

***ENLARGEMENT, REFORM AND THE EUROPEAN COMMISSION:
WEATHERING A PERFECT STORM?***

John Peterson

Abstract

The European Commission may be the world's most powerful international administration. However, the notion that it has been in decline since the resignation of the Santer Commission in 1999 has become accepted wisdom. This analysis asks whether radical internal reforms and the European Union (EU) enlargements of 2004-7 add up to a sort of perfect storm, accelerating the Commission's decay. Recent changes have been dramatic and, in some ways, traumatic. Yet, in some respects, the internal reforms and enlargement are likely to yield a more modern Commission that is better able to add value to new forms of network governance. Ultimately, there is evidence to suggest that the Commission has become a more intergovernmental institution: less autonomous but more integrated into the EU system. Crucially, however, the very notion of 'intergovernmental' requires redefinition in the new European Union.

Keywords: administrative reform, enlargement, European Commission, José Manuel Barroso, network governance, intergovernmentalism

A new, enlarged, and rather different European Union (EU) has emerged. Arguably, its recent enlargement is the greatest single achievement of European integration. Lines of political division that had cut Europe through its heart for more than 50 years were swept away in 2004-7. Enlargement has been as much a policy as a political success: 10 post-communist states in Central and Eastern Europe, along with Cyprus and Malta, have embraced significant internal reforms and economic modernisation as the price of EU membership.

The European Commission can rightly claim much of the credit. The EU's main administration led the enlargement negotiations, assessing progress and ultimately signing off on the readiness of the applicants before final, political decisions were made on dates of admission for the EU-12.¹ The Commission is delegated formidable powers by the EU's Treaties more generally. Uniquely among international institutions, the Commission – along with the European Parliament (EP) and Court of Justice – 'has the capacity and legitimacy to act relatively independently of member states' assent' (Christiansen 1997: 73). As such, the Commission may be the world's most powerful international administration.

Yet, the Commission now must digest enlargement, integrating most of the nearly 4000 EU-12 officials set to join the Union's institutions by 2009. It must do so after the most wrenching internal changes in its history, arising from the administrative reforms piloted by Vice-President Neil Kinnock (2000-4). All administrations are limited in their capacity to absorb reform (Olsen 2003). Few adjust quickly to changes in the pool from which they get their personnel. Changes of this order of magnitude might be particularly traumatic for the Commission, since it is accepted wisdom that it has been in decline since the 1999 resignation of the entire

College of Commissioners amidst charges of cronyism and maladministration under the Presidency of Jacques Santer.

This paper's central research question is: how have the Commission's work, role and status changed since the Santer resignation? The Kinnock reforms and enlargement were both, in and of themselves, major challenges. The convergence of the two might be viewed as a sort of perfect storm, especially for an institution in decline. Have administrative reforms weakened the Commission's capacity for policy entrepreneurship? Has the Commission contributed to its own decay by shepherding enlargement to completion?

Definitive answers are clearly years away. This paper contents itself with placing these questions on the research agenda, and using them to confront even bigger questions about the nature of the new EU, and how future historians will decide it was changed (and how much) by enlargement. Drawing on extensive fieldwork,² it finds that the early 21st century has been tumultuous for the Commission, not least because it has been the subject of many of the same processes of 'reinvention' that other western bureaucracies have had to endure (Osborne and Gaebler 1992; Pollitt and Bouckaert 2004; Pollitt and Talbot 2004; Pollitt et al. 2007). Enlargement could be viewed as extending the era of internal reform of the Commission, while also bringing to bear new and different pressures for transformation. Put simply, the Commission has been through a period of dramatic and, in some senses, traumatic change.

Yet, the end result may be a renewed, more modern, and less self-absorbed Commission. Its role may be more modest in a 'post-vision era'³ of European integration, or one in which a radically enlarged Union focuses on pragmatic policy results more than new political acts of integration. Crucially, the Commission shows

signs of reconciling itself to the position, specified in network theory, of a strategic node in EU policy networks, even if it has far to go before it can provide the motivation, trust, or leadership needed for effective network governance.

All the while, it has become more difficult to generalise about the Commission. It is very much a hybrid institution – divided between its College and permanent ‘services’ – and, increasingly, in recent years, split between these two levels. Thus, section 1 focuses on the College, while section 2 grapples with recent developments within the services. Section 3 considers the impact of the Kinnock reforms and enlargement on the administration as a whole. Section 4 investigates the prospects for a Commission that acts less as an engine of integration than a coordinator of networks. A concluding section suggests that a more intergovernmental Commission may be emerging: less autonomous but more integrated into the EU system. However, the very meaning of ‘intergovernmental’ may have changed in the transition to a new European Union.

1. A College of Strangers?

The Commission has always been a hybrid: the EU’s largest administration and main policy manager but also a source of political and policy direction (see Peterson 2006: 80-2). Both the Kinnock reforms and enlargement have made trickier the balancing act that the Commission must perform as both an executive and technocracy. There is no question that the ‘political’ side of the Commission – the College and cabinets – has, over time, become a considerably different world from that of permanent officials in the Commission’s services or Directorates-General (DGs): the Brussels equivalents of ministries. There is evidence of increasing tension between them (see section 2 below).

One source of tension is the emergence of a considerably bigger College of 27 Commissioners, up from 20 under the Presidency of Romano Prodi (2000-4).⁴ The President of the ‘enlarged’ Commission – José Manuel Barroso - established that his would be a highly Presidential Commission, warning repeatedly of the dangers of ‘Balkanisation’ in the absence of ‘a president that is seen by members of the Commission as the last resort arbiter and authority’.⁵ One official with experience of multiple Commission cabinets claimed: ‘The President’s power is increasing dramatically. It is now a clear, secular trend that the Commission is becoming more Presidential. The Nice Treaty gave the President stronger powers and Barroso is using them’.⁶

The argument that a strong President had become a purely functional necessity was viewed as disingenuous by Barroso’s political opponents. After his selection in 2004, Barroso came under attack from the political left, which loathed his earlier support (as Portuguese Prime Minister) for the Iraq war and accused him of privileging a ‘liberal Atlantic’ clique within the Commission (see Peterson 2006: 93). Hyperbole aside, there was little question that the share of liberals in the Barroso College was disproportionate to their representation in the EP,⁷ and quite possibly in the Commission’s services (see Hooghe 2002). It was not uncommon to hear officials in the DGs accuse Barroso of:

packing the services with neoliberals. The reactive instinct of most of us is ‘I’m just a civil servant with political masters; I have no opinion’. But not these people. There is a centre-left minority group in the College, of whom (Vice-President Margot) Wallstrom is the ring-leader. But they are not winning.⁸

In any event, Barroso used the expansion of the College, as well as the perception that Prodi had been a weak President, to his advantage. The fact that no formal votes were taken within the College during the first 3 years of his mandate was cited by officials far more often as a sign of Barroso's dominance than his penchant for compromise.

One vestige of a more Presidential Commission was the creation of a new Impact Assessment Board, working under Barroso's direct authority. Here we find an institutional reform entirely disconnected from the Kinnock reforms but very much in the same spirit of expanding a growing market in scrutiny of what the services do. The Impact Assessment Board was given authority to block any legislative proposal if its impact assessment was deemed to be deficient or the Board concluded that the cost of new legislation outweighed its benefits.⁹ The Board was considered a key foil in Barroso's drive to ensure that the EU produced 'better regulation', which was widely viewed in the services as cover for producing less regulation. A senior official in one of the main economic DGs commented on the Impact Assessment Board: 'these are all Barroso's people and they can stop anything'.¹⁰

An obvious question was whether Barroso's strong grip on the College was justified because his was the first Commission ever in which each member state nominated one – and only one – Commissioner. As such, the College resembled an off-shoot of the Council, such as one of its working groups, or (in the Brussels jargon) a 'COREPER 3' (see Lewis 2006). Defenders of its traditional role worried that Commissioners had lost its independence from national capitals. One Commissioner from an EU-12 state mused, 'they tell me that when the big member states had two Commissioners, it was less intergovernmental because there was one to defend the

national interest, and another to defend the European interest'.¹¹ This assessment chimes with empirical evidence that small member states – which had always appointed only one Commissioner – nominated 'party-inclusive' members of the College (who shared party affiliations with governments) far more often than large states prior to 2004. We thus might lead expect governments more often to appoint 'one of their own' in a one Commissioner per member state College (Wonka 2007).

Yet, one very senior official offered a far more nuanced view:

Having one per member state makes an enormous difference, but actually in making the College more collective and coherent. What matters above all is that 22 of 25 are new to the College, and many have found their learning curves to be steep. Lots of them are frustrated: they think too much is pre-cooked and that there's a lack of political input. Having 25 in the college means that it is hard to have debates, and so more is done in smaller groups.¹²

Any shift towards a more intergovernmental Commission also seemed tempered by the presence of few strong political personalities in the College compared to Prodi's. As one chef du cabinet put it: 'there is no (Pascal) Lamy, no (Antonio) Vitorino, no (Frits) Bolkestein, no (Mario) Monti, and no (Chris) Patten in the Barroso College. This College is much greyer than the previous one'.¹³

Generally, given their lack of experience of EU membership, governments from the new member states took pains to appoint top members of their political classes or senior diplomats who had been involved with EU accession and knew the Brussels system well. Yet, besides Poland, all of the EU-12 were small states whose political classes were mostly unknown outside their home countries. Enlargement

seemed to have the effect of making the College more technocratic. One head of cabinet, with experience at that level in several Commissions, explained that Barroso's was 'not a political Commission in part because an intermediate generation of technocrats dominated the first post-Communist political classes in the new member states. One consequence is that there is not a lot of ideological debate in this Commission'.¹⁴ Out of the ten Commissioners appointed by states that joined in 2004, three had the unusual distinction of having no party political affiliation (see Peterson 2006: 90-1). The 2006 nominees from Bulgaria, Megelena Kuneva, and Romania, Leonard Orban, both appeared to be chosen largely because of their distance from domestic party politics.¹⁵

A separate question was whether Barroso's was effectively a two-tier College. Most of the EU-12 Commissioners were given relatively minor portfolios. Kuneva and Orban were given portfolios – consumer protection and multilingualism, respectively – that one senior official described as 'humiliating and not worthy of someone who has the title of European Commissioner'.¹⁶ One implication of the move to one Commissioner per member state was that the formal equality of Commissioners from, say, Germany and Cyprus, became a fiction (Peterson 2005: 516). Still, there seemed little doubt that Commissioners more closely 'represented' their member states, both because of the College's new composition and the insecurity of EU-12 governments, in the Barroso Commission.

The College was obviously too big: a collection of strangers that was too large to have many meaningful political debates (whatever other factors limited them in number). Yet, in a sense, the College was also too small: lacking representatives of important political forces, particularly those in large member states, such as the German Christian Democrats or French Socialists. Adequate representation of the

new EU, whose population was one and half times that of the United States, was somewhere between difficult and impossible. The College under Barroso just about managed it, even if it also became more Presidential, liberal, technocratic, and – to use a loaded and probably outmoded term (see below) - intergovernmental.

2. The Services: Hybrid Unhinged?

If a rift appeared between the College and services under Barroso, it certainly was not making its first appearance. Kassim's (2004b: 27) verdict was that tensions between the College and services (along with problems of inter-service coordination) under the Prodi Commission

ma[d]e it very difficult for a member of the Commission, even a Commission President, to mobilise the institutional resources that the experience of national governments suggests are necessary to formulate and drive through a programme of reform.

Similarly, students of comparative administration tend to agree that the Commission is a distinctively unpromising arena for a programme of institutional reform (see Pollitt and Bouckaert 2004: 232-7)

Nevertheless, Kinnock managed to push through a comprehensive administrative reform programme between 2004-7, albeit at considerable cost to the Commission's cohesion. The rift between the College and the services did not originate with the Kinnock reforms. But the reform programme was highly divisive and resentment of it within the services was still fresh by the time of the 2004 enlargement.

Prior to enlargement, and the arrival of Barroso, the relationship between the College and services differed in multiple respects. It is worth recalling that Prodi's was an unusually impressive College in terms of expertise, which was matched to portfolios in a way never seen in any previous Commission (Peterson 2006: 87). It was also unusually ministerial, with Commissioners working in the same buildings as the DGs for which they were responsible, making the services more like national ministries: that is, places where other Commissioners were welcome only by invitation and policy debates on specific dossiers were mostly internal affairs. The reuniting of the College in the central Berlaymont building by Barroso appeared to reify a different kind of division: DGs that operated with considerable independence from the College. An early signal of disconnect came from Trade Commissioner, Peter Mandelson, in mid-2005:

...my guess is that power within the Commission has inexorably shifted to the services...the unique position of the College as envisaged in the Treaties, as a political body to give political leadership to Europe from the standpoint of the European interest, has been eroded by a pincer movement: loss of control over its own Services pursuing special interests, however legitimate, on the one hand, and a loss of leadership to the Council on the other.¹⁷

Just over a year later, Günter Verheugen, the Enterprise Commissioner, accused the DGs of being 'technical and arrogant...Some bureaucrats think: "the Commissioner is off again in five years. He is just a temporary lodger, while I'm staying"...[it is] a constant power struggle'.¹⁸

The background to Verheugen's outburst was rich with intrigue. In 2004, Barroso had been pressed by the German government to make Verheugen, who had shown considerable skill as Enlargement Commissioner under Prodi, a 'super-Commissioner' as a way to compensate Germany for the loss of its second Commissioner. Barroso resisted the pressure, and Verheugen ended up with the enterprise portfolio. One senior official described Verheugen as 'a foreign policy specialist who is out of his depth, with a portfolio that doesn't really add up to anything'.¹⁹

Verheugen's foreign policy expertise made him a candidate to become High Representative for the EU's Common Foreign and Security Policy when Javier Solana stepped down.²⁰ Thus, he was widely-suspected of Commission-bashing as a sop to endear himself to member governments,²¹ a number of which turned Eurosceptical after the demise of the Constitutional Treaty in 2005, when it was rejected in French and Dutch referenda. If all of that were not enough, Verheugen had powerful incentives to change the subject after appointing a long-time female friend – with whom he had been photographed on what appeared a romantic holiday – as his chef du cabinet.

In any event, Verheugen's comments sent a chill through the Commission. Its Secretary-General (and top permanent official), Catherine Day, took pains to state that 'the civil service understands that we are not the bosses. It is the Commissioners that are the bosses'.²² For his part, Barroso chose to defend both Verheugen and the Commission's services, the latter of which he described as 'very competent and [which] could stand comparison with any national administration'.²³

Interesting questions arise about how enlargement figured in the mix. It was not immediately obvious that EU-12 Commissioners had more trouble imposing their

wills on the DGs than did those from the EU-15. Commissioners have always been, by definition, outsiders upon their arrival in Brussels. The services have always been more powerful vis-à-vis their Commissioner than are most national ministers vis-à-vis their ministries, especially since Commissioners lack the power to hire or fire officials at the top of the services: the Directors-General.

On one hand, enlargement forced a number of changes on the services almost immediately after they had absorbed the Kinnock reforms. Nearly all had to stretch their knowledge base to design or monitor policy for a considerably more diverse collection of states. Many reorganised themselves into geographical sub-units with responsibility for specified groups of states or regions. It was estimated that close to 200 new units were created across the Commission in 2005 alone.

On the other hand, newly-recruited officials from the EU-12 tended to be similar in background to their colleagues in the Commission. Most were cosmopolitan, multilingual, and had degrees from outside their country of origin. One senior official in the Secretariat-General wondered whether the Commission was recruiting ‘clones of ourselves’.²⁴ What was truly different about officials from the new member states was their age – considerably younger than the Commission average – and, perhaps above all, their outlook. As one Director-General put it:

It will take a generation for the effects of enlargement to filter through. The quality of the top officials coming from the new states varies a lot...But the younger officials are a wonderful, enthusiastic, breath of fresh air. They make us realise how jaded many of us have become.²⁵

Again, what is perhaps most distinctive about the ‘new’ Commission is how far the two halves of the hybrid had drifted apart. In some ways, the arrival of the ‘post-vision era’ made it inevitable that the College had trouble defining a political vision, let alone coaxing the DGs into servicing it. More generally, as a Director in the services put it, it was perhaps always predictable that:

Enlargement ‘pushes things down’ and makes the services more powerful. The Council can’t negotiate. The Parliament struggles. So what is actually in the proposal is now more important than before. Even though very few Commission proposals are spontaneous, and dreamt up exclusively by us, more gets pushed down to Commissioners or to their cabinets. And if either of those levels are weak, as is sometimes the case in this Commission, responsibility for the actual content and impact of what we do gets pushed down to the services.

Even if this view is valid, it is counterbalanced by the tendency for the Commission to be a natural repository for the latest reformist fetishes in European public administration or policy. Consider, as one example, impact assessments (IAs): the Impact Assessment Board was very much in keeping with the flavour of the month elsewhere in Europe, particularly the UK.²⁶ A senior Commission official with cabinet experience voiced cynicism that seemed typical of the services: ‘it is still easy to get slaughtered with a great IA based on the best data in the world...by the same token, if the Council wants it, IAs don’t matter. They rarely change views and are often tailored to what individuals want politically’.²⁷

A second caveat to the ‘enlargement pushes things down’ view arises from the push for better regulation. Again, the UK could claim to be ‘spearheading the drive for better EU regulation’.²⁸ But better regulation was by no means an exclusively British preoccupation: five other member states signed up to a ‘Six Presidency Initiative on Advancing Regulatory Reform in Europe’ under a 2004 Dutch EU Council Presidency. Barroso’s embrace of a better regulation agenda may have made him unpopular in the Commission’s services. But it kept him in good graces in the European Council, where he appeared to command more respect than any Commission President since Jacques Delors in the 1980s. Here, we may see an indicator of a Commission that is at the same time more Presidential but perhaps also less independent, in the sense of being more integrated into decision-making at the highest political level, compared to its predecessors.

Increased complexity arises from changes with contradictory effects, as has been amply illustrated during a period of multiple and dramatic shifts within the Commission. For example, the shift towards a more ‘intergovernmental’ College might also contribute to a deeper split between the College and the services. By late 2007 – three years after 10 states had joined the EU – the recruitment of officials from the new member states to the services was still far behind the Commission’s targets: only 12 per cent of Commission officials were EU-12 nationals and most held relatively junior posts. At the elite level of Directors-General and their Deputies, only 9 of 75 officials hailed from the new states (and all were Deputies) by mid-October 2007.²⁹ Meanwhile, EU-12 officials accounted for a far higher percentage of all cabinet members than officials in the services. The disparity between the College and services in terms of basic representation of the EU-12 was hardly a source of unity in what had become, for a rich variety of reasons, a highly bifurcated administration.

3. Enlargement and the Kinnock Reforms

One lesson of research on administrative reform is that change usually occurs slowly. Several generations often must pass through an institution before the effects on its culture and behavior become clear (Putnam et al. 1993; Pollitt and Bouckaert 2004). Research on EU institutional reform highlights how it typically aims to achieve multiple objectives, which are often incompatible with one another (Metcalf 2000; Olsen 2003).

Enlargement and the Kinnock reforms were never intrinsically connected. Of course, the key changes in personnel management came into force precisely on the day (1 May 2004) when the EU expanded from 15 to 25 member states, unlike financial management reforms that came into effect years earlier. The relative lateness of the new Staff Regulations was mostly a consequence of a lack of progress on reforming them under Santer and lengthy consultations and negotiations after that (Stevens and Stevens 2006: 472). Nevertheless, many in the administrative and political classes of EU-12 member states viewed them as a device to prevent them from achieving parity with the EU-15 within the Commission. One senior (EU-15) official in the Commission's Secretariat-General spoke for many in describing the decision to implement the new Staff Regulations at the precise moment of the 2004 enlargement as 'a huge political mistake'.³⁰

There is little question that the Commission's new system of administrative grades, which expanded their range, will slow the pace of promotion of new officials compared to their immediate predecessors. New entrants, who will be disproportionately EU-12 officials for years to come, 'enter at lower grades and lower salaries than would previously have been the case for recruits' to policy level jobs

(Stevens and Stevens 2006: 475). Enlargement was always going to lower the cost of the Commission, because recruits from the EU-12 would (eventually) lower the average age of Commission official.³¹ That aside, new entrants now faced a new promotion system that doubled the number of promotions needed to get to the same administrative grade as before, with only half as much additional pay per promotion. Meanwhile, a complicated system linked appraisal to promotion and was based on an unfathomable system of awarding points for performance. But what fuelled the perception of double standards above all was that part of the price paid for the support of Commission trades unions for the personnel reforms was generous transitional arrangements that more or less guaranteed EU-15 officials the same pay rises they would have had under the old system.

One young (Hungarian) official dismissed as ‘conspiracy theory’ the claim that the staff reforms were designed to slow the absorption of officials from the new member states since the rules applied to all new recruits. Still, the same official conceded that the theory was ‘widely believed in EU-12 national capitals’.³² It was not difficult to see why given problems associated with the new (as of 2002) European Personnel Selection Office (EPSO), created as a joint recruitment organisation for all EU institutions. EU-12 officials frequently complained about ‘procedures that seem designed to keep people out’.³³ One example was EPSO’s refusal to offer the concours, the examination which prospective EU officials must pass, in any language besides French, German and English, thus (according to one official) ‘freezing out all but those already working for international organisations’.³⁴ EPSO’s problems seemed more accidental than designed – as illustrated, for example, by allegations (denied by EPSO) that one concours in Lithuania was advertised only

days before the exam was held. But they animated the intergovernmental politics of post-enlargement personnel policy.

Moreover, the conspiracy theory was given credence by the bid of the Finnish Council Presidency in late 2006 to cut around 1700 Commission posts as part of its drive to ‘improve productivity’ within EU institutions. There was no question that the cuts would have made recruiting politically acceptable numbers of EU-12 officials far more difficult. The Finnish plan was robustly opposed by Poland and other new member states (along with Italy and Spain), amidst charges that the Finns were ‘obsessed’ with the job cuts.³⁵ Eventually, the Finnish plan was dropped and the Commission asked for 890 additional posts for 2008, all to be filled by EU-12 nationals, with 250 reserved for entrants from Bulgaria and Romania. Even so, at least 10 Commissioners expressed concern that recruitment on this scale was not enough for the Commission adequately to pursue its policy priorities in energy, climate change, and political communication, adding to perceptions of an administration under siege.³⁶

We might dismiss conspiracy theories and still conclude that the Kinnock reforms were inspired by an agenda to hamstring the Commission, insofar as they eliminated what Stevens and Stevens (2006: 478) call the ‘haphazard informality of the pioneering spirit’ which characterised the Commission’s early years. Bauer (2008) is surely right that they turned many middle level officials from ‘policy entrepreneurs to managers’ because of their onerous reporting requirements. No student of administrative reform would be surprised that even some of the most sensible reforms, such as those for financial management or the rotation of senior officials, had unintended effects. One Director-General illustrated the point:

One effect of all the reporting we now have to do is that there is major paranoia about mistakes, especially with the European Parliament always on the prowl for ones that will make news. And we're in a situation of constant instability, with rotation of senior posts all the time. It all makes the divide between la maison and the College even wider.³⁷

Unintended consequences aside, there is little doubt that the reforms were overdue. They ushered in far more systematic budgeting and personnel management, and better preparation and consultation (Kassim 2004a; 2004b). New provisions for appraisal and training gave credibility to the verdict of one senior official that 'compared to other international organizations, we are so much better at giving people a chance to make a career outside their national systems'.³⁸

Equally, the Kinnock reforms failed to make the Commission a meritocracy. Intergovernmental politics, or the wishes of the Commission President, could still determine who ends up in which senior post. One official in the cabinet of an EU-12 Commissioner lamented, 'there are constant delays in recruiting officials from the new member states, especially to powerful DGs like Competition and Ecofin. It is disappointing and shows a lack of trust'.³⁹ A head of unit from one of the new member states complained, 'it is still harder to advance within the Commission compared to national civil services. And it doesn't depend on how bright you are'.⁴⁰ Another senior official put it more bluntly, 'The Commission really has no personnel policy. And it doesn't tell [its own] people the truth'.⁴¹

4. The Commission and Network Governance

Political interest in network forms of governance has grown in Europe and beyond in recent years (see Skogstad 2003; Pollitt and Bouckaert 2004; Jordan and Schout 2006). Viewed as a modern alternative to governance by hierarchy, network governance finds public administrations engaging with private and non-governmental policy stakeholders on a non-hierarchical basis and negotiating non-legislative policy agreements. The shift to network governance has found favour in settings ranging from Bavaria's Land government (Suleiman 2003: 269) to the US Pentagon (see Boot 2006).⁴² Research on the EU sometimes struggles to be specific about how the Commission would operate differently as a 'network organization' (see Metcalfe 2000; Peterson 2008). But an usually clear injunction is:

The Commission as a strategic node in many networks is in an unrivalled position to gather information, to compare and evaluate various attempts to build, change and reform policy networks and to learn lessons from different experience(s) that can be applied when new problems and new opportunities arise (Metcalfe 2004: 92).

The Commission's position in EU policy networks differs enormously across sectors as diverse as (say) competition to defence policy. But three points are worth making if our purpose is to make a general judgement about how the Commission's role, work and status are changing.

First, enlargement has made the design of EU legislation – good, bad, or 'better' – considerably more difficult. Policy problems in an EU-27 are now considerably more diverse and localised than before 2004. Yet, ironically, they are also more often a consequence of the rapid pace of economic change that is endemic

to globalization. The EU's role in solving such problems logically involves finding ways to add value to national level activities, and usually acting far more quickly than it can by resorting to the relatively slow processes of legislating or building up new administrative capacities in Brussels (Jordan and Schout 2006).

Second, integrated European markets now touch on policies that are almost entirely within the remit of member states – such as pensions, health care, and employment law – in ways that both invite (at least potentially) destructive ‘races to the bottom’ between EU states and expose the additional costs of doing business in Europe (compared to other large markets) that arise from its diversity. One consequence is the Barroso Commission’s focus on the so-called Lisbon Agenda, designed to make the EU the ‘most dynamic economy in the world by 2010’, as well as its better regulation agenda. Both involve coordination of the actions of national authorities, through devices such as the so-called Open Method of Coordination (Hodson and Maher 2001; Borràs and Jacobsson 2004), far more often than EU legislation. The Commission acts as a ‘strategic node’ but only as a kind of coxswain, trying to persuade governments to embrace policy reforms through peer pressure, league tables, policy transfer, and so on, and often to the exclusion of its role as the initiator of EU legislation. The result is often an unusually pure form of non-hierarchical, network governance. Even if Barroso’s focus on the Lisbon agenda was by no means universally popular within the services, few could deny that his emphasis on a ‘Europe of results’ was driven by a pragmatic policy agenda in areas where Europe most needed reform, as opposed to one driven by concerns about the Commission’s institutional dignity, which sometimes seemed to border on the obsessive under Prodi (Peterson 2006: 88-9).

Third, the Commission's role in constructing, managing, and auditing networks is usually viewed in the EU policy world as critical to their effective operation. But it is frequently seen in the research literature as beyond the Commission's wherewithal. Among the many difficulties faced by the Commission in making the transition to EU network governance, three stand out: motivation, trust, and leadership.

Schout and Jordan (2005: 207) note the Commission's tendency to assume: 'one, that networks are an effective means of coordinating policies; and, two, that the most relevant actors will be sufficiently motivated to want to join them' (emphases in original). Yet, the Commission often fails to reflect on how to motivate voluntary cooperation, assuming it will occur naturally and spontaneously. Collective action problems have become increasingly severe in an EU of 27 when policy pathologies such as carbon emissions, migration pressures, and energy dependency arise from the differences between uncoordinated national policies. The Commission still frequently presupposes that all policy stakeholders are sufficiently motivated to embrace collective action to solve them.

Second, trust is viewed across the policy literature as the generic, crucial lubricant of collective action within networks (see Hindmoor 1998; Peters 1998; Klijn and Koppenjan 2000). Yet, the evidence to suggest that lack of trust is a particularly intractable obstacle to effective EU network governance is compelling. Radaelli (2007: 200) cites a lack of trust on the part of the member states in the Commission as a major problem of the 'better regulation' agenda. One result is the tendency of the Commission to oversell its own analysis to the point where its legitimacy is undermined and the entire agenda loses credibility. Legitimacy is more generally the 'Achilles heel of regulatory quality initiatives' (Radaelli 2007: 200) and Commission

continues to lack it, not least because (contrary to what it frequently assumes) ‘regulatory legitimacy...is not automatically delivered by the presence of robust networks of stakeholders’, which is ‘a necessary but not sufficient condition’ for it (Radaelli 2007: 201). Here, we might recall Ostrom’s (1990) classic statement of what is required for effective governance: that actors in a network recognise their interdependence, that they are relatively few in number, and that they know and trust one another. To an extent that frustrates the Commission, actors in EU policy networks often do not recognise their interdependence. They are frequently and decidedly not few in number in an EU-27. Part of the price of enlargement is that, in many policy sectors, it may require years of the EU operating at 27 before actors know, let alone trust one another.

Third, the problem of leadership in an enlarged EU may be particularly acute where the Commission must engage in network governance. Demand has clearly grown for a Commission that leads by providing effective management: specifically, by coordinating both horizontally between different EU policies – such as agriculture and environmental protection – as well vertically between different levels of government. These tasks involve thorny coordination problems that have been made thornier by enlargement, given the added diversity of EU policy effects on the ground in a Union of 27 and the ‘raw’, added complexity of the intergovernmental level of EU governance. Schout and Jordan (2005: 218) are not alone (see Metcalfe 2000; 2004) in ‘suspect[ing] that network management is a generic problem in the EU...far more leadership is needed to diagnose weaknesses in networks and propose alternative action. The Commission is the most obvious candidate for such a role’.

Being the most obvious candidate does not imply that making the transition from being legislative initiator to network manager will be easy for the Commission.

The recent bifurcation of the Commission between the College and the services itself may be an obstacle. Consider that a more intergovernmental College may add most value when the EU legislates. One official observes that ‘a College of 27 gets national input early in the decision-making process when legislating. That is still very important’.⁴³ Yet, in a climate in which legislating becomes more difficult, the tendency of the services over time may be to try to resort to more informal means of governing by networks, and in ways that allow for little political input from the College. The Commission may have to work with only a weak and rickety hinge between the services and College, at least until the Reform Treaty is implemented (assuming it is ratified) and the College is reduced in size to two-thirds the number of its member states (possibly, say, 20 in an EU-30) in 2014.

Yet, by that time, an administratively reformed and enlarged Commission might well be more up to the tasks of supplying motivation, trust, and leadership in EU network governance than ever before. The first years of the 21st century have certainly been traumatic for the Commission. But there are signs that the Commission has begun to accept that it must invest in assets that do not flow directly from its formal treaty powers, and that many of Europe’s most important problems resist solutions through traditional Community legislation. These perceptions were clearly held at the top of a highly Presidential Commission under Barroso, and there were signs that they had begun to trickle down to the services, despite how bifurcated the Commission had become. To illustrate the point, it was revealing that officials in the services learned, as a strategy for getting the College to back whatever project they were working on, to link it to the Lisbon agenda.⁴⁴

Conclusion

How and how much has the ‘perfect storm’ changed the European Commission’s work, role and status? One vastly experienced official (and chef du cabinet for an EU-12 Commissioner) argued that enlargement and administrative reform had not ‘fundamentally altered the place’.⁴⁵ More generally, there was a strong sense across the EU’s institutions that the Brussels system was remarkably unchanged by such a radical enlargement (see Best et al 2007), if also a shared acceptance that the institutional reforms contained in the Reform Treaty were essential to the smooth functioning of the system in the longer term.

In some respects, the Commission seemed to have changed more from the powerful imprint of Barroso’s Presidency than from enlargement or the Kinnock reforms per se. But it was difficult to separate these factors. For example, a majority of Commissioners from the EU-12 broadly shared Barroso’s liberal, reformist agenda. Enlargement gave Barroso poetic license to stamp his authority on the College, but the shift towards a more Presidential Commission predated Barroso and was a natural reaction to Santer’s weakness. Still, Barroso established himself as a more forceful leader than Prodi, with far more control over the prioritising of policy goals, but setting and imposing priorities was considerably aided by the Kinnock reforms.

Of course, we might be seduced into thinking, falsely, that little has changed in EU governance because the Commission, along with all EU institutions, has been subject to ambiguous and even contradictory changes. The Commission seemed empowered by Barroso’s strong Presidential grip, but also weakened by the mind-numbing amount of scrutiny to which it was subject in the post-reform era. The Commission sometimes seemed a guinea pig for every fashion of New Public Management including what Power (1999) calls an ‘audit explosion’ (see also Pollitt et al. 2007). In political terms, a senior official with cabinet experience in both the

Prodi and Barroso Commissions argued that the Kinnock reforms reflected ‘increasing distrust in the Commission under Santer. A deliberate political decision was taken to make the Commission less attractive to good people’.⁴⁶

Ultimately, we are forced to try to synthesize the effects of forces that reinforce, contradict and entirely bypass one another if we want to pinpoint how EU governance generally – let alone the role of the Commission specifically – has changed. Consider the reflections of a senior official with 8 years of cabinet experience:

The numerical advantage of the big member states has been lost, and in a way that is reflected in all decision-making structures, including comitology, advisory committees and so on. The French are now just one of 27. It makes the Commission’s job a lot easier...If you want to be reticent in any debate, you only have a couple minutes to be reticent.⁴⁷

We might profitably conclude by considering both what this observation ‘hits’ as well as what it misses. It is reflective of how the Commission may be empowered by the recent enlargements, particularly since they almost exclusively added small states (and a lot of them) that naturally see the Commission as their defender and an honest broker.

Our last official’s comment also hints, at least indirectly, at a stark change at the level of College, where all Commissioners from large member states ‘are now just one of 27’. At its highest level, the Commission’s composition is now the same as all offshoots of the Council. The effect is to diminish significantly its institutional uniqueness and, probably, also its independence, as well as the ‘equality’ of all

Commissioners. Again, no one pretends that the views or weight of the Maltese or Bulgarian Commissioner counts for the same as those of their British or French counterparts. Yet this reality in itself may be reflective of a more intergovernmental Commission.

Perhaps the real question has become: what does intergovernmental (always analytically slippery) actually mean in the new EU? It almost certainly means more complicated bargaining and coalition-building, which in itself might actually make the position of the Commission stronger, a point on which Barroso himself has insisted.⁴⁸ It certainly does not mean a sharp, simple, enhanced rivalry between EU member states on one hand, and EU institutions on the other. It may actually mean more resort to non-legislative, ‘soft’ law type agreements reached via bargaining within networks, not least because the Commission invests more in constructing and managing them, and accepts that formal legislation is often a bridge too far in an EU of 27 plus.

It might be argued that the ‘new intergovernmentalism’ at least partly reflects that Barroso himself is an intergovernmentalist at heart (see Peterson 2006: 94), who has both kept a strong grip on his College but also embraced a policy agenda that concentrates Commission activity on areas where it lacks strong powers. Again, however, other forces are at work. The EU’s policy agenda shifted well before Barroso became President to areas, many of them part of the Lisbon agenda or broadly within Justice and Home Affairs, where the traditional Community method of legislating is either inappropriate or politically unimaginable.

A good barometer of how much the Commission has changed may be the 2007 study, funded by the Commission and conducted by a team of European historians, of the administration’s first 25 years (Dumoulin and others 2007).

Predictably, the resulting 626 page tome offers a self-referential, even narcissistic, recounting of the Commission's early glory days. Still, only the most hard-boiled sceptic could dismiss what the study's authors call the 'imagination, long-term vision, enthusiasm and tenacity' of the earliest officials and Commissioners. A political decision was made at the birth of what is now the EU to model the Commission on a national administration, as opposed to an international secretariat like most others (see Stevens and Stevens 2006: 454). The decision was rooted in a conviction that what was being created was not just another international organization. This one was going to be different, more powerful, with a strong and powerful administration at its heart.

Even in the post-vision era, the Commission remains a uniquely powerful international administration. But it has become a very different administration from what it was in its early years: far more diverse, more professionally managed, less privileged, less united, less obsessed with its own institutional position, more open to network governance, and more intergovernmental, although in a refined, modern sense of that term. It will take far more research before we can settle on a definitive, modern definition. But the new intergovernmentalism seems different from the old version: more fluid, less great power dominated, with more widely-distributed veto points that are likely to be overcome, if at all, through new network forms of governance. In the new version, the Commission may be less autonomous but also more integrated into the EU's institutional system. It may wield less raw power but have more and more subtle means to influence outcomes. Or so it might be hypothesised.

References

- Bauer, M. W. (2008) 'Effects of the Reform of the European Commission on Policy Reforms,' Journal of European Public Policy 15 (4), forthcoming.
- Best, E., T. Christiansen, and Settembri, P. (2008) (eds) The Institutions of the Enlarged European Union: Change and Continuity, Cheltenham and Northampton MA: Edward Elgar, forthcoming.
- Boot, M. (2006) War Made New: Technology, Warfare and the Course of History, 1500 to Today, New York and London: Gotham Books.
- Borràs, S. and K. Jacobsson (2004) 'The Open Method of Coordination and new governance patterns in the EU', Journal of European Public Policy 11 (2): 185-208.
- Christiansen, T. (1997) 'Tensions of European governance: politicized bureaucracy and multiple accountability in the European Commission', Journal of European Public Policy 4 (1): 73-90.
- Dumoulin, M. and others (2007) The European Commission, 1958-72: History and Memories, Luxembourg: European Communities.
- Hindmoor, A. (1998) 'The Importance of Being Trusted: Transaction Costs and Policy Network Theory', Public Administration 76 (1): 25-43.

- Hodson, D. and I. Maher (2001) 'The Open Method as a New Mode of Governance', Journal of Common Market Studies 39 (4): 719-46.
- Hooghe, L. (2002) The European Commission and the Integration of Europe, Cambridge and New York: Cambridge University Press.
- Jordan, A. and A. Schout (2006) The Coordination of the European Union: Exploring the Capacities of Networked Governance, Oxford and New York: Oxford University Press,
- Kassim, H. (2004a) 'An historic accomplishment: the Prodi Commission and administrative reform', in D.G. Dimitrakopoulos (ed.), The Changing European Commission, Manchester and New York: Manchester University Press.
- Kassim, H. (2004b) 'The Kinnock Reforms in perspective: why reforming the commission is an heroic, but thankless, task', Public Policy and Administration 19 (3): 25-41.
- Klijn, E. H. and J. F. M. Koppenjan (2000) 'Public management and policy networks: foundations of a network approach to governance', Public Management 2 (2): 135-58.
- Lewis, J. (2006) 'National Interests: Coreper', in J. Peterson and M. Shackleton (eds), The Institutions of the European Union, Oxford and New York: Oxford University Press.
- Metcalf, L. (2000) 'Reforming the Commission: Will Organizational Efficiency Produce Effective Governance?', Journal of Common Market Studies 38 (5): 817-41.
- Metcalf, L. (2004) 'European Policy Management: Future Challenges and the Role of the Commission', Public Policy and Administration 19 (3): 77-94.

- Nugent, N. (2004) European Union Enlargement, New York and Basingstoke: Palgrave.
- Olsen, J. P. (2003) 'Reforming European institutions of governance', in J. H. H. Weiler, I. Begg and J. Peterson (eds), Integration in an Expanding European Union: Reassessing the Fundamentals, Oxford and Malden MA: Blackwell.
- Osborne, D. and T. Gaebler (1992) Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector, Reading MA: Addison-Wesley.
- Ostrom, E. (1990) Governing the Commons: the Evolution of Institutions for Collective Action, Cambridge: Cambridge University Press.
- Peters, B. G. (1998) 'Managing horizontal government: the politics of co-ordination', Public Administration 76 (2): 295-311.
- Peterson, J. (2005) 'Where does the Commission stand today?', in D.G. Spence (ed.), The European Commission, London: John Harper.
- Peterson, J. (2006) 'The College of Commissioners', in J. Peterson and M. Shackleton (eds), The Institutions of the European Union, Oxford and New York: Oxford University Press, 2nd edition.
- Peterson, J. (2008) 'Policy networks', in A. Wiener and T. Diez (eds), European Integration Theory, Oxford and New York: Oxford University Press, 2nd edition.
- Peterson, J. and Birdsall, A. (2008) 'The European Commission: enlargement as reinvention?', in E. Best, T. Christiansen and P. Settembri (eds), The Governance of the Wider Europe: EU Enlargement and Institutional Change, Aldershot and Burlington VT: Edward Elgar.

- Pollitt, C. and G. Bouckaert (2004) Public Management Reform: a Comparative Analysis, Princeton and Oxford: Princeton University Press, 2nd edition.
- Pollitt, C. and C. Talbot (eds) (2004) Unbundled Government: a Critical Analysis of the Global Trend to Agencies, Quangos and Contractualisation, London and New York: Routledge.
- Pollitt, C., S. van Thiel and V. Homburg (eds) (2007) New Public Management in Europe: Adaptation and Alternatives, Basingstoke and New York: Palgrave.
- Power, M. (1999) The Audit Society: Rituals of Verification, Oxford and New York: Clarendon Press.
- Putnam, R. D., R. Leonardi and R. Y. Nanetti (1993) Making Democracy Work: Civic Traditions in Modern Italy, Princeton and Oxford: Princeton University Press.
- Radaelli, C. M. (2007) 'Whither better regulation for the Lisbon agenda?', Journal of European Public Policy 14 (2): 190-207.
- Raunio, T. (2006) 'Political interests: the European Parliament's party groups', in J. Peterson and M. Shackleton (eds), The Institutions of the European Union, Oxford and New York: Oxford University Press, 2nd edition.
- Schout, A. and Jordan, A. (2005) 'Coordinated European governance: self-organizing or self-steering?', Public Administration 83 (1): 201-220.
- Skogstad, G. (2003) 'Legitimacy and/or policy effectiveness? Network governance and GMO regulation in the European Union', Journal of European Public Policy 10 (3): 321-38.
- Stevens, H. and A. Stevens (2006) 'The internal reform of the Commission', in D.G. Spence (ed.), The European Commission, London: John Harper.

Suleiman, E. (2003) Dismantling Democratic States, Princeton NJ and Oxford: Princeton University Press.

Wonka, A. (2007) ‘Technocratic and independent? The appointment of European Commissioners and its policy implications’, Journal of European Public Policy 14 (2): 169-89.

Biographical note: John Peterson is Professor of International Politics and Head of Politics and International Relations at the University of Edinburgh.

Address for correspondence: John Peterson, Politics, University of Edinburgh, School of Social and Political Studies, Adam Ferguson Building, 40 George Square, Edinburgh EH8 9LL, Scotland

¹ Nugent (2004) refers to the ‘10+2’ enlargement to signal that a political commitment was made (effectively in 1999) to admit 12 states, but just not all at the same time. For simplicity, we use the term ‘EU-12’ here.

² A total of 52 non-attributable interviews were conducted in Brussels or Edinburgh between June 2004 and October 2007. Interviewees included 4 Commissioners, 13 members of cabinets (9 working in the offices of Commissioners from the EU-12), 5 Directors-General, 22 officials in the DGs (all A grade or above; 5 from EU-12 states), 4 Council officials, 2 former Commission officials, and 2 Members of the European Parliament. I am grateful to all who granted me interviews.

³ This choice of words was first suggested to me by one of the most senior officials in the Commission in an interview on 5 July 2006.

⁴ For a short time after 1 May 2004, Prodi’s College numbered 30.

⁵ Quoted in European Voice, 26 October-1 November 2006, p.2.

⁶ Interview, 4 July 2006.

⁷ Compare data on party political affiliation of members of the College with party group membership in the EP after 2004 available in Peterson (2006: 90-1) and Raunio (2006: 297). It should be noted here

that Barroso's own influence over the nominees chosen by member governments for his College was minimal to none.

⁸ Interview, 21 November 2006.

⁹ See http://ec.europa.eu/enterprise/regulation/better_regulation/index_en.htm (accessed 20 December 2006) and http://ec.europa.eu/governance/impact/iab_en.htm (accessed 28 October 2007).

¹⁰ Interview, 21 November 2006.

¹¹ Interview, 21 September 2006.

¹² Interview, 5 July 2006. At the time of this interview, the College consisted of 25 Commissioners.

¹³ Interview, 4 July 2006.

¹⁴ Interview, 2 October 2007.

¹⁵ Orban, a political independent and engineer-turned-diplomat, was chosen after the original nominee, Varujan Vosgianian, a Romanian Senator, stood down amidst charges of corruption and links to the domestic secret police. For her part, Kuneva was chief negotiator for Bulgarian EU accession under multiple governments after originally serving in the post-2001 government headed by Bulgaria's King Simeon II, despite having no previous political background.

¹⁶ Interview, 20 November 2006.

¹⁷ Peter Mandelson, 'The idea of Europe: can we make it live again?', speech to the University Association of Contemporary European Studies (UACES), Brussels, 20 July 2005; available at http://ec.europa.eu/commission_barroso/mandelson/speeches_articles/sppm045_en.htm (accessed 14 December 2006).

¹⁸ Quoted in *Financial Times*, 19 October 2006, p.6 and *European Voice*, 12-18 October 2006, p.2.

¹⁹ Interview, 21 November 2006.

²⁰ Solana was chosen to be the EU's first 'Minister of Foreign Affairs' (MFA) when the post was created by the Constitutional Treaty agreed in 2004. However, its ratification failure led EU member governments to revert to the title 'High Representative' (with the same, expanded powers as designated in the Constitutional Treaty for the MFA) in the 2007 Reform Treaty. It was unclear whether Solana would remain in post long enough to take on the new role when (and if) the Reform Treaty was ratified.

-
- ²¹ The strategy – if that is what it was – appeared to work as Verheugen was reportedly praised by EU finance ministers soon after attacking the Commission’s services. See Financial Times, 19 October 2006, p.6.
- ²² Quoted in European Voice, 19-25 October 2006, p.12.
- ²³ Quoted in European Voice, 26 October-1 November 2006, p.2.
- ²⁴ Interview, 5 July 2006.
- ²⁵ Interview, 22 November 2006.
- ²⁶ A Google search for ‘impact assessment’ on 13 December 2006 was revealing, with no fewer than 18 of the top 20 sites listed being UK-based and linked to a diverse array of institutions including the Cabinet Office, Scottish Executive, National Health Service, and various British universities.
- ²⁷ Interview, 20 November 2006.
- ²⁸ This claim was trumpeted on the UK Foreign and Commonwealth Office’s EU policy web-site. See <http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1140684822337> (accessed 13 December 2006). One of the last policy initiatives of Tony Blair’s premiership sought to quantify the costs for British business of the administrative burden of complying with government regulations, and to cut it by 25 per cent by 2010.
- ²⁹ The Commission publishes data on recruitment of EU-12 officials in its Bulletin Statistique and at: http://ec.europa.eu/civil_service/docs/bs_dg_nat_en.pdf (accessed 26 June 2007). Officials involved in recruitment, particularly in the office of Vice-President for Administration, Siim Kallas, stress that the Commission has a long-term target of recruitment of EU-12 officials with a deadline of 2009. However, there was no question (by late 2007) that it would have to accelerate the pace of recruitment considerably to reach its target, and this despite pressure – sometimes intense – from EU-12 national capitals to recruit more of their nationals (see Peterson and Birdsall 2008).
- ³⁰ Interview, 2 October 2007.
- ³¹ It should be noted that the Kinnock reforms included provisions for early retirement that lowered the average age of Commission officials by about 2 years (from 44 to 42) even before enlargement.
- ³² Interview, 13 September 2006.
- ³³ Interview, 11 September 2006.
- ³⁴ Interview, 13 September 2006.

³⁵ See European Voice, 'Finns obsessed with job cuts', 23 November 2006, available at <http://www.europeanvoice.com/archive/article.asp?id=26752> (accessed 14 December 2006). The Finnish proposal was removed from the draft budget by the European Parliament, and not reinstated by the Council. As a quid pro quo, the Commission however agreed to produce a 'screening', identifying its human resources needs until 2013, and also looking at how efficiently it used staff. This proposal was sent to the Parliament in March 2007, and the Commission still awaited their formal reaction in late October.

³⁶ See Simon Taylor, 'Worries over lack of Commission staff', European Voice, 1-7 March 2007, p.4.

³⁷ Interview, 22 November 2006.

³⁸ Interview, 4 July 2006.

³⁹ Interview, 13 September 2006.

⁴⁰ Interview, 11 September 2006.

⁴¹ Interview, 22 November 2006.

⁴² Boot's (2006: 601) prognosis towards the end of a 624 page tome on the history of war is that: 'unless the US government can streamline its Industrial Age bureaucracy and become a networked organization, it may find that even purchasing the latest and best technology will not offer sufficient protection against the country's woes'.

⁴³ Interview, 2 October 2007.

⁴⁴ For example, after the stalling of the Doha Development Round of world trade talks, DG Trade announced its intention to negotiate ambitious bilateral trade agreements with South Korea, India and other Asian countries, with a top official urging such that deals 'should be seen as part of the Lisbon Agenda, aimed at fostering European competitiveness'. Quoted in European Voice, 30 November-6 December 2006, p.1.

⁴⁵ Interview, 4 July 2006.

⁴⁶ Interview, 2 October 2007.

⁴⁷ Interview, 20 November 2006.

⁴⁸ Barroso makes this point specifically in an interview based on his reading of 5 major academic works on European integration (a full transcript is available at: <http://www.eu-consent.net/library/BARROSO-transcript.pdf>; accessed 28 October 2007).