

歐洲聯盟多層次體系下的治理模式

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【摘要】

隨著歐洲聯盟整合的加深與加快，如何理解歐盟獨特的治理模式乃是學術界的一大挑戰，在既有超國家主義（supranationalism）與政府間主義（intergovernmentalism）的兩種解釋典範長期爭辯下，「多層次治理」（multilevel governance）概念的提出，企圖提供一個更動態的分析架構以理解歐洲聯盟複雜的治理體系。本文試圖從多層次治理的理論發展過程之脈絡，耙梳既有相關理論的重要論述，並說明其間重要的理論轉折與發展。首先，Gary Marks 提出多層次治理的新概念，跳脫既有政府間主義與超國家主義的理解框架，提供學界一個較為動態的解釋面向與理解架構，然而多層次治理概念卻未能對歐洲聯盟政策的運作模式提出清楚可分辨的模式分析。B.Kohler-Koch 藉由比較政治學的角度，提出四個理念類型的分析架構，以突顯歐盟的治理體系涵蓋了這四種理念類型的元素，但任一理念架構卻又有都不足以完全說明其特色。但是無論是多層次治理概念或是 Kohler-Koch 的四種理念類型的分析架構，都無法解釋歐洲聯盟的「多速整合」（multi-speed integration）所形成的特殊治理模式。F. W. Scharf 則依據制度化程度的差異，提出歐盟的五種治理模式分類，試圖提供一個可將歐盟所有運作模式加以清楚劃分與類型化的嘗試，同時又將歐盟最新發展的治理模式加以含括的新理論。

關鍵字：歐洲聯盟（EU）、多層次治理、多速整合、網絡治理

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EU's Governance Model under Multilevel System

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Abstract

With the profounder and rapider integration of EU, how to access to the unique governance model of EU became an enormous challenge for academic circle. Under long-term dispute of two paradigms of existing supranationalism and intergovernmentalism, the proposal of the concept of “multilevel governance” intended to offer a more dynamic analytic dimension in order to access to the complicated governance system of EU. This article attempted to analyze the significant discourses of related theories from the development of the theory of multilevel governance and illustrate the shift and the transition of the said theory.

First of all, Gary Marks proposed the new concept of multilevel governance which departed from the intergovernmentalism and supranationalism and further offered a more dynamic structure of comprehension. However, the concept of multilevel governance cannot provide clear and definite analysis of model with respect to the operational model of the policy of EU. From the perspective of comparative politics, B. Kohler-Koch proposed the analytic framework of four conceptual patterns in order to highlight the significant elements included in the governance system of EU. Nevertheless, whether the concept of multilevel governance or Kohler-Koch's analytic structures of four conceptual patterns, they could not explain the unique governance model of EU's “multi-speed integration”. On the other hand, F. W. Scharf proposed five categories of governance model of EU according to the difference of the levels of institutionalization and attempted to offer a new theory which could clearly distinguish and categorize all of the operational models of EU and involve the latest governance model of EU.

Key words: EU ; multilevel governance ; network governance ; multi-speed integration

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I. The theoretical background of multilevel governance: the long-term dispute between intergovernmentalism and supranationalism

The rapid development of EU was a brand-new experience and challenge for international society. How to access to the unique political system of EU and how to define the system of EU in terms of theory became an enormous challenge for the academic circle and led to many theoretical disputes. As to governance system of EU and the characteristics of its operation, in the past, people tended to compete and challenge with each other via two aspects of explanation which referred to the perspectives of intergovernmentalism and supranationalism.

First of all, the main theoretical representative of **intergovernmentalism** was A.Moravcsik who proposed Liberal Intergovernmentalism as the theoretical structure of overall statement¹ upon the theoretical hypothesis of neo-realism and rational choice model. His main perspective was that even though EU contained supranational organizations, the government of each country was the subject of the actual actions of the policies.² Thus, as to the generation of EU's policies, one must return to the structures of interest preference of each country for further exploration. In other words, each country proceeded with the production of the policies according to its interest preference, the power of negotiations and the process of negotiations. The value of the existence of supranational organizations was to assure the establishment, regulation and execution with respect to the results of the negotiations among different countries. As to the cognition toward the governance system of EU, the basic hypothesis of intergovernmentalism was that each state was still the main subject of the actions and determinations of the policies of EU. Therefore, the start for analyzing the development of the policies of EU should focus upon the analysis of the interest

¹ Andrew Moravcsik, *The Choice for Europe : Social Purpose & State Power from Messina to Maastricht*, London : UCL Press, 1998.

² In terms of the development of integration theory, it was different from Neo-functionalism which focused upon the priority and spill over effects of functional integration, A. Moravcsik's liberal intergovernmentalism pointed out that the negotiation among each country was the main reason of the constant development of the integration of Europe. In other words, successful negotiation among the governments was the main reason for the spill over of the functional integration.

structures of each state's policies. Recognizing the national politics of each country was the condition for analyzing the interaction of the strategies among the countries. The interactive process of the policies of each member state was based upon self-interest and the capacity of bargaining. Three powerful countries Britain, France and Germany had particular impact upon the main policies of EU. For instance, A. Moravcsik used the success of the promotion of the Single European Act (SEA)³ as an example to elaborate that the common consensus with respect to the political and economic benefits of the main subjects of the European Community (especially Britain, France and Germany) was the basic condition which allowed Europe to promote significant reformation⁴.

Intergovernmentalism stressed that the establishment of the existence of international organizations was to fulfill the mutual and specific objectives among the member states. Under the condition of seizing the sovereignty of each country, the basis of legitimacy of supranationalism derived from the agreement of the governments of the member states. The significance of supranationalism was that on the one hand, intergovernmentalism needed powerful operation of supranational organizations to solve the problems of each member state; on the other hand, the existence of supranational organizations also upgraded the efficiency of negotiation and forced the member states to follow the agreement and established credible commitments⁵. For each member state, the existence of supranational organizations sometimes strengthened the decisions and administrative capacity of central

³ The Single European Act (SEA) was passed at the Summit of Luxembourg of the European Community in 1985 and was officially valid in July 1, 1987. Its significance included two points : First, the integration of single market intended to create a mutual market without obstacles internally and stressed that four main elements of people, products, capital and labor service could flow thoroughly and freely among the member states ; Second, the significant reformation of internal system and the process of determination mainly affirmed the determination principle of qualified majority voting (QMV). The generation of the Single European Act meant the start of a brand-new stage which changed the phenomenon of stagnation of European integration from the 70s to the beginning of the 80s and restarted the new stage of European integration.

⁴ Andrew Moravcsik, 'Negotiating the Single European Act : National Interest and Conventional Statecraft in the European Community', *International Organization*, Vol. 45, No. 1, Winter, 1991, pp. 19-56.

⁵ In order to avoid the EU member states' refusal toward the regulation of EU, there was a supranational commission which proposed and executed the policy of regulation of EU for offering remaining the credible commitment of mutual agreement.

governments the member states and avoided the supervision of local groups. For example, the operation of precedence of community law legitimated the national policies of the governments' preference⁶.

Compared to the standpoint of intergovernmentalism, the basic hypothesis of **supranationalism** was to regard the governance and operation of EU as those of single country. That is to treat the characteristics of the system of EU as the internal political structure of certain country and supranationalism thus revealed the similarity of both. It also pointed out that EU has already had the initial embryo of the establishment of the national structure such as EU Commission which represented administrative system, European Parliament which represented the representative institutions, the Court of Justice of the European Communities which represented judiciary system and EU Council which represented intergovernmental organizations. Supranationalists believed that since the effects of the activities of supranational organizations and the sanction of the actual laws and regulation were getting more and more powerful, each member state would gradually reduce the capacity of controlling the results of the policy production. Based upon the above, the analysis which mainly focused upon supranational organizations with respect to the understanding of the operation of EU governance system pointed out that the production of the main policies derived from the internal decision system of supranational organizations⁷ and the decisive power of each country gradually transformed from national level to EU level. The internal main reformation of the system of EU was the result of the political alliance accomplished by the officials of the European Community and some interest groups of business⁸. In addition, the ultimate goal of supranationalism was to establish a supranational federated states and

⁶ European Law revealed precedence of community law of each country. The Articles I-6 of new constitution of EU even stated the precedence of European constitution and community law in member states.

⁷ Lord Cockfield, *The European Union : Creating the Single Market*, London, 1994; Neil Nugent, "The Leadership Capacity of the European Commission", *Journal of European Public Policy*, Vol. 2, No. 4, December, 1995, pp. 603-623.

⁸ Maria Green Cowels, "The Politics of Big Business in the European Community : Setting the Agenda for a New Europe", diss., American University, 1994, quoting from the secondary source of Andrew Moravcsik, *The Choice for Europe : Social Purpose & State Power from Messina to Maastricht*, London : UCL Press, 1998, pp. 316-317.

vertically united the European countries⁹.

With respect to the process the decisive power transformed from individual country up to the EU level, Phillippe Schmitter once proceeded with research upon 28 related decisions of the policies of European affairs. He divided decisions into five categories of “all of the decisions were at national level”, “few of the decisions were at EU level”, “decisions were both at national and EU level”, “Most of the decisions were at EU level” and “all of the decisions were at EU level”. The research finding revealed that in 1950, almost all of the 28 categories of policies belonged to “all of the decisions were at national level”. However, in 2001, there were merely 5 categories of policies belonged to “few of the decisions were at EU level”, 12 categories of policies belonged to “decisions were both at national and EU level”¹⁰ and 10 policies belonged to “Most of the decisions were at EU level”¹¹. As to the matters related to “commercial negotiation, it was at “all of the decisions were at EU level” which revealed that the decision power of EU gradually shifted from national level to EU level¹².

In addition, the study of Wolfgang Wessels revealed that he believed that it was not only the decisive power of EU level enhanced, the functions and activities of internal institutions of the European Community also prominently increased. For example, the cases upon the binding decisions of the Council increased from 10 cases in 1960 to 618 cases in 1990. The cases determined by Commission increased from 6 cases in 1960 to 2461 cases in 1994. The numbers of “working groups” of Council

⁹ Reginald L. Harrison, *Europe in Question : Theory of Regional Integration*, N. Y. New York University Press, 1974, pp. 44-45; Charles Pentland. “ Functionalism and Theories of International Political Integration”, in A.J.R. Groom & Paul Taylor ed., *Functionalism : Theory and Practice in International Relations*, N. Y. : Crane, Russak & Company, Inc., 1975, p. 12.

¹⁰ The issues of these 12 policies were as follows: transportation, communication, environment, district development, competition, industrial income and taxes, working condition, education and research, relationship between labor and management, citizens, national defense and war, etc.

¹¹ The issues of these 10 policies were as follows: service of the goods, agriculture, flow of capital, personnel and labor, money and credit, debit and credit of foreign exchange, macroscopic economy, justice and property rights, economy and military assistance, members of intergovernmental and diplomatic organizations, etc.

¹² P. C. Schmitter, “Imagining the Future of the Euro-Polity with the Help of New Concepts”, in G. Marks, F. W. Scharf, P.C. Schmitter and W. Streeck eds, *Governance in the European Union*, London : Sage, 1996, pp. 125-126.

also increased from 10 in 1962 to 263 in 1994. Likewise, the numbers of EU committee and sub-committee increased from 93 in 1975 to 406 in 1996. Besides, the times of the meetings of “working group” and “Committee of Permanent Representatives (CORPER)” increased from 602 times in 1960 to 2789 times in 1994¹³. From the above figures, one can recognize the expansion of the powers of supranational organizations of EU and the scale of their activities.

II. The proposal of new theoretical model: The concept of multilevel governance

The emergence of multilevel governance system, in terms of theory, offered a new dimension of explanation and theoretical structure with respect to the previous dispute over the definition of the system of EU. The concept of multilevel governance pointed out that the existing observation of supranationalism and the understanding of intergovernmentalism could not accurately explain the unique system of multilevel governance. Thus, the proposal of the concept of multilevel governance intended to break through the existing structure of explanation and regarded the policies of EU as a complicated dynamic process in order to avoid the conflict and incompatibility of the previous two perspectives of explanation.

As to the study of the system of multilevel governance, it was Gary Marks who initially proposed the idea in 1993 when he proceeded with the analysis of the structure and policy of the European Community. With the development and further studies of the following scholars, the theory of multilevel governance thus gradually became complete. Basically, the multilevel governance of EU derived from two sources of literature. The first part of literature was upon Gary Marks, Liesbet Hooghe, and Kermit Blank’s concept of multilevel governance with regard to the criticism of state-centric theory. The second part of literature was upon the concept of network governance of public administration¹⁴.

¹³ Wolfgang Wessels, “An Ever Closer Fusion?”, *Journal of Common Market Studies*, Vol. 35, No. 2, 1997, p. 276.

¹⁴ Huang Wei-feng, “Analyzing the Forming Governance System of EU”, *Study of Europe and America*, Issue 33, Volume 2, June, 2003, p.304.

First, the scholar of multilevel governance believed that even though the system and structure of EU was relatively similar to the internal political structure of certain country, EU was still a unique political system. The existing theoretical structures could not elaborate the actual complexity of EU. The typical characteristic of this unique system was the governance without government¹⁵. Basically, the proposal which broke through the traditional and narrow-minded concept that governance equals government was connected with the concept of “global governance”. According to the definition of “Commission on Global Governance” of UN, “governance has been regarded as intergovernmental relationships; however, it must include NGO, citizen movement, multinational companies and global capital market which all interact with global media that reveals considerable effect”¹⁶. Upon this concept, the subject under global governance would not be restricted to nations. In other words, the subjects included nation and the subject constructed by nations as well as transnational sub-political group such as NGO, multinational enterprises and citizens. Thus, in the global society of globalization which everyone considerably depended upon each other, governance was usually established upon the interactive network of governments and non-governmental departments. Compared to the previous governance with government, the global governance highlighted the characteristic of the governance of non-governmental departments and the features and process of governance without government.

Under the background of global governance, the concept of multilevel governance stressed that EU was a system of “multi-level network governance”¹⁷. In other words, the bureaucratic governance system which revealed definite classes was gradually replaced by “network governance” with loose organization and mutual participation of public and private departments¹⁸. Under the influence of

¹⁵ H. Wallace, *Policy Making in the European Union*, 2000 ; R. A. W. Rhodes, The New Governance : Governing without Government, *Political Studies*, Vol. 44, No. 5, 1996, pp. 652-667. James N. Rosenau and Ernsr-Otto Crempie, eds, *Governance without government : order and change in world politics*, Cambridge : Cambridge University Press, 1992.

¹⁶ Commission on Global Governance, *Our Global Neighborhood*, Oxford : Oxford University Press, 1995, pp. xiv-xvi.

¹⁷ Marks, Hooghe & Blank, European Integration from the 1980s : State-centric v. multi-level governance, *Journal of Common Market Studies*, Vol. 34, No. 3, 1996, pp. 341-378.

¹⁸ G. Falker, “Policy Networks in a Multi-level System : Convergence towards Moderate Diversity ?”

globalization and regionalization, the national power of system of EU revealed multi-dimension which upwardly transferred to international actors and organizations, downwardly transferred to regions, cities and community and outwardly transferred to non-governmental organizations and public and private networks¹⁹. Thus, the authority of central government dispersed and transferred to supra-national level, subnational level and public and private networking. The legitimacy and authority of the governance of traditional national institutions have been distributed to the governance mechanism of regional, global levels, non-governmental organizations or interest groups. National institutions no longer were the only core of power or main governance model²⁰. EU thus turned into a polity upon which the decisive rights could be shared by different levels that referred to multilevel system²¹. Besides, the participants and operational methods of the policy network would depend upon the fields of policies²².

From the perspective of multilevel governance, the characteristics of governance of Europe were the following aspects such as multilevel decisive subject, relative autonomy and mutual connection of each decisive level, and dynamic distribution of power²³:

West European Politics, Vol. 23, No. 4, 2000, pp. 94-120; F. Van Waarden, "Dimensions and Types of Policy Networks", *European Journal of Political Research*, No. 21, 1992, pp. 29-52

¹⁹ B. Guy Pierre and J. Peters, "Governance without Government ? Rethinking Public Administration", *Journal of Public Administration Research and Theory*, Vol. 8, No. 2, pp. 223-243; examined and revised by Sun Pen-chu, *Governance, Politics and Country*, Taipei: Chih Sheng culture publisher, 2002, page 99-107; Liu Kun-yi, The Position of the States and the Development of the City under the Tendency of Global Governance: Deconstruction and Recombination of Governance Network, *Administration and Policy Journal*, Issue 34, June, 2002, pp.57-83.

²⁰ Although the member states of EU had their preference in terms of the policies of each country according to their national political and economic benefits, single country has already lost the capacity of controlling the results of the issues and it must obtain the sub-interest from the decision of the group. The reason that the member states gradually transferred the policies to the group decision of EU level was upon the fact that EU offered the member states the actual production of policies which they could not provide individually. Please see: Liesbet Hooghe and Gary. Marks, *Multi-Level Governance and European Integration*, Lanham : Rowman & Littlefield, 2001, pp. 71-74.

²¹ Please see note 20, pp. 2-3.

²² The taiwanese scholar Lan Yu-chun believed that there were five characteristics of multilevel governance: government model without national position, decision process of network structure without single model, member states are not the only media of sub-state and supranation, the policies of EU level of each member states and multi-political identification, please see: Lan Yu-chun, *Multilevel Governance of EU*, Report of research project of National Science Council of Executive Yuan (NSC92-2414-H-194-003) , Dec., 2004, pp.5-8.

²³ Wu Chih-chen, Li Ke-hsiun, "Multilevel Governance of EU: Theory and Analysis of the Model", *Europe Study*, 2003, Issue 6, pp.100- 113.

- 1) **Diversity of decisive subject:** the institutions of different levels could be the subjects to directly participate in the process of decision which stressed the diversity of the actors of decision²⁴. Supranational organization, national government and autonomous region could be regarded as the subjects of decision. Under multilevel governance, the decisive authority was distributed to supranational, national, sub-national and transnational levels.
- 2) **Relative autonomy and mutual connection of each decisive level:** Each level revealed its autonomy and could be connected with each other. At supranational level, the Commission possessed the power of monopolization with regard to legitimate proposals. The Court of Justice of the EU were relatively independent; the EU Council which represented national interests referred to the institution in which the member countries actually participated in the decisions; at sub-national level, the EU common region policy²⁵ considerably distributed the budget to each unit of the district of member countries for long term which revealed the autonomy of sub-national level. Besides, the common region policy also allowed the sub-national actors to avoid national level and directly associated with EU supranational level. For example, the Commission distributed the resources to each region and assisted the central governments with the planning of their social and economic policies (such as local establishment and career training). Currently, there are 150 regional governments and local governments directly establishing resident representative offices at Brussels and directly communicating with the

²⁴ “White Book of EU Governance” published by EU commission in July, 2001 pointed out that the best governance should employ the method from top to the bottom and considerably allow the participation of the representatives of “civil society”, local and regional interests and establish a powerful negotiation and culture of dialogue as well as wider partnership. In other words, the governance of the European Communities should employ the model of network governance. Please see: European Commission, “European Governance : A White Paper”, Luxembourg : office for official Publications of the European Communities, 2001, and Chou Hung edited, and wrote by Beate Kohler-Koch, Thomas Conzelmann, Michèle Knodt, *Unity of Europe and Governance of EU*, Chinese Society Publisher, 2004, p.179.

²⁵ Since 1993, EU established “cohesion policy” which mainly supported the projects of regional re-establishment of the governments of Spain, Portugal, Ireland and Greece with special funds. In addition, EU also established Structural Funds to manage the career training of the farmers, fishers and sunset industrial areas of EU, loan of medium and small enterprises, environmental protection and construction of basic establishment. Whether it was cohesion funds or structural funds, there would be subsidy distributed to undeveloped regions with 40 % of population.

Commission without the act of the central government.

- 3) **Dynamic aspects of decisive pattern:** the participative subjects and levels of multilevel governance would depend upon different political missions and models of governance which were directed by loose issue networks²⁶. In other words, EU did not reveal single decisive model. Different policies would generate different policy networks, governance models and participants²⁷.

III. The perspective of Comparative Politics: B. Kohler-Koch's four analytic models of ideal types

Even though the proposal of the concept of multilevel governance offered a more dynamic understanding structure of EU, it could not provide an analytic model which could clearly distinguish all of the European policies. Therefore, upon the theoretical basis of comparative politics, B. Kohler-Koch intended to explore the governance system of EU via generalizing the governance systems into four ideal types. In terms of the concept, B. Kohler-Koch regarded four main analytic models of public administration as his basis of categories of governance patterns including : (1) **statism:** the main actors were the states or public corporations. In order to pursue mutual national interests and control of governance of majority, the states acted as the main authority of triggering the policies; (2) **pluralism:** most of the interest groups could affect the decisions. These groups compete and negotiate with each other in order to obtain "minimum winning coalition". The states played the neutral role of arbitration; (3) **corporatism:** few functional peak groups would be included in the core of the decision of policies. The states played the neutral role in order to integrate the interests of the groups which conflicted with each other ; (4) **network governance:** the main actors were the states and interest groups with mutual gains and losses. Through the negotiation with regard to the related interests, they thus

²⁶ J. Peterson and E. Bomberg, *Decision making in the European Union*, New York : St. Martin's Press, 1999, pp. 173-199.

²⁷ L. Hooghe and G. Marks, "Unraveling the Central State, but How? Types of Multi Level Governance", *American Political Science Review*, 97: 6, 2003 June, pp. 233-235.

“increased the mutual interests”²⁸.

France was typically regarded as the representative of nationalism which believed that the mission of the state was to fulfill the collective interests of the state. Therefore, the existence of a powerful and independent administrative system was to fulfill these objectives. The legitimacy of political governance was confirmed by the majority’s will in the election²⁹. America was the typical representative of pluralism. The organization and expression of the interest groups were the basis of American politics. Switzerland was the representative of corporatism. The uniqueness of Switzerland was that it was a society with extreme diversity and a united constitutional government. Each group obtained its demand of autonomy via political separation of power, party-list proportional representation system and expansion of the rights of the minority. Multiparty coalition government became the symbol of the systematic practice of consociational democracy which reduced the negative competition among political parties and allowed the social actors to participate in the development of the policies in terms of all aspects.

Based upon the four basic types and Lijphart’s classification standard of the study with regard to democratic system types³⁰, B. Kohler-Koch further combined the organizational principles of political relationship (majoritarian democracy or consociational democracy³¹) and the constructive logic of the system of government

²⁸ B. Kohler-Koch & R. Eising eds, *The Transformation of Governance in the European Union*, London : Routledge, 1999, pp. 167-170.

²⁹ France, Britain and Italy belongs to nationalism. The characteristic is that they merely open to organizational interest groups conditionally. The political competition focuses upon the generation of conflict. The decisions are established from the top to the bottom.

³⁰ Arend Lijphart proposed the binary classification of democratic patterns and believed that there were two democratic patterns in the world as follows : Westminster democracy and Consociational democracy.

³¹ Arend Lijphart’s ideas derived from the unique democratic experience of Holland and attempted to explain that even though there were profound religious discrepancy, Holland still remained long-term political stability. Based upon the study of Holland, he believed that there was still a kind of democratic system (Westminister democracy) which was different from typical democracy of Britain and America. The system was called “consociational democracy” which stressed that the power-sharing institutions upon the elites negotiation was superior than majoritarian institutions and defined that coalition government or grand coalitions were the typical characteristic and system design of consociationalism.

(the main objective was to pursue public welfare or conciliate the interest competition of everyone) and generalized the governance of EU as four ideal types in order to analyze its governance system. According to the concept of B. Kohler-Koch, “nationalism” was based upon the combination of majoritarian democracy and the pursuit of public welfare. Pluralism stressed majoritarian democracy and conciliation of private interests; corporatism was the production of consociational democracy and pursuit of public welfare; network governance was based upon the combination of consociational democracy and conciliation of private interest³². Please see the following table 1:

[Table 1] : the classification types of governance system of Kohler-Koch

| | | |
|---|------------------------|--------------------------|
| Organizational principle Constructive principle of the system of government | Majoritarian democracy | Consociational democracy |
| Public welfare | Nationalism | Corporatism |
| Conciliation of competition of private interests | Pluralism | Network |

Although this ideal type offered more definite analytic model, these four classification models still could not explain the governance system of EU individually. On the contrary, in fact, the governance system of EU involved the elements of these four governance patterns. For example, the network of monetary policy of EU was more close to nationalism. European “Economic and Monetary Union, EMU”, in particular, was mainly controlled by few of the leaders of the countries and

Consociational democracy could remain political stability as British and American democracy.

³² B. Kohler-Koch, “ The Evolution and Transformation of European Governance”, in B. Kohler-Koch & R. Eising eds, *The Transformation of Governance in the European Union*, London : Routledge, 1999, p. 19.

administrative bureaucracy of central bank. The interest groups hardly interfered in this matter. The technocrat mainly controlled this field of policy via the professional rationality. As to the social policy, it was more close to corporatism. The Commission relatively accepted the negotiation between the employer union and labor union. Generally speaking, it seems that network governance was more similar to the characteristic of governance system of EU. In other words, different fields of policies revealed different “network of policies” and governance types. EU’s common agricultural policy and regional fund policy, in particular, were typical patterns of policy network. With regard to the perspective of network governance, Taiwanese scholar Huang Wei-feng pointed out that various policies of EU were not distributed randomly; instead, they focused upon certain specific policies. For example, financial policy and diplomatic policy were mainly controlled by member states. The scale of the application of these policies was relatively flexible. The policy of environment and common region were mainly led by EU³³. In fact, European governance system was similar to nationalism (such as monetary policy), corporatism (such as social policy), and network (such as environmental policy). One can also regard it as the reformed governance type of pluralism³⁴.

However, whether it was Gary Marks’s multilevel governance or Kohler-Koch’s four ideal types, it could not explain the unique phenomenon of multi speed integration (l’Europe à plusieurs vitesses) during the process of European integration³⁵. Multi-speed integration was the most unique aspect of governance model of EU which also allowed EU to efficiently integrate the interest of different countries. Multi-speed integration meant that the executive scale and intensity of EU policies in each member state were not united. Sometimes the member countries would not even participate in the framework of EU’s policy. The best example was that Britain did not join in “EMU” of EU³⁶. In other words, with regard to all of the

³³ Huang Wei-feng, “Analyzing the Forming Governance System of EU” , *Study of Europe and America* , Issue 33, Volume 2, June, 2003, pp.291-344.

³⁴ B. Kohler-Koch & R. Eising eds, *The Transformation of Governance in the European Union*, London : Routledge, 1999, pp. 3-13.

³⁵ Emiliano Grossman, Bastien Irondelle, Sabine Saurugger, sous la direction de Jean-Louis Quermonne, *Les mots de l’europe, Lexique de l’intégration européenne*, pp. 134-135.

³⁶ In fact, in the past, Britain was the main leader to promote this multi-speed principle. Due to the concerns of budget and common agriculture policy, Britain was worried about the excess sharing of the

policies, the member state did not have to operate them with the same speed. The diverse and flexible integration could thus solve the internal disputes. Upon the European countries' identification and practice of multi-speed Europe, at the initial stage of the integration of Europe, the treaties and laws of the European Community had already allowed the exceptional principles beyond general principles which resulted in the production of specific standards and treaties. Under the principle of multi-speed integration, during the execution of actual, the member state were allowed to practice EU policies flexibly upon the characteristics of their countries. They could even postpone the schedule of the execution of the policies. The principle was also revealed in the Single European Act and Maastricht Treaty, it was also officially involved in Amsterdam Treaty in 1997 and Nice Treaty of the following years³⁷.

IV. Classification upon the levels of institutionalization: F.W. Scharf's five policy models

Upon the difference of levels of institutionalization, F. W. Scharf proposed the classification of five governance models of EU and attempted to offer a clear classification with respect to all of the operational models of EU. The advantage of his idea was to involve the EU's unique governance model of multi-speed integration in the structure of classification and include the governance model of the latest development of EU. F. W. Scharf's five policy models included mutual adjustment, intergovernment negotiation, supranational / hierarchical mode, joint-decision mode and open method of coordination³⁸ as follows:

budget. Thus it further required to reduce its budget of common agriculture policy in order to reduce its financial burden. Britain even asked EU to return its excess contribution and also proceeded with the reformation of budget. Upon internal negotiation of the following years, Tindemans Report affirmed the principle of two-speed Europe.

³⁷ Maurice Croisant, Jean-Louis Quermonne, *L'Europe et le fédéralisme : constitution à l'émergence d'un fédéralisme intergouvernemental*, Paris, Montchretien, 1999.

³⁸ Fritz W. Scharpf, *Governing in Europe: Effective and Democratic ?*, Oxford University Press, 1999; Fritz W. Scharpf, "What have We Learned ? Problem-Solving Capability of the Multilevel European Polity", <http://www.mpi-koelin.mpg.de/pu/workpap>.

1) Mutual adjustment :

It was an interactive model among the countries when the policy field did not establish international mechanism. It was the model with the lowest level of institutionalization among all of the policy models. The characteristic of mutual adjustment was that the countries did not have the obligation to act together. Each country intensely dominated its own policy acts. However, in fact, each country would still adjust its policy in response to other countries' policies. The fields such as tax policy and social security policy of EU tended to adjust with this model.

The theoretical base of mutual adjustment derives from the interdependent theory of international political economy and institutional competition theory of economic science. Upon the concept of "sensitivity", interdependent theory stressed the interdependent degree among the countries with highlighting the tendency of economical interdependence, a country's policy tended to be influenced by other countries' policies. In other words, the decision among countries was regarded as mutual influence and mutual interaction³⁹. The concept of institutional competition stressed that the result of the policy selection of certain country usually would lead to the loss of other countries' benefits. Thus, these countries would involve in institutional competition and possibly generate external negative effect⁴⁰. For instance, the policy selection of low tax system of certain country would result in the transfer of the capital of its neighboring countries. In order to constrain the external negative effect of this institutional competition, the member countries would gradually discard mutual adjustment and transfer the governance to supranational level of Europe.

³⁹ As to interdependent theory, please see: Robert O. Keohane & J. S. Nye, *Power and Interdependence : World Politic in Transition* , Boston : Little, Brown, 1977 ; Robert O. Keohane, *After Hegemony : Cooperation and Discord in the World Political Economy*, Princeton University Press, 1984.

⁴⁰ In fact, institutional competition would generate positive and negative effects at the same time. For instance, the low tax policy of certain country would affect other countries since the capital would transfer to the countries or districts with low tax rate. The positive effect was that the phenomenon would enhance the efficient distribution and reason employment of economic resources and upgrade the managers' competitiveness of products in the European market. However, the negative effect revealed that since it reduced the expenditure of the employees' social welfare, the survival condition of labor class might thus deteriorate.

2) Intergovernment negotiation :

Via regular meetings of the heads of the governments, the governments of member countries thus reached common consensus through mutual negotiation and established treaties of mutual agreement. These treaties became the mutual regulation of the member states. In the past, the intergovernment negotiation provided the basis of the legitimacy of most of the policies of EU since the establishment and modification of the treaties were upon the mutual negotiation of the governments of the member states. The execution of the treaties would also be supervised under the national parliaments of the member countries. Thus it revealed severe legitimacy. According to the regulation of Maastricht Treaty, this model was mainly applied to the second pillar (common diplomatic and security policy) and the third pillar (cooperation of justice and internal affairs). However, since each country was not willing to give up the veto power with respect to specific policy affairs related to its interests, intergovernmental negotiation thus was applied upon various specific policies such as tax matters, social security and national defense of Britain, immigration issue of Germany and international trade and cultural fields of France.

Apart from veto powers, the member states of EU also possessed the power of opt out at specific policy fields. The background of this system was that at the establishment of Maastricht Treaty, the first referendum of Denmark opposed this significant treaty. Thus, in order to cease the suspicion of the countries such as

Denmark, EU constantly stressed the principle of subsidiarity⁴¹ and decided to offer Britain and Denmark “power of opt out” with respect to the important fields such as political alliance, single currency and social policy⁴².

3) Supranational / hierarchical mode :

Under this model, the capacities of decision and execution focused upon supranational level of Europe. The supranational organization fully controlled the power of decision without the participation of national governments. The governance model of supranational institutions such as Court of Justice, EU Commission, European Central Bank belonged to this model. Such governance model stressed that since specific policy field possessed unique specialty and complexity, it would avoid excess participation in order to remain the efficiency of its decision. Therefore, it

⁴¹ Principle of subsidiarity was the basic principle which regulated the power relationship between EU and member states. EU could merely played a subsidiary role as federal government to each state with regard to the affairs which the states could not achieve and further restricted the power expansion of the administrative departments of EU in order to secure the sovereignty of each country. The European Community could not exceed the power regulated by the treaty and its power was upon the model of positive list. The principle was mainly promoted by Britain and Germany which required its involvement in Maastricht Treaty that ended up to be an important principle of the development of EU. However, the reasons of these two countries were different. Via principle of subsidiarity, Britain intended to avoid further unification of Europe so that the national power would not considerably transfer to EU. On the other hand, based upon federal tradition, Germany revealed the concrete articles of principle of subsidiarity: “the European Community could not exceed the power regulated by the treaty, nor the Council upon the agreement of all of the member states according to article 235 of the European Community” ; “the European Community should proceed with the matters upon principle of subsidiarity. In other words, it managed the objectives of the acts which the member countries could not fulfill.” The design of the principle was to avoid the power expansion of EU and prevent it from becoming the representative of remaining national sovereignty in order to constrain supranationalism. The issue was valued after the referendum of Denmark. Due to the concern of the destroy of national sovereignty, Denmark opposed Maastricht Treaty at the referendum in 1992. The position of principle of subsidiarity thus upgraded and became the basis upon which the European countries convinced the citizens that EU would not expand the power infinitely.

⁴² After assuring Principle of subsidiarity and veto power, Denmark passed Maastricht Treaty at the second referendum.

would proceed with the governance via considerable authority system. For instance, the articles of Maastricht Treaty clearly regulated the definite capacity of European Central Bank with respect to the price stability.

4) Joint-decision mode :

The model was the combination of intergovernment negotiation and supranationalism which led to a mechanism of network governance. Under this model, the lawmaking power of EU was usually established by Commission and accepted and verified by the European Council. During this process, the Commission would organize the opinions from the Council, governments of member states, European parliament, sub-national governments and interest groups and transformed them into responsive issues of lawmaking. The model was widely employed with respect to the related legislative fields of EU, such as hygiene, security and environmental protection. In addition, it was usually accepted and used at the policy fields of the second and third policy pillars. Since the European Commission would integrate the policy information from different levels and actors and generated responsive decision of lawmaking, the model revealed the aspect of authority of hierarchical decision as well as the aspect of negotiation of decision among the governments.

5) Open method of coordination :

Open method of coordination was a dispersive and diverse governance model. Since the member states employed different policies upon different policy fields and proceeded with united policy negotiation at the level of Europe, their national policies could be connected organically which would avoid the conflict with the development of European integration. In other words, objectively, the member countries were allowed to apply EU policies in specific ways. However, in order to avoid the situation that multi-speed integration destroyed the unity of EU, one expected to institutionalize the spirit of multi-speed integration via this model. Therefore, the new operation and breakthrough of open method of coordination was regarded as a

significant advancement of decision issues of EU.

The generation of open method of coordination was to supplement the reduction of decisive capacity and insufficiency of legitimacy derived from mutual adjustment and intergovernment negotiation. The model was initially found in employment issue by the articles of Amsterdam Treaty, approved by the meeting of European Council in Lisbon and ultimately promoted to policy mechanism such as message, technology research, education and employment⁴³. The model required the member countries to confirm the policy objectives in advance and further assured this mutual goal as the form of “project of national action”. Finally, the Council evaluated the results of the actions of each country and delivered the findings by the Council. The design of the system possessed the following four characteristics: first, establishing European policy guiding principles of medium and long term and marked the timetable for the accomplishment of the policy; second, establishing index and benchmarking of policy performance for different member states and industries and pursue the best practice; third, transforming the policy objectives of EU level to the policy objectives of member countries and the districts; fourth, regularly proceeding with the supervision and the member countries should also proceed with the peer review of policies for each other and stressing the process of interactive learning⁴⁴. Therefore, the significance of “open” referred to the openness of policy results and the inconsistency and openness of the methods of the policy⁴⁵.

Open method of coordination aimed to improve the process of decision-making inside EU. Through the experience sharing and the institutionalized design of experimental steps, one expected to efficiently avoid the negative competition of the policies among the member states and further lead to gradual cooperation. Since the member countries could employ different methods in different policy fields and

⁴³ Wu, C.C. & Li, K.S., “Multilevel Governance of EU: Theory and Analysis of the Model” , *Study of Europe*, 2003, Issue 6, p.109.

⁴⁴ Hodson & Maher, The open method as a new mode of governance : The case of soft economic policy coordination, *Journal of Common Market Studies*, Vol. 39, No. 4, 2001, p. 724.

⁴⁵ Huang Wei-feng, “Analyzing the Forming Governance System of EU” , *Study of Europe and America* , Issue 33, Volume 2, June, 2003, pp.319.

proceed with policy negotiation at EU level, the dispersive policies of each country could thus be connected. Besides, the method stressed that it did not possess intense restrictive force which would reduce the suspicion of the countries' concern of the destruction of the sovereignty. The member states were allowed to negotiate with each other in order to reach the common objectives of EU's policies, solve the problems of negative external effect under multi-speed Europe and reduce the suspicion of the destruction of the unity of EU.

V. Conclusion

This article attempted to analyze the important discourses of related theory via theoretical development of multilevel governance and elaborated the transformation and shift of the significant theories. Under long-term dispute of the typical explanation of supranationalism and intergovernmentalism, the proposal of the concept of "multilevel governance" attempted to offer a more dynamic analytic structure in order to access to the complicated governance system of EU. Gary Marks's new concept of multilevel governance particularly changed the existing understanding structures of intergovernmentalism and supranationalism and offered the academic circle a more dynamic explanation dimension and understanding framework. However, the concept of multilevel governance could not provide clear and definite model analysis with respect to the operational model of EU. From the perspective of comparative politics, B. Kohler-Koch proposed the analytical framework of four ideal types in order to highlight the elements of these four ideal types in the governance system of EU. Nevertheless, each ideal model could not completely explain its characteristic. Whether the multilevel governance or Kohler-Koch's four ideal types of analytic framework, they could not elaborate unique governance model of "multi-speed integration" of EU. Upon the difference of the levels of institutionalization, F. W. Scharf proposed the classification of five governance models of EU and attempted to offer a clear classification of all of the operational models of EU. Among them, the most unique one was the open method of

coordination which was the latest governance model of EU. Objectively, one must allow the member states to employ specifically EU policy. However, in order to avoid the destruction upon the unity of EU under multi-speed integration, one expect to institutionalize this spirit of multi-speed integration via this model which was regarded as a significant advancement of the policy issue of EU.

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