1. Introduction

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The 'big bang' enlargement of the European Union (EU) in 2004, with two further member states joining in 2007, had been long anticipated and there had been many concerns about the possible impact that this would have on the EU. At least three intergovernmental conferences had been convened to prepare the Union for it, resulting in the Amsterdam Treaty, the Nice Treaty and the abortive Constitutional Treaty. And yet, when the new members joined on 1 May 2004, there was still a sense that the institutional structure of the EU was ill equipped to deal with the much larger numbers of players and the more diverse range of interests.

As the months and years after May 2004 passed, the big debate about the possible impact of enlargement was overshadowed by the larger 'constitutional crisis' of the Union after the non-ratification of the Constitutional Treaty, and the debates about renegotiation of the treaty and a refocusing of the Union on achieving 'results'. However, enlargement was not just a moment in time, but a process that brought in a permanently increased membership of the Union, and thus the question of what impact this may have (had) on the EU remains. It is against this background that, in the context of a collaborative research network, the contributors to this volume set themselves the task to investigate empirically and systematically the precise nature of any changes related to the enlargement process that can be observed in the key institutions and institutional mechanisms of the EU.

When we initially discussed the idea for this book in 2006, the first publications on the institutional impact of the 2004 enlargement of the EU were beginning to circulate (Dehousse et al. 2006; Hagemann and De Clerck-Sachsse 2007; Hix and Noury 2006; Kurpas and Schönlau 2006; Sedelmeier and Young 2006). Regardless of their methodology and focus, there were two common denominators: they all came to the overall conclusion that, *prima facie*, decision-making with 25 member states could be safely described as 'business as usual'; and they all warned, prudently, that it was too soon to tell about wider and longer-term implications.

We were both relieved and intrigued by these preliminary findings. While we could only agree that the predicted deadlock seemed to have been avoided, we wondered about appropriate indicators and the adequate time reference for measuring continuity and change in a complex institutional system such as the EU. Moreover, as most of these works were preoccupied with the consequences of enlargement within a single institution, we started considering whether and to what extent institutional change can be charted in isolation.

At the same time, we realized that the direction of this debate could have significant implications for the future development of the EU. Did the EU really need a new constitutional settlement or would its institutions be able to cope within existing rules? Would the EU be prepared to welcome new member states or had its 'integration capacity' already reached its limits? None of these questions could be seriously answered without assessing what has happened to the EU since May 2004. Official answers on this point have been quite elusive. The European Commission, for example, found a delicate balance in submitting that in the two years after enlargement the '[i]nstitutions have continued to function and to take decisions' but stressing that it would watch to check that the EU's 'institutions and decision-making processes remain effective and accountable' in the future (CEC 2006). The European Parliament even established an explicit link between the notion of 'integration capacity' and the constitutional debate, arguing that, with the accession of Romania and Bulgaria in 2007, the Treaty of Nice had reached its limits and that the proper functioning of the EU in the future would be conditional on a number of further institutional reforms (EP 2006).

The present work thus has a dual mission: first, to expand earlier academic contributions with regard to a time frame which allows more solid conclusions and an approach that charts change beyond and across individual EU institutions; second, to complement rushed ex post assessment performed by the EU institutions themselves, in a way that its findings can be meaningfully used in a debate on the future membership and institutional settlement of the EU. In doing so, it is also intended to contribute to thinking about the significance of enlargement and institutional change for the broader issue of EU governance.

There has previously been very little literature on the impact of enlargement on EU institutions, although a great deal has of course been written about enlargement. Nugent (2004) has, exceptionally, addressed enlargement in general terms and from multiple perspectives. Others have tended to focus on one of four aspects: the process itself of enlargement, whether in overview (Preston 1997; Sjursen 2002; Kaiser and Elvert 2004; Verdun 2005) or on particular rounds (see, for example, Franck 1987; Nicholson

and East 1987; Luif 1995; Falkner 2000; Cremona 2003; Ekiert and Zielonka 2003; Higashino 2004; Inglis 2004; Schimmelfennig 2005); the position of the enlarged EU in the international scene (Cemrek 2004; Brummer and Fröhlich 2005; Helly and Petiteville 2005); the impact of EU membership on acceding countries (see, for example, Lewis 2003; Grabbe 2003; Guillén and Palier 2004; Hughes 2004; Neuwahl 2004; Sadurski 2004; Wörz 2005); or the *anticipated* consequences of enlargement on the EU system of governance – whether at a general level (notably Grabbe 2004), or focusing more on institutions, policies[1] or politics (Mair *et al*. 2003; Brou and Ruta 2004) – often including suggested reforms. The discussion about possible future impacts of enlargement on the institutions, moreover, concentrated very heavily on the voting system in the Council of Ministers.[2]

Much less has been done in the past to look back and to assess the actual institutional impact of previous enlargements. In the case of countries that joined the EU after an authoritarian or totalitarian experience (both in the Mediterranean and in the Eastern enlargements), attention has rather been given to the reverse process, namely the impact of EU membership on their domestic systems. For the other enlargements, some institutional consequences for the EU have been detected. Westlake (1994), for example, connects the institution of the question time in the European Parliament to the influence of the British tradition. Others note that the Nordic enlargement has brought into the EU the concern for transparency and parliamentary control as well as the Ombudsman and an update of fundamental rights (Raunio and Tiilikainen 2003). Apart from the very recent studies mentioned at the beginning, therefore, there is little work done on ex post analyses to control empirically the solidity of predictions made. Enlargement is attributed many possible consequences before it takes place, but its actual institutional effects have been somewhat neglected.

The present volume offers individual evaluations of the evolution in the context of enlargement of the EU's main institutional actors (European Council, Council of Ministers, European Commission, European Parliament, European Court of Justice, European Central Bank, European Economic and Social Committee, Committee of the Regions), as well as an assessment of trends in the rules and practices governing the interaction between these EU public bodies, as well as between them and national and private actors (legislative output, implementing committees, non-legislative approaches). We thus use the term 'institutions' to refer both to organizational actors united in pursuit of a common goal (North 1990) and to the 'relatively stable collection of practices and rules defining appropriate behaviour for specific groups of actors in specific situations' (March and Olsen 1998).

These evaluations have been carried out within a loose general analytical framework. This framework explicitly aims to avoid any normative assumptions about the nature of institutional change – for example, that continued deepening is in itself desirable and/or inevitable in the longer run in most spheres – or about ideal forms of formal institutionalization in the EU setting. It draws on different elements of institutionalist analysis, and aims to go beyond any opposition of change and stability by borrowing a simple general model drawn from theories of complex systems.

The starting point is the concept of stability of the system. It is almost universally accepted that the European Union constitutes an emerging political system of some sort (Hix 2005). Yet it is clearly not a simple system in which there is overall hierarchical control, but a complex system in which the function of control is distributed among multiple actors. A complex system needs constantly to adapt in order to maintain a 'fit' with its environment (although this works in two directions as a sort of co-evolution), and there is more than one possible state of stability.

This seems to offer an appropriate way of conceptualizing the impact of enlargement on the EU, when there are a) divergent preferences and b) multiple solutions to the challenge of maintaining stability and 'fit'. In the EU, there is disagreement as to the preferred nature of the system, even if there is also a general consensus as to the need to prevent its disintegration. The environment in which the EU operates is also clearly changing (end of the Cold War, globalization, enlargements, etc.) and presenting pressures for adaptation – but without easy consensus as to what should be done.

It also reflects the multiple ways in which this process of adaptation may take place. There is an obvious issue of the level at which change takes place. Conceptualizing change is all the more complicated in a multi-level system, such as the EU, whose components can be seen as complex organizations or systems in their own right. It is therefore essential to take into account also the 'vertical' interaction between different levels as well as 'horizontal' interaction between the different actors and sub-systems. The treaty provisions constitute a set of general higher-level constraints, yet a multitude of specialized policy networks and sub-systems has emerged at different levels and centring on different organizations (a 'boxes within boxes architecture' typical of a complex system). Organizational adaptation within one of the European institutions, for example, cannot be treated in isolation from higher-level processes of change in the rules governing the respective roles of the institutions and the forms of integration between them.

Other issues concern causality and intentionality. In the EU context, institutional changes in fact result only to a limited extent from either constitutional consensus or from technical agreements as to 'necessary'

modifications to the system (Olsen 2002). Even where technical arguments and consensus-building was possible and has been attempted, the realities are of negotiation based on immediate interests, heavily shaped by the nature of the existing system. The gradual increase in the powers of the European Parliament, for example, has not obeyed some grand design. It has come about as the result of institutional tactics by the Parliament (Kreppel 2003; Héritier 2007; Moury 2007) and as part of broader sets of treaty reforms which do not represent genuine 'constitutional' settlements so much as package deals between the particular interests and pressures of the historical moment. The increase in powers has taken place 'without prior reflection, simply pulled along by the strongest current. . . . the authors of the various revisions of the treaties acted on the basis of successive additions without wondering what long-term effect the changes made to the treaties might have' (Jacqué 2004: 387).

Beyond this, the challenge of identifying the precise role of enlargement in the multi-faceted and multi-level process of institutional change in the EU is facing a number of obstacles. First, it may be impossible to identify factors affecting the evolution of EU policies which are specifically and uniquely caused by enlargement. There have been broader changes in the international political and policy environment. There have also been other endogenous changes building up over the years, more or less perceptibly, which may be caught up in – and catalysed by – the specific elements introduced by enlargement.

Second, enlargement has not been a single event, but a process including long periods of preparation on both sides. The incoming member states have been obliged to adopt the 'acquis' and to prove that they have consolidated the necessary administrative capacities, and their representatives participated for some time as observers in the institutions, permitting a certain degree of preparatory socialization. On the EU side, there was prolonged discussion about how to prepare for enlargement, most notably about decision-making rules and organizational practices, and considerable investment in new capacities to deal with the new demands.

Third, the most appropriate perspective is not so much that of *the* Union adapting to newcomers as that of *a* (new) Union learning to manage its (new) self. There are some obvious objective elements which make the Union new and which are specifically a result of enlargement. For example, there are more people around the table and more languages to deal with; and there is a wider range and depth of underlying diversities. These contribute to the accumulating pressures for change. Yet the more important shift in the long term may concern the balance of perceptions and interests affecting the way in which the Union responds to questions regarding the nature of the integration process and the most appropriate way of

responding to internal and external pressures. In other words, enlargement may contribute to changes both in the nature of the challenge and in evaluations of possible responses.

Based on these concerns we arrive at a number of key questions to which the contributions of this book respond. The first question concerns the very nature of change: what is it that actually is expected to change? The answer might range from the mindset and actions of individual actors to the direction and nature of the whole political system. In order to organize this complexity, we propose that change may occur at different *levels* within and beyond the institutions and, more specifically, we distinguish between two *loci* where change could happen: change can be either intra- or inter-organizational. The first concerns changes within the organizations: obvious examples include changes in the composition, working methods and rules of procedure of the EU institutions (which are better understood as 'organizations' in this context). The second concerns changes in the interactions between these organizations. A useful example is the pattern of interaction among EU institutions in the generation of EU norms. Others include the network of national parliaments, the network of national and EU courts, etc.

A second set of questions concerns the degree of formalization that institutional change takes. In this respect, institutional change can be conceptualized as occurring along a continuum ranging from changes in the (informal) patterns of behaviour and practice within and among the institutions (e.g. in the management of schedules) at one end to much more far-reaching and formal changes at the highest level (i.e. treaty changes) at the other end.

Changes, obviously, also vary in their *intensity*. Compared to the point of departure, change can be placed along a continuum that ranges from no or minor changes to transformative change. This means that one would seek to determine the intensity of change rather than only its degree of formality: a change can be significant even without having visibility in formal terms. For example, a substantial alteration in the practice of codecision can be seen as having a transformative effect even if such a change is not formally codified.

To the above dimensions a temporal distinction can be added, separating cases according to the timing of any change. In particular, changes might occur before their possible cause (e.g. intended institutional reforms that were agreed *in preparation for* the arrival of new member states) or afterwards (e.g. changes in the inter-institutional dynamics of the EU *as a consequence of* the arrival of the new member states). Among the latter, one could further distinguish between short- and long-term changes.

It is against this background that the contributors to this book have

studied the key institutions of the European Union. Starting with an analysis of the European Council, Wolfgang Wessels reports that enlargement has not blocked the activities of this body at the political apex of the EU institutional system. Major decisions continue to be adopted relatively smoothly, and the overall quantity (and substance) of output has not changed significantly: even in a Union of 27, it continues to insert vital national issues into the EU arena, without altering its internal dynamics. In the light of the ongoing constitutional debate, the future European Council may undergo some organizational changes: as a notable example, the Lisbon Treaty would provide it with a full-time president, an innovation partly motivated by the recent enlargement. Nevertheless, if one takes on board lessons from the past, as well as initial experiences following the latest round of accessions, no major changes in the substantive role of the European Council are to be expected in a Union of 27 based on the Lisbon Treaty.

Similar conclusions are reached by Edward Best and Pierpaolo Settembri when looking at the Council of Ministers after enlargement. The Council seems to have successfully assimilated the new members into its decision-making dynamics, and has adapted its internal working methods to the new conditions. There is no major change in the time required or the degree of political contestation. Yet beyond obvious differences such as the number of languages or the number of people round the table, or the need to deal with new substantive issues which have been specifically imported together with the newer countries, it is not easy to pin down the specific role of enlargement as an explanatory factor for change. There are very rarely coalitions of 'new' versus 'old' member states, and acceding countries usually join existing issue-based coalitions in which larger member states continue to play the leading role. Nevertheless, they find that the enlarged Council has become more 'bureaucratized': ministers, for example, become more and more 'excluded' from the decision-making process, to the benefit of diplomats.

As for the Commission, John Peterson and Andrea Birdsall approach it as a uniquely 'politicized bureaucracy'. In line with the other contributions, the main argument of their chapter is that the role of the Commission has not been fundamentally altered by enlargement. Enlargement has only reinforced the impact of other secular changes that are not exclusively or specifically linked to enlargement. They include the emergence of a younger and more flexible Commission, which has become more presidential and can no longer rely on its traditional monopoly right to initiate formal legislation to influence EU policy debates. The most important difference might lie in the strategy pursued by the enlarged Commission to introduce less legislation in order to dedicate more attention to key

proposals ('do less but better'). Moreover, on the basis of a round of inter-
views with Commission officials they submit that, in the view of most inter-
locutors, enlargement has brought new blood, energy, enthusiasm and
youth to the Commission, whereas only the third most frequent answer sug-
gests that the Commission has become less cosy and that enlargement has
brought more diverse perspectives to it. In short, they conclude that
enlargement was only one amongst multiple rationales being used to try to
reinvent the Commission.

The chapter by Brendan Donnelly and Milena Bigatto looks into the
changes brought by enlargement to the European Parliament from a
number of perspectives. In general, it finds that the specific impact on the
EP has been limited, because of both the modest number of parliamentar-
ians involved and their dispersal among and behaviour within the political
groups. In more specific terms, other than on institutional questions, where
the role of the European Parliament is in any case restricted, MEPs from
the newest member states of the Union have followed the example of their
predecessors and voted in a manner more easily explicable by their political
rather than their national affiliations. To a limited extent, the prevalence of
certain political views within the Parliament has been reinforced by the
influx of new members (as in the Council and the Commission) and some
marginal political views have become slightly less marginal. Prospectively,
enlargement has crystallized differing views about the Union's future,
which are likely to bear on the development and future role of the
Parliament. The process of ratification of the Lisbon Treaty and the capac-
ity or otherwise of the Parliament to take advantage of the new possibil-
ities given to it by the treaty, particularly in the election of the President of
the Commission, will provide important clues about the future likely evo-
lution of the enlarged European Parliament.

Like the Commission, the European Court of Justice (ECJ), analysed by
Caroline Naômé, also took the 2004 enlargement as an opportunity to
address with some determination pre-existing problems, particularly with
respect to the reduction of the backlog before new cases came from the new
member states. On all accounts, the integration of the new judges has been
smooth: they immediately received cases to prepare as rapporteurs, had an
equal right of decision in the general meeting, sat in the cases coming before
the ECJ for a hearing and participated in deliberations when they were
members of the composition in charge of the case. Some changes in
working methods did occur because of enlargement, but most of them are
interlinked with changes aiming at improving the overall efficiency of the
Court. The near future will bring an increase in the number of cases, with
the arrival of more cases connected to the new member states. But it will
also, possibly, bring the adoption of measures extending the jurisdiction of

the Court. The Court has taken advantage of enlargement to prepare itself for the increasing role it is ready to play.

In his study of the European Central Bank (ECB), Kenneth Dyson argues that its *sui generis* institutional character has narrowly circumscribed the direction, scope, intensity and timing of institutional change consequent on enlargement (confining formal treaty change to voting modalities agreed prior to EU enlargement). Its uniqueness – particularly its 'extreme' independence, missionary role and technocratic character – coupled with the context of temporal uncertainty about Euro Area enlargement has conditioned the ECB strategy towards institutional change. This strategy combines a tough, disciplined approach to Euro Area enlargement with a model of reform that internalizes differentiation in voting rules and keeps more fundamental intra- and inter-institutional reforms off the EU agenda. In sum, enlargement itself has not proved to be a catalyst for transformative institutional change. A future crisis may prompt radical reforms, but its nature, timing and effects cannot be predicted. Moreover, it is unclear whether it will derive from new member states or from older member states, or whether it will involve contagion from an extra-EU crisis.

According to Nieves Pérez-Solórzano Borragán and Stijn Smismans, enlargement did not alter the functioning and role of the European Economic and Social Committee (EESC). Formally, hardly any legal provisions have been changed to adapt it to enlargement, except for increasing the number of its members. Neither did enlargement substantially change its representative nature nor its internal dynamics of decision-making. The increase in members and working languages has applied additional pressure to solve well-known weaknesses such as the loosely structured debate in the plenary, the timely delivery of documents or the development of expertise. Decision-making is still very consensual at least in its outcome. However, enlargement has been influencing policy priorities within the EESC for quite some time. While the EESC has limited control over its own agenda, enlargement has contributed to the EESC being proactive in some specific policy fields.

Simona Piattoni argues that the Committee of the Regions (CoR) experienced some changes because of enlargement, but not of such magnitude as to fundamentally alter its functioning. In addition to the changes that took place directly at the institutional level, as a consequence of the increase in members, other changes took place because the evolving environment prompted adaptation in inter-institutional dynamics. Enlargement, together with other developments, has led other institutions – particularly the Commission – to seek allies among actors who may be considered legitimate channels of communication with European citizens. The CoR has seized this opportunity and offered its assistance by making cross-border cooperation

and dialogue with the enlargement countries one of its primary commit-ments. Its current stature is the result of the direct impact of enlargement as well as the reflection of its new role within a Union in which inter-institu-tional relations have changed, also because of enlargement.

While the above chapters deal with individual institutions and mainly address the pressure for change that these institutions have faced before and after enlargement, the framework that we developed above also seeks to identify changes in the inter-institutional relations of multi-level gover-nance in the European Union. Some of the previous chapters address such concerns in passing, for example with respect to the relations between the EP and national political parties (Donnelly and Bigatto), or relations between the CoR and regional and local authorities (Piattoni). However, in order to provide a more systematic engagement with the impact of enlarge-ment on the relations between the institutions at the European level, and between them and actors within the member states, the following chapters specifically deal with these issues.

The institutional triangle of Commission, Parliament and Council at the heart of the EU's legislative process is examined by Edward Best and Pierpaolo Settembri in Chapter 10. In evaluating the EU's production of legislation before and after enlargement, the authors suggest that the Union has proven to be a flexible system, showing an extraordinary capac-ity of adapting to a new environment with increased membership and, arguably, increased political diversity. After enlargement, the system deliv-ers a comparable amount of acts; on average, it does so faster and without greater political contestation. A closer look at what the EU produces and the way it operates, however, shows that the enlarged Union is somewhat different from EU15. For example, legislation is shaped by an increased variety of interests and its nature is altered: diversity is contributing to significantly longer acts. In addition, the decision-making process enjoys less political input in the key institutions. The main driver behind these changes is the codecision procedure: all the trends detected in the enlarged Union are magnified when Council and Parliament are required to act together.

Whereas Chapter 10 deals with the relations between institutions at the European level, Chapter 11, by Manuela Alfé, Thomas Christiansen and Sonia Piedrafita, deals with the relations between the European and the national levels of administration in the context of implementation of EU legislation – the system of implementing committees that has come to be called 'comitology'. The authors report that the arrival of the new member states has made little difference to the way in which decisions are taken or the ability to achieve outcomes. Generally speaking, enlargement has not affected the quality and quantity of implementing measures emerging from

the committees. The increased formalization of procedures, the limitations imposed on debates, the minimization of the time before putting a measure to vote and the stronger discipline in meetings contributed to guarantee the level of delivery after enlargement. Through selected interviews, the authors find that the increased number of actors, the changing influence capacity of the member states and the tendency to short-term coalitions have strengthened the role of the Commission. In general, the larger countries have lost some of their traditional power to broker agreements, whereas enlargement has made it easier for small countries to build up a coalition and influence the process. In this scenario, the reinforcement of the Commission's co-ordination role and determination to achieve its goals has been amply justified in order to provide the process with some sense of direction and common purpose and to ensure its effectiveness. The comitology system could experience further changes in the near future, as the Lisbon Treaty contains significant provisions concerning the delegation of powers to the Commission.

Edward Best, in a chapter on non-legislative approaches, analyses forms of policy coordination and alternative methods of regulation that involve both public and private actors. He suggests that the adoption of such non-legislative approaches in the 1990s was not caused by enlargement but rather that such new approaches were emerging as a result of the evolving policy context and the nature of the substantive issues. Nevertheless, the increase in underlying diversity within the Union as a result of enlargement is reported as a relevant factor in this overall process of change, and enlargement did bring about some changes in the balance of forces within the Union regarding the design of specific forms of cooperation. At the same time, it is inappropriate to talk of a specific impact of enlargement on the development and perspectives of the open method of coordination (OMC). The new member states were introduced gradually into the process in advance of accession, while OMC is in part conceived precisely as a means to manage diversity with flexibility. Enlargement has not been a factor in the proliferation of new forms of public–private interaction. It could, however, have an impact on the further evolution of such methods as a result of its impact on the credibility of legislative alternatives, the effectiveness of private commitments or the provision of necessary framework conditions.

We conclude the volume with a number of conclusions that cut across the individual chapters. While the dominant impression across the board of EU institutional politics is that enlargement has not fundamentally changed matters, a number of dynamics have been identified that are examined in more detail: first, the nature of both formal and informal arrangements has been affected by enlargement, with greater formalization of official meetings and procedures, but at the same time an increase in the use of informal

channels to prepare and 'pre-cook' decision-making; second, enlargement has reinforced a trend of more and more decisions taken in administrative spheres rather than in the political fora of the EU; third, we can observe a growing trend towards a 'presidentialization' of the EU system, with those chairing meetings and heading institutions assuming greater power and influence; and, fourth, we see a pattern of enlargement turning out to be the catalyst in the search for greater efficiency.

These conclusions emphasize that EU enlargement did not cause these developments; nor is it alone responsible for maintaining them. But while these are long-term trends of European governance, it is evident from the contributions to the present volume that the impact of enlargement has been to interact with these dynamics, reinforcing trends that pre-existed. If we look at these observations from a normative perspective, the institutional impact of EU enlargement is mixed. It is evident that the EU has managed to protect the administrative efficiency of the system rather well, but it is also clear that the EU's democratic accountability is further challenged by the greater resort to informal arrangements that are being used in order to make the Union work post-enlargement. The ratification and implementation of the Lisbon Treaty may do something to change that, but in anticipation of that the conclusion here is that the process of enlargement, while not having in itself fundamentally changed matters, has interacted with existing developments and reinforced some of the problems that had already been present in the institutional politics of the EU.

NOTES

1. To take only a few examples, *Environmental Politics* (2004) on the environment; Ackrill (2003) and Daugbjerg and Swinbank (2004) on agriculture; Monar *et al.* (2003) on Justice and Home Affairs; or Storbeck (2003) on the fight against international crime.
2. By way of examples from the huge academic output in this respect, Raunio and Wiberg 1998; Steunenberg 2001; Plechanovová 2003; Hosli and Machover 2004.

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