

The Management of New Forms of Governance by Former Accession Countries of the European Union: Institutional Twinning in Estonia and Hungary

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Abstract: *At the Copenhagen summit of 1993, the European Union introduced three criteria for accession to the European Union—political, economic, and adoption of the acquis—combined in 1995 with the necessity, for the candidate states, to have the institutional capacity to implement the acquis. Until the reform of the PHARE programme in 1997, the European Union did not have any cooperation programme for institution-building. Conceived as an innovative instrument in European external cooperation, institutional twinings are inspired, in their design and their implementation, by new methods of governance emerging from the internal policies of the European Union (new public management, open method of coordination). How did the candidate countries interpret and implement institutional twinings? Can one simply speak of institutional transfers or are the results of cooperation between Western and Eastern élites and experts of a more complex nature? This article attempts to draw some lessons from the experience of twinning on the basis of sectoral case studies in two countries, Estonia and Hungary, which took part to the EU enlargement of May 2004.*

I Introduction

At the Copenhagen Summit of 1993, the European Union laid out three criteria for accession to the EU:

1. stable institutions guaranteeing democracy, the rule of law, human rights, respect for and protection of minorities (political criteria);
2. the existence of a market economy capable of coping with competitive pressures and market forces inside the Union (economic criteria);

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3. the capacity to assume the obligations of accession, and notably to subscribe to the objectives of political, economic, and monetary union (legal criteria, ability to adopt the *acquis*).¹

At the Madrid Summit in 1995, these criteria were completed by an element that has not been taken into consideration for several years, almost a fourth criteria for accession: institutional capacity, i.e. the obligation for candidate countries to have administrative and judicial institutions able to implement the *acquis communautaire*. The *acquis*, which comprises all the primary and secondary norms of the EU, has become the central element of both European conditionality, and of the enlargement strategy in the 1990s. Until the reform of the PHARE² programme in 1997–98, the reinforcement of institutional capacities was not the aim of very few measures of assistance, since there was little or no *acquis* existing in this field. Generally speaking, the EU lacked an instrument in its external cooperation policy allowing the reinforcement of the administrative and judicial capacities of recipient states. It was only after 1997, notably through the reform proposed by the Commission in its Agenda 2000 that institutional twinings were introduced. Implemented for the first time in 1998, twinning is designed to assist candidate countries to fulfil the *acquis communautaire* by sending experts from EU states into the analogous institutions of third states. Twinning represents an innovative instrument in the EU's external policy. Its implementation is based on new forms and methods of governance³ that helped to reform internal policies of the European Union and to produce elements of *soft law* in sectors which so far had had little Community involvement.

So, how have the candidate countries received and implemented institutional twinning, notably the new forms of governance and management introduced with this instrument? To answer this question, first of all the innovative elements of twinning will be examined and the manner in which these countries have selected their partners in cooperation (from member states) and the 'institutional models' that these represent analysed. Second, it is proposed to identify the institutional changes caused by the implementation of twinning in the field of norms, whether formal (laws, regulations) or informal (techniques, knowledge), and of organisational structures (ministerial

¹ Conclusions of the Copenhagen Summit: available at: <http://ue.eu.int/ueDocs/cms_Data/docs/pressData/fr/ec/72922.pdf>. A fourth criteria concerns the European Union: enlargement would occur provided that the EU has the capacity to absorb new members without endangering the momentum of European integration.

² PHARE: Pologne-Hongrie, Aide à la Reconstruction Economique (Council Regulation 3906/89). Originally aimed exclusively at Poland and Hungary, the programme has subsequently been extended to the other Central and Eastern European Countries (CEECs), namely the Czech Republic, Slovakia, Lithuania, Latvia, Estonia, Slovenia, Bulgaria, and Romania.

³ There are several definitions of governance. The literature on EU's external cooperation distinguishes between questions on the nature of governance and those on the enlargement of regional governance to new countries. While the two can be linked, I am interested here in the second one (diffusion and reception of instruments of European governance). The literature also agrees on the fact that there are two forms of governance; hierarchical and horizontal. The first remains linked to the hierarchical notion of power, the second analyses the emergence of new forms of action and of political management (political instruments, public/private interactions). I am here particularly interested in the second definition. For more details, see T. Risse, 'Global Governance and Communicative Action', in D. Held and M. Koenig-Archibugi (eds), 'Global Governance and Public Accountability', *Government and Opposition*, Special issue (2004) 39(2).

restructurings, governmental agencies). Third, I will call into question the existence of logics other than those of pure transfers through the phenomena of hybridisation and of the refusal to implement projects. To do this, I rely on sector-based examples (projects linked to structural funds, to the environment and to Justice and Home Affairs (JHA) in two former candidate countries, Estonia and Hungary, two countries qualified as ‘best pupils’ of enlargement. After enlargement on 1 May 2004, the Commission introduced a ‘transition facility’ as an institution-building instrument similar to twinning for a three-year period. Lastly, it will be asked how far twinning might be conceived as a form of governance and as a source of mutual learning in the enlarged EU.⁴

II Institutional Twinning, an Innovative Instrument of EU’s External Cooperation Policy

Institutional twinings represent, in several ways, a new instrument of the external cooperation of the European Union. What are the innovative sides of the twinings? How have the partners of Central and Eastern Europe dealt with them?

A Innovations Born out of the Calling into Question of PHARE: Change of Philosophy and of Methods

Throughout the 1990s, recurrent criticisms was formulated on the management of PHARE by the European Parliament and the Court of Auditors, as well as by Member States and candidate countries with regard to the European ‘*Ostpolitik*’.⁵ The European Commission, charged since 1989 with coordinating the whole of measures of assistance to CEECs, operated through its Agenda 2000⁶ of 1997 one of the most important reforms of European *Ostpolitik* and of the PHARE programme. From this date, a change of paradigm occurred in the philosophy of the cooperation policy, new cooperation methods were used for the management of the relations with the candidates countries.

⁴ The analysis presented here stems in part from our doctoral research on conditionality as a framework of learning and mutual socialisation in the enlargement policy of the EU. Data was collected through 160 interviews carried out between 2000 and 2004 in Estonia and in Hungary, as well as in France, Germany, and in Brussels. Archive documents and first-hand sources (programming and evaluation documents, internal letters) obtained in ministries, in governmental agencies and at the European Commission’s Directorate-General for Enlargement in Brussels are further data I used for this research project. This article complements previous publications: E. Tulmets (dir.), ‘Dossier: Les réformes de la Coopération à l’Est de l’Union européenne’, (2003) 34 (3) *Revue d’Etude Comparative Est-Ouest*; E. Tulmets, ‘The Introduction of the Open Method of Coordination in the European Enlargement Policy: Analysing the Impact of the PHARE/Twinning Instrument’, (2005) 3 (1) *European Political Economy Review* 54–90 <<http://www.eper.org>>.

⁵ European Court of Auditors, ‘Special Report n°3/97 concerning the decentralized system for the implementation of the PHARE programme (period 1990–1995) together with the Commission’s replies’, (1997) 97/C 175/02, *Official Journal of the European Communities* 4–47; European Parliament, ‘Programme PHARE, débats du Parlement européen, session 1997–98, compte-rendu in extenso des séances du 5 et 6 novembre 1997’, *Official Journal of the EC*, (1997) n°4–508, 43–47; Committee of independent experts, *Initial Report on allegations of fraud, of mismanagement and of nepotism at the European Commission* (1999).

⁶ European Commission, ‘Agenda 2000, For a Stronger and Larger Union’ (COM (97) 2000 final), (1997) *Bulletin de l’UE*, Supplément 5/97.

a) *Shift of Paradigm*

The introduction of the notion of institution-building in the European cooperation policy can be identified as a paradigm shift⁷ that took place gradually throughout the 1990s in the European policy towards Central and Eastern Europe.⁸ This notion was absent in the Copenhagen criteria, and was put on the agenda in 1995. It reflects the existence of a real debate between orthodox and heterodox conceptions of the relationships between economy and politics in Europe. Until the opening of accession negotiations in 1998, the Commission promoted a liberal conception of the state, which should disengage from the national economy. On the contrary, the idea of a more regulatory and responsible state guides the introduction of institution building in 1998. This conception aims, on one hand, at compensating liberalisation and privatisation of the Eastern economies, on the other, at reducing corruption and the lack of transparency linked to the heritage of the Communist institutional apparatus. This debate, structured during the enunciation of the Copenhagen criteria and of the first reform of PHARE in 1994–95, mobilised several protagonists of the DGIA of the European Commission, of the SIGMA programme of the OECD, of centres of research, and of universities specialised in advising public administration.⁹ The debate concentrated from this date on the notion of ‘European administrative space’¹⁰ and on following puzzle: while there is no *acquis communautaire* on administration, how could the Commission bring the candidate states to reforms their institutions, thus to adopt a European ‘model’ that is not defined? The question became particularly relevant after the conclusion of the Association Agreements between the EU and the candidate countries. To help them in this sense, the European Commission first started to issue a list of priority measures in its White Book on the ‘Preparation of the Associated Countries of Central and Eastern Europe for Integration into the Internal Market of the Union’, adopted at the Cannes Summit in 1995.¹¹ This document, without legal effect, was thus conceived as a guide with regard to the norms of the EU Single Market. Officials at DGIA thus realised that, without existing *acquis* on administrative and judicial capacities, it would be difficult to check and monitor the effective implementation of Community law in candidate countries.¹² Furthermore, it would not be easy for them

⁷ For a definition of a paradigm, see P. Hall, ‘Policy Paradigm, Social Learning and the State’, (1993) 25(3) *Comparative Politics* 275–296.

⁸ A similar phenomenon can be observed in the European cooperation with third states and has its origins in numerous debates and critiques of the Washington consensus born in the 1980s.

⁹ The cooperation between the Commission and the European Institute for Public Administration (EIAP) for example, failed in the 1990s, and was replaced by a cooperation between the Commission and the OECD. On the debates, see, Numéro Spécial, ‘La coopération administrative internationale’, (1997) 45 *Service Public*; Numéro Spécial, ‘Coopération administrative internationale. La nouvelle donne européenne’, (1999) 63 *Service Public*; Numéro Spécial, ‘La coopération administrative internationale’, (2001) 100 *Revue française d’administration publique*.

¹⁰ Interview with the director of the SIGMA Programme (Support for Improvement in Governance and Management) of the OECD, former member of PUMA, June 2004, Paris. The SIGMA programme, created in 1992, is financed by the PHARE programme. Its staff mainly originates from the networks of PUMA (Public Management and Governance), which provided information and expert analysis on public management to decision-makers in OECD member states and facilitated contacts and exchange of experiences between officials responsible for public management.

¹¹ European Commission, *Preparation of the Associated Countries of Central and Eastern Europe for Integration into the Internal Market of the Union*, COM (95) 163 final, 3 May 1995.

¹² In 1995, Robert Verrue, Assistant Director General of DG Economic and External Relations, wrote in the first edition of the ‘Public Management Forum’ (SIGMA): ‘Over the years, the initial focus [of

to indicate what reforms these states must follow to meet the accession criteria in this field.¹³ After the Russian crisis of 1998, the debate on the institutional capacities of post-Communist states was reopened.

b) Evolution of Methods: the Introduction of the Open Method of Coordination (OMC)

The paradigm shift contributed in 1997 to a modification of the legal bases for the EU policy towards Central and Eastern Europe. The suggestions of Agenda 2000 on the opening of accession negotiations and on the reform of assistance policy were accepted at the Luxembourg Council. Following the Council Regulation 622/98 of 16 March 1998, which modified the PHARE Regulation 3906/89 of 1989, the Commission elaborated guidelines for the implementation of the new pre-accession assistance.¹⁴ The coordinating regulation of 1999 (1266/99) officially approved the details of the reform of European assistance to the East.¹⁵ From this date, the assistance policy was no longer drawn up in response to demand (demand driven), but to needs linked to accession (accession driven).

The implementation of the paradigm shift led to the use of new methods of management¹⁶—or methods of governance—of the relations with third states.¹⁷ These methods originate in the culture of sound management and evaluation developed in the field of corporate governance and used in international institutions such as World Bank and the OECD. The techniques of benchmarking and peer reviews were first introduced in internal policies of the EU, especially in economic and monetary policy (1994) and in employment policy (1997). It was first named the ‘Open Method of Coordination’ (OMC)¹⁸ at the Lisbon Summit in 2000.¹⁹ Conceived for the reform of EU internal policies, this method was been transferred into numerous other policies. I argue that a similar transfer has occurred in EU’s external policy, first through the EU’s

PHARE] on economic restructuring and the development of a liberal environment has been enlarged to proactive employment policies, social security organisations and public administration reform. The field of administration reform, together with the approximation of laws, is subject to further interest now that six amongst the countries of Eastern and Central Europe have signed Europe Agreements with the Union which open the way for accession’; R. Verrue, ‘Phare offers support’, (1995) 1 (1) *Public Management Forum* 1.

¹³ Interviews, DG Enlargement, European Commission, Brussels, April 2003 and June 2004.

¹⁴ European Commission/DGIA, *Guidelines for Phare Programme Implementation in Candidate Countries, 1998–99*, (1998).

¹⁵ European Commission, *Commission Decision on the Review of the Guidelines for Implementation of the Phare Programme in Candidate Countries for the Period 2000–2006 in Application of Article 8 of Regulation 3906/89* (6 September 2002).

¹⁶ For a critique of new public management, see for example K. König, ‘On the Critique of New Public Management’, (1996) 155 *Speyer Forschungsberichte*.

¹⁷ European Commission, *Towards the Enlarged Union. Strategy Document and Report on progress made by each of the candidate countries on the path to enlargement* (COM (2002) 700 final; SEC (2002) 1400–1412), (2002) 8.

¹⁸ On this notion, see for example: J. Mosher, ‘Open Method of Coordination: Functional and Political Origins’, (2000) 13 (3) *ECSA Review*.

¹⁹ M. W. Bauer and R. Knöll, ‘Die Methode der offenen Koordinierung: Zukunft europäischer Politikgestaltung oder schleichende Zentralisierung?’, (2003) B1–2 *Aus Politik und Zeitgeschichte* 33–38; L. Grard, ‘La gouvernance économique dans la zone euro. La troisième voie pour faire l’Europe, après les méthodes intergouvernementale et communautaire: la coordination’, (2001–2002) 2 *Revue des Affaires européennes/Law and European Affairs* 166–181; J. Goetschy, ‘The European Employment Strategy: Genesis and Development’, (1999) 5(2) *European Journal of Industrial Relations* 117–137.

enlargement policy.²⁰ A similar transfer happened from internal to external policies with the notion of partnership²¹ introduced in the reform of the structural funds in 1997–98 and at the same time in enlargement strategy. Applied to enlargement, the notion of partnership addressed critics on the centralisation of PHARE's management and led to a policy of deconcentration (reinforcement of the delegations of the Commission) and of decentralisation (growing responsibility of CEEC's institutions) in the framework of accession negotiations (1998–2002) and of the PHARE, ISPA, and SAPARD programmes.²² In drawing a parallel with the instruments introduced for the economic, monetary, and employment policies, one realises that the enlargement strategy laid out during the Luxembourg Summit of 12–13 December 1997 adopts a great number of these instruments. It is interesting to note that some weeks previously, the Extraordinary European Council on Employment of 20–21 November 1997 had inaugurated the 'innovative method' for the employment policy foreseen in Article 128 of the Amsterdam Treaty. When comparing the conclusions of November and December 1997, and using the criteria defined by the academic literature on OMC (words in cursive),²³ the result is as follows:

- (a) The enlargement policy defines *overall European-wide objectives*, i.e. accession when the Copenhagen criteria are respected.
- (b) These objectives are defined in a *national action plan*, i.e. the Accession Partnership (AP), completed by the National Plan for the Adoption of the Acquis (NPAA) elaborated by the accession countries. The NPAA includes an Institution-Building Plan for the key ministries, agencies and institutions responsible for adapting to and implementing the *acquis* in sectors identified by the AP.
- (c) The AP are multi-annual, covering the pre-accession period, thus providing a basis for the *annual and biannual programming* of assistance to the CEEC. The management of PHARE projects is carried out by the PHARE management committee (representing the 15 member states) on the basis of National Programmes (financial programme for each CEEC).
- (d) Candidate states must *consult social partners and civil society* in order to elaborate sectoral strategies (regional development plan . . .).
- (e) The AP, the NPAA, and also every twinning project, define *benchmarks* that candidate states have to reach. Twinning was in particular created in order to foster the *exchange of best practices* in the field of capacity building.
- (f) *Progress is evaluated* on the basis of the AP and along a detailed list of standards (common indicators) in the Commission's Regular Reports. All these instruments were a basis for official negotiations and the programming of assistance.

²⁰ E. Tulmets, 'Les programmes d'aide de l'Union européenne à l'Est: analyser l'impact des réformes', (2003) 34(3) *Revue d'Etudes Comparatives Est-Ouest* 5–36.

²¹ On the notion of partnership, see for example: P. Holden, 'The European Union's MEDA Aid Programme: What Kind of Development Partnership?', (2003), available at <<http://www.edpsg.org>>; S. Maxwell, T. Conway, 'Perspectives on Partnership', (2001) 6 *Working Paper of the World Bank Operations Evaluations Department*.

²² ISPA: *Instrument for Structural Policies for Pre-Accession*, Council Regulation 1267/99. SAPARD: *Special Assistance Programme for Agriculture and Rural Development*, Council Regulation 1268/99.

²³ Conclusions of the Extraordinary European Council on Employment of 20–21 November 1997 in Luxembourg; Conclusions of the European Council at Luxembourg of 12–13 December 1997. See also D. Trubek, 'The Open Method of Coordination: Soft Law in the New Architecture for Governance of Social Policy in the EU', *Outline of Research*, 18/02/2002.

The challenges of the OMC include a need to make changes in diverse and embedded systems, thus to coordinate the member state's agencies through the definition of common objectives, without ever indicating the road to follow in order to match these aims. The OMC also aims at shifting from static rules to problem solving; experimenting and developing new knowledge; fostering local initiatives and contextual problem solving by devolution; facilitating public–private cooperation; developing new normative discourses; ensuring wide participation to ensure full input and promote legitimacy of change; and above all coordinating the policies of Member States at the EU level to ensure more sustainable policies while maintaining standards.²⁴ All these elements are present in one form or another in the enlargement policy of the EU.²⁵ As it is not possible to detail all aspects of the enlargement policy here, I will instead focus on the most innovative instrument of EU's policy towards Central and Eastern Europe, the institutional twinning.

B The OMC in the Decision-Making of Twinning

The methods mobilised for the programming and the implementation of twinning relies on 'governance by persuasion' (reliance on expertise) as well as on 'the diffusion of best practices'.²⁶ How were features of OMC introduced into the decision-making process of twinning?

The Commission was clearly inspired by the OMC for the programming and the implementation of twinning, as much as for the candidate as for the Member States. The introduction of new bureaucratic procedures, under impetus from François Lamoureux, Deputy Director General at the Commission's DG Enlargement, gave rise to considerable opposition on the part of Member States and candidate countries. This opposition quickly dissipated when both parts realised the political advantages this instrument offer in terms of forming coalitions within European committees. Several elements developed out of these new procedures: e.g. systematic references to documents that serve as a guide to action and evaluations; the introduction of the notion of partnership that gives a central role to the recipient country.

After 1998, administrative bodies of member and candidate states had to adapt to new procedures, inspired by new public management, and defined in the 'Twinning Manual'.²⁷ The Commission relied in particular on the results of the OMC for the definition of norms in domains where the *acquis communautaire* was until then almost absent, such as public institutions, social affairs, economic and social cohesion policies. Out of several discussed during the procedure, the Member States came to present their legal 'model' and their experience of implementation of the *acquis* in a precise sector: first, in the twinning proposal, which indicates the detailed content of the legal and administrative cooperation and the experience of experts to whom the mission could be given. Second, through the experts' presentation, which is evaluated by the

²⁴ *Ibid.*

²⁵ For more on this point, see E. Tulmets, 'Les programmes d'aide de l'Union européenne à l'Est: analyser l'impact des réformes', (2003) 34 (3) *Revue d'Etudes Comparatives Est-Ouest* 18–20.

²⁶ To adopt the classification of Mario Telò, who distinguishes three types of 'soft governance': by persuasion, by consultation, and by the spread of best practice. M. Telò, 'How to combine policy instruments in light of a dynamic management of national diversities', (2001) 6 *Jean Monnet Working Paper*.

²⁷ Manual available online at the site of Commission DG Enlargement, <<http://europa.eu.int/comm/enlargement/pas/twinning/>>.

representatives of the candidate countries, and which constitutes a basis for the final decision. Above all, the Commission regularly updates statistical data, which it makes public on the website of DG Enlargement, showing the results of Member States for each call for participation and paving ways to competition between the different national models. Thus, twinings contribute to promote *good* or *best practices* from the Member States, which will serve as examples for the institutional reforms of candidate states in a particular sector and/or for the transposition of a specific directive. The candidate states can thus define reform strategies on the basis of affinities and similarities between their own system and the one of a Member State, or simply because of the fame of the presented solutions.

The innovation of twinning also relies on the fact that it draws on the notion of partnership. This notion was put on the agenda of World Bank at the end of the 1980s and introduced in the reform of EU's structural funds in 1998. It implies a relationship of cooperation founded on the principles of mutuality and equality.²⁸ The notion of partnership is present in different ways through twinning, especially in procedures, which favour a progressive ownership of the programmes by CEEC representatives. For example, since 1998, these are the officials from the CEECs who have chosen their future twinning partners from the Member States alone, and not the other way round. The competent services of the candidate countries prepare the twinning project files on the basis of the Accession Partnership, of the National Programme for the Adoption of the Acquis (NPAA) and of the national development programme, annual working papers for the adoption of the *acquis*. These detailed files contain the whole of the directives and regulations to be applied, identify the reforms already carried out and the needs to come, pre-defining to some extent the *benchmarks* that will guide the twinings. They are sent for approval to the Commission's DG Enlargement, then to National Contact Points (NCP) of the member states. These NCPs distribute the 'calls for participation' to the competent departments of ministries and to their head officials, who later send propositions via the NCP to the services of the Commission. The Commission Delegation is then charged with organising the presentation meetings for these proposals in the candidate countries: the heads of project and the pre-accession advisers defend their concept in front of their future colleagues from the CEEC, generally in English.²⁹ The CEEC representatives send their choices to the Commission Delegation. However, the propositions must be evaluated by the candidate countries and the decision explained in using instruments of the new public management. During the presentation of proposals, the four to five members of the East European jury, generally officials of the ministry planning the twinning, have to fill in a standard evaluation form containing precise criteria in order to judge the oral performances and the written proposal of each Member State.³⁰ They thus look at the level of the common

²⁸ Holden, *op. cit.* note 18 *supra*.

²⁹ The use of English in twinning documents, at the presentation meetings of the PAAs, as well as at meetings of the PHARE Committee was part of a controversy between the Commission and two Member States, France and Germany, who have not hesitated to the 'Empty Chair' policy and to send Franco-German diplomatic letters to denounce 'the stretching of the rules of comitology and of the founding Treaties' (interview SGCI, April 2003, internal SGCI documents).

³⁰ In this form, the CEEC representatives for example evaluate: (a) the twinning proposal (demonstration of understanding the problems and issues, comparative advantages and extra services . . .), (b) the oral presentation (general quality of presentation, response to professional questions . . .), (c) the pre-accession adviser (professional experience relevant to the twinning assignment, language and communication skills, knowledge on the CEEC, personality: open, problem-solving thinking . . .), (d) proposed short-term

language of work, the technical competences, and the expert's past experience, his/her open-mindedness, and his/her will to find solutions adapted to the situation. Comments added to the evaluation form are sometimes presented in a very positive way: 'the oral presentation was very good, the Project Leader showed great flexibility with regard to the needs of the Hungarian statistics, and the need to co-operate with other member states in the aim of maximum satisfaction of Hungarian needs'; or more critical: 'the written proposal was not sufficiently elaborated in terms of concrete plans concerning the implementation of the project' or again 'the experience of the PAA in several fields of agricultural statistics was limited. Other weaknesses of the proposal concern the lack of statistics on fruits and wine, which are extremely important for Hungary, in particular in the perspective of accession to the EU'.³¹ Lastly, the members of the jury give marks to the presentations on the basis of the evaluation form and of these general appreciations. Thus, for Renaldo Mändmets, coordinator of the PHARE programme in the Estonian Ministry of Finance, this procedure represents a real 'beauty contest' between Member States.³² In practice, the selection procedures are subject to diverse motivations and pressures. It is precisely at this level that one can see how bilateral and multilateral assistance policies overlap. In practice, the candidate countries tend to favour countries that have already been cooperation partners for several years. Estonia has often cast a favourable eye on Finnish proposals, Latvia on those of Sweden, while Romania and Poland regularly opted for projects with France. Thus, candidate countries have not remained oblivious of the existence of financial and personal links existing in the framework of previously existing bilateral cooperations. To sum up, decisions are often taken strategically, but also for less rational reasons, which can be traced back to key elements of the national identities of the candidate countries. So while the Estonians have traditionally defined themselves as 'Finno-Ugrians', they now insist more and more on their 'Scandinavian identity' to justify their close cooperation with the Nordic countries.³³

A project can bring together a consortium of experts from two to three Member States (of whom one is the Project Leader). Once the 'model' is chosen, the future cooperation is planned in a twinning convention between the partners. The 'targets' of the project—called 'guaranteed results'—are defined in the convention. Some characteristics of the new public management may be noticed again: the planning and evaluations of the projects are motivated solely along these benchmarks. The pre-accession advisers have to report on their activities in sending detailed quarterly reports on the project's progress. They constantly have to refer to the guaranteed results previously defined in the twinning convention and on the way they have been achieved so far. The candidate countries also evaluate their performances in project reports along the benchmarks agreed in the twinning contract. The Commission made an internal evaluation of almost all first twinning projects in order to learn from the failures of this new instrument and to adjust procedures for further projects.

experts (scope and justification for the use of short term experts . . .), (e) the qualifications of the Project Leader, (f) the twinning institution (profile and professional level of the twinning institution, international activity and contacts, content and quality of proposed support . . .), (g) the tendering country (status of the national and sectoral experience, harmonisation and accession experience).

³¹ Unpublished documents, Commission archives, Brussels.

³² Interview with Renaldo Mändmets, PHARE co-ordinator, CFCU, Finance Ministry, Tallinn, September 2002.

³³ Interviews, Tallinn, April 2000 and September 2002.

In relying on methods originating from internal policies of the European Union (monetary policy, structural funds, social policy in particular), twinning represents an instrument that allows candidate countries not only to explore ways of implementing the *acquis*, but also to experiment on a day-to-day basis management methods necessary to participation in EU's policies.

III Institutional Transfers and Isomorphisms: Evolution of Norms and Organisations in the CEEC

Between 1998 and 2001, twinning above all aimed at helping candidate countries to create organisations for the management of EU assistance programmes. More than 700 projects have contributed to reinforce legislation and public policies, as well as to create or restructure regulation agencies. Twinning thus backed-up public policy reforms, fostered important transfers of know-how, and institutional and organisational changes in the candidate countries.³⁴ Institutions are defined here as norms or rules which can be *formal* or *formalised* and make reference to written norms (constitution, law, regulation, directive, contract) or *informal* or *secondary* (codes of conduct, routines, customs, know-how).³⁵ For Lascoumes, the latter can be divided into norms (a) of interpretation (circulars, service notes), (b) of negotiation (non-written norms of administrative, technical, economic or political functioning) and (c) of conflict-resolution (regularisation, internal methods of conflict resolution, norms of sanction). Following logic may be deduced from this: the adoption of a formal norm leads generally, if it is implemented, to a process of adaptation to the corresponding informal norms. The literature on sociology of organisations, in particular its sociological neo-institutionalist version,³⁶ offers an interesting toolkit for the analysis of organisational changes.

A The Creation of Organisations for the Management of European Affairs and of European Programmes

Twinning first of all mainly participated to reinforcing and creating structures of communication with Brussels, and of organisations for the management of European programmes in CEECs.

a) The Management of European Affairs

The preparation of the National Plan for the Adoption of the *Acquis* (NPAA), the starting point for the definition of twinning projects, necessitated the reinforcement of coordination mechanisms between different ministries in order to list the state of the *acquis* in different sectors and to combine these results in one single document. At this level, the Ministry of Foreign Affairs played an important part, but a specific institution, generally under the control of the head of government, was created in all candidate countries to coordinate European affairs: Bureau of the Prime Minister

³⁴ On institutional and policy transfers, see for example: D. Dolowitz, D. Marsh, 'Learning from Abroad: The Role of Policy Transfer in Contemporary Policy Making', (2000) 13 (1) *Governance* 5–24.

³⁵ D. C. North, *Institutions, Institutional Change and Economic Performance* (Cambridge University Press, 1990), 37, 47; P. Lascoumes, 'Normes juridiques et mise en oeuvre des politiques publiques', (1990) 40 *L'année sociologique* 43–17.

³⁶ P. J. DiMaggio and W. W. Powell (eds), *The New Institutionalism in Organizational Analysis* (University of Chicago Press, 1991) 65.

(*Miniszterelnöki Hivatal*) in Hungary, Secretariat of the European Union (*Euroopa Liidu Sekretariaat, ELS*) based in the State Chancellery in Estonia, UKIE in Poland, and so on. These organs generally reflect a centralised structure of communication with Brussels and of the management of European Affairs, like the French and the British systems. The work teams, constituted to list the progress made in the field of the *acquis*, often included the same people as those who participated to the *screening* process of the White Book of 1995 (harmonisation with the rules of the Internal Market between 1994 and 1997). It is important to stress the enormous load of work of this constant evaluation of achieved reforms and of the state of the assumed *acquis*, and above all the amount of work that the creation of management lists, documents, reports, and evaluations for the Commission have represented, and which has mobilised numerous officials and experts. Because of the lack of staff, officials often had to take on several tasks and to deal with several files at the same time within a ministry or an implementing body.

Despite numerous reforms, the Regular Reports of the Commission have underlined the lack of coordination between ministries, at the level of the elaboration of a national negotiation position and of documents transferred to the Commission, as well as at the level of the management of public policies in various sectors (agriculture, environment, transport). Thus, twinning often aimed at improving the efficiency of inter-ministerial cooperation, either in reinforcing already existing inter-ministerial committees, or in creating new committees in a precise domain. Experts from Member States have thus often been sent for a period of two years to the corresponding institutions with the aim of reinforcing general coordination not only between ministries but also with the European institutions. Nevertheless, difficulties remained until accession in the inter-ministerial management of the monitoring and evaluation procedures imposed by the Commission.

b) *The Financial Management of European Programmes*

In addition, twinning has largely contributed to the implementation of a decentralised management of European programmes. In recent years, the process of decentralisation has particularly increased. Following the PHARE guidelines of 1998,³⁷ decentralisation implies the transfer to the recipient country of the responsibility of the Commission's contracting authority: *ex ante* procedures of control are progressively replaced by *ex post* control procedures of the use of Community funds.³⁸ For this purpose, each candidate state had to create institutions able to manage Structural and Cohesion funds, as well as the European Agricultural Guidance and Guarantee Fund (EAGGF) after accession. Twinning thus partly supported the creation of a whole range of key institutions in the candidate countries: the National Authorisation Officer in charge of the administration of the National Fund, mostly located at the ministry of Finance; the National Aid Co-ordinator responsible for the coordination of programmes; and lastly, the Central Finance and Contracting Unit (CFCU), set up to carry out all tendering and contracting of the programme, and some implementation agencies (regional development, transport, and environment). The first twinning projects have in particular supported the creation of the CFCU, a central institution for the management of

³⁷ European Commission /DGIA, *Guidelines for Phare Programme Implementation . . .*, (1998) *op. cit.* note 13 *supra*, 14–15.

³⁸ This procedure was first introduced only in the agricultural sector. In January 2004, the *ex-post* control procedure was extended to other sectors, in particular to the Structural Funds.

the PHARE and Community funds in the candidate countries. The launching of specific agencies, such as the SAPARD agencies, was generally long and difficult in most candidate countries and has sometimes caused small political scandals.

B Institutional and Organisational Changes for the Implementation of Public Policies

Twinning also aimed at accompanying the launching of public policies and at achieving the reforms of policies not entirely in line with the accession criteria. They fostered not only institutional transfers for the adoption of formal norms of the *acquis* through legal advice, but also transfers of informal norms through training in the candidate or in a Member State. Organisational changes, on their part, aimed at improving policy implementation. A short evaluation of twinning projects in three sectors—environment, structural funds, and justice and home affairs—highlights the uneven state of the *acquis communautaire* and differentiated institutional and organisational changes.

a) Institutional Transfers for the Fulfilment of the Acquis

Each project fiche of the PHARE twinning projects is prepared by an East European ministry interested by a twinning in its field of activity. It lists in detail the state of the legislation at the moment of the issuing of the fiche: it reviews laws, regulations, strategies, and sectoral development plans in the sector or on the topic of the project. Twinning helps to finalise a law, a development plan (rural, environmental, regional . . .), or sectoral internal directives. Each fiche refers to very different elements of the *acquis*, depending on the nature of the accession conditionality (political, economic, or legal) targeted by the project. In the environmental sector, there are for example very precise directives: Directive on air quality, framework directive on water quality, and so on. The projects on structural funds are based on common objectives often defined along the procedures of the OMC. The projects in the field of justice and home affairs mainly refer to the Schengen *acquis*.

Between 1998 and 2002,³⁹ Estonia thus benefited from five twinning projects in the environmental sector (two in the field of environmental protection, two for water, one for air, none for waste), Hungary, for its part, implemented fifteen projects in this same sector (five for environmental protection, two for water, two for air, and five for waste). Most of the project evaluations carried out by the pre-accession advisers or by the East European managers of projects highlight the very technical dimension of norms in the environmental sector, necessitating not only new laws, but also implementation decrees and heavy investments for their implementation. Evaluations generally list the strategies adopted by the government in the environmental field or, according to the principle of sustainability, in sectors closely linked to environment (national environmental programmes, rural development plans, and so on). They mention the legislative changes brought in to implement the regulations and directives of the Council, the acts passed for the transposition of a specific directive ('Act XLIII of 2000 on water management was approved by the Parliament in 2000') and the governmental decrees detailing their implementation.

With regard to structural funds, Estonia carried out three projects and Hungary four projects between 1998 and 2002, which mainly pertained to the drawing-up of

³⁹ Figures quoted on the basis of following document: European Commission /DG Enlargement, *Institution-Building. Twinning projects under PHARE 1998–2002*, Twinning Coordination Team (2002).

strategies and legislation necessary for a regional development policy (regional development plans . . .) and to the creation of organisations for funds management. In this field, the legislative dimension is not as important as the organisational dimension of institutional changes, these being carried out at the national as well as at the local level.

For justice and home affairs, eight twinning projects have been implemented in Estonia, and also eight projects in Hungary (data for 1998–2002): one in Estonia and two in Hungary for border controls and the Schengen *acquis*, one in Hungary on asylum, refugees and migration policies, one in Estonia and two in Hungary for the judicial system, one in each country for organised crime, four in Estonia for the police, one in Estonia and two in Hungary for drugs. In certain fields, the Schengen *acquis* is precise enough to generate transfers of formal and informal rules (laws on the organisation of the police). Other fields, such as asylum and refugee policy or judicial system, are defined in a very vague manner and do not allow for precise evaluations as to the aims they seek to achieve. Thus, the evaluations of twinning on ‘Reinforcement of the Estonian judicial system’ of 1998, for example, insist on the success of training projects for Estonian judges given by German jurists in the field of civil law, criminal law, and public law; however, they call into question the difficulties in defining objective criteria that make it possible to check if the knowledge presented would be used in practice. The evaluations done by the Estonian judges on seminars show that they are, on the whole, critical with this sort of training.⁴⁰

One can see, therefore, that the fulfilment of the *acquis communautaire* is achieved in a very different way depending on the sectors of implementation and of the more or less precise definition of this *acquis*. Certain sectors, such as the environmental one, require numerous laws and decrees in order to implement this relatively good defined and technical *acquis*. Structural funds, on the other hand, require less legislative changes and greater innovation at the organisational level. The sector of justice and home affairs requires not so much legislative measures, but technical investments and training of people, the efficiency of which is difficult to measure.

b) The Creation of Regulation and Implementation Bodies

The creation of regulation and implementation bodies in CEECs was imposed by the integration into European sectoral policies and the future management of European redistribution funds. Governmental agencies relating to a ministry or an administration were conceived to allow the management and implementation of public policies even after enlargement. Twinning projects question the completion of organisational changes in the candidate countries along the logic of institutional transfer or isomorphism.⁴¹ Each candidate country is free to define its priorities and sectoral reforms, provided that they ensure respect for and implementation of the *acquis*. Thus, in the environmental sector, agencies were created or reinforced at the national and the regional levels to manage environmental programmes, following different models existing in the EU. The French case of regional water agencies served, for example, as a reference in Hungary for the management of river basins. In the case of the structural funds, national and regional agencies were created between 2001 and 2003 in order to manage these funds. In Hungary, Spanish, Italian, and British experts showed how their

⁴⁰ Twinning ES/98/IB/JH-01, archive documents, DG Enlargement, European Commission.

⁴¹ P. J. DiMaggio and W. W. Powell distinguish between three sorts of institutional or organisational isomorphism: coercive isomorphism, mimetic isomorphism, and normative isomorphism; DiMaggio and Powell *op. cit.* note 36 *supra* p. 65.

countries had built organs to manage structural funds and to carry out the 1998 reform. In the field of Justice and Home Affairs, Sweden and Finland, but also Germany, developed important cooperations with Estonia, and thus presented the functioning of their customs laboratories, the organisation of their boarder guards, and so on. Twinning also helped to introduce management methods and software that had been recognised as efficient in the Member States, mainly in the field of managing agricultural and structural funds. Twinning also paved the way for further bilateral cooperations that could be extended beyond the lifespan of the initial project. Lastly, twinning has contributed to the reinforcement of dialogue between the inter-ministerial committees, the regulatory agencies, and the national interest groups. The committees officially consulted economic interest groups and civil-society organisations and invited them to express their opinion on reform projects underway.

As several authors have indicated,⁴² the results achieved by the OMC vary according to how precise the guidelines are, the aims to be achieved, the nature of the deadlines, and targets. They also depend on the nature of the recommendations formulated by the Commission and the Council after the publication of the progress report in a particular area. The results also vary as a result of the extent and the nature of the consultations sought, and above all on the nature and the quality of the benchmarks. Thus, imprecision in the definition of accession criteria, in the way of evaluating the progress done in the fulfilment of the *acquis* (through Regular Reports, NPAA, evaluations of twinning) represent spaces open to interpretation and freedom for action for the candidate countries. These provide leeway for interpretation and action, thus allowing for discussion on the definition and the scope of the norms imposed. They also open ways for a partial or the non-implementation of these norms.

IV The Limits of Twinning: Resistance, Hybridisation, and Legacies of the Past

Although important institutional changes have taken place since 1998 in the countries candidate for the 2004 enlargement, several elements of resistance to change can be seen at the individual as well as at a more structural level.

A *Bypassing the Law, Organisational Hybridisation and Resistance*

Examples of circumventing the law, of a partial transfer of organisational models (hybridisation) and even of the refusal of presented models can first be seen in the decision-making of twinning. When an evaluation is deemed to be positive, the CEEC representatives insist on their interest for a particular 'model', but also their willingness to take only part of it: 'the involvement of experts from other member states who have already introduced the integrated environmental permit would be very useful because the German system cannot be considered as the sole or most ideal model'.⁴³ The partners of central and eastern Europe are aware that twinings represent an opportunity to learn from existing models, new techniques, and advice, but they seek for their liberty to decide whether they should follow this advice or not. They consider twinning as a means of acquiring new know-how, and of coming in contact with different administrative cultures before enlargement. From their point of view, twinings are a way to

⁴² Trubek *op. cit.* note 23 *supra*; Goetschy, *op. cit.* note 19 *supra*.

⁴³ Unpublished document, Commission archives, Brussels.

understand better the internal functioning of the EU on a day-by-day basis and to anticipate the moment of their official membership.⁴⁴

Second, processes of muddling through and sometimes of refusal are best expressed in the implementation phase of twinning, at the relational as well as at the organisational level. Twinning relies on the idea of a real partnership between experts of the same profession. As a matter of fact, the experts from the Member States used to work directly in the ministry or in the organisation which they are sought to advise. They are invited to working meetings at various levels of the ministerial hierarchy (from directors' to state secretaries' meetings), they can take part in inter-ministerial meetings and are in daily contact with their counterpart, with whom they are working with during the twinning. But the notion of partnership may be questioned while analysing the day-to-day cooperation between these people. Officials of the candidate countries do not understand where one may see a real 'partnership'. As far as they are concerned, twinning represents merely a form of advice, extremely bureaucratic procedures which require a large mobilisation of time and staff. Apart from the fact that some officials have named west-European experts 'Brussels' spies' or 'the eyes of Brussels', the experts of the Member States were sometimes considered as arrogant. CEEC officials had difficulties to trust their future EU colleagues, who—they considered—had little knowledge of the candidate countries and were not always open to learning on the CEECs' culture and past. They have also been struck by their excessive salaries, often greater than those of departmental directors in the host ministries. In addition, some experts were not considered very competent, or able to cope with the level of the tasks assigned to them. So, strategies for bypassing these experts have sometimes been developed by CEEC officials, in particular in the first years of twinning: they would be given offices in a different building, or ones badly equipped with communication facilities, experts would sometimes not be informed about important internal meetings or sectoral conferences, and so on. Furthermore, lack of communication and the holding back of information are both sometimes daily practices of twinning projects. However, it is clear that the implementation of these projects relies heavily on the relationship dimension. The character of experts and of working partners, the ability to adapt, and the willingness of each partner to cooperate thus count for much in the success of twinning. One of the signs of success is often the fact that an expert would be called on to participate in other twinning projects, or to advise the government as an independent expert paid on the national budget of the CEECs.

At the institutional and organisational levels, different examples show the absence of pure institutional transfers. The most frequent cases are those of hybrids between institutional models—twinning favouring projects either simultaneously with two Member States, or consecutively with project leaders coming from different national traditions. Therefore, one realises that the creation of new organisations is rarely achieved on the basis of a *tabula rasa*: instead, it is often carried out on the basis of already existing organisations and/or on those which have lost their former *raison d'être*. The institutional solution is sometimes adapted from organisational traditions inherited from preceding periods, i.e. the Communist and/or the inter-war periods. In the case of the latter, one may speak of continuity with an institutional setting interrupted by 40 years of occupation. This logic also stems from an objective of rationalisation of finance and resources. For example, the Estonian government decided in 2002 to

⁴⁴ Interviews in Estonia and in Hungary, 2000–2003.

entrust the creation of its customs laboratory to the Estonian Centre of Environmental Research in order to limit the costs occasioned by the creation of a new institution. Lastly, cases of refusal of the presented models are not rare, but are seldom mentioned, either in official evaluations or in interviews with officials. Officials perhaps fear reprisals from Brussels, or simply want to give a positive image of their work.⁴⁵

B Limits to Change: Legacies of the Past and the Rediscovered Sovereignty

Therefore, resistance to transfers and to institutional isomorphism are far from being exceptions. These phenomena can also be explained by more structural elements, typical for post-Communist societies. As a matter of fact, a growing amount of academic work aims at demonstrating the mechanisms of legacies, memory, and institutional culture, of past traditions that persist in the present. Scholars have argued that the legacies of the past can be best analysed with tools of the path dependency approach.⁴⁶ This, for example, helps understanding the internal functioning of ministries or of twinning organisations. Furthermore, the state of public service in Eastern Europe has often been mentioned by the Commission before accession in order to denounce these structural difficulties. Persistent legacies of the past sometimes erase several months of cooperation, for example: the politicisation of higher civil servants, the extreme mobility of staff attracted by the private sector, above all when people are young and qualified, the poor remuneration of officials in the public sector (policemen, judges, etc), which increases the risk of corruption and the inefficiency of ministerial hierarchy requiring long delays also for minor decisions.

But one should not forget the role played by the rediscovered sovereignty of these young democracies in the way they have managed cooperation programmes. Many East-European officials have questioned the notion of partnership within twinning, which they saw as a subtle attempt by the Commission of increasing its power and control over their internal affairs. Indeed, one may think that these new methods constitute an intellectual and institutional framework beyond which recipient countries do not have any way to influence decisions: 'the [recipient] countries are, certainly, at the wheel, but the donors have the road map'.⁴⁷ However, twinings have been used in ways that the Commission did not expect. While experts sent to CEECs had the feeling to have perfectly fulfilled their tasks, discussions with their East-European counterparts revealed that numerous elements of the twinning were not taken into account. Files have sometimes been put on the cupboard and handled anew by private consultants considered to be 'much more aware of the needs of the CEECs since they want to get new contracts'.⁴⁸ Furthermore, the completion of a twinning project in a specific sector was often mentioned by candidate countries as a proof of fulfilment of the *acquis* in order to close accession negotiations in a chapter even if the projects had in fact not

⁴⁵ Interviews in ministries and governmental agencies, Tallinn and Budapest, 2002, 2003.

⁴⁶ D. Stark, 'Path Dependence and Privatisation Strategies in East and Central Europe', (1992) 6(1) *East European Politics* 17–54. For a critical view on the literature of transition, see M. Dobry, 'Dossier: Les transitions démocratiques, regards sur l'état de la "transitologie"', (2000) 50 (4–5) *Revue Française de Science Politique*.

⁴⁷ Reality of Aid, 'Political Overview Conditionality and Ownership', (2002). <<http://www.devinit.org/realityofaid/kpolchap.htm>>.

⁴⁸ Interviews at the Estonian Ministry of Finance, Tallinn, 2002; Office of the Prime Minister, Budapest, 2003.

been very successful. This reflects the will, widely expressed in candidate countries, that 'not everything has to be imposed by Brussels' so that the candidates develop their own ways of becoming members of the EU and of respecting the *acquis communautaire*.⁴⁹

Conclusion

The 1997 reform introduced new instruments of cooperation to which candidate states to the European Union had to adapt. Can these new instruments be seen as a new mode of governance in EU's external relations? While the answer to this question is to some extent positive, it is not evident that the instrument of institutional twinning achieved its expected goals. This further questions the capacity of adaptation of efficiency of the open method of coordination in the field of European international cooperation. While the procedures were designed to foster better coordination between the Member States' cooperation policies and the EU's ones, competition between national administrative models developed and were an obstacle for the fulfilment of the *acquis* by the candidate countries. The latter have developed various ways of formally respecting the *acquis*, but also of bypassing it in practice. Lastly, there is no 'pure and simple' transfer of institutional models: when these transfers were not simply rejected by officials, one may notice phenomena of muddling through and of institutional hybridisation, which can be explained best by individual as well as structural reasons. In this sense, twinning is not necessarily a success in the way the Commission understands it.

One may ask what the instrument of twinning has become after enlargement and whether it does not represent, in fact, only a rhetorical, procedural, and technical repertoire of the Commission. As twinning relies on a very simple form of the OMC (the definition of project benchmarks), it complements, in a certain way the Community method that sanctions cannot be legally applied to third countries before enlargement. It thus represents one of the best current instruments of the Commission in order to control the fulfilment by candidate countries of the accession criteria, especially in one field, institutional capacities, where the *acquis* is non-existent. Another reason why twinning continues to be implemented is undoubtedly because it enhances the Commission's role in the European external relations.

Concerning internal policies of the European Union, the idea of twinning was enshrined in the White Book on Governance of 2001⁵⁰ and in the Constitutional Treaty as a useful instrument for enhancing coordination between Member States in the field of public administration.⁵¹ Furthermore, twinning is still implemented in the framework of the three-year-long 'transition facility' proposed to the new Member States. One may ask to what extent twinning overlaps with already existing exchange programmes between officials, and how far these programmes may be harmonised in order to avoid an 'administrative and judicial European space' functioning at two speeds.

With regard to the EU's external policy, it has to be stressed that the twinning concept, at the heart of the 1997 reform, has also been transferred to other policy areas, for example to the countries of the new neighbourhood policy benefiting from the TACIS (Commonwealth of Independent States), CARDS (Balkans), and MEDA

⁴⁹ Interviews Prague, July 2001, Ljubljana, June 2002, Tallinn, September 2002, Budapest September 2003.

⁵⁰ European Commission, *European Governance: A White Paper* (COM(2001) 428 final).

⁵¹ Art III-285 of the Constitutional Treaty of the European Union; European Union, *Treaty establishing a Constitution for Europe* (Office for Official Publication of the EC, 2005).

(Mediterranean countries) programmes.⁵² This instrument is already being implemented in Turkey, since the Commission decided, in 2001, to control the state of the administrative and judicial capacities of this country. In general, it would be important to pay attention to the tolerance capacity to these new instruments of the neighbour countries, especially of countries such as Ukraine and Moldova, whom the European Union does not offer any perspective for accession, either in the short or long term.

⁵² CARDS (Council Regulation 22666/2000): *Community Assistance for Reconstruction, Development and Stabilisation*. Programme created in December 2000 for the countries of South-Eastern Europe, i.e. for the Balkan region, excepting Slovenia: Albania, Bosnia-Herzegovina, Croatia, Federal Republic of Yugoslavia (State of Serbia-Montenegro) and former Yugoslav Republic of Macedonia. MEDA (Council Regulation 1488/96) and MEDA II (Council Regulation 2698/2000): Technical and financial measures for the support of socio-economic reforms in the framework of the Euro-Mediterranean Partnership. The beneficiaries are: Morocco, Algeria, Tunisia (Maghreb); Egypt, Israel, Jordan, the Palestinian Authority, Lebanon, Syria (Mashrek); Turkey, Cyprus and Malta; Libya has an observer status.