000: 16, 18; Jeffery, 2000: 12, 15, 17). The preceding finding is not only relevant for Spain, but also for Italy and other member states with influential nationalist parties, even though qualified observers of Italy’s Europeanization have directed most of their attention to the left-right cleavage (Gualini, 2003).

Across policy fields, limited Europeanization and regions’ lack of influence on EU matters characterize Spanish (and Italian) federal arrangements better than Börzel’s cooperative federalism. The diverging reactions from regions within the same member state to a supposed misfit suggest that its existence is contingent upon actors’ preferences. As an alternative to the flawed concept of “goodness of fit”, other Europeanization scholars (Héritier, 2001: 53; Radaelli, 2003: 47-59) have proposed domestic structures, veto points, and political leadership as the variables accounting for Europeanization, but in doing so they actually are emphasizing structures rather than with agency. And yet, the study of Europeanization would benefit from ideas more sensible to how (regional) actors respond to the territorial conflicts intrinsic to EU-wide policy-making.

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