

Speaking with forked tongue¹

– *Swedish employment policy and European guidelines: a case of
Europeanization through soft co-ordination*

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Introduction

Embedded organisations

The number of attempts to regulate transnational phenomena such as migration, climate change, and acid rain has increased through the processes we most commonly refer to as globalisation and internationalisation.² A development where interdependence between states become more and more prominent. These rules in the form of binding agreements, conventions, or standards are often negotiated and created within various international and European organisations. And in these international rule-making processes national representatives, civil servants from member states as well as from international organisations, take part together with NGOs, companies and other actors. Consequently, politicians from the member states are not the only ones to influence the decisions being made. Sweden has now also been a member of the EU for eight years, and the signs hereof have started to show, not only in formal EU-regulation being implemented but also in the organisation of state activities.³ This development suggests that national political systems and their administrations are becoming more and more interwoven in various kinds of international processes.⁴

New demands are placed on national actors in the internationalised environment that are important to cope with. The intergovernmental perspective on European integration theory has focused on adaptation as strategic action in terms of how to best adjust to these new provisions.⁵ However also other mechanisms of change need to be investigated since this perspective does not fully capture the empirical observations found. There are many reasons for questioning a view of states as unitary actors, behaving strategically to maximise their clearly predefined interests in international negotiations. Previous studies suggest that what a government wants in a particular matter is something that is developed in the process of partaking in negotiations and

² Held David, *Global Transformations, Politics, Economics and Culture*, Polity Press UK 1999

³ Jacobsson Bengt, Laegreid Per, Pedersen Ove K (eds) *Europaveje* 2001, Sundström Göran, *Att tala med en röst (In Swedish, Title in English: Speaking with one voice)* Score 1999:8, Vifell Åsa *Enklaver i staten – internationaliseringen av svensk statsförvaltning (In Swedish, title in English: Enclaves Within the State –Internationalisation of the Swedish Public Administration)* Score 2002:2

⁴ For studies particularly on how the Swedish state administration have been affected see Jacobsson, Laegreid, Pedersen (eds) 2001, Jacobsson Bengt, Per Laegreid, Ove K Pedersen, *Europeanization and Transnational States*, Routledge 2004, Jacobsson Bengt & Sundström Göran, *Invävd i Europa*, Score 1999, (In Swedish, title in English *Embedded in Europe*), Sundström 1999, Vifell 2002

⁵ See for instance Moravcsik Andrew, 'Liberal intergovernmentalism – a rejoinder' *Journal of Common Market Studies* 33 (4) : 611-628, 1995

deliberations with other state-, and non-state actors within the international context.⁶ Positions are not something that are completely pre-negotiated and 'brought in a suitcase' to Brussels or Washington. In course of complex decision-making procedures, new issues may also arise where national representatives must respond quickly, without time to confirm standpoints with the political leadership back home.⁷ Thus suggesting that the national will is created through interaction with others. Acting strategically to obtain predefined goals may then not be the most accurate way of describing organisational behaviour under circumstances of uncertainty in terms of possible choices of both goals and strategies.⁸ More accurately it becomes urgent to respond to the new situation in terms of living up to new expectations and fitting in amongst the other actors.⁹

This paper is based on a study of the Sweden participation in the writing of new guidelines for the European Employment Strategy (EES).¹⁰ Empirically the paper addresses questions of how the guidelines-process has affected the work of the Swedish public administration, and the national policy making within the field of employment? A neo-institutionalist organisation perspective, where states are seen as one type of organisation interacting with other organisations such as companies, other states, IGOs, and NGOs, provides the starting point for the study.¹¹ The behaviour of states within these internationalised processes seems more accurately described and explained by such an approach. From this viewpoint, states are seen as open systems embedded in their environment. The relation to the environment can accordingly be seen as an interdependent relation where the organisation – in this case the state - is dependent on events and behaviour of other related organisations.

⁶ Finnemore Martha, *National Interests in International Society*, Cornell University Press 1991, Jacobsson Bengt, Per Laegreid, Ove K Pedersen 2004

⁷ Sundström 1999, Vifell 2002

⁸ Brunsson Nils, *The Organization of Hypocrisy, Talk Decisions and Actions in Organizations*, Chichester Wiley and Sons, 1989, Second edition 2002

⁹ March James & Johan P Olsen, *Rediscovering Institutions. The Organizational Basis of Politics*, New York: The Free Press, 1989

¹⁰ The empirical material consists mainly of interviews with civil servants at the national level involved in the studied process. but also individuals working within EU-level organisations, with an overview of the processes, have also been included. Since a neo-institutionalist approach recognises that others than the formally important persons may be influential, the study also includes interviews with persons working in the periphery of the processes nationally. The interviewees' own descriptions of their behaviour (what they did, in what way and with whom?), will be used to understand what has limited and decided the room to manoeuvre in the international environment and how the work been organised in order to cope with the demands of this environment. The interviews are complemented by written material such as government propositions, standpoint pro memoria and other statements regarding the Swedish position. The purpose of this material is to ascertain what the aim of Swedish actions has been. The study also draws on the participant observation made by Renita Thedvall at the secretariat for the Employment Committee within DG Employment and Social Affairs and at national co-ordination meetings within the Ministry for Industry, Employment and Communications (Forthcoming Thedvall 2004)

The internal structures as well as actions then become shaped by the wider society in which the organisation resides. At the same time the organisation is party to structuring the environment itself through various types of interaction.¹²

Responding to new demands

Central concepts are legitimacy and room to manoeuvre. These concepts have been linked to organisations' possibilities and capabilities to live up to various demands from the environment. Organisations have to fit into the prevailing normative ideal, in order to be seen as correct or legitimate actors.¹³ This is required in order to receive different kinds of resources needed for its survival. Such resources include everything from technical resources and skilled labour, to social acceptance.¹⁴ In network theory it is above all emphasised that these resources may incorporate institutionalised relations building on traditions and established norms, thereby forging a close connection to the aspect of social acceptance.¹⁵

An organisation can handle the demands on organisational behaviour in different ways, but the point is that rules of behaviour are important to comply with in order to be looked upon as a legitimate actor, and thus gain influence and room to manoeuvre. In the case of Swedish administration and the EES, it could be argued that the Ministry for Industry, Employment and Communication has to implement, or in other ways show compliance with, established rules and procedures in order to be looked upon as a European player. This is important since only those committed to the European project can be expected to have a say in the development of rules at EU-level.

Theoretically, the way of legitimising oneself in relation to the environment can be divided into two types of responses: showing conformity with rules or creating rules.¹⁷ The first one implies

¹¹ Ahrne Göran, *Stater som organisationer*, 1998 (In Swedish, title in English: States as Organizations)

¹² Scott Richard W, *Organizations, Rational, Natural, and Open Systems*, Upper Saddle River N.J, Prentice Hall 4th edition 1998, Scott Richard W & John Meyer (eds) *Institutional Environments and Organizations, Structural Complexity and Individualism* 1994

¹³ Scott Richard W & John Meyer (eds) *Institutional Environments and Organizations, Structural Complexity and Individualism* 1994

¹⁴ Ex Oliver Christine, 'Strategic Responses to Institutional Processes' *Academy of Management Review* 1991

Vol 16., Pfeffer Jeffrey & Salancik G R, *The External control of organizations*, New York, Harper & Row, 1978

¹⁵ Rhodes, R.A.W. & D. Marsh (1992) "New directions in the study of policy networks", *European Journal of Political Research* 21:181-205.

¹⁶ Scott R W 1998

¹⁷ Oliver, in her dissertation Agneta Karlsson provides an overview of the organisation literature on legitimacy in Karlsson 1991

that the organisation shows compliance with norms and rules that determine what a correct organisation should be like. The second response is linked to trying to change the existing rules and modifying the prevailing logic of action into something that fits the own organisation better. This can be seen as a form of institution building, or a way of redefining institutions in order to limit future demands for change. This can mainly be achieved during the process of institutionalisation, where patterns of action have not yet become taken for granted, or where no norm has yet been established. The same possibility for redefinition can exist in the ‘institutional confusion’ that arises when two established logics of appropriate action are brought together.¹⁸

Prior research also shows that only some parts of the administration are affected by EU-related work or international organisations, and thus interwoven in these types of processes.¹⁹ This can be said to have led to a segmentation of the public administration where some parts handle rulemaking processes and negotiations within various international and European organisations, while others do not. Thus having to cope with different kinds of demands and legitimising themselves towards a different type of environment than the rest of the administration. This might in turn mean prioritising different values, having different contacts and working in different ways.

Legitimation under conflicting demands

What happens if an organisation faces incompatible demands? In the current example if Sweden, as a member in the EU, adjusts to a European norm and accepts a specific rule, this might get in conflict with how the national opinion believes the policy should be pursued. Or with UN-norms, another organisation in which Sweden also is a member. In short: complying with the European norm risks limiting Sweden’s available strategies in the future. Unsuccessfully fulfilling demands on how to act according to some other part of the organisational environment might limit the possibilities to be seen as a legitimate organisation in this context. This, in turn, will limit the room to manoeuvre. The situation must not paralyse the organisation but if satisfying one demand now might also mean not being able to satisfy another one tomorrow, this certainly creates a problem.

¹⁸ Oliver, Jepperson Ronald L, “Institutions, Institutional Effects and Institutionalism” in Powell & DiMaggio 1991

¹⁹ Jacobson, Laegerird, Pedersen 2001

One way for organisations to handle incommensurable demands from its environment is through de-coupling.²⁰ This is achieved by separating different activities from each other - by letting different parts of the organisation handle different issues or by separating the presentation from the activities – where the structures and presentation serve as to present an adjustment to reflect the legitimate way of handling things while at the same time maintaining ‘business as usual’ behind the scenes. Separating activities from each other over time is another way through which organisations can show compliance with conflicting demands without making contradictions visible.²¹

However, one should not overestimate the possibilities of completely de-coupling activities. Things can slip through the built-in barriers. The proceeding section will discuss how this can happen and also comment on possible consequences for organisational identity and institutional change. One manner in which the decoupled structures can be circumvented is when environmental ideas are picked up by lower levels in the organisation who change their behaviour in accordance with these demands. This may give rise to a situation where organisational change is brought about from below, although the management of the organisation had intended only to change the presentation and/or keep activities separated.²²

Another way that de-coupling can be overturned is through a process of change stemming from the situation when organisations over time begin to identify with the presented ideal. This can arise when organisations present themselves as a type of organisation, are evaluated as such and interact with similar organisations. Organisations can become who they have tried to show that they already were. A changed organisational identity also implies behavioural norms, according to the logic of appropriateness, on how to act and behave in different situations, which can then also lead to changed behaviour although this was not intended.²³

Associated with actors and identities are conceptions of appropriate actions, roles routines and scripts. These conceptions are not simply anticipations or predictions but prescriptions of behaviour. They are conceptions not only of how actors will act but also of how they should act. (...) Normative rules exist in the expectations that others have for our behaviour; and they also often

²⁰ Meyer & Rowan ”Institutionalized Organizations: Formal Structure as Myth and Ceremony” in Powell & DiMaggio *The new Institutionalism in Organisational Analysis*, 1991

²¹ Ibid

²² Jacobsson Bengt, “Reformer och organisatorisk identitet” in Jacobsson Bengt (ed) *Organisationsexperiment i kommun och landsting*, Nerenius & Santérus förlag, 1994 (In Swedish, title in English: Reforms and Organisational Identity)

²³ Ibid

become internalised through socialization processes so that they exist in the expectations that we hold for our own behaviour, in our self-identity.²⁴

Identifying with and being recognised as a certain type of organisation means being able to make use of the opportunity structure in terms of available options for action and awareness of accessible resources.²⁵ In the context of the EU and the Swedish public administration, this could mean that Swedish organisations start thinking of themselves as Europeans first and foremost. This new identification might shift the focus of activities to encompass broader issues and positions than those given by national interest. The common European project and the best interest of the union would then be more important. There might also be a change in attitudes about how and where national policy should be developed, with the EU becoming institutionalised as an arena for policy development.²⁶

The Swedish Case

Europeanization as institutional change

The study can be characterised as a case of Europeanization, in the sense of European impact on domestic structures for policy making.²⁷ Previous studies of the Swedish state administration show that the EU has had quite a substantial impact in terms of changed working procedures and values among the civil servants.²⁸ However resistance and renewed focus on national standpoints is a type of response that seem important, thus implying that the effects of Europeanization defined in this way, may or may not be a higher degree of European integration or harmonisation.²⁹ How has the area of employment policy been affected and responded to the changed environment invoking intensified relations with the European level? Is it conceivable that the Swedish national institutions are robust enough to resist pressures for change stemming from the introduction of employment policy at the EU-level? Jacobson argues that transnational institutions, regimes and organisations are likely to have more impact on domestic level if they are hard law, issued by a single secretariat (single-headed) and constitute a regime or institution

²⁴ Scott & Meyer 1994

²⁵ An identification is needed in order to raise awareness of available resources and consequently in order to make use of these. Compared to Knill and Lehmkuhl's (1999) discussion on the concept of opportunity structure where no identification is needed, this is a somewhat stronger assumption.

²⁶ See for instance Jacobsson Kerstin & Vifell Åsa "Integration by deliberation" Arena rapport no 2, 2003 on the creation of policy networks and epistemic communities through committee interaction within the OMC.

²⁷ Olsen Johan P, *Four faces of Europeanization* Paper presented at ARENA seminar Oslo University 2001

²⁸ Jacobsson, Laegreid, Pedersen, 2004, Sundström 1999, Vifell 2002

²⁹ Ibid

with high level of financial autonomy.³⁰ As the EES fulfills none of these criteria, it suggests that the influence of this EU-level policy at the national level would be rather weak.

When assessing the impact of EES in the member states some methodological problems arise. Since the EES can be characterized as a soft law instrument there are no directives to be implemented, and no sanctions linked to non-compliance with the common goals. The general difficulty of causally determining and separating out the effects of the EES in the member states is especially problematic in Sweden since it served as one role model for the contents of the strategy.³¹ Furthermore, the general soft law character of the OMC arguably supposes other mechanisms of pressure, making changes other than direct implementation and compliance expected. Kerstin Jacobsson has showed that the Open method of co-ordination focuses on social or discursive regulative mechanisms such as persuasion, diffusion, standardisation of knowledge, strategic use of policy links and time management in order to foster commitment.³² The latter being crucial, since the implementation resides solely with the member states

This study instead focuses on changes in the structures for policy making, rather than on changes to the contents of the policy. It also looks at informal practices and rules that may be taken for granted and followed without being accompanied by any directives or regulations. Here rule-following, learning, imitation and reflection are some ways that organisations at domestic level can change through the pressures from EU-level. Pressures that may seem urgent to respond to in the every day work of national administrators. The empirical questions then focus how the work has been organised in order to gain influence over the formulation of guidelines, and what kind of impact has this process had on domestic structures for policy making? These are of course important aspects as there may be a close relation between how the policy is made, who participates and so forth, and the content of the policy measures as well as the degree of legitimacy obtained for the perused policy.

³⁰ Jacobson, H K, *Doing collaborative research in international legal topics, An autobiographical account*, International Studies Review 3(1): 15-23

³¹ Jacobsson, Kerstin 'Trying to reform the "best pupils in class"? The Open Method of Coordination in Sweden and Denmark' in Zeitlin, Jonathan, Philippe Pochet and Lars Magnusson (eds.) *Opening the Open Method of Co-ordination*, Brussels: Pie Peter Lang (book manuscript). 2004 , Ekengren Magnus & Jacobsson Kerstin, *Explaining the Constitutionalisation of EU –Governance, The Case of European Employment Cooperation*, Score 2000:8

³² Jacobsson Kerstin, *Soft regulation and the subtle transformation of states: the case of EU employment policy* Score 2002:4

The Employment Guidelines

Employment policy was put on the European agenda by the Amsterdam Treaty (Art 125-130) in 1997. The method used for handling employment policy at EU-level, the Open Method of Co-ordination (OMC), can be characterized as a soft law instrument. In the case of the Employment Strategy (EES), it involves common guidelines at EU-level, which are then translated into national action plans (NAP) in the member states. These plans are then audited by the European Commission, as well as by the peers from the other member states.³³ In 2002 an evaluation of the EES was undertaken, and at the same time the process of synchronizing the employment guidelines in time with the Broad Economic Policy Guidelines (BEPG) started. It was also decided that new employment guidelines would be developed after the revision of the EES.³⁴ At the time when the co-ordination was initiated, Sweden was one of the most active member states in developing and promoting the EES.³⁵ However somewhat ambiguously, the Swedish government has argued that the EES does not imply any changes for the national policy making within this field. The same situation applies to the writing of new guidelines where Sweden has also been very active. But if there is no impact of these rules at national level, why was it necessary to partake so actively at EU-level in the process of developing new employment guidelines? How can this ambiguous positioning be explained?

Compared to other member states, Sweden has proved to be a reluctant and somewhat sceptical member in many ways. This reluctance was visible at an early state. In the referendum on the application for membership, the Swedish vote was a 'yes' - but only by a scant margin. In 2003 the popular vote was a clear 'no' to the third phase of the EMU. The government's seeming unwillingness to increase EU-regulation in various policy areas such as labour law, social policy and a common defence is indicative of it following this mandate.

Within the field of employment policy, the soft law instruments used have been looked upon as an appropriate way of co-operating at EU-level, since it means that the decision-making competence has remained at national level. This has also been emphasized by the Swedish

³³ For studies of the employment policy procedure, see also Biagi 2000; Ekengren & Jacobsson 2000; Goetschy 1999;; Jacobsson 2001, 2002; Jacobsson & Schmid 2002, Keller 2000; Kenner 1999; Sciarra 2000, Szyssczak 2000;. For studies of the OMC more generally, see de la Porte 2002;; de la Porte & Pochet 2002; Hodson & Maher 2001, Zeitlin, J. and D. Trubek (eds.) *Governing Work and Welfare in a New Economy: European and American Experiments*. Oxford: Oxford University Press. 2003

³⁴ European Commission. *The Future of the European Employment Strategy (EES) " A Strategy for Full Employment and better Jobs for All"* COM (2003)6(01), European Commission, "Communication from the Commission on streamlining the annual economic and employment policy co-ordination cycles" COM (2002) 487(01).

³⁵ Jacobsson, Kerstin 2004, author's interviews EU-level

government, which has also argued that Sweden has had little need for adjustment since the existing national policy has already been well in line with the common guidelines. Furthermore, the issue of employment policy has as mentioned before been described as still very much a question of national concern.³⁶

Swedish participation in the process

In order to gain influence in EU-processes of rule making one has to be and act in certain ways. EU-processes, like other international decision-making, display certain characteristics that participants must handle. It has commonly been argued that it is important to act at an early stage in order to have any influence on any final decision. By the time an issue reaches council level, it has already been negotiated and agreed upon at lower levels in the various committees and the council decision formalizes previous decision-making.³⁷ A second related trait is that international negotiations means working with short time frames.³⁸ Third, it is necessary to make alliances with other actors, be it other member states, INGOs, IGOs or EU-organisations. This is done in order to strengthen arguments and gain support for positions before voting actually takes place. Another way to strengthen arguments is to support them with scientific evidence or expertise. The need to 'speak with one voice' and be perceived as a well co-ordinated and serious partner in negotiations is also described as an important demand by Swedish participants.³⁹ This requires that the same Swedish standpoint is pursued at various levels in the process in order to assure other parties that what is said is politically sanctioned back home.⁴⁰ Finally it is important to follow established rules. It is necessary to show commitment to agreed upon policy measures, and procedures in order to be seen as committed to the project and therefore as someone who should have a say in the development of new rules.⁴¹

The most important demands placed on the organisations in the studied processes can thus far be summarised in; the need to, acting early in the process, supporting arguments with scientific evidence, speaking with one voice and showing compliance with rules and agreed upon policy measures. The following section will describe how the Swedish representatives have organised

³⁶ Author's interviews Ministry level and national Parliament

³⁷ Ekengren Magnus, *Time and European Governance*, University of Stockholm Department for Political Science, 1999, Jacobsson & Vifell 2004, Pedler, Robin H. & Guenther F. Schaefer (eds.) *Shaping European Law and Policy. the Role of Committees and Comitology in the Political Process*, Maastricht: European Institute for Public Administration 1996, Van Schendelen, M. (ed.) *EU Committees as Influential Policymakers*, Aldershot: Ashgate. 1998

³⁸ Ekengren 1999

³⁹ See also Jacobsson, Laegreid, Pedersen 2004

⁴⁰ Sundström 1999, Vifell 2002

⁴¹ See for instance Vifell 2002

themselves around these experienced demands, thus mapping out the room for action perceived by these actors.

Acting at an early stage – and at all times

The process of writing new guidelines has at EU-level mainly been handled by the Directorate General for Employment and Social Affairs in co-operation with the Directorate General for Economic and Financial Affairs, to some extent. Important documents have been the Commission's first communication on the new guidelines in January 2003, as well as the contribution to the Spring Council.⁴² The final decision was set to the council meeting of the council constellation for Employment, social, healthcare and consumer affairs (ESHC) in the beginning of June 2003.⁴³ The Commission proposal was to be discussed in the advisory committees of EMCO –Employment Committee, EPC – Economic Policy Committee, EFC – Economic and Financial Committee, and SPC – Social Protection Committee, prior to the council decision. These committees being the only ones prior to the council level where any substantive discussions are being held, were consequently considered very central in the process.⁴⁴ The European Parliament as well as the social partners at EU-level were also to be consulted.

However a conflict arose as the Parliament had only a very short period to prepare its comments on the final version of the guidelines, and decided to 'teach the council a lesson' and refuse to comment the proposal on time so that the council decision would have to be postponed.⁴⁵ The Parliaments rapporteur on the issue did however have close contacts with DG Employment and social affairs informally, something seen as important for the Commission in order to be able to incorporate views of other actors and present a widely supported proposal. Also the social partners at EU level were satisfied with the final Commission proposal and felt that their views had been incorporated.⁴⁶ It also seems as if it was more important for DG Employment and

⁴² European Commission. *The Future of the European Employment Strategy (EES) "A Strategy for Full Employment and better Jobs for All"* COM (2003)6(01), European Commission, "Communication from the Commission on streamlining the annual economic and employment policy co-ordination cycles" COM (2002) 487(01).

⁴³ Greek Presidency of the Council of the European Union, January – June 2003, *Main meetings of the Hellenic Presidency to the European Union 2003*

⁴⁴ Although formally under the Council, these committees hold a position in-between the Council, and the Commission as the Commission hosts the Secretariat, and also is a full member of each committee. Some issues. Such as country specific recommendations, pass through COREPER and/or a Council working group, but this is for the most part a mere formality and discussions of the proposals do only seldom occur. Only some particularly sensitive issues would be handled at these levels. For a study on the status and functions of the four committees see Jacobsson & Vifell 2003.

⁴⁵ Author's interviews EU-level

⁴⁶ Author's interviews EU-level

social affairs to make allies than for DG Ecfm, the latter representing financial issues and preparing proposals for the highly important council consisting of the Finance ministers.⁴⁷

The process at EU-level also came to be characterised by conflicts between the various participating DGs where DG Employment sought allies in member states, the Parliament and the social partners. Dg Ecfm was above all opposed to setting quantitative targets at EU-level, since it was felt that targets for the employment policy might lock the economic policy, and hence spill over and restrain the available options for the economic side.⁴⁸ DG Enterprise was one of the champions for keeping the four-pillar structure that was later abandoned. The argument for keeping it was the fear that losing the entrepreneur-ship pillar, and instead mainstream the issues would weaken their status. Several drafts of the Commission proposal were sent between DG Ecfm and DG Employment and social affairs with the appendix of targets being removed and attached respectively each time. Altogether this made the process somewhat unpredictable and difficult to influence for the individual member states, partly because of the informal traits.

The central actors in the process at the national level in Sweden came to be the Ministry for Industry, employment and communications and the Ministry for Finance. These two ministries share joint responsibility for both the NAP-process and the EES in general.⁴⁹ The importance of acting early in this process in order to gain influence was recognised by the Swedish representatives and made them take part in preparatory forums such as EMCO, and EPC.

It also involved trying to gain early support from other member states before EMCO meetings. The delegation from the Ministry of Industry, employment and communications sent out a so-called non-paper in advance of meetings. This document was circulated to members of the committee, but also to Commission officials and MEPs. As one civil servant put it: “I think everyone has got it. From the lowest civil servant to the political leadership”.⁵⁰ The paper contained the Swedish view on the new guidelines. It emphasized, amongst other things, the need to reduce the number of guidelines as well as make them less complicated, to clarify their

⁴⁷ Author’s interviews EU-level, Jacobsson & Vifell 2003, Linsenmann Ingo, Meyer Christoph O “Eurogrupe und Wirtschafts – und Finanzaschuss” in Weidenfeld Werner & Wessels Wolfgang (eds) *Jahrbuch der Europäischen Integration 2002/2003*, Bonn Europa-Union Verlag, Wessels Wolfgang, “Comitology: Fusion in action. Politico-administrative trends in the EU-system” *Journal of European Public Policy*, 5 (2):209-34

⁴⁸ Author’s interviews EU-level

⁴⁹ Jacobsson & Vifell 2004

⁵⁰ Author’s interview Ministry level

structure and to focus them more on general targets than on specific policy measures.⁵¹ All in all the Swedish view corresponded fairly well with the Commissions initial proposal and the ideas brought forward by DG Employment and social affairs.⁵² Also other member states produced these kinds of non-papers but none was so widely spread and ambitiously presented as the Swedish one.⁵³ The idea with spreading it so widely was to convince others at an early stage, before their own views were too strongly set, but also to serve as point of departure for discussions on the topic and hence make them focus on the Swedish priorities stated in the paper.

Networking and alliances

That early action was linked to alliance-building that has already been touched upon in the preceding section. However in addition to making other member states support the Swedish view, it was also important to seek support with Commission officials, for instance at the secretariat for EMCO. Officials at DG Employment and social affairs draft proposals and documents before EMCO, so this was seen as an important channel for influencing the content of proposals. Informal contacts and networking was the main tool for achieving this, but these contacts also served other purposes. It was necessary to maintain good communication with other parties to the process in order to gain information on what was happening, and where to act. This was also achieved through the strategic positioning of some Swedish officials. Sweden did during this time have the chair for one of the sub groups of the EMCO, and did also manage to get a position as national expert on the committee secretariat for one of the employees of the Ministry of Industry, Employment and Communication. The EES has traditionally involved significant co-operation between member state experts and the development of new guidelines has followed this mode of co-ordination. Several member states also have programmes and strategies for sending civil servants to work in Brussels. Sweden has generally not been successful in getting positions within the EU-administration, but the employment area seems to be something of an exception. Besides these two positions related to EMCO, one of the alternate members of this committee is also permanently stationed at the representation in Brussels for the same reasons.

Still the actual number of Swedish actors taking part in networking at the EU-level is small. Only those individuals directly involved with the EES in terms of NAP-writing and participation at

⁵¹ Ministry of Industry, Employment and Communication, *Swedish non-paper on the guide lines for the EES*, 2003

⁵² Authors's interview Ministry level

EMCO-meetings have these contacts. One civil servant, who had recently gotten a position at the department for Labour market issues after working in another department within the same ministry, expressed his surprise that the unit was not more Europeanised.⁵⁴ Mine and Kerstin Jacobssons' results also show that the spread of and knowledge about the EES is very limited within the Swedish state administration, even among the executive agencies and other departments within the involved ministries.⁵⁵ The Labour Market board, the executive agency responsible for the implementation of national employment policy, and also an important actor in the national policy process, has not taken part in the guideline process and most of the officials there seem unaware of the process at all taking place. In the regular NAP-process The Labour Market Board also plays only a marginal role and has furthermore expressed some critique concerning this.⁵⁶ There are also few contacts between the core group for EU-issues, and other units working on domestic policy within integration policy, gender equality and so on.

Experience and expertise

The need to support national standpoints by showing their scientific accuracy requires actors to refer to research reports and to expert organisations of various kinds. In the case of EES and its guidelines Sweden has instead used another kind of expertise and tried to speak from own experiences and use the credibility of someone who is well experienced in active labour market policy and high- level of involvement of social partners. It is looked upon as an advantage to be able to speak from competence and knowledge and this is also done in various forums. In NAPs as well as in comparisons between member states Sweden is consciously emphasising the long tradition of preventive and active labour market policy, as well as fact that the EES is closely linked and inspired by Swedish ideas and models. It is also felt that these types of arguments are valid and listened to and thus creates an advantage for Sweden as a forerunner.⁵⁷

However this creates a rather intriguing situation in relation to the exchange of best practice and learning that is supposed to take place between the member states. Although Sweden participates in these exchanges, Swedish actors also claim nationally that no adjustment is needed, and that it is rather a question of helping and teaching others to reach the same level rather than learning something from others. A position that is not legitimate to pursue in the same terms at EU-level and raises the question on how seriously one actually intends to be in terms of openness to

⁵³ Author's interviews EU-level

⁵⁴ Authors's interview Ministry level

⁵⁵ Jacobsson & Vifell, 2003

⁵⁶ Jacobsson & Vifell, 2003, colleague's interviews

⁵⁷ Author's interview Ministry level

learning from others. Other actors such as the non-socialist opposition in parliament as well as the social partners on both sides have also

Speaking with one voice – close national co-ordination

The findings so far show that the Swedish administration has experienced the need to be well coordinated in order to ‘speak with one voice’ in different committees, and at different levels in the policy process. This consistency has been seen as important to giving the impression of being a well-prepared and serious partner in various negotiations. However it is also believed that other member states sometimes use an opposing strategy of compensating that which has not been well received by others in one forum, for instance in one committee, by stating the opposite in another. This behaviour is considered strategic and self-interested and perceived to make the process more difficult and uncertain for others. The Swedish actors look upon such member states as unreliable, since there is no way of knowing the member state’s actual position. In addition to the risk of conflicting and therefore uncertain claims, there is the attendant risk of not knowing if and when representatives have co-ordinated positions with the political leadership and other policy areas.⁵⁸ This makes it unclear whether positions will be sustainable.

The national co-ordination in order to speak with one voice at EU-level has mainly been concentrated to the ministerial level. The core group working on the EES consisted of civil servants from the unit for employment policy at the Ministry of Industry, Employment and Communication and the unit for Fiscal policy and EMU at the Ministry of Finance. All in all, there are no more than ten to twelve persons involved at national level. Since this core group includes all the Swedish members and alternates in both the EMCO and the EPC, the co-ordination has been carried out informally and through formal co-ordination meetings before the respective committee’s meetings. In these forums the committee members may also participate at each other’s meetings thus achieving inter-ministerial co-ordination. In practice this often also means informal contacts and networking outside the formally established organisational structures, in part due to the prevailing short time limits and European-level networking.

The national co-ordination is seen as largely unproblematic, without the prominent traditional tension between the Ministry of Finance and the Ministry for Industry, Employment and Communication. It is believed that the national differences are smaller than those found between Swedish views and those of other member states - and also smaller than differences internally in

⁵⁸ Author’s interviews Ministry level

other member states.⁵⁹ In short: the national co-ordination at the state level is conceived as well developed and working smoothly. The interministerial co-ordination has also improved due to the work on the EES.⁶⁰ This, however, is not the case in relation to other national actors. Such actors include the national and local-level social partners as well as the Labour Market Board. In the observed case, these sub-national actors and social partners were excluded from real influence in the national co-ordination process since they were invited to comment on already written Swedish standpoints. There are regularly meetings at the Ministry for Industry, Employment and Communications, where the social partners from both state and local level are represented, but in relation to the guidelines as well as the EES in general (including the NAP), only already agreed upon governments views are discussed here.⁶¹ Thus making it more a channel for one-way communication and information from the government than actual co-ordination of views and debates on policy.

A reluctant rule follower

In order to be perceived as a legitimate or 'committed' actor at EU-level, it was deemed important to show compliance with agreed upon EU-level rules.⁶² This compliance concerned both policy rules and procedural aspects. In the current case it might even be more important to show conformity in other ways than in implementing policy measures since the soft nature of the rules make pressure mechanisms weaker. The conformity with existing rules and norms is upheld through networking which seems to be the dominating mode of interaction, but also through showing support for the Commission's view on how to handle the EES nationally with consultancy of social partners and so on, that were discussed in a previous section. The NAP is another example of this, however assignments given to for instance the Labour Market Board that are in line with the guidelines or recommendations are in the national context not presented as in accordance or connected or with the EU-level in any way.

The Commission has increasingly emphasised the need to involve implementers of employment policies at national level and a broader set of stakeholders in order to assure the spread of the EES in member states.⁶³ Sweden has in the case of the guide lines also tried to show compliance

⁵⁹ Author's interviews Ministry level and Social Partners at national level

⁶⁰ Jacobsson & Vifell 2004

⁶¹ Ibid

⁶² Author's interviews Ministry level

⁶³ European Commission, '*Strengthening the local dimension of the European Employment Strategy*'. COM (2001) 629 final. 2001, European Commission, *Working Together at Local Level for More and better jobs for all – The local dimension of the European Employment Strategy*, Luxembourg: Office for Official Publications of the European Communities

with these ideals by letting the social partners at the state and local levels comment on the Swedish position and the commission proposal on the guidelines.

However, as previously mentioned, these discussions were undertaken at such a late state in the process that the relevant documents were already decided upon and not subject to change. This was something that was criticised by the social partners. In fact, the employees' organisation at the local level did not even bother to attend all such meetings since they were viewed as useless.⁶⁴ The argument on the part of the government for involving other actors at such a late-stage has mainly been that employment policy is still a purely national concern. This making it difficult to see how they could contribute.⁶⁵ The EU-level guidelines are described as nothing else but that which is the established Swedish view, thereby denying the EES as a cause or a pressure for change. However the political opposition as well as the social partners have commented on the fact that they do not believe the government takes the EES with the NAP and the recommendations seriously enough and that national policy could be improved by following the EU-rules more whole heartedly. For instance the non-socialist opposition used the recommendation on lowering taxes on labour in their pleading for tax cuts.

Lately the Commission has also tended to emphasise the involvement of national parliaments. Sweden lives up these requirements as Riksdagen – the Swedish Parliament - is consulted. But in practice the Parliament, has not been a part of the guideline process, and only plays a minor roll in the regular NAP-process when it is presented by the government.⁶⁶ Something that by some MPs is considered the appropriate way, since the Swedish employment policy is not seen as effected by the European co-ordination.⁶⁷ The strategy as such and the OMC in general are also fairly vague concepts to most MPs. However some civil servants from Ministry level feel that the committee handling employment policy might sometimes give quite intense hearings when they are presenting the government's position. But this does not mean that the position is subject to change.

Institutional change and new opportunities

De-coupling

Empirical evidence suggests that the way Swedish administration has had to manage the conflicting demands of both being a 'good European' and keeping EU at arms length, and that

⁶⁴ Author's interview, Social partners national level

⁶⁵ Author's interview ministry level

⁶⁶ Jacobsson & Vifell 2004

the way this has been done could be depicted as de-coupling.⁶⁸ On the one hand, there is a de-coupling of activities in the way the EES has been organised at the ministerial and agency level. At the two relevant ministries, there are only a few civil servants working within the single unit that handles the EES. This unit is not closely linked to other units at the same ministry, which work on related issues concerning the national employment policy. For instance the unit for integration of gender issues or other labour market issues. In this way separate parts of the organisation can accordingly be displayed to different parts of the environment and respond to opposing norms of how the organisation should behave.

There is also a de-coupling of presentation and activities. Sweden actively follows the rules of the EES in writing NAPs, receiving recommendations and networking at the EU-level to show themselves as a legitimate, European player with the ability and right to participate as a relevant partner in negotiations for the new guidelines. Yet there is no mention of the EES and the EU when employment policy measures are undertaken at national level. For instance, when the recommendation on improving integration of immigrants into the labour market was followed by a mission in the government approval document for the Labour Market Board to look into these issues - there was no reference to the EES. Instead the idea was presented as a Swedish initiative only. An explanation for this is that it is not legitimate to implement policy measures on employment stemming from the EU and that it is important to claim that policy is already in agreement with all EU rules, and that the policy area is solely of national concern.⁶⁹ The de-coupling of presentation and actions, makes it possible to satisfy seemingly incompatible demands at the national and EU-level and give the Swedish actors some room to manoeuvre in both contexts. Altogether Sweden manages to speak with one voice both at national and at EU-level but saying the opposite things in the different contexts. Coherence of what is said in both places but not between the contexts.

Another effect of this de-coupling, as well as of the close state co-ordination, is that it makes it possible to exclude certain actors from the process. The local level as well as the social partners, and the implementing agencies have in this way been left out. It is claimed that employment policy is still only of national concern, hence there is no point in letting these actors take part in

⁶⁷ Author's interviews, Ministry level and national Parliament

⁶⁹ A similar situation can according to Morten Kelstrup (Kelstrup Morten, *Denmark in the process of European integration: Dilemmas, problems and perspectives in Danish integration policy*, Paper presented at the Conference "Patterns of Danish Development: EU and the National State" University of Copenhagen March 28th 2002) be observed in the Danish case concerning EU-related issues.

what is purely a presentation for Brussels. And that the ‘real’ Swedish employment policy is created in the same ways and arenas as it has always been and where these actors play central parts. However, as is discussed here and more in-dept later on, the impact on national policy making of the EES is not negligible.

Enclaves in the Swedish state administration

Another way to describe the de-coupled, core group organisation and its effects is that a specific logic of action is created within these tight networks. The concept of networks is perhaps misleading, since it might be conceived as something open and loosely structured. This is in marked contrast to these groups, which are well coordinated and fairly closed for other actors. Such groups are perhaps best described as *enclaves* which in practice are disconnected from the organisational units to which they formally belong (ministries, agencies etc), and instead take part in European and international processes together with actors from other organisations with which they have much closer relations. Since the Swedish standpoints are to a great extent created in interaction with other member states representatives, IGO-actors, NGOs etc. These closely coordinated groups have limited contacts with other parts of the Swedish administration. They can therefore also be characterised as enclaves in the Swedish states where different working procedures prevails and the formal procedures of the Swedish administration are by-passed.

The cooperation and closer contacts between employment policy experts in the member states and at the Commission has facilitated informal contacts and exchanges on ideas and best practices as well as a consciousness of shared problems and challenges. In this way new ideas may be picked up, developed and transferred within the EU-networks and contribute to changes nationally. It also seems increasingly legitimate to receive criticisms and suggestions on national policy choices through this intense interaction and socialisation that has taken place.⁷⁰ This means that the Swedish policy making is now partly being created somewhere else and where all involved actors do not have access.

Redefining the rules of the game

The empirical material also evidences another way of handling competing demands in the attempts to influence the rules of the game, and in this way proactively try to shape future demands. Sweden has been quite active in trying to influence the studied processes, and an

⁷⁰ Jacobsson & Vifell Forthcoming 2005

interesting observation is that the Swedish standpoints and priorities have for the most part been concerned with procedural, rather than content, matters. This can be interpreted as trying to change ‘the rules of the game’ in order to make future decisions closer to the Swedish norm. This would help to avoid pressure to adjust procedures, and also perhaps content, since the EU-processes would be close to the traditional Swedish way. A second benefit might be to facilitate Swedish influence if the ‘rules of the game’ are familiar.

Organisational identity and failed strategies

Despite the seeming accomplishment of de-coupling, there are signs that the multilevel game of the EU-co-operation has prevented the de-coupling strategy from being completely successful. Although local level actors have been excluded from influencing the guideline process, they have been encouraged and supported by the Commission to write Local Action Plans. This has connected them to the EU-level and facilitated participation in conferences and meetings with other local and regional actors from around Europe. For instance some municipalities have been connected to the organisation Eurcities working on strengthening the local dimension in the EU. Eurocities has among other things encouraged its members to produce LAPs. Such contacts are considered valuable and as one politician from a Swedish municipality put it: “We may not look like any small town in Sweden, but instead we might have similar problems to tackle as do Nice or some other city in Europe”.⁷² A possible redefinition of identities, which may lead to new patterns of action, seems to be taking place.

If lower levels of the national organisation pick up and incorporate these EU-level ideas, a change may occur in the organisation as a whole. New self-perception also gives new prescribed ways to behave, with related modes of action and preferences that fit these new ideas of who you are. A new identity also makes new resources available. For example, financial resources have been allocated to the sub-national level through the Commission programme “Acting Locally for Employment”.⁷³ The exchange of experiences with other local actors around Europe, which is perceived as a valuable source for finding help and ideas to handle concrete problems in the municipalities, means that ideas can be transferred directly from other cities or municipalities without involving higher levels of the organisation. However for these resources to become available required a change in the self- perception on behalf of the involved actors, since the state level had excluded the local actors from the EU-level process. One source for such ideas on

⁷² Author’s interview, local level

⁷³ European Commission, *Preparatory Measures for a local commitment for employment - Call 2000*

sharing experiences with other organisations in the same situation was the Commission, who had tried to mobilize local actors in order to strengthen the national impact of the EES.⁷⁴ Thus the local level actors in Sweden have increasingly come define themselves as actors belonging to the European project and an augmentation of interest for the LAPs can also be noted at state level. Thus it is possible to perceive of the pressure for conformity in terms of recognising the importance of local level participation, as stemming from both EU and local national level.

The conclusion that the sub-national actors have taken part in the EU-networking resulting in identity transformation purely as a strategy of adaptation to a new situation, should however be scrutinised somewhat more carefully. As for instance Kohler-Koch points out, one should not overemphasise the role of the Commission as an ideational entrepreneur since the actions at national level might rather be undertaken in response to parallel domestic developments. And hence the analytical view would need to be broadened.⁷⁵ In this case the local level strategies are closely related to parallel developments but where the Commission initiative has provided the local level actors with new ideas on where to find solutions for their problems. In other words they have been provided with an opportunity structure by the mobilising attempts from the Commission that has made them define themselves as European actors, and hence also put pressure on the state level to involve them in other EU-related issues such as NAP-production and writing guidelines.

The de-coupling of actions at European and presentation towards national level also seems to be challenged by the processes of institutionalisation and socialisation among the civil servants in the national core group. It is becoming more and more legitimate to pick up ideas from other member states, and the interaction within the EMCO where arguments are always given for national standpoints seems to have made the standpoints more reflexively held.⁷⁶ Although one was quite certain in the beginning that there was not much to be learnt from the other member states that could improve or change the Swedish employment policy, there seems to have been a change in the self-perception. The networking between central actors in the national policy processes has given rise to exchanges on ideas. And participating in bench-marking and NAP-

⁷⁴ Jacobsson & Vifell forthcoming 2005

⁷⁵ Kohler-Koch Beate *European Networks and Ideas: Changing National Policies?* European integration online papers vol 6 2002 no 6

⁷⁶ Jacobsson & Vifell 2003

production where national ideas are presented in light of the common challenges discovered and debated in the committee, has in certain aspects overthrown the notion of the EES having little or no relevance to Sweden.

Also by presenting oneself to the European arena as part of the European project and as someone sharing ideals and goals with the others, a process of identity-transformation has started. Since one has to present and act according to these European ideas, for instance find and formulate examples in Swedish policy related to the EES for the NAP, combined with this development of shared frames of reference with other member states, Sweden has in certain ways become the image intended as window dressing for the EU-level.

Conclusions

I have argued that the way the EES has been handled can be analyzed from a neo-institutional perspective, where conflicting demands on the Swedish state has led to a certain organization of the work activities and thus explain the somewhat ambiguous Swedish position in these issues. Viewing the organization as an open system, legitimacy towards the demands placed on it may lead to adaptation. However the demands placed on an organization may not all be compatible. I have argued that the way Sweden has handled the process of writing new employment guidelines can be explained in terms of handling conflicting demands and creating room to maneuver.

More specifically Sweden faced the dilemma of both being a 'good European' and at the same time keeping EU at 'arms length'. On the one hand, Swedish representatives have to act according to the norms of the European cooperation, and create alliances with others, take part in networking and show adherence to the rules of the EES in order to be seen as a legitimate actor. On the other hand, EU and European influence on Swedish employment policy is not a legitimate concept at national level. Sweden considers itself successful in this area and EU related ideas are not a welcome phenomenon. In order to satisfy these two seemingly incompatible demands the organizing principle of decoupling is being used to create room of manoeuvre for the administration.

Separate units handle EU-issues and national employment policy, different things are said at European level and national level, and certain actors are left out of the process nationally as to limit the spread of EES. For instance, in order to show compliance with the Employment Strategy Sweden also invited the social partners, which is encouraged by the Commission,

however these groups were only allowed to comment on already written statements and had no real influence in the process. The purpose of that alliance was only to legitimise the Swedish standpoint as being made in accordance with EU-rules. By arguing national independence within the policy area it was then possible to keep actors out since it was claimed that the Swedish policy was created somewhere else.

Having said this, the possibilities of coping with the situation through decoupling should however not be overemphasized. Local and regional actors have also picked up ideas introduced at EU-level, and have tried to use these in putting pressure at the national level. There has been a redefinition of roles and identities at lower levels in the state administration, which has induced new strategies and ways of achieving goals. I have also made the case that through partaking in the processes at the European level a transformation of the Swedish identity has taken place also at other levels. By presenting oneself as a European player at state level, following rules and participating in cooperation of various kinds, there has been a change in what kind of organization one identifies with. Through participating in European networks, new ideas and policy approaches have been introduced, and the socialisation process involving central policy makers in Sweden has changed the location of where the Swedish policy is actually created. The close contacts between central policy makers in the member states and the Commission have created networks, and relations where it is easy to call a colleague from EMCO or the Commission to find information or discuss policy measures and ideas.

Another important conclusion is that the administrations handling of conflicting demands has lead to a situation where changed practices have not been met by corresponding changes in the formal structures, thus blurring roles and responsibilities in the democratic process. Therefore the study is also important in that sheds light at the demands the EU-membership places on national state administrations. The decoupling of talk and practice and of different practices have obscured where the Swedish policy is actually being developed. The intense networking has lead to units from the national administrations becoming closely involved with international counterparts, and in practice disconnected from the organisations they formally belong to. In these policy networks - or enclaves - policy makers and experts formally or informally come together and exchange ideas on how to handle new policy measures. This as the same time as the government claims that nothing has changed because of the EES. All in all this can lead to a bypassing of formal structures limiting the transparency of the policy process and thus the possibility to hold anyone accountable of the decisions taken.

This also raises questions on the steering of the national administration. From Weber and on the role of the administration has been ideally depicted as following the orders of the politicians and respond to democratic demands on work procedures and as overarching values placed on the organizations through formal regulation such as government approval documents and the constitution. However, studies like this one shows that that the formal steering does not correspond to how the administration is governed in practice. The close networks or enclaves within the administration are in practice disconnected from the organisations they formally adhere, and also from the system of formal steering. This contributes to problems of democratic legitimacy since the steering of the administration is not done according to the formal account.

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