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Explaining the European commission's strategies in times of crisis

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Abstract *Despite the growing debate over the European Commission's (hereafter, Commission) role in crises, there are few systematic explanations for the variety of actions undertaken by the Commission in times of crisis. This article outlines a heuristic device to explain the Commission's actions during crises, based on the variables 'Commission mandate' and 'member state engagement'. To this end, it examines two crisis events that affected two strategically important policy areas for European Union integration: the early stages of the financial crisis that began in 2008 and the migration following the 2011 Arab Spring. Based on analysis of these cases, this study identifies four strategies applied by the Commission: doer, follower, cooperator and recycler. Our study concludes that member state engagement and Commission mandate are important variables in explaining under which circumstances these strategies are used by the Commission.*

Introduction

Crises pose a threat to societal core values and require public administrations and political leaders to take action. Crises challenge leaders' ability to take action due to uncertainty and high political stakes (Hermann 1963; Stern 1999). If crises are not handled successfully, political legitimacy may quickly diminish (Boin et al 2016). During the last decade, the world has witnessed an increase in transnational crises, such as pandemics, terrorist attacks and financial turmoil, raising the question of international organizations' abilities to act as crisis managers (Boin et al 2013; Olsson and Verbeek 2018). In Europe, the recent financial and immigration crises have resulted in calls from politicians, the media and citizens for the European Union (EU) to step up and show leadership. Politicians and public intellectuals have stressed that if the EU fails to assume this role, not only will it suffer the direct consequences of the crisis, but there will also be a serious blow to further integration and the ability to keep the EU together.

The recent trail of crises is interesting from several perspectives. Crises tend to create space and momentum for policy change—at least if exploited by skilful policy entrepreneurs (Kingdon and Thruber 1984; Boin et al 2009). Moreover,

crises are intriguing from an institutional perspective because of their ability to generate bureau-political struggles, resulting in shifts in power relations among institutional actors (Rosenthal and Kouzmin 1991). One of the most widely recognized dynamics caused by a crisis is the centralization of decision-making power at the highest political levels, as a result of decision-makers' attempts to re-establish control over the situation (t'Hart et al 1993). Centralization or decentralization in times of crisis is an intriguing topic for scholars interested in the relations between international organization (IO) secretariats and their members (Olsson and Verbeek 2013; 2018). From an EU perspective, centralization in times of crisis poses intriguing questions regarding the European Commission's (hereafter, Commission) autonomy in relation to the EU member states (MSs)—that is, the Commission's ability to use its institutional powers in connection with crisis events and the extent to which it depends on MSs to do so.

Examining the recent financial turmoil, scholars differ in describing the relations between the Commission and the MSs. Fabbrini (2013) describes the EU's response to the financial crisis as primarily intergovernmental, acknowledging the Commission's varied roles, depending on policy areas and crisis phases. According to Schwarzer (2012), the financial crisis resulted in the European Council (hereafter, Council) gaining influence at the expense of the Commission, particularly regarding long-term strategic policy-making. Hodson (2013) also argues that the Commission failed to exploit the financial crisis as a strategic resource for further integration. In contrast, Bauer and Becker (2014) stress that the Commission's influence changed rather than decreased as a result of the financial crisis; its agenda-setting power diminished, whereas its implementation role was strengthened. Other scholars also stress that intergovernmentalism does not exclude the fact that the Commission assumed a strong operational role behind the scenes, primarily in the initial phase of the financial crisis (Puetter 2012; Menz and Smith 2013; Camisão 2015). Despite all these interesting findings, there is a lack of research that systematically explains the pattern of various strategies and positions adopted by the Commission in response to crisis events.

This article aims to fill this gap by presenting a heuristic device for identifying a typology of the strategies used by the Commission to increase its autonomy and political impact. 'Autonomy' here refers to the Commission's ability to define its own purposes, exercise its own preferences and act independently of MS interests (Sweet and Sandholtz 1998, 10). Furthermore, a two-variable matrix is suggested for explaining when these strategies occur. The heuristic device presented here was developed by examining two crisis events affecting the EU: the beginning of the financial crisis (2008) and the migration following the Arab Spring (2011). In the heuristic device proposed in this study, two variables are identified: *weak* versus *strong mandate* and *high* versus *low* MS engagement. Both variables correspond to the principal-agent approach to IO autonomy, outlined in the following section. Based on the empirical material, this study identifies four strategies applied by the Commission: doer, follower, cooperator and recycler.

The autonomy of IO secretariats and the role of crisis

This section introduces the relevant literature on the autonomy of supranational bodies of IOs and outlines the two variables used in our heuristic device—MS engagement and Commission mandate.

The question of under which circumstances supranational EU institutions and IO secretariats are able to exercise different types of autonomy has been thoroughly explored since the late 1990s (Pollack 1998; Tallberg 2002; Reinalda and Bertjan 1998; Barnett and Finnemore 2004; Bauer and Ege 2016). International relations research on IO autonomy consist of two major literatures, sociological and principal-agent (Bauer and Ege 2016, 1022–1023). First, the sociologically oriented research on autonomy has focused on internal aspects of IOs as bureaucracies. Starting with Barnett and Finnemore's (2004; 1999) work on internal constraints, pathologies and multiple grounds for the authority of IOs, there have been interesting findings on the mechanisms at work. Researchers have stressed the relevance of various factors for IO autonomy, such as organizational structure, technical expertise, use of judicial language, moral authority, ability to control information, and the characteristics of the international civil servants working in these organizational environments (Barnett and Finnemore 2004; Bauer and Ege 2016, 1022–1023; Xu and Weller 2008). Administrative functions, such as those involving stable funding and resources, have also been highlighted (Ege and Bauer 2017). Furthermore, sociological and organizational research has emphasized how autonomy can be restrained by internal factors, such as bureaucratic culture and politics, that result in inefficiency, corruption, repressiveness and unaccountability (Barnett and Finnemore 1999). Moreover, sociological researchers have broadened the concept of autonomy to comprehend forms of influence other than direct policy impact on MSs. They have successfully illustrated the multiple ways that IOs exert influence in world politics: for example, through norm spreading and production of expert knowledge (Barnett and Finnemore 1999; 2004).

Second, the principal-agent-oriented approach examines how an agent's autonomy takes shape in interaction with principals; in this case, this approach considers the Commission as an agent and, primarily, the MSs as principals. This tradition draws heavily on Pollack's (1997; 1998) work. Three interesting factors explaining variations in autonomy can be derived from this literature. First, preferences among MSs matter because of an agent's ability to capitalize on weak or conflicting preferences (Pollack 1998, 220). Second, the nature of the tasks and means of influence delegated by the principals to the agent matters for the agent's prospects of autonomous action (Pollack 1998; Tallberg 2000) (for example, the agent's mandate to punish non-compliant MSs and the possibilities for the principals to sanction the agent). In the Commission's case, its right to re-legislate and the possibility for MSs to overturn supranational decision-making are found to be relevant (Tallberg 2000). Third, access to information and the quality of that information matter for the agent's autonomy versus that of its principals (Pollack 1998; Tallberg 2000; Gastinger 2016). In accordance with the principal-agent perspective, asymmetries in the distribution of information can create an advantage for IO secretariats in relation to the principals (Pollack 1998, 221; Tallberg 2000). Crisis events are of special interest here because they tend to create both an information overload and information shortage in combination with significant uncertainties (Hermann 1963; t'Hart et al 1993). Technical expert-oriented IOs, as opposed to more politically oriented IOs, have the advantage in gaining the informational upper hand during times of crisis vis-à-vis their principals (Olsson and Verbeek 2018). This is so because increased levels of uncertainty inherent in a crisis

enhance the principals' ad hoc delegation of power to expert-driven IOs. During uncertain times, then, technical and expert-oriented IOs are provided with more space to define the problem and identify solutions.

Previous research provides many noteworthy insights, yet there has been a lack of systematic research summing up the identified actions of the Commission during crises.

The European Commission

The Commission is a politicized bureaucracy, with the mandate of proposing legislation, implementing policy and supervising programmes (Christiansen 1997). In this regard, the Commission is often understood as a competence-seeking bureaucracy—an agency struggling to increase its influence by extending its mandates and resources (Niskanen 1971; Pollack 1997). The Commission acts as a policy leader and initiator, driving the EU project further by launching and gaining support for various policy initiatives, often in the name of the common good. The Commission also performs a legislative function with its exclusive right to draft legislative proposals and act as the legal guardian of the treaties. Additionally, it has executive functions relating to monitoring, coordinating, negotiating and implementing policies. Another important aspect is the Commission's political skill in acting as a purposeful opportunist and seizing windows of opportunity by proposing new policies pursuing further integration (Cram 1994, 197).

The Commission's influence has also changed over time. The late 1980s to the 1990s is most often depicted as a period characterized by a strong Commission that successfully used its position to ensure the establishment of the internal market (Leibfried and Pierson 1995). During this period, the Commission also successfully initiated legislation in other policy areas, including those where it formally lacked a mandate—so-called 'creative legislation' (Leibfried and Pierson 1995). Reacting to the Commission's strong position in its heyday, MSs sought to prevent further expansion of its mandate; in recent years, there has been a widespread consensus among EU scholars about the Commission's declining status (Peterson 2012; Kassim et al 2013). Not all scholars agree, however. According to Peterson (2008), the Commission has become less autonomous but, at the same time, more integrated into the EU system. Nugent and Rhinard (2016) argue that the alleged decline is exaggerated and can be only marginally observed in agenda-setting issues. The Commission's executive functions have not weakened, and it retains extensive resources and impact on key policy areas (Nugent and Rhinard 2016).

Scholars have argued that the Commission and its influence are best understood by treating the Commission as a multi-organization, instead of a 'monolithic unit' (Cram 1994, 196). Cram illustrates how various parts of the Commission's administrative subunits employ different strategies to influence the EU policy process. Examples of such strategies are engaging in 'cooperative bandwagoning' with other actors and acting as an agent promoting its agenda (Cram 1994, 213).

Subsequently, scholars have studied the Commission as a complex organization performing a key strategic role as a purposeful opportunist in the EU policy process (see Cram 1994; Mörth 2000; Rhinard 2010). The Commission's

ability to influence decision-making at the European level can be summarized in three contrasting ways: as a passive structure for MSs to act upon (Mitrany 1971), as a mediator serving MS interests (Moravcsik 1993) or as a purposeful actor setting the agenda and shaping expectations (Pollack 1997). From the liberal intergovernmental perspective, the EU policy process is driven by national interests and relative power dynamics (Moravcsik 1993). As a mediator, broker and consensus builder, the Commission plays a crucial role in keeping the EU together. Its legitimacy is derived from successfully reducing bargaining transaction costs for MSs. In other words, the Commission influences the policy process only when MSs want it to do so. Viewed from a multilevel or a neo-functional perspective, more weight is placed on supranational institutions as actors and on their abilities to influence EU negotiations and decision-making (Sandholtz 1993). From this perspective, the Commission is an important and complex player in the EU's multilayered and fragmented policy system. This study explores how these roles play out in times of crisis and explains when the Commission applies various strategies.

Research design and method

The study examines two events: the first phase of the 2008 financial crisis and the migration crisis triggered by the Arab Spring of 2011. The study focuses on the first phases of each crisis for pragmatic reasons, namely a lack of sufficient resources to analyse the crises in their duration, as the research method applied is time consuming. At the same time, one could argue that crisis characteristics—that is, a situation in which central decision-makers perceive that *basic values are threatened* and there is *limited time available* to make decisions despite a considerable degree of *uncertainty* (Stern 1999, 8; Rosenthal et al 2001)—are most pronounced at the very onset of a crisis. In both these crises, core values were at stake for the EU in combination with profound uncertainties about the development of each situation and the urgency of responding to the unrest. The cases have also been selected because they represent two different types of policy areas and therefore strengthen the heuristic device's applicability to various directorate generals (DGs) and policy areas. However, the applicability of the device has to be tested in future research.

The two cases were analysed using the Stern and Sundelius method for studying crisis-induced decision-making processes, specifically designed for identifying and analysing crisis decision-making occasions (Stern 1999; Stern and Sundelius 2002). This method has been successfully applied to a number of crisis-management cases at local, national and international levels, including the EU (Larsson et al 2005; Olsson and Xue 2011; Stern et al 2014). How, where and why decisions are made in complex institutional systems is a key focus in this approach (Stern and Sundelius 2002, 78). This approach thus suits an exploration of the Commission's decision-making strategies. Following Stern and Sundelius' method, this study started by placing 'the crisis in its proper historical, institutional and political context' (Stern and Sundelius 2002, 73), aiming to understand actors' own perceptions of the challenges they faced and the limitations and opportunities they had in handling these challenges. In the next step, the time frame of the crisis was reconstructed and, from a number of sources, two crisis narratives were produced with the aim of identifying key

decision-making occasions. The decision-making occasions were identified by studying the impetus for action, the problem definition at hand, the active decision units, the options experienced by the actors, and the choices made by these actors (Stern and Sundelius 2002, 76). The identified occasions comprised the most prominent instances in the crisis decision-making process—problems that most troubled decision-makers and were the most time consuming. Finally, the occasions identified were placed under an ‘analytical microscope’ (Stern and Sundelius 2002, 74): the decision-making occasions were systematically reviewed to identify strategies adopted by the Commission in each of the two cases.¹ Four distinct strategies were identified: doer, follower, cooperator and recycler. Three of those were present in two decision-making occasions, whereas one of the strategies was present in only one decision-making occasion. After identifying the decision-making occasions and the strategies, the study addressed the question of how these can best be understood (that is, ‘What triggers the Commission to adopt various strategies?’). In searching for explanations, each decision-making occasion was inductively analysed and the study’s findings were compared across all the decision-making occasions in the material. The findings were then interpreted in the light of previous literature explaining the Commission’s decision-making behaviour.

Finally, ‘Commission mandate’ and ‘MS engagement’ were identified as the conditions that most plausibly explained the Commission’s strategies.

The empirical materials comprised official EU documentation, media reports and previous scholarly research. Additionally, 11 civil servants who worked on the Commission’s actions, strategies and relations with MSs during the financial and Arab Spring crises were interviewed. The majority² of the interviews were held during two fieldtrips to Brussels in 2013 and 2014. The interviewees comprised personnel at the Directorate General of Economic and Financial affairs (DG ECFIN), the Directorate General of Competition (DG COMP), the Directorate General of Home Affairs (DG HOME) and the European External Action Service (EEAS) with direct insights on the crises’ management.

The framework

The framework used distinguishes between *weak* and *strong* mandates. The MS mandate is well researched in the principal–agent literature, emphasizing the role of delegated rules and tasks and the importance of sanctions (Tallberg 2000). This aspect has also been proven crucial in understanding the Commission’s influence on EU policy-making (Pollack 1998; Nugent and Rhinard 2016). In this case, a weak mandate is characterized by the Commission’s lack of legislatively authorized means to act on the issue at hand (that is, the absence of supranational authority). A strong mandate refers to situations with treaty provisions in place—or with supranational legislation—that give the Commission legislative powers to evoke sanctions and/or

¹ It should be noted that we did not examine the Commission’s relationships with other EU institutions, such as the European Parliament (hereafter, Parliament), since the Parliament did not play a vital role in the operational management of the crises.

² The exception is one phone interview with a civil servant who had already left Brussels.

Table 1. Matrix of Commission strategies depending on MSs' engagement and Commission mandate

Commission's mandate	High level of MS engagement	Low level of MS engagement
Weak mandate	The recycler	The cooperator
Strong mandate	The follower	The doer

act independently from MSs. Moreover, a strong mandate can in practice refer to, for example, access to economic means available to the Commission which do not require the consent of MS or instances in which the Commission has the power to enforce punishments for disobedient MSs. However, a weak mandate refers to, for example, areas in which the Commission is dependent on MSs or other actors to take action. How the Commission's mandate plays out in the categories identified is further explained in the empirical analysis.

Our next variable is MS engagement, which previous research has also proven important for understanding the Commission's power and influence (Pollack 1997; Moravcsik 1999; Kassim and Menon 2003; Versluys 2007). A distinction is made between *high* and *low* MS engagement. In our model, high MS engagement refers to a situation in which the majority of the MSs are engaged in the issue at hand, which usually means that the issue is high on the Council's agenda. In contrast, issues that receive only limited attention from the MSs and do not end up on the common European agenda are categorized as having low MS engagement. Therefore, low MS engagement occurs when only a few and none of the 'strong' MSs, such as France and Germany, pay attention to an issue. This means that an issue could be considered a crisis situation in one MS but the seriousness of the situation is not fully understood by the other MSs. From combining the two variables (mandate and MS engagement) to understand the Commission's relative levels of autonomy, four types of situations emerged that can be matched with a specific type of strategy employed by the Commission in handling crisis events.

Analysis

Drawing on alternative combinations of the two variables discussed, MS engagement and strength of mandate, the following four strategies were identified (see Table 1).

Doer

In the doer category, the Commission's mandate is strong and MS engagement is low, giving the Commission freedom to act with speed and flexibility. Two decision-making occasions when the Commission acted as a doer were identified. One involved the initial migration flow in the wake of the Arab Spring and the Commission's first response. On 13 February 2011, approximately 3000 migrants reached Italian shores on the island of Lampedusa (Pop 2011a). Italian Interior Minister Maroni described the number of migrants as of 'biblical' proportions (Pop 2011a). The issue was prioritized on the Italian

agenda; the government wanted an EU solution and blamed Brussels for the situation, but other MSs were not engaged in the issue and did not consider the situation a crisis (Donadio 2011; Pop 2011a). On 15 February 2011, Italy officially asked the Commission and DG HOME for a Frontex operation³ at its southern border.⁴ Within this policy area, the Commission's mandate was strong, and it functioned as a link between the MSs and Frontex. In the subsequent situation, the Commission managed within a short time to put in place the Frontex operation *Hermes*, coordinating contributions from a large number of MSs.⁵ The Commission also reprioritized various recovery funds. Commissioner Malmström announced that the Commission would increase its financial support to Italy and Malta, beyond the current budget, using multiple funds and reallocating assets (Respondent 1). The resources were made available by the European Refugee Fund under a specific instrument for emergency situations. Additional funding was made possible through reallocation of resources.⁶

The second decision-making occasion that identified the Commission as a doer was its handling of the Hungarian rescue package during the financial crisis in the autumn of 2008.⁷ None of the MSs (except Hungary itself) took a deep interest in saving the Hungarian economy from bankruptcy, despite the fact that the Hungarian rescue package would require over half of the EU rescue package accessible via the balance-of-payment mechanism. The Hungarian rescue package was handled as a technical expert issue, with experts from the Commission and the International Monetary Fund (IMF) working together (Respondent 3). Some scholars have stressed that the Commission increases the chances of getting its proposals accepted when these are cast in technical discourse, since the latter works as a way to depoliticize political issues and solutions (Christiansen 2001; Olsson and Verbeek, 2018). According to one of the civil servants with insight on the matter, the technical framing of the issue was an important contributing factor that explained why the Commission was granted the freedom to design the rescue package (Respondent 3). Collaboration with the IMF also strengthened the Commission's ability to finance the rescue operation, since the Commission had not been a major borrower on the global financial markets for a long time. Cooperation with the IMF enabled the Commission to speed up the operation, and for the first time DG ECFIN played a dominant role in formulating a rescue package for an MS. The package was designed within four weeks (Respondent 3; Thissen et al 2013, 8–9, 86). As the civil servant described it, 'for us [the Commission] it was truly pioneering work, and a lot of efforts were made to be quick enough, but at the same time, to make informed decisions' (Respondent 3). The decision to grant Hungary the loan was made in consultation with the

³ Frontex is the European Border and Coast Guard Agency established in 2005.

⁴ Frontex (2011) 'Hermes 2011 running', *News Release*, 22 February, <<https://frontex.europa.eu/media-centre/news-release/hermes-2011-running-T7bjgL>>.

⁵ The contributing countries were Austria, Belgium, Denmark, France, Germany, Hungary, the Netherlands, Portugal, Romania, Sweden, Switzerland and Spain.

⁶ European Parliament (2011) 'Answer given by Ms Malmström on behalf of the Commission', *Parliamentary Questions*, 11 April, <<http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2011-001919&language=EN>>.

⁷ European Commission (2008) COM (2008) 716 final.

Economic Financial Committee; thereafter, the Council made the formal decision. The process was swift, with no major political conflict. In communicating the decision to the MSs, the Commission pushed for the rescue package, presenting it as a way of preventing the crisis from spreading across the EU and a matter of solidarity (Respondent 3).

The two decision-making occasions show that when the Commission faces a situation that directly affects and engages only a few MSs and its mandate is strong, it manages the situation with speed and bureaucratic innovation. In the described cases, the strategy included a novel use of funds and fast handling and activation of common European mechanisms.

The follower

The follower strategy relates to occasions when the Commission's mandate is strong and MS engagement is high. Examples are found in both cases: the Schengen issue during the Arab Spring following the Franco-Italian conflict, and the development of new, temporary state-aid guidelines in the wake of the financial crisis.

Concerning the state-aid issue, the Commission has a strong mandate because several articles in the relevant treaties state its obligation to oversee that MSs act in accordance with the common market regulations.⁸ As banks collapsed around Europe, the issue of state aid to financial institutions arose on the European agenda. During the first days after the fall of Lehman Brothers, the Commission and several MSs initiated a dialogue on how to cope with European banks experiencing financial difficulties. Despite the treaties' clear state-aid rules, MSs were initially reluctant to follow these, and high-profile MSs (such as France and Germany) claimed that existing rules did not apply in this situation. The Commission feared that, due to economic pressure, MSs would decide to deviate from the common framework (Respondent 4). To avoid such a response, the Commission initially decided to take a benign and flexible attitude, illustrated by its early positive decisions in favour of several ad hoc rescue packages. To enable this move, Directorate General of Internal Market and Services (DG MARKET), DG COMP and DG ECFIN Commissioners were empowered to make positive decisions in favour of MS requests (Kroes 2008). The idea was to shorten and speed up decision-making processes, which would have required the entire Commission's engagement during normal circumstances. The legal support necessary for these decisions (although questioned after the crisis) is found in the guidelines, indicating that state aid may, under exceptional circumstances, be provided to single companies for social or regional reasons (Werner and Maier 2009). The exceptions could thus only be applied to isolated cases and, as such, were unsuitable as a long-term strategy.

On 30 September 2008, Ireland's Minister of Finance announced that its government had decided on the immediate establishment of a bank-guarantee package. The Commission was not formally notified until a few days after the

⁸ See Articles 107–109 of the TFEU, regulating state aid at an EU level. Articles 107.2 and 107.3 regulate exemptions from the prohibition of state-aid measures that threaten the free market. These articles also regulate under which circumstances MSs are allowed to offer financial support to firms in difficulties in order not to disturb competition in the internal market.

public announcement.⁹ Ireland's hasty decision and the extent of the bank guarantee created political unrest within the EU. For example, Britain and France reacted strongly to Ireland's failure to inform other MSs, arguing that the Irish bailout plan could have far-reaching consequences for the internal market (Respondent 5). Britain was the MS most immediately affected by the Irish announcement; on the same night, there was a massive cash outflow from British financial institutions (Respondent 5; Eksedler 2008). As a result of Ireland's action and the potential danger it posed, MSs started to appreciate and understand the value of maintaining and supporting a coordinated EU framework. Consequently, the Commission received support to push forward the implementation of existing common legislation. This is illustrated in the following excerpt from Commissioner Kroes's speech on 6 October 2008:

You see from recent events that governments may be tempted to respond unilaterally to what other MS[s] are doing. This is not the way forward. We have to be united in our efforts to reassure depositors and taxpayers.

In particular, Britain's support was vital for eliminating the threat associated with MSs collectively abandoning state-aid rules (Respondent 5). On 13 October 2008, the Commission published the first sets of new guidelines for a temporary change in the application of state-aid law. This decision-making occasion highlighted how the Commission dealt with the initial pressure from MSs that were threatening to apply national measures. It also shows how the Commission delayed in proposing common legislation until the governments themselves asked for its intervention to guard against other MSs' deleterious behaviour (see Doleys 2012).

Another example of the follower strategy occurred in the 2011 Arab Spring, after the Italian decision to grant temporary residence permits to migrants. In the previous weeks, the Italian authorities had requested the activation of 'the temporary protection directive' that originated from the Kosovo crisis in 1999 and allowed MSs to grant temporary protection when experiencing an extreme inflow of refugees (Kerber 2002, 193). Neither the Commission nor the MSs (except Malta) acknowledged Italy's request. Nonetheless, the Italian authorities implemented the measure without informing the Commission or neighbouring European countries (Respondent 1). The Italian decision to grant migrants temporary protection caused a major debate within the Schengen area and exacerbated the already heated debate on migration within the EU (Pop 2011b). The French were especially troubled by the decision, since most of the Tunisians arriving had cultural, linguistic and social ties to France and the Italian decision enabled them to travel to France. Reacting to Italy's move, France instructed its police and border personnel to enhance checks near the Franco-Italian border (Respondent 1). The order violated free movement in the Schengen area (Carrera et al 2011; McClure 2012, 346).

⁹ European Commission (2008) State Aid NN 48/2008, 'Ireland: guarantee scheme for banks in Ireland', 13 October.

In the wake of this political turmoil, the Commission took a passive stance in the official debate, letting the bilateral conflict between France and Italy unfold without using its mandate to intervene or condemn their behaviour. In parallel with the Franco-Italian conflict, the Commission was internally working on a proposal aiming to strengthen the Schengen system (which eventually became the 'Schengen package')¹⁰ (Respondent 1). The proposal had a twofold aim: first, to make changes in existing regulations to allow visa restrictions during crisis situations and, second, to revise the process of evaluating MS compliance regarding the Schengen agreement. The Franco-Italian conflict diminished in April 2011, and the restored relationship between the two countries was demonstrated by a meeting between French President Nicholas Sarkozy and Italian Prime Minister Silvio Berlusconi (Monar 2012, 123). In connection with the meeting in Rome on 26 April, Sarkozy and Berlusconi made a request to the Commission for a crisis mechanism for extreme migration inflows.

On 11 May 2011, hours before the council meeting on internal affairs, Danish authorities announced their plan to reinforce border controls. The Danish move triggered intense political reactions from other MSs (Respondent 1). This time, the Commission reacted instantly, condemning the Danish initiative (Monar 2012, 122). The Commission managed to gain support for its position from the Council, and on 16 September 2011 it tabled the Schengen package, which was even more ambitious than the original version.¹¹ A civil servant at DG HOME described the Danish initiative as a factor contributing to the ambitious design of the Schengen package, which pushed it beyond the boundaries of the Franco-Italian request (Respondent 1).¹²

These two examples illustrate that the Commission, when faced with a high degree of MS engagement, even with its strong mandate to make MSs comply with common laws and regulations, may avoid using its mandate for fear of jeopardizing its overarching objectives. In both the state-aid issue and the Franco-Italian affair, the Commission waited until the MSs themselves recognized the utility of common principles, as it could then count on political support before taking forceful action.

Cooperator

The 'cooperator' category refers to instances when MS engagement is low and the Commission's mandate is weak. An example is the issue of the Latvian rescue package, and the discussion on the possible devaluation of the Latvian currency during the financial crisis. The Commission refrained from taking a definitive stance and independently pursuing a clear line but acted in cooperation with MSs.

At the outbreak of the financial crisis, Latvia was part of the European Exchange Rate Mechanism (ERM II), and its currency was pegged to the euro.

¹⁰ The Commission published this proposal on 16 September 2011, which was formally introduced in the communication entitled 'Schengen governance—strengthening the area without internal border control', COM (2011) 561.

¹¹ European Commission (2011) COM (2011) 561 final, 'Communication', 16 September.

¹² In the autumn of 2011, the package caused political unrest and resulted in the Commission being accused of trying to increase its mandate and benefit from the crisis.

In most cases, each MS participating in ERM II could not let its currency fluctuate more than 15 per cent in relation to the euro; however, Latvia had committed to a smaller fluctuation rate (only one per cent).¹³ When the financial crisis started, the Commission faced the threat of a Latvian devaluation, which it naturally opposed. Some of the larger MSs (such as the UK) argued that Latvia should devalue its currency, which was contradicted by the Nordic countries with strong economic interests in Latvia (Lütz and Kranke 2010, 8–10). Nonetheless, the issue did not engage the EU at large and was not widely debated around Europe. Beyond the Nordic countries, the MSs opposing devaluation were not directly affected by the Latvian economy and did not actively push for the Commission to change its attitude towards the issue. The Nordic countries and the Commission mutually agreed that Latvia should not devalue its currency and teamed up throughout the negotiations with the IMF, which argued in favour of the devaluation. Moreover, Latvian politicians seemed moderately attracted to the idea of leaving the peg system. This case shows how the Commission acted in coalition with MSs (the Nordic countries) with similar and strong interests to achieve their objectives.

The follower and the cooperator strategies may appear alike, but we argue that they have one major difference. The executive situation outlined in the preceding section entailed the Commission's strategy of waiting for the MSs' reactions; it then tried to smoothen the process by aligning with the majority of the MSs involved in the issue and acting as the uniting force. In contrast, by employing the cooperator strategy in Latvia's case, the Commission demonstrated its mediating skills when actively teaming up with the Nordic countries against the IMF to pursue its own agenda.

Recycler

This section about the recycler strategy deals with decision-making occasions when the Commission has a weak mandate and MS engagement is high. On two occasions, the Commission used the situation as an opportunity to push its pre-existing policy proposals.

First, when protests started in North Africa in February 2011, the application of the European Neighbourhood Policy (ENP) and the southern Mediterranean rapidly became part of the political agenda of the MSs and the Commission (see, for example, *The Economist* 2011a; 2011b). The ENP is regulated by the decision-making rules outlined in Articles 216–219 of the Treaty on the Functioning of the European Union (TFEU), where the Commission relies on MSs' approval to develop policies and form agreements with the southern neighbourhood countries. At that time, the EU's relationships with the governmental regimes in the southern Mediterranean were scrutinized by both the media and political leaders, and the EU was criticized for being too focused on stability issues to the detriment of human rights. The debate put the ENP in a bad light (Respondent 2). When the protest started, the ENP was already under review—a process that had started months before the Arab

¹³ European Central Bank (2005) 'Latvian lats included in the exchange rate mechanism', press release, 29 April.

Spring. In the early stage of the crisis, the Commission and the EEAS published the communication entitled 'A partnership for democracy and shared prosperity with the southern Mediterranean', which dealt with the EU's future engagement with the region.¹⁴ Although signed by both the EEAS and the Commission, the communication was predominantly formulated by the Commission, and the EEAS had little influence on the content (Respondent 2). The communication was based on the conclusions from the then ongoing review of the ENP. Moreover, the communication laid the foundation for the 'more-for-more' approach (aimed at linking financial support to democratic reforms and assuring commitment to common European values), which characterized the Commission's stance during the spring of 2011 (Respondent 2).

The communication also introduced the so-called 'mobility partnerships', including visa facilitation for third-country citizens, which would be made available to countries in the southern neighbourhood. The Commission considered the ability to offer partnership countries visa facilitation to be a useful tool for future negotiations with the new political leaders in North Africa and thought that it would strengthen the Commission's position in bilateral negotiations with third countries (Respondent 2). Before the Arab Spring, visa facilitation had only been offered to the Eastern Partnership countries. The Commission and the EEAS had been trying to convince the MSs that the EU should be able to offer visa facilitation to partnership countries in the southern Mediterranean as well, but the MSs had been reluctant for fear of losing their influence on the negotiations about agreements with third countries. They argued that if negotiations were centralized at the EU level, MSs would lose the opportunity to pursue their own national interests in bilateral agreements on migration. By utilizing the situation at hand, the Commission managed to repackage and reframe the need for visa facilitation (Respondent 2). On 23–24 June 2011, the Council adopted¹⁵ the communications¹⁶ published by the Commission in May, which was an important step in the Commission's working process of gaining MS support for visa facilitation as a diplomatic tool.¹⁷

Another example of the recycler strategy took place in the wake of the financial crisis and concerned the early initiatives to strengthen financial governance within the EU and the establishment of the de Larosière Group. During September and October 2008, the issue was high on the agendas of many European political leaders, as manifested in the emergency summit held on 12 October. At this summit, heads of governments in countries using the euro explicitly guaranteed coordinated action to meet the challenges and ensure their commitment to work in favour of restoring the function of and

¹⁴ European Commission and EEAS (2011) COM (2011) 200, 'A partnership for democracy and shared prosperity with the Southern Mediterranean', 3 March.

¹⁵ European Council (2011) EUCO 23/1/11, 'Conclusions', 23–24 June.

¹⁶ European Commission (2011) COM (2011) 248, 'Communication on migration', 4 May; COM (2011) 303, 'A new response to a changing neighbourhood'; COM (2011) 292, 'A dialogue for migration, mobility and security with the southern Mediterranean countries', 24 May.

¹⁷ Despite the Commission's strong influence in drafting the communication, to make any large-scale changes in mobility partnerships the Commission is dependent on MSs. In the autumn of 2011, the DG HOME and EEAS successfully persuaded the MSs to include visa facilitations in the renewed Global Approach to Migration and Mobility (GAMM) that was released at that time. European Commission (2011) COM (2011) 743, 'The Global Approach to Migration and Mobility', 18 November.

confidence in the financial system (Camisão 2015, 273). Around the time of the Lehman Brothers collapse in 2008, financial supervision at the EU level was based on information-gathering at the national level. The Commission had little opportunity to interfere in this process (except on state-aid issues), with no legal grounds to act independently when facing collapsing banks in Europe. It also had insufficient information to fully grasp the situation as it unfolded within the MSs. The crisis management tools to which the Commission had access were based on non-binding international agreements, such as the Basel II agreement and the Memoranda of Understanding signed by the Council (Quaglia et al 2009, 70–71).

The issue had already been debated on a small scale in 2007. For example, the Council adopted a roadmap on 9 October 2007, including a process for strategically strengthening supervision, enhancing transparency, increasing the valuation of financial products, strengthening prudential requirements, promoting improved functioning of the market, and strengthening the credit requirements for financial transactions. The problem of insufficient supervision had therefore been widely recognized within the Commission long before the 2008 financial crisis (Respondent 6). Despite this articulated need for improvements, the Commission's implementation of the roadmap was slow due to the lack of MS support; it was not until January 2008 that Commission President Barroso even began the process (Hodson 2013). Consequently, at the time of the Lehman Brothers collapse, none of these policies had attained regulatory status (Hodson 2013).

Against this backdrop of slow implementation and lack of support for significant changes among MSs, Barroso released the first communication addressing the financial crisis on 1 October 2008, two weeks after the Lehman Brothers collapse. During this press conference, he took the opportunity to launch a proposal on supranational legislation to reform capital requirements for financial companies. He also suggested strengthening supervision structures, reforming the rules regulating credit-rating agencies, and strictly evaluating complex assets (Barroso 2008). However, instead of putting together a more comprehensive policy proposal on its own, the Commission used an alternative strategy to reach its objective. On 8 October, Barroso announced the formation of a high-level group of experts headed by former IMF director Jacques de Larosière.¹⁸ The initiation of the de Larosière Group, with the initiative in favour of increased financial supervision at the EU level, has been viewed as one of the few occasions during the financial crisis when the Commission showed ideational leadership (Hodson 2013, 304). According to one of the interviewees for this study, the establishment of the group was a way of framing the issue in a technical manner and, in doing so, facilitating the strengthening the Commission's supervision of financial institutions (Respondent 6).

As illustrated, the Commission's strategy on both these decision-making occasions was characterized by its purposeful use of increased MS attention to the issue at hand. In both examples, the Commission used the opportunity to gain support for and recycle old proposals in the pipeline.

¹⁸ European Commission (2008) 'SPEECH/08/509', press release, 8 October

Hence, the Commission managed to use the crisis to convince the MSs to act in accordance with its pre-established agenda in policy areas where it traditionally had difficulty in securing EU legislation. Particularly, the establishment of the de Larosière Group illustrated how the Commission strategically utilized expertise to legitimize policy changes aiming to enhance supranational legislation in line with its preferences (see Skjaereth and Wettestad 2010).

Conclusions

This paper introduced a heuristic device that enhances the understanding of the strategies used by the Commission during crises. Our study found that MS engagement and Commission mandate are important variables in explaining under which circumstances different strategies are used. This concluding section discusses the implications of the Commission's various strategies in light of previous research, with the caveat that the heuristic device developed here is based on two empirical cases. More empirical work is needed to determine if the device can explain Commission behaviour in other crises and policy sectors. Additionally, this study finds that the Commission applies the four strategies exclusively; however, further empirical analyses may show that it mixes and uses these strategies jointly.

The empirical findings make evident that the Commission has the most room to manoeuvre when its mandate is strong and MS engagement is low. In such circumstances, the Commission quickly responds, leveraging its bureaucratic innovation skills. Hence, when not bogged down by slow decision-making procedures and inter-institutional politics, it effectively applies traditional crisis-management skills, such as improvisation and flexibility. For example, although the Commission does not break any rules, the early state-aid cases illustrate that, despite its ostensibly bureaucratic nature, it acts with flexibility to achieve its overall objectives. As a doer, the Commission greatly benefits from its technical and juridical expertise (see Pollack 1997; Moravcsik 1999; Versluys 2007; Olsson and Verbeek 2018). However, when MS engagement increases, the Commission refrains from taking the lead or opposing MSs, even when its mandate is strong, thus choosing to act as a follower. This finding is consistent with previous research stating that the Commission strives for MS support before taking action (Sandholtz 1993). The Commission's low profile, despite its strong mandate, can be understood as an attempt to minimize the risk of losing its influence through being perceived as hindering national crisis-management efforts (for example, by forcing MSs to implement supranational legislation at the expense of measures taken at the national level).

Somewhat contra dictionary, the empirical results show that the Commission assumes a more strategic role when its mandate is weak and MS engagement is high. The Commission uses the opportunity to recycle old policy proposals as a way of extending its mandate in a predetermined direction. It acts as a policy entrepreneur, using the crisis as a window of opportunity for advancing its proposals (Kingdon and Thurber 1984). This finding confirms that of Cram (1994), who argues in her EU study that the Commission rapidly and skilfully acts on opportunities to push its agenda. In contrast to cases where MS engagement is high and the Commission's mandate is strong, the Commission has nothing to lose in situations for which it lacks a mandate. In

using crisis situations to launch its pet policy proposals, the Commission reveals itself as a constructive institutional player working for the European good by finding common solutions to shared problems. Previous research on the role of IOs in times of crisis suggests that IOs that manage to frame their actions and proposals in line with neutrality and impartiality, emphasizing the benefit for all MSs, are more likely to increase their autonomy in times of crisis (Olsson and Verbeek 2018). In line with this general observation, according to Rhinard (2010), the Commission's framing power is an important component in understanding its agenda-setting power. One such strategy is to frame issues in a technical and apolitical manner as a way of masking political issues and making proposals more acceptable (Vahl 1997; Christiansen 2001).

Finally, the results show that, when MS engagement is low and the Commission's mandate is weak, the Commission refrains from taking action by pursuing a clear strategy and acts instead as a cooperator. In the Latvian rescue operation, the Commission acted flexibly, following MS preferences. It aligned itself with the Nordic states—against the IMF and others favouring devaluation—to achieve its interests together with a few MSs that were strongly interested in the issue.

In sum, the analysis confirms that the Commission is, in essence, a strategic actor that adjusts its behaviour according to the issue and the political context. The Commission does not employ a single strategy in times of transnational crises; rather, its action depends on MS engagement and its own mandate in the affected policy area. This also means that the Commission does not try to expand its mandate in every possible situation. Rather, it is equally skilful in maintaining a low profile to preserve its mandate and not jeopardize its position. This supports Pollack's (1998) observation that the Commission is capable of utilizing moments of weak or conflicting preferences among MSs. From a crisis-management perspective, the analysis shows the Commission's ability to act flexibly and improvise when its mandate is strong, as long as MSs allow it to do its job freely. However, when MSs are engaged in managing crises, the Commission initially plays a strategically passive role, not pushing MSs into joint solutions but waiting until they recognize the benefit of such an approach themselves.

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