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TRIGGER

TRends in Global Governance and Europe's Role

Making sense of the “Geopolitical Commission” Insights from the TRIGGER project

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Making sense of the “Geopolitical Commission” Insights from the TRIGGER project

1. Introduction

Since its inception in December 2019, the new European Commission was presented by its President Ursula von der Leyen as having a “geopolitical” nature. This seems to prelude to significant changes compared to the (merely) “political” Commission led by Jean-Claude Juncker between 2014 and 2019, let alone the more technocratic ones of the past. Among others, Blockmans and Gros (2019) observed that by adopting this epithet, the new President aims at restructuring the Commission so that it is “better equipped to tackle the global forces unleashed by a protectionist ‘America First’ policy and an increasingly assertive China”. Leonard (2019) observes that in order to fulfil this promise, the new Commission will have to behave proactively in areas such as climate policy and multilateralism, react to aggressive behaviour increasingly adopted by the United States and China, and become more coherent in integrating geopolitics with its economic interests. And indeed, the full quote from Von der Leyen’s inaugural speech implies that the President aims at a “geopolitical Commission committed to sustainable policies”; and at a Union that acts as “the guardian of multilateralism”.¹

However, the *début* of the “geopolitical” Commission in the real world has been far from triumphant. Even before the COVID-19 Pandemic disrupted the agenda of governments around the world, EU action suffered from hiccups both internally (with an endless *querelle* on the budget for the 2021-2027 period); and externally (e.g. on the opening of accession negotiations with North Macedonia and Albania; on the handling of migration at the border between Turkey and Greece; and on Libya²). The pandemic has then unveiled the lack of adequate governance and preparedness on the side of the EU, in a policy domain (healthcare) in which Member States still preserve an almost exclusive competence (Renda and Castro 2020). Faced with the need to take action swiftly to address both an unprecedented health emergency and the worst economic depression since World War II, European institutions (including the European Commission, the European Parliament, the Eurogroup, the European Central Bank) mobilised resources and created brand new structures (e.g. a new pan-European rescEU stockpiling of medical equipment³) and took action to ensure the availability of an estimated three trillion Euros of future financial instruments and aid to Member States, creating entirely new budget lines (e.g. SURE,

¹ European Commission, Press release of 10 September 2019, The von der Leyen Commission: for a Union that strives for more. At https://ec.europa.eu/commission/presscorner/detail/en/IP_19_5542

² Pascale Davies, *EU Divisions In Libya Leaves Space Wide Open For Turkey*, Forbes, 31 December 2019. At <https://www.forbes.com/sites/pascaledavies/2020/12/31/eu-divisions-in-libya-leaves-space-wide-open-for-turkey/#6a57c6d5716b>.

³ European Commission, Press release of 20 March 2020, COVID-19: Commission creates first ever rescEU stockpile of medical equipment. At https://ec.europa.eu/commission/presscorner/detail/en/ip_20_476

possibly a Recovery Fund) and modifying the European Stability Mechanism to remove conditionalities.⁴ In doing this, despite accusations of being too slow, EU institutions have shown their ability to strike a compromise between competing interests, in particular between Member States that were invoking solidarity (France, Spain, Italy above all) and those that expressed concerns, when not outright opposition, fearing the moral hazard of national governments when dealing with mutualised debt (Austria, Finland, Germany, the Netherlands).

EU's ability to act on the financial and economic side was not, however, matched by an equally effective set of instruments in the domain of science and health. Importantly, the Commission decided to set up an *ad hoc* Task Force on the COVID-19 crisis, which was chaired by President von der Leyen and included some of the most authoritative scientists in the field. At the same time, the role of the European Centre for Disease Prevention and Control (ECDC) appeared extremely weak. And all the other, pre-existing structures that had been set up to secure the availability of science and policy advice, from the Science Advice Mechanism to the European Group of Ethics in Science and Technology, and to the Joint Research Centre and the I.D.E.A. think tank, all failed to provide timely support to the decision-makers. In the debate on global health governance, the EU has been almost invisible, as the United States and China battle over whether the World Health Organisation has lived up to expectations, and whether it should be reformed.

This is, ultimately, far from surprising. As a global actor, the European Union features different levels of power and capability to act, depending on the policy domain. The peculiarity of the EU as an actor of global governance was vividly represented by Leibfried *et al.* (2009), who defined Europe as a “ship with a single hull but masted with national flags. Hull up, it appears to be supranational, but viewed from the opposite direction, from the masts down, it is an intergovernmental confederation of states”. As a matter of fact, the EU is a cathedral that appears different depending on the visual angle chosen by the observer. Especially when it comes to external action, discontent has emerged over the EU's inability to exercise power, in a world that increasingly features muscular power struggles, such as those fought by the United States and China, and many other countries along with them.⁵ Commentators keep blaming the EU for its insistence in treating different foreign policy domains as siloed, rather than as elements of a single strategy; whereas China and the US “think of power as a continuum that stretches from trade and currencies to technology, investment, migration and energy, and ends with aircraft carriers, missiles and indeed drone strikes”,⁶ such as the one that killed Iranian military leader Qasem

⁴ Conclusions of the President of the European Council following the video conference of the members of the European Council, 23 April 2020. At <https://www.consilium.europa.eu/en/press/press-releases/2020/04/23/conclusions-by-president-charles-michel-following-the-video-conference-with-members-of-the-european-council-on-23-april-2020/>

⁵ See Churchill Lecture by Prime Minister Mark Rutte, Europa Institute at the University of Zurich, Speech 13-02-2019, at <https://www.government.nl/documents/speeches/2019/02/13/churchill-lecture-by-prime-minister-mark-rutte-europa-institut-at-the-university-of-zurich>.

⁶ See Andreas Kluth, *The EU's Foreign Policy Is a Failure*, Bloomberg Opinion, at <https://www.bloomberg.com/opinion/articles/2020-01-06/the-european-union-s-foreign-policy-is-a-failure>.

Soleimani on Iraqi territory. At the same time, the EU is increasingly recognised as a norm leader in a variety of domains, leading academics to speak of a “Brussels effect”, with European rules spreading to many other countries in the world, setting standards and consolidating the so-called “normative power Europe” (Vogel 2010; Bradford 2019).

These “fifty shades of actorness” are not necessarily bad news: the EU project has progressed more quickly thanks to its flexibility, displaying greater progress in some areas as opposed to others. This is particularly visible in the case of differentiated integration, i.e. all those cases in which a subset of Member States participates in a given policy initiative. Giving countries the choice to opt out, either temporarily or permanently, from specific policy frameworks has allowed the EU project to advance, avoiding stalemate. At the same time, fragmentation in the Member States base can weaken the EU in its representation of European interests in the global arena. Similarly, whenever Member States choose to directly represent their interest in a global context (e.g. in the UN Security Council, but also in development aid), the ability of the EU to play a strong role might be jeopardised.

Against this background, strengthening the geopolitical vocation of the European Commission requires, above all, an observation of the policy domains in which Brussels can claim a greater level of actorness. As a matter of fact, this is what the Von der Leyen Commission seemed willing to do during its first 100 days, in particular in re-focusing its agenda towards “high actorness” areas like climate, digital and trade, and away from “lower actorness” areas such as the social and institutional domains (including healthcare and the rule of law), typically featured in the sustainable development goals. The prominence of the “twin transition”, represented by the launch of the European Green Deal and the adoption of ambitious communications on the Data Strategy and the White Paper on Artificial Intelligence, partly overshadowed the previous emphasis placed by the (late) Juncker Commission on the SDGs as the new “North Star” for both internal and external EU action.

All this is now history. The COVID-19 pandemic has wiped away whatever set of priorities the Von der Leyen Commission had set for its five-year mandate, catapulting the EU into a new state of emergency, faced with a set of “make or break” dossiers. The swift restoration of borders between Member States already sent a worrying signal, reinforced by worrying developments in Hungary and Poland, which makes it impossible for the Commission to turn its head, pretending not to see.⁷ The enhanced use of digital technology to track the contagion has cast dark shadows on the protection of privacy during and after the crisis, prompting the EU to act to at least try to coordinate Member States’ actions (Renda 2020b). And the debate over the Multiannual Financial Framework, still looming on the EU’s ability to support the economy in the coming, hard times, sends a very bad image of the EU’s chance to thrive in hard times. In a nutshell, if EU leaders

⁷ See “Hungary’s Orban Given Power to Rule By Decree With No End Date”, Foreign Policy, 31 March 2020. At <https://foreignpolicy.com/2020/03/31/hungarys-orban-given-power-to-rule-by-decree-with-no-end-date/>.

thought that Brexit was the greatest threat to the EU project, they have now come to discover many new perils on the road to a brighter, more cohesive future.

How can the EU react? The world has been turned upside down in just a few weeks, leaving both the home front and the global order severely affected. This, in turn, means that the whole European agenda may have to be re-directed, both to preserve prosperity in Europe and strengthen its role in global governance. This paper argues that the EU can work its way out of the crisis only if it makes wiser use of modern policymaking tools, which can inspire better governance choices. This applies both in foreign policy, which may require monitoring and lesson-drawing based on an observation of EU's actorness and effectiveness in various domains; and in internal policy decisions, which may require that the EU reaches out to citizens and civil society, with the desire to co-create the future economic, social and environmental policy of the world's most prosperous bloc. Some of the tools needed to make this progress are found in a large-scale project led by CEPS, called TRIGGER (Trends in Global Governance and Europe's Role). In particular, TRIGGER aims at deepening knowledge of the past, current and prospective actorness and effectiveness of the EU in various policy areas; enabling co-creation of policies with civil society; and developing a richer toolkit for EU policymakers, based on foresight, data science and an overall orientation towards sustainability. Section 1 below illustrates the TRIGGER conceptual framework for actorness and effectiveness, whereas Section 2 discusses the way in which TRIGGER can contribute to the shaping of future policies on both the internal and external action fronts. Section 3 concludes by briefly discussing possible options for Europe to strengthen its actorness going forward, also in light of the COVID-19 pandemic.

2. Defining and measuring EU's "actorness"

How can one judge whether the Commission is effectively pursuing its goals, both internally and from a geopolitical standpoint? Whether the effectiveness of EU institutions is increasing over time? Or, whether increased effectiveness makes the EU a stronger actor in the global arena? Academics have discussed these issues for decades, and the EU, with its peculiar multi-level governance, its variable geometries and ever-changing hierarchical power structure, has become the perfect reference for scholarly efforts to describe the evolution of the global order. Traditionally, political science has looked at "power" as the most relevant concept. The famous elaboration of Joseph Nye Jr. (1990), which differentiated between "hard" and "soft" power, clarified the current interpretation of the word "power" as a form of social influence, i.e. the ability to get others to do something they otherwise would not have done.⁸ Over the past two decades, scholars have refined these concepts by adding a third element, "smart power", which blends

⁸ Hard power typically refers to such ability when acquired through military means, whether soft power incorporates values and cultural aspects, which make one country a role model for others: in the words of Nye, it refers to the ability to obtain a result through "attraction rather than coercion and payment".

hard and soft power together, and implies a combination of strong military and alliances, partnerships, and institutions of all levels “to expand one's influence and establish legitimacy of one's action.”⁹ More recently, the interaction between powers like the US, Russia and China led the National Endowment for Democracy to coin yet another term, “sharp power”, to describe policies adopted by authoritarian governments as a projection of state power in democratic countries, mostly based on the manipulation of information (Walker and Ludwig 2017; Lucas 2020).

The notion of power and its articulation into hard and soft (and later smart and sharp) has also come with a degree of normativity and confusion.¹⁰ Importantly, the distinction between hard and soft power is not very helpful, and induced some commentators to erroneously consider the EU largely as a soft power.¹¹ As a matter of fact, the European Commission's power is not confined to cultural or moral examples, or even principles rooted in the Treaties or in secondary legislation. The EU can leverage its economic prosperity, primacy in development aid and trade relations as a “hard” tool, providing it with effective bargaining power that resembles, although with different features, the effectiveness and impact of military force. A number of recent publications have shed light on the rise of Europe as a global rule-maker (Bradford 2019; Kalff and Renda 2019). This is also associated with the decline of the United States as the leading country in the promotion of competitive markets (Philippon 2019), as well as with the erosion of American “soft power”, mostly as a result of the Trump administration's lack of enthusiasm for international cooperation (Nye Jr. 2019). The US retreat from multilateralism, with fading support for organisations such as the WTO and the IMF, is leaving an important trace on the ability of the world's first economy to lead by example and export its values to the rest of the world. As a matter of fact, the European Union today stands as the only global superpower that has the potential to credibly lead the world on key global issues such as sustainable development, global warming and the responsible use of digital technologies.

Against this background, the notion of “power”, as well as other concepts such as “agency”, “influence” and “legitimacy” have been used to analyse the EU's capability to act independently. The TRIGGER project, following a consolidated stream of literature, decided to focus on the least normative of these concepts, i.e. “actorness” as a necessary (but not sufficient) precondition for “effectiveness” in global governance. Actorness has been defined in various ways depending on

⁹ See “CSIS Commission on Smart Power: A Smarter, More Secure America”(PDF). Center for Strategic and International Studies. At https://csis-prod.s3.amazonaws.com/s3fs-public/legacy_files/files/media/csis/pubs/071106_csissmartpowerreport.pdf

¹⁰ For example, Dowding (2012) observes that the word power is at once a “predictive concept”, and a term having “ambiguous normative connotations”.

¹¹ See i.a. Abels et al. (2020). The European Commission itself went in this direction in a number of occasions, for example in the White Paper on the Future of Europe, in which it observed that “being a ‘soft power’ is no longer powerful enough when force can prevail over rules”, and thus advocating a more proactive behavior in security and defence. The European Parliament also observed in 2016 that it was time for the EU to couple its “unrivalled soft power with hard power” and argued to stronger and more coordinated security and defence capabilities.

the author and the policy domain.¹² TRIGGER therefore adopts a comprehensive definition of actorness (see figure 1), which is made dependent on a variety of internal and external factors. For what concerns internal factors:

- **Authority** refers to both legal personality and the competence to act, as provided to the EU by the Treaty and/or secondary legislation. This element is directly related to governance arrangements in the EU, and in particular to general constitutional aspects, as well as differentiated integration and multi-level governance in various policy areas. More specifically, Article 3(6) TEU establishes that the EU may act within the competences conferred on it via the Treaties in order to achieve its aims and enforce its principles; competences that are not conferred on the European Union explicitly continue to lie within the authority of the Member States (Art. 4(1) TEU).¹³
- **Autonomy** captures the availability of resources and capability to act. This aspect of actorness indirectly refers to the existence of a “capabilities-expectations gap” affecting the European Union (Hill 1993). Recent initiatives such as the EU’s *Global Strategy* (EUGS), the establishment of a permanent military headquarters for missions and operations (MPCC), the launch of Permanent Structured Cooperation (PeSCo), the creation of a European Defence Fund (EDF), the initiation of the Coordinated Annual Review on Defence (CARD), and the proposal by Emmanuel Macron to establish a European Intervention Initiative (EI2) all fall into a cluster of initiatives that could potentially reduce such gap, but are still in their infancy, and must be gauged against a general, very significant rise in on the expectations side of the equation (Martill and Sus 2019). The debate on the future Multiannual Financial Framework, especially for what concerns the sheer size of the budget and the allocation of budget resources to individual policy areas, is also related to the “capabilities” issue.
- **Cohesion** refers to the ability to “speak with one voice”. This, too, changes very significantly across policy areas. For example, Smith (2006) analyses the behaviour of the EU within the

¹² The explanatory variables of actorness have revolved around various theoretical concepts and notions, with frequent overlaps and overall, a certain confusion. Already in 1977, Sjöstedt introduced the concept of actorness as the “capacity to behave actively and deliberately in relation to other actors in the international system”: notably, this concept does not immediately entail the ability to influence others, or to impose one’s own agenda. Other authors, such as Hill (1993, 1998), Bretherton and Vogler (2005) and Jupille and Caporaso (1999), point at a number of determinants of actorness, such as internal cohesion, coherence (as coordination between EU policies), consistency between internal and external policies, capacity in terms of policy levers and resources, opportunities and presence in the international system, autonomy (including authority) and external recognition. Other authors (i.a. Kratochvil et al. 2011) highlight the internal and external factors that determine EU’s actorness. And more recently, Klose (2018) defines actorness in terms of role-playing, i.e. as “an entity’s capacity to re-imagine and realize roles for its ‘self’ in (specific contexts of) international affairs”.

¹³ Those competences for which the EU can exclusively conclude (binding) legislation are decided on in Article 3 of the TFEU and include: the customs union, establishing competition rules necessary for the functioning of the internal market, the monetary policy for Member States using the Euro, the conservation of marine biological resources under the Common fisheries policy, the common commercial policy, and lastly the conclusion of international agreements if provided for in a Union’s legislative act, if necessary to exercise its internal competences or if it could affect common rules. Within their shared competences, both the Member States and the European Union are allowed to conclude (binding) legislation and neither one of the two actors is privileged. The shared competences are listed in Article 4 of the TFEU: the internal market, certain aspects of social policy, economic, social and territorial cohesion, agriculture and fisheries (except conservation of marine biological resources), environment, consumer protection, transport, trans-European networks, energy, the area of freedom, security and justice, certain aspects of common safety concerns in public health matters, research, technological development and space, and finally development cooperation and humanitarian aid.

UN General Assembly Third Committee and the Commission on Human Rights, and finds that despite evidence of increasing EU ‘output’ at the UN since the early 1990s, “there are serious limits to EU unity posed by conflicting national interests and the persistent desire of Member States to act independently at the UN”; she adds that “the energy required to reach internal agreements restricts the EU’s influence within the wider UN system”. Burmester and Jankosky (2018) acknowledge the EU’s increased capacity to speak with a single voice in the UN General Assembly, but also provide insights on the estimated 5% of cases in which vote defection still exists. Delreux (2018) analyses EU’s cohesiveness in environmental policy, and relates it to actorness and effectiveness. He distinguishes between “speaking with a single voice” and speaking with a single mouth” as different modes of cohesiveness for the EU. The relationship between cohesion and actorness may be less intuitive that one would expect: for example, in environmental negotiations van Schaik (2013) observed that more EU unity can “invoke a negative reaction from negotiating partners”, since the “EU acting as a bloc may cause irritation” (van Schaik 2013: 192).

- **Credibility** and trust refer to the capacity to strive for goals and be reliable and trustworthy when it comes to agreements. This latter dimension has, in the TRIGGER formula, both an internal and an external dimension. The term is widely used in the EU Global Strategy, where the Commission observes that “consistently living up to our values will determine our external credibility and influence”; and that the EU’s credibility hinges on its unity, on its achievements, its enduring power of attraction, the effectiveness and consistency of its policies, and adherence to its values. A similar lack of cohesiveness is found in conflict zones, also due to the overlapping and often inconsistent interests of Member States, an issue that was recently addressed through the institution of an integrated approach to external conflict and crises which reportedly led to increased intra- and inter-service coherence of the different strands of EU crisis responses, but fell short of integrating the work of the political desks of the European External Action Service in its activities (Debuysere and Blockmans 2020).

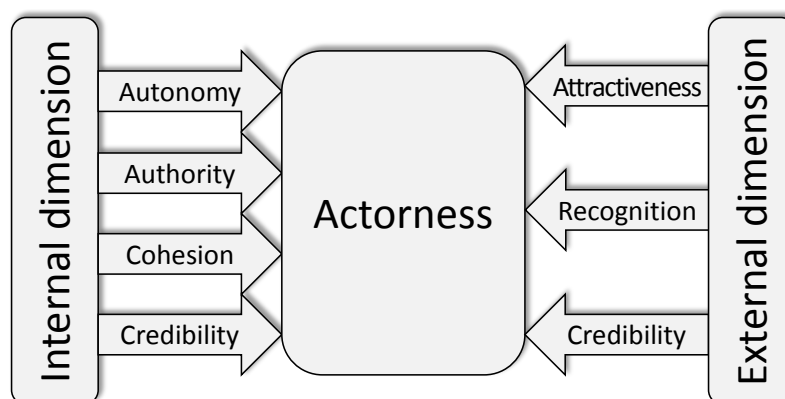
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For what concerns the external determinants of actorness:

- **Recognition** refers to the fact of being recognised as an actor and a legitimate negotiation partner by other actors in the international system. One could safely assume that being recognised as a legitimate partner at the negotiation table, or in the formulation of foreign policy is positively correlated with actorness. Sjørnsen (2019), among others, finds elements of increased recognition and legitimacy of the EU as a foreign policy player: at the same time, a trade-off has increasingly emerged over time between the expectations of stronger European actorness, and continues tensions with Member States’ desire to continue exercising national leadership (Aggestam and Johansson 2017).

- **Attractiveness** refers to the willingness of other parties to cooperate with the selected actor, and as such could be both related to hard and soft power.¹⁴ The sheer size of the Single Market (still the largest integrated economy in the world), the “Brussels effect” in global norm-setting and Europe’s ability to stand behind its values and principles all raise the attractiveness of the Union from an external perspective. One could add also that the ability of the EU to forge international coalitions and networks of like-minded countries further increases the attractiveness of the EU in the eyes of other international actors. Commonly used indices in this domain focus on foreign direct investment, Europe’s ability to foster entrepreneurship and attract talent, as well as Europe’s ability to comply with its obligations and commitments at the negotiation table. In this respect, attractiveness is clearly related to credibility, recognition, authority and cohesion.

Figure 1 – The TRIGGER conceptual model of actorness



Source: Elaboration based on Jacob et al. (2019)

The TRIGGER definition captures the major dimensions highlighted in the literature, avoiding the difficult and controversial conceptualisation of the actor’s power.¹⁵ The definition also contemplates possible overlaps and interdependencies between the various internal and external determinants. For example, authority and autonomy may often be correlated, since the existence

¹⁴ In particular, Abels et al. (2020) observe that “soft power is based on attraction”.

¹⁵ The notion of actorness per se was coined to reflect the specific condition of the European Union, which escapes the mechanistic application of concepts such as sovereignty, legitimacy, or power. Almost three decades ago, John Ruggie (1993) referred to the EU as a “collectivity acting as a singularity”, as well as a “multiperspectival” and “quasi-formed” polity. Since then many other authors have offered explanations and definitions, ranging from the EU as a new kind of state, as a non-state political system, as a new type of international organisation or as a traditional type of international organisation (Leruth and Lord 2017). The degree of complexity increases in other contributions: for example, Sergio Fabbrini (2015) sees in the EU the co-existence of different systems, including an economic Union, an intergovernmental Union, a parliamentary Union and a monetary Union, following either a Community method, or a Union method.

of specific EU competences in the Treaty typically triggers the allocation of funding in the EU budget; autonomy, at least for the part that refers to the capability to act, may be related also with cohesion; and cohesion may in turn be a determinant of credibility and trust. Similarly, for external factors, attractiveness is unlikely in the absence of recognition. At the same time, there are possible interlinkages between internal and external factors: opportunity may be weakened by the lack of capability to act, or the lack of autonomy. As a result, the proposed formula for actorness should not be taken as a sum of internal and external factors, but rather as a conceptual framework, which can help track the evolution of various determinants of actorness over time and, if consistently applied, lead to a meaningful comparison of actorness across policy areas.

The conceptual framework illustrated in this section can and should also be interpreted in a dynamic and relative way. As a matter of fact, actorness can change over time and is essentially a relational concept, in the sense that an actor does not exist in isolation, and actorness is never an absolute metric, but is rather dependent on the evolution of other players' actorness in the specific governance space. Likewise, actorness appears to be tightly linked to a two-dimensional set of variables: on the one hand, the expectations raised on the possibility frontier of EU action; on the other hand, the capacity and behaviour that the EU deploys in the policy space. As a result, as the expectations on the EU keep expanding, past strategies may not be considered sufficient, or adequate anymore, and the EU is called to adapt its conduct to the new reality, or new perceptions, of its potential as a global actor.

3. EU governance and actorness: exploring the links

Is the specific configuration of EU governance related to the level of actorness of the EU? And if this is true, does then the extreme variance in EU governance across policy areas lead to different capabilities of EU institutions in various domains? If these links, and their extent, could be demonstrated empirically, then EU policymakers would be able to rely on new insights when deciding over its options in public policy. Two aspects that are being explored by TRIGGER and are often prominent in the analysis of EU governance are differentiated integration and multi-level governance. Both are briefly discussed below.

3.1. Differentiated integration and actorness

Extensively studied and variously defined, differentiated integration refers to the variation in the validity of legal rules across EU member states (Schimmelfennig & Winzen, 2014). In reality, the concept is deeper than what results from the Treaties and secondary legislation, especially if one considers the different extents of implementation and enforcement of EU rules across the territory of Member States (Thomann 2015). In the attempt to establish a taxonomy of differentiated integration, Stubb (1996) distinguishes temporal differentiation approaches, leading to concepts

such as “Two- or Multi-speed Europe”; territorial differentiation approaches, which hint at “Core Europe” or “Concentric Circles” theories; and sectoral, domain-specific differentiation concepts such as “variable geometry” or “Europe à la carte” (Tocci 2014).

The EU and member states rely on differentiation as an instrument to manage and accommodate heterogeneous preferences, as well as a tool for the political management of the European integration (Schimmelfennig and Winzen 2017, Duttelle et al 2016).¹⁶ Additionally, differentiated integration has offered a way out from the deadlock for the EU and has given flexibility to member states to achieve their goals and economic gains. The cause for differentiation could be based on the willingness of the member states not attending certain policy areas and arrangement or it could be due to unwillingness of the Union or other fellow members not allowing deeper participation in a given scheme. As a result, the variety of possibilities offered by differentiated integration can be expected to exert a deep and pervasive impact on EU actorness. More specifically:

- **The extent of differentiated integration can affect the *authority* of the EU**, affecting the extent of the EU’s (legal) competence to act in a specific policy domain. In this respect, a trade-off can emerge between the benefits associated with grouping more homogeneous and positively motivated countries (i.e. the advantage of avoiding a situation in which each Member State has a veto power) with the loss in representativeness, and thus in legitimacy, caused by the lack of involvement of some of the Member States. For example, the competence of the EU to act in international monetary policy and strengthen the international role of the Euro may be affected by the “closed group” nature of the Eurozone, which only includes 19 of the 27 Member States. Abels et al. (2020) also observe that the internationalisation of the Euro is affected by the lack of depth in EU’s policy framework, including the need to complete the banking union, to make progress in advancing the EU capital markets union and in establishing a European safe asset; as well as in “Europe not speaking with one voice on international matters”. The same could be said for security and

¹⁶ The general concept of differentiation appeared for the first time in the primary Community law in 1986, as stated in Article 8c of the Single European Act (now Article 27 TFEU), which states that when drawing up its proposals with a view to achieving the objectives set out in Article 7a (now Article 26 TFEU), “the Commission shall take into account the extent of the effort that certain economies showing differences in development will have to sustain for the establishment of the internal market and it may propose appropriate provisions”. The article also clarifies that “[i]f these provisions take the form of derogations, they must be of a temporary nature and must cause the least possible disturbance to the functioning of the internal market”. Later, in 1997, the Amsterdam Treaty incorporated a form of Differentiated integration by introducing the “enhanced co-operation procedure”; since then, exemptions to new treaties have proliferated. The literature on differentiated integration has then ventured into a wide variety of definitions and interpretation, which go way beyond the need to accommodate different levels of development across Member States (Wallace and Ridley 1985). Accounts of flexibility, à la carte integration, variable geometry, multi-speed or two-tier Europe abound in the literature, without offering a widely acknowledged framework for analysis. Visions of a Europe “à la carte” appear however too extreme, since Member States are bound by their mutual commitments within a still largely inter-governmental system (Benes and Braun 2014). Leruth and Lord (2015) observe that “more than half of EU policies are now implemented in different ways”. And Fossum (2015) observes that the EU combines accelerated integration, outright disintegration and greater differentiation depending on the actors and the policy areas. Another stream of literature relies on complexity theory and looks at the EU essentially as a club, with EU institutions as chiefly in charge of providing club goods such as the four freedoms, peace and stability to its members (Pelle et al. 2019): club theory (Buchanan 1965), coupled with transaction-cost theory (Dixit 1996) and venue-shopping theory (Baumgartner and Jones 1993; Pralle 2003) are consistent with a representation of the EU as a living laboratory in which several arrangements are possible, and initiatives are often undertaken by actors other than Member States (Gaisbauer 2010).

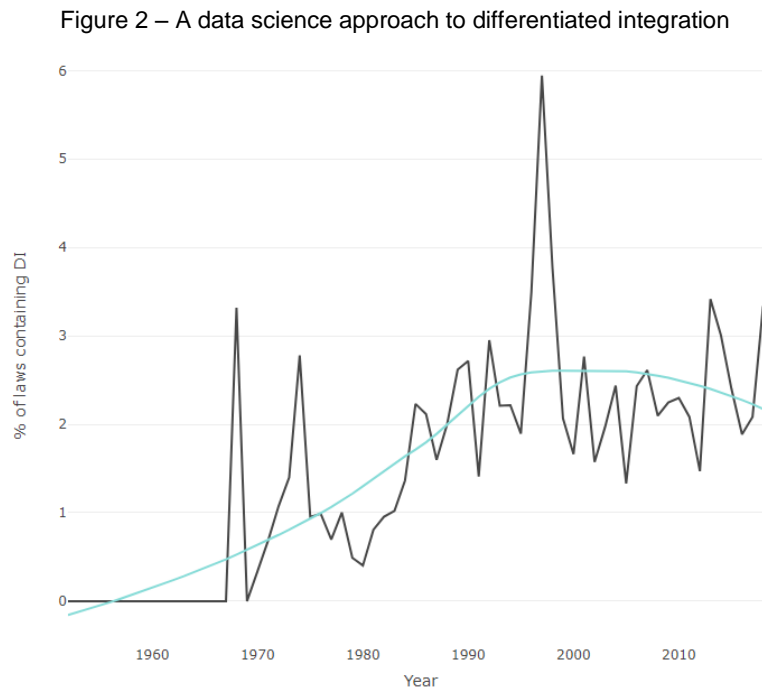
defence, where the Permanent Structured Cooperation (PeSCo) succeeded in bringing 25 Member States into a closer cooperation framework and process to deepen defence cooperation (Blockmans, 2014). PeSCo is seen as an expression of the EU's necessity for strategic actorness, and as a way for Europe to venture into the development of "hard power", as a necessary complement to its more developed forms of power.

- **Differentiated integration also inevitably impacts *autonomy***, not necessarily in terms of available resources, but certainly in terms of capability to act. As a matter of fact, the impact can be both positive and negative: on the one hand, the possibility to move forward with a more in-depth cooperation between a smaller group of Member States can enhance the EU's possibility frontier, but at the same time reduces the ability of the EU to set internal and external standards that are backed by the full cohort of members.
- **The impact of differentiated integration on *cohesion* is also self-evident**: in policy areas with full integration, the level of cohesion is expected to be greater as Member States would be able to "speak with one voice". However, this voice may be less loud than in cases of lower integration, but this would not affect directly cohesion.
- **The direction of the impact of differentiated integration on *credibility and trust* is more ambiguous**. More specifically, the impact may be positive since differentiated integration weakens the "exit" option by providing more flexibility to the Member States, and possibly provides for a gradual opt-in of all Member States into an initial multi-speed scheme (e.g. PeSCo). At the same time, the level of trust between Member States, as well as the trust expressed by non-EU actors may be diluted whenever the EU acts in representation of a subset of the Member States: this possibly reverberates on the trust expressed in the EU as an actor in international agreements (e.g. trade agreements as opposed to the UN global Compact for Migration).

Differentiated integration, at the same time, may exert a clear impact on actorness through external determinants, since the EU may be seen in different ways depending on its level of integration and cohesion. *Recognition* may be affected by differentiated integration since the EU may be perceived as a more or less legitimate actor and negotiation partner, depending on the existence of differentiation. Similarly, the *attractiveness* of the EU as a negotiation partner may be weaker in cases of extensive disintegration, and the ability of the EU to express both hard and soft power is likely to be undermined by the existence of a group of Member States that do not participate in the relevant deeper integration schemes.¹⁷

¹⁷ Importantly, differentiated integration has an additional external dimension, which relates to the existence of countries that follow the EU acquis in specific policy areas. This sometimes happens spontaneously: for example, Norway self-applies 75% of the EU acquis; and the incorporation of EU rules in Switzerland has been a steady characteristic since the 1990s, either based on 'autonomous adaptation' or the implementation of bilateral sectoral agreements (Jenni 2016). In other circumstances, this occurs as part of ad hoc negotiations (e.g. accession, or neighbourhood policy agreements), or implicitly through the export of EU standards (e.g. GDPR, which spread as a model in countries like Brazil and Hong Kong, and in US States like California). Smith (1996) argues that the EU external influence is shaped by its ability to give outsiders access to its internal policies; but Gstöhl (2015) observes that

Needless to say, differentiated integration changes not only across policy areas, but also over time. TRIGGER researchers (Ahmad et al. 2019) used data science to map the evolution of differentiation over time, as shown in Figure 2 below. In the coming months, the TRIGGER project will release an analysis of the evolution of differentiated integration per policy area, which can further lead to findings as regards the impact that changes in differentiated integration have had on the estimated level of actorness of the European Union.



Source: Ahmad et al. (2019), TRIGGER project

3.2. Multi-level governance and actorness

The EU appears as a multi-faceted entity not only when looked at from the perspective of differentiated integration, but also from that of the attribution of competences between different levels of government. This attribution, traditionally governed by the Treaty-based principle of subsidiarity, is indeed often shifting upwards and downwards due to the evolution of preferences within the EU polity. Most recently, it is also increasingly shifting “sideways”, through new institutional solutions such as agencification and the creation of inter-governmental coalitions backing EU policies.¹⁸ Multi-level governance, following Renda (2020a), follows various trends in different policy areas, sometimes leading to more centralisation (“up”), sometimes to stronger

the extra-territorial application of EU policy is itself highly differentiated in the political and institutional relationships it entails between ‘policy-makers’ within the Union and ‘policy-takers’ outside it. Past literature has shown, in this respect, that the stronger the interdependence and the higher the bargaining power of the EU in a given policy field, the more likely it is that a non-member state will adopt a rule (Schimmelfennig and Lavenex, 2009). Similarly, the financial incentives entailed by the negotiation seem to affect the likelihood that the European Commission gives ownership to the countries and buys reforms from neighbouring governments (Bossuyt et al., 2017; see also Börzel and van Hüllen, 2014).

¹⁸ Renda (2020a) analyses these trends by providing several examples.

competences at the national and subnational level (“down”), and sometimes through the creation of dedicated bodies or the selection of hybrid governance modes, which attempt to reconcile the interests of different levels of government by either creating joint agencies between EU and Member States, or engaging in co-regulatory schemes (“sideways”). More specifically:

- **A number of “upward” trends** have led to an increase in the competences and influence of EU institutions, and in particular of EU law over national legal frameworks¹⁹. Some of these trends have implied a transition from the use of directives to that of directly binding regulations, e.g. in fields such as data protection, market abuse, short selling, medical devices and many more. There also seems to be a tendency to move up from inter-governmental solutions to supranational ones in a step-by-step fashion. Policy areas slowly, but steadily move towards pan-European, federalist solutions: each move seems to require a crisis, or at least a major problem, before further reform reaches sufficient momentum.²⁰ It is likely that the COVID-19 crisis leads to some upward trends in the governance of healthcare; so far, it already led to agreement on the first issuance of Eurobonds.
- **At the same time, there are also “downward” tendencies**, moving the EU towards the attribution of competences to the national and local level. The practice of ‘re-nationalising’ the Schengen policy space, even before the COVID-19 pandemic, drew heavy criticism from the European Commission; more generally, during the Juncker Commission a downward emerged, due to the narrowing down of the EU agenda triggered by the “ten priorities” set by the President.²¹
- The difficulty in coordinating regulatory action across levels of government in key policy domains such as financial services, network industries, consumer redress, chemicals and healthcare has led to a **blossoming process of “agencification”**, which ultimately bypassed multi-level governance and the thicket of implementing and delegated acts, empowering newly created EU institution with direct regulatory powers, partly disregarding the original limits posed by the *Meroni* doctrine²². The transition towards a more agency-led

¹⁹ Some of them are relatively consolidated, such as the gradual convergence of competition rules after Regulation 1/2003 (with the creation of the European Competition Network); the gradual shift from minimum to maximum harmonization in a number of fields, including in products liability (Directive 85/374), unfair commercial practices (2005/29), packaged travel and linked travel arrangements (2015/2302), timeshare (2008/122), consumer rights (2011/83), and lately the proposed Directives on Consumer Sale of Goods and the Supply of digital content to consumers).

²⁰ Notable examples are the creation of a common European Coast Guard and the Single Resolution Board. Among these upwards trends are also the growing use of conditionalities to steer multi-level instruments towards more coordinated, EU-relevant goals. For example, in cohesion policy the economic crisis of the late 2000s led to an increased use of conditionalities applied to Cohesion Policy; and later to the European Semester. Macroeconomic conditionality, which means the possibility to suspend EU funds if member states run unbalanced economic policies, applied only to the Cohesion Fund, and had never been used in practice until 2012. There was no direct link between national Cohesion Policy strategies and member states’ reform programmes (Berkowitz et al., 2015). The current legal framework envisages partial or total suspension of ESIF in case of failure by a member state to comply with one of the EU’s economic governance procedures, namely the Excessive Deficit Procedure and the Macroeconomic Imbalance Procedure. These are the surveillance procedures for the fiscal and macroeconomic policies, respectively.

²¹ One key example is that of mandatory country-of-origin labeling (COOL) of food products, an area in which since 2012 EU countries have been actively introducing national measures. Similar fragmentation tendencies were found in adjacent areas such as the smoke flavoring regulation, and more generally during the ongoing debate on the reform of the Common Agricultural Policy.

²² Trondal and Jeppesen (2008) distinguish three waves of agency formation at the EU level: an initial one in 1975, a second one from 1990 to 1999, and a third one from 2000 onwards, leading to the creation of 36 so-called decentralized or regulatory EU agencies

regulatory structure critically transforms EU's multilevel governance structure, leading an "ongoing supra-nationalization of executive power in the EU", as well as "a move from a multilevel polity basically based on indirect administration towards a polity characterized by somewhat more direct administration" (Egeberg and Trondal 2015). The picture is complicated by the fact that EU agencies have different extents of participation of Member States, and different modes of interaction with non-EU countries (for example, Norway participates actively in 28 EU agencies). This comes with possible risks for the legitimacy and democratic stability of the Union, possibly complicating accountability relations, also due to the "double-hatted" nature of EU agencies, with varying links to the European Commission and Member States. At the same time, agencification clearly responds to the need for a more coherent, integrated and rational approach to regulation in specific policy fields, as well as the efficient pooling of administrative resources (Levi Faur 2011)²³.

- **Agencification is not the only trend that brings EU multi-level governance "sideways".** In some controversial and fast-changing policy areas the European Commission has adopted a new style of policymaking, which involved the appointment of multi-stakeholder reflection groups in charge of setting the agenda for the whole Union. Recent cases relate to areas such as fake news and disinformation; artificial intelligence; Internet governance; liability and emerging technologies; the impact of the digital transformation on jobs. Moreover, the adoption of the "Team Europe" approach during the COVID-19 crisis can be seen as a "sideways" solutions, since it draws contributions from EU institutions combined with resources mobilised by EU Member States and financial institutions.²⁴
- In addition, the landscape of EU multi-level governance becomes even more complex if one adds that, for each level of governance, **private regulatory schemes are often available**, even stepping into the agenda-setting function (e.g. ICANN, the GRI), or simply focusing on implementation (e.g. most ISO standards; EASA) or compliance with a limited set of principle of good practice (e.g. GlobalGAP, GFSI, see Cafaggi and Renda 2012; 2014). At each phase of the life of a given legal rule, the private regulatory option might possibly represent an alternative to centralizing or decentralizing the performance of that specific policy function. Endorsement of an international standards, for example, might represent an important step in the implementation phase, and have important consequences for the monitoring of compliance. In some cases, enforcement and compliance monitoring are delegated to the

and 6 executive agencies. 13 of the current 36 agencies were founded in the last 8 years, while others like Frontex or Europol have seen their budget and tasks rapidly expand. The Commission is also planning on creating a number of new agencies in the coming years: in March 2018, for example, it published a proposal for a regulation establishing a European Labour Authority. Egeberg (2016) argues that the "agency fever" at EU level may have potentially "huge consequences for the distribution of power across levels of government, for the degree of policy uniformity and pooling of administrative resources across countries, for the role of genuinely European perspectives in the policy process, and for accountability relations"

²³ Different debates on the significance of EU agencies have emerged, mainly centred on the motivations behind their design, the level of political independence, their organizational autonomy, and the different mechanisms of accountability they convey.

²⁴ See Joint Communication on the Global EU response to COVID-19, Brussels, 8.4.2020 JOIN(2020) 11 final.

private sector, as e.g. in the case of the Codes of Conduct on online advertising managed by EASA in Europe (see below).

There are at least three different ways of looking at the evolution of multi-level governance in the EU. The first is through the lens of subsidiarity, which may lead to shifts in governance due to changing circumstances, or as a result of policy learning.²⁵ A second way is through the lens of experimentation, in which shifts in governance are seen in a “trial and error” context, gradually leading to adjustments and, ultimately, learning.²⁶ Finally, and perhaps more intuitively, the evolution of EU multi-level governance can be seen as characterised as a quasi-polycentric context, with weak top-down legitimacy, ultimately resulting in reiterated attempts to impose uniform solutions, which backfire whenever national governments feel too constrained in their ability to determine their own rules and standards.²⁷

Measuring the impact of multi-level governance arrangements on EU actorness is far from easy. In principle, one is tempted to infer that greater centralisation of powers in the hands of EU institutions may result in enhanced actorness. However, the picture is likely to prove more complex. More specifically, while greater attribution of competences to the EU level is likely to increase EU’s **authority**, and the same can be said for **autonomy**, the impact of multi-level governance arrangements on **cohesion**, as well as on **credibility and trust** is likely to be more mixed. As a matter of fact, depending on the circumstances a more diffuse implementation and enforcement of EU rules can generate greater cohesion if adequately designed, increasing the sense of ownership of national and local institutions, and portraying a more credible and trustworthy behaviour by the EU institutions.²⁸

Similarly, while the centralisation of agenda-setting and rulemaking activities in the hands of EU institutions would likely strengthen EU actorness, the lack of mutual learning across Member States may reduce the attractiveness of the EU as a laboratory of regulatory solutions; whereas

²⁵ One possibility is that the EU has over time sought excessive centralization in a number of policy domains, thereby triggering a reaction (i.e. more decentralization, or centrifugal forces), which eventually resulted either in fragmentation, or in various forms of sideways initiatives such as agencification, or reliance on the private sector to set common rules or standards for the single market. The fact that centralization can be excessive does not necessarily imply that the Commission has improperly assessed the optimal level of governance required to address a given problem: it may be that the lens through which EU institutions look at governance (e.g. through economic efficiency arguments) are different from the ones used by Member States (e.g. through sovereignty and self-determination). All in all, this interpretive framework, especially if rooted in the diversity of incentives and perceptions between different levels of government, would point at a perpetual move up, down and sideways: a slowly evolving, constantly and dynamically interacting polity, perhaps leading to greater cohesion over time, but with no pre-determined direction.

²⁶ Such a large-scale institutional experimentation obviously leads to various trends and directions for different policy areas, and the tools available to EU institutions should, over time, trigger the learning process that should lead to selecting optimal, tailored policy solutions for each specific domain. This process, however aimed towards a gradual improvement, may also prove cumbersome and unable to reflect the evolution of the external environment, which poses new challenges and opportunities to EU institutions (e.g. changes in the global order, the deterioration of global governance over the past few years, the emergence of global competition over digital technologies, the distributional impacts of climate change and related policies, etc.).

²⁷ In such context, Member States participate in the EU project by gauging on a case-by-case basis whether their individual benefits (rather than the collective ones generated by the Union) are greater than the political and economic costs. In addition, Member States also participate through a system of reciprocal concessions, which ultimately expands the remit of the Union, but requires trust among the individual actors composing the system to move forward.

²⁸ One example, in this respect, was the lack of adequate translation of Europe 2020 targets at the regional and local level, which reportedly weakened the ownership of the targets at the local level, and thereby the overall credibility of the strategy’s implementation.

the involvement of the private sector in different phases of the policy cycle may enhance the recognition of EU solutions at the global level. For example, the fact that global corporations are increasingly inspired by the EU guidelines for trustworthy Artificial Intelligence, as well as directly adopting the EU guidelines on non-financial reporting as part of their global corporate social responsibility increases the recognition of the EU as an actor capable of shaping global policy solutions.

Against this background, the TRIGGER project is leading to the development of new datasets on multi-level governance, in particular for what concerns the agencification process, the involvement of non-state actors in the policy cycle, and the creation of high-level groups in support of EU policymaking. In addition, TRIGGER maps the attribution of competences across levels of government and phases of the policy cycle, thanks to our exploration of the Eurlex dataset.

3.3. From actorness to effectiveness (and back)

One of the advantages of using actorness *in lieu* of other concepts such as power is the possibility to decouple the extent of actorness and the actual achievement of policy goals by the actor itself. This requires that, once the actor is defined in the specific governance context (which may well depend on the policy area), the specific behaviour and strategic choices of the actor are analysed, as well as the goals of the actor in the specific context. The extent to which goals are attained in the specific policy context can then be defined as the “effectiveness” of the actor, which thus depend on factors such as actorness, strategy, and external constraints (e.g. other actors’ strategies).²⁹

Understandably, the extent to which an actor can achieve its goals depends on how other actors behave, as well as their level of actorness. Accordingly, in the TRIGGER “deep dives” (on the SDGs, climate change, development aid and digital policy) the relative strength of other actors, and the strategies and priorities of such actors, are mapped as well. Depending on the policy areas, several institutions of public and private nature can be defined as actors, and thus able to exert an influence over the outcome of key decisionmaking processes. These actors include international organisations; supranational institutions; associations of states; states (governments, parliaments, agencies) inside and outside of the EU; sub-national governments; trans-national private regulators; non-state actors, such as non-governmental organisations and civil society organisations; and private corporations.

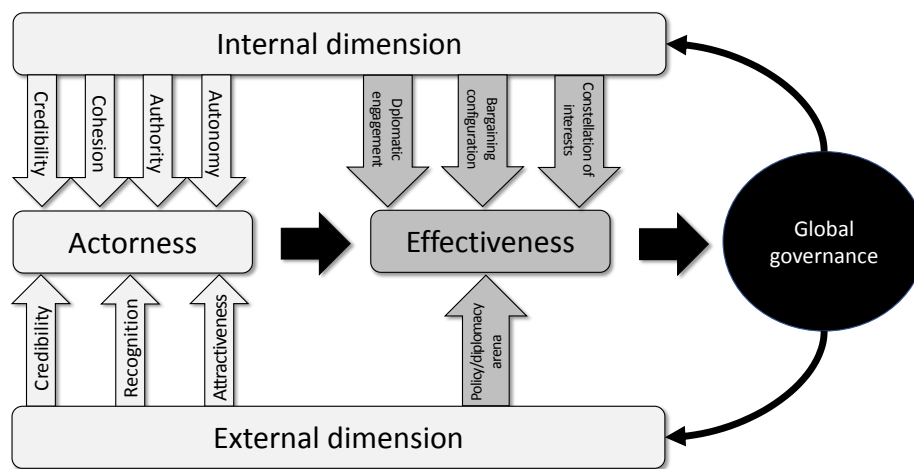
²⁹ Against this background, our formula for actorness combines many streams of literature, and resonates with the recent reflection by the originator of the concept of actorness, Gunnar Sjöstedt. In a recent publication, Rhinard and Sjöstedt (2019) highlight the need for a better understanding of the dynamics that lead to the evolution of actorness over time, and in particular the impact of the EU in various fields, which in turn feeds back into the perception of the EU as a global actor. Their call for including impacts and feedback loops in the understanding of actorness shows an increased interest to wards analysing the dynamic aspects of actorness, and its evolution over time. In the TRIGGER project, we seek to achieve this goal by incorporating in our analysis a measurement of the effectiveness of the EU action in a variety of policy areas.

Within this often very crowded space, measuring effectiveness is very often a difficult exercise. As recalled by Guske and Jacob (2019), most scholars of EU studies focus on ‘goal attainment’ and/or ‘problem-solving’ to measure EU effectiveness. TRIGGER analyses EU effectiveness particularly in the context of international negotiation processes. Scholars have developed a model for explaining the EU’s “goal achievement” (effectiveness) in the international negotiations. For example, Oberthür and Groen (2018) suggest four categories of factors to explain effectiveness. These factors include (i) the international context which looks into the power and international constellation of interests (ii) the process of international negotiations (iii) internal EU politics e.g. internal interests, unity and domestic legislations and (iv) negotiation strategies and diplomacy.³⁰ Moreover, Peters (2016) considers effectiveness as best measured according to the quality of a given policy, such as performance and success, and should be operationalised in a way that allows for a differentiated measurement. An actor remains an actor, even if it may not be effective, and the quality of actorness, in essence, is the independent variable for effectiveness. He further suggests three dimensions for the evaluation of EU policy effectiveness, parallel to the steps of a policy cycle model. These are output effectiveness, outcome effectiveness, and impact effectiveness.

Figure 3 below describes our approach more in detail, showing the inter-linkages between the various phases of the analysis. Actorness is then included in a constant learning cycle, which expresses itself through a number of recurring phases of negotiation and decisionmaking. For each strategic decision, a problem definition phase and a strategy definition phase lead to results, divided (following Peters 2016) into input, output, and outcome effectiveness. The latter affects directly, via feedback loops, the authority, credibility, recognition and attractiveness of the actor at hand. Output effectiveness can affect directly the opportunity space, as the concrete output of the policy actions emerge as a result of the interaction with other actors’ strategies, and within the constraints of the specific decisionmaking or negotiation setting. In our model, as shown in the figure, we are also able to capture feedback loops, as evoked by Rhinard and Sjöstedt (2019), i.e. the “rebound” effect of effectiveness on actorness.

³⁰ In a later work, Groen tests this model on the Convention on Biological Diversity and she insists particularly on the importance of diplomatic engagement, issue specific bargaining power and constellations of interest.

Figure 3 – Actorness and effectiveness in TRIGGER



Source: Jacob et al. (2019)

4. Actorness as ultimate policy goal: a new toolkit

Do actorness and effectiveness offer a suitable framework for guiding policymaking at the EU level? One could argue that the ultimate goal of EU institutions, especially the European Commission as “guardian of the Treaty”, is to foster the continuation and consolidation of the EU project, beyond the details of individual policy actions. This may call for setting EU actorness as a prominent, salient policy goal when crafting new policy, be that internal public policy of the Union, or external action. And relatedly, to focus on the effectiveness of the EU in pursuing its goals, also since this, through feedback loops, will positively reverberate on EU’s actorness in the future. Adopting such a set of goals and objectives has the advantage of being neutral with respect to the overall goal of the policymaker: should the EU decide to focus on eradicating poverty or saving democracy, increasing GDP or ending war, actorness and effectiveness will remain valid objectives in the pursuit of the EU project. After all, it bears recalling that the objectives of the Union have been gradually updated and upgraded over time, gradually moving towards sustainable development and a more assertive role of the EU in its external action. Along with the overarching objective of promoting peace, follow the EU’s values and improve the wellbeing of nations, the Amsterdam Treaty set the goal of promoting economic and social progress which is balanced and sustainable; asserting the EU’s identity on the international scene; protecting the rights and interests of its citizens; developing stronger cooperation on justice and home affairs; and pursuing the effectiveness of the implementation of the *acquis communautaire*.

All this is reflected also in the EU better regulation agenda, the overall guiding framework adopted by the EU for the introduction of new policies. When designing new rules, the European

Commission (and also the Parliament and the Council, based on the Inter-institutional Agreement on Better Lawmaking) should identify the general objectives, alongside with the specific and operational objectives of the policy at hand. General objectives are normally related to the EU Treaties and the overall mission of the EU; and even if not explicitly related to EU actorness, they are often associated with individual component of actorness, such as cohesion. And depending on the circumstances, general objectives refer to those values that are thought to be essential for the EU to further its mission and enhance its credibility. A more explicit adoption of an actorness framework in public policy would prompt the Commission with an interesting, additional set of questions, such as whether more centralisation, or less differentiation, are always positively contributing to EU's actorness.

If actorness were adopted as the ultimate goal of the EU project, then a key question would emerge for EU policymakers in the field of better regulation: whether adopting a cost-benefit-analysis framework, as is currently done, remains an appropriate choice. As a matter of fact, pursuing the general objectives of the Union may not always be aligned with what cost-benefit analysis would recommend as the preferred policy option (Renda 2011; 2019).³¹ A discussion has emerged, in this respect, on the merit of shifting the focus of better regulation tools used at the EU level from a neoclassical cost-benefit analysis framework, towards multi-criteria analysis, in particular inspired by the need to achieve the Sustainable Development Goals. This discussion is also echoed by developments in the literature, which increasingly looks at alternative paradigms for measuring and advancing social welfare (Adler 2019).

Should the EU decide to pursue the SDGs through its better regulation agenda, this would almost automatically lead it to pursue greater EU actorness. As a matter of fact, the Juncker Commission has at least announced its intention to mainstream sustainable development in its policies and has followed suit by adopting several framework interventions such as the European Pillar of Social Rights, the new European Consensus on Development, the Trade for All Strategy, a Strategic Engagement for Gender Equality, the European Education Area and many more. The von der Leyen Commission, as already recalled, maintained its commitment towards the SDGs in external action and in the Semester, and focused its actions on the Green Deal and the digital transition at the EU level (at least before the COVID-19 pandemic). As a result, in broad terms, it is possible to argue that **the alignment of better regulation with the SDGs would also increase the alignment between the Commission's daily policymaking and the fostering of EU actorness.**

However, to the extent that actorness requires resources and capability to act, its effective pursuit is increasingly at risk, especially in those areas where developments are fast and unpredictable.

³¹ Even if the European Commission publicly states that not all impacts should be monetised, the analysis of alternative policy options is essentially conducted under a cost-benefit framework, and options that clearly have negative net benefits can be discarded early on. See Toolbox page 105. It may already be possible to show that some options would incontrovertibly achieve a worse cost-benefit balance than some alternatives.

These include, *i.a.*, foreign policy and digital technologies, as well as their combination (cyber-diplomacy). There, a debate has emerged on the need for more agile and shared regulatory tools, to address a number of emerging problems in regulation, including the so-called “pacing problem”, which refers to the acceleration of technological change compared to the slowness of traditional regulatory processes; and the debate on behavioural aspects of regulation, which increasingly shows that social acceptance and even co-creating solutions with regulated entities are essential ways to maximise effectiveness. Scholars have discussed possible new approaches, from so-called “anticipatory policymaking” (Armstrong and Rae 2017) to planned adaptive regulation (Benneer and Wiener 2019); as well as a tendency towards the use of foresight in policymaking, alongside with the development of collaborative or wiki-style platforms for the co-creation of policy solutions.

A good way to analyse policymakers’ needs when performing the analysis, design and implementation of policies is to look at the policy cycle that they follow in the different types of functions that they play. In doing this, we distinguish between two different types of activities: the regular lawmaking activity, which most often results in legislative and regulatory intervention; and strategic decisionmaking that takes place in foreign policy, including security and defence.

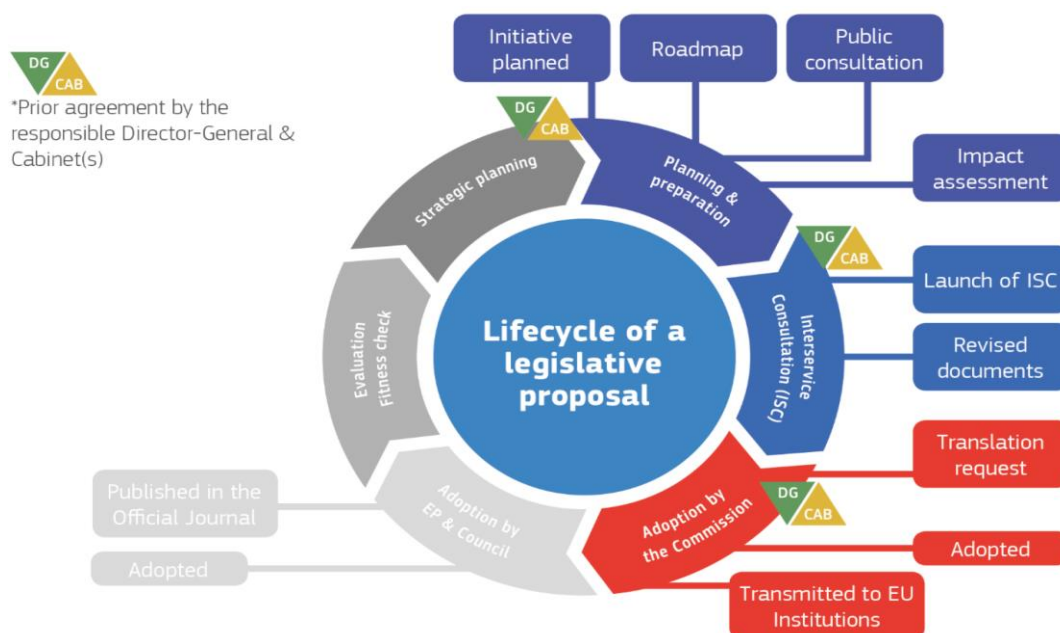
4.1. PERSEUS: supporting the “policy cycle” in lawmaking

In lawmaking and regulation, the EU has adopted a streamlined policy cycle, described in detail in the better regulation guidelines and toolbox, as well as in the working methods of the European Commission and in the Inter-Institutional Agreement on Better Lawmaking.³² All new major legislative and regulatory initiatives are analysed *ex ante*, typically with the help of stakeholder consultation and the performance of impact assessments (see figure 4). The impact assessments are subject to the analysis of the Regulatory Scrutiny Board, an oversight body in charge of reviewing the quality of the analysis backing the proposal, and its correspondence with the better regulation principles, guidelines and toolbox. After the RSB has reviewed the proposal and obtained the requested changes to the impact assessment, the next phases are inter-service consultation, translation and adoption. The proposal then proceeds to the European Parliament and the Council for the continuation of the ordinary legislative procedure, which typically requires at least a first reading, but often also a second reading or a trilogue between the three institutions. Once the proposal is adopted and is published in the Official Journal, it will have to be transposed into national legislation, and will then be implemented and enforced. During the implementation phase of the proposal, the policymakers also typically carry out monitoring through data collection and *ad hoc* indicators, and an ex post evaluation after a few years (typically, five years) from the entry into force of the law. The ex post evaluation then may lead to the beginning of a new cycle.

³² See The Working Methods of the von der Leyen Commission, Responsibilities, structure and organisation of the Commission (2019-2024). At https://ec.europa.eu/info/working-methods-von-der-leyen-commission_en.

This constant cycle is aimed at triggering learning on the side of policymakers, but also takes time.

Figure 4 – Lifecycle of a legislative proposal in the Working Methods of the European Commission



Source: European Commission

Two main needs are emerging in this domain, which TRIGGER may contribute to addressing. First, policymakers increasingly need information and data, as quickly as possible, in order to prepare, design, assess and later monitor the impact of their proposals. As a matter of fact, impact assessment is an exercise in rational policymaking: the greater the amount of data and information available, the better the resulting decision in policy.

TRIGGER aims to make available to the policymaker an unprecedented amount of data and information of different types, for different uses. These include:

- *Data on global governance indicators.* These may be useful when preparing new legislation, in order to access international comparisons, or measuring the performance of European countries on specific indicators. PERSEUS offers these data as part of the AGGREGATOR database, which upgrades and expands and upgrades the GlobalStat database developed by researchers at the EUI and OECD.³³ Depending on the policy domain affected by the proposal, policymakers can more easily build their description of the baseline by having easy

³³ <https://globalstat.eu>.

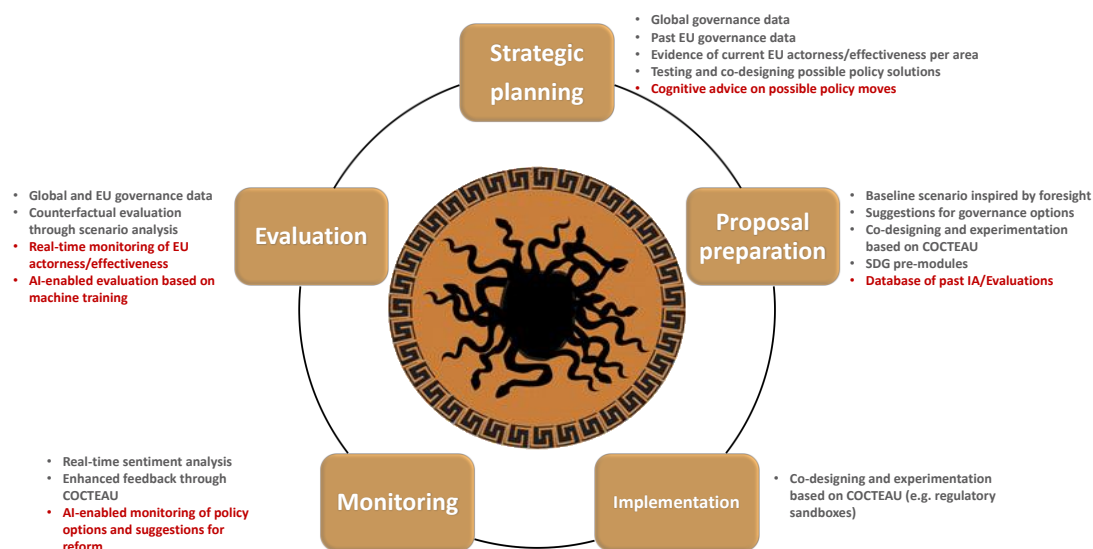
access to official data. These data are, of course, also very useful during monitoring and ex post evaluation of legislation, as indicators can directly reveal the changes that occurred after a given initiative entered into force.

- *Information on global governance arrangements.* When relevant, PERSEUS aims at offering access to information on existing global governance arrangements in specific fields, including international agreements and institutions active in the field, key international regulatory cooperation initiatives, standards and private regulatory schemes. All this information is useful in the description of the *status quo*, and also in carrying out prospective counterfactual analysis.
- *Data on existing EU governance arrangements per policy area.* Understanding the current governance arrangements in place in Europe for given policy areas is not an easy task, even if civil servants in charge of carrying out impact assessment are normally experts in their specific domain. Moreover, in a number of cases policymakers deal with more than one policy domain at the time, or work on cross-cutting policy areas that require broader knowledge. PERSEUS will offer, through the integration of the AGGREGATOR database, new information on differentiated integration and multi-level governance per policy area and even specific keywords. Knowing the current state of governance in various policy areas can save time and resources for an administration.
- *Data on secondary legislation and policy initiatives.* In many governments around the world, awareness of the legislation in force is very low. In Europe, a comprehensive portal called EUR-lex has been made publicly available. TRIGGER researchers have now developed a “CEPS EurLex” database, which was made fully searchable, and also offers many browsing opportunities, catering to different needs of policymakers at the moment of preparing new legislation. The CEPS EurLex database also contains very important documents, such as past impact assessments and evaluation documents, as well as accompanying documents such as Staff Working Papers, which very often provide precious additional information on the rationale, the intervention logic, past data used to compute specific impacts, and much more. By offering this functionality as integrated with other modules, such as information on governance arrangements can improve the information set available to civil servants, thereby contributing to the speed and quality of legislative proposals. Compared to the remarkable EUR-lex portal, already well suited for small-scale searches, the CEPS EurLex has the advantage of facilitating large-scale text analysis aimed at producing aggregate results.
- *Data on the SDGs at the global, EU and national level.* PERSEUS will also include public data collected by the TRIGGER Deep Dive on the SDGs and will offer policymakers the possibility to re-orient their impact assessments towards sustainable development, in line with an emerging trend in better regulation, including at the EU level.

- *Foresight data on future scenarios.* The Von der Leyen Commission has declared its intention to make more recurrent use of foresight in combination with better regulation. This move will also make it possible for policymakers to incorporate major trends and risks in their understanding of the impact of alternative policy options, as well as in projecting the *status quo* into the future, thereby building the baseline option that is needed in all *ex ante* impact assessments. TRIGGER is running *ad hoc* foresight scenarios, which aim at building a vision of possible risks and opportunities for the long-term, with a focus on Europe's strategic and policy alternatives: the result of this foresight exercise will be included in PERSEUS, available to policymakers that look for long term scenarios to *i.a.* frame the intervention logic, build the baseline, focus the monitoring indicators, and determine the optimal timing for *ex post* evaluation.

This new data and information available to policymakers will be further integrated with the possibility to generate data and co-create policy solutions directly with stakeholders, by involving them in the design of policy alternatives, and anticipating patterns and problems of compliance during the implementation phase. This is what another stream of activities in TRIGGER is trying to achieve, by developing a platform aimed at Co-Creating the European Union (COCTEAU), which goes beyond the traditional stakeholder consultation platforms, by using intuitive ways to engage and interact with large audiences, capturing their sentiment towards specific scenarios, and pooling clusters with diverging opinions in a large-scale, online Delphi simulation exercise. COCTEAU is currently in its pilot phase, and will offer a number of functionalities for policymakers, such as (1) testing policy solutions with stakeholders in "virtual sandboxes"; (2) launch threads to analyse possible policy problems; (3) running traditional stakeholder consultation; (4) performing sentiment analysis in the *ex ante* assessment, in the implementation and *ex post* evaluation phase of the policy cycle; (5) using pre-modules on addressing specific SDG-related problems; and (6) building ownership of policy reforms among stakeholders through gamification.

Figure 5 – How PERSEUS modules add functionalities to the policy cycle



Source: author's elaboration

Figure 5 shows the contribution of PERSEUS to various phases of the EU policy cycle. Text in dark grey represents functionalities that will be made available within the life of the TRIGGER project, *i.e.* by the end of 2021. The text in red corresponds to additional modules and functions, which will become possible at a later stage once the first functionalities of PERSEUS will have been tested and adequately adjusted. These more medium-term functionalities include the following:

- *Cognitive advice.* This requires the use of Artificial intelligence, and specifically machine learning, to support policymaking. This is a growing field, still in its infancy, which promises to speed up the policy process in the years to come by enabling the elaboration of huge amounts of data and the detection of patterns, to be submitted to the attention of policymakers. For example, in the trade policy domain cognitive advice is being tested by UNCTAD to assist developing countries in trade negotiations; and machine learning is being used to increase the effectiveness of inspections and controls, in migration as well as in the tax domain. AI-assisted Impact Assessment requires, obviously, sufficient past data and access to interoperable data from databases such as AGGREGATOR to be able to start providing useful hints to policymakers.
- *Analysing a full database of past impact assessments and evaluations.* Early attempts to perform a comprehensive analysis of Commission impact assessments relied on manual coding (Renda 2006; 2011; Cecot et al. 2008; Fritsch et al. 2012). The number of impact assessments and their sheer size and complexity now warrant an AI-led approach, which will become possible once all the information is in place and linked to other databases such as

the “CEPS EurLex”. Implementing an AI-assisted approach to the analysis of past impact assessments and evaluations can greatly expand the cognitive possibilities of the policymaker, by enabling the identification of parameters and values used in cost-benefit analysis, types of impacts assessed in the past (and related methods), and many more possibilities.

- *AI-enabled monitoring of policy options.* AI, secure data exchanges and the Internet of Things can lead governments to automatically collect data on the effectiveness of their policies, in what is increasingly termed “GovTech”.³⁴ PERSEUS could, in the future, offer functionalities such as the collection and cross-analysis of structured and unstructured data to infer the effectiveness of specific policy options: ideally, this requires a careful, forward-looking data plan at the moment of defining and implementing legislative initiatives, as well as a network of interoperable administrations in Member States. The latter was officially proposed in the new European Strategy for Data, which contains a specific proposal for a European Data Space for Public Administrations.³⁵
- *Real-time monitoring and AI-assisted evaluation.* At the later stages of the policy cycle, machine training and learning can prove decisive for policymakers in gathering a fuller understanding of the complexity of the policy environment. AI will be able to assist policymakers (with the due *caveat* that its advice is as good as the data it receives and the quality and extent of its training) in evaluating the effectiveness and efficiency of EU policies, which are key parts of the ex post evaluation methodology adopted in the EU better regulation agenda.

All this makes for a massive contribution to the future of policymaking. In this respect, PERSEUS will offer a prototype of a future software suite for policymakers, which will require extensive testing before reaching its full potential in terms of usefulness and quality. Achieving full potential also requires that European institutions progress on the way to building a fully interoperable and integrated portal for better regulation tools.

4.2. PERSEUS and foreign policy: supporting agile strategies

Another field in which PERSEUS is expected to provide support to policymakers is foreign policy. There, the structured and systematic procedure that is followed (though to varying extent) by policymakers in the ordinary legislative procedure is often unavailable, due to the constantly changing conditions for formulating strategies, and the increasing unpredictability of the interaction between the EU and other global players. Hill (2003) defines foreign policy as the sum of external relations conducted by an independent actor in international relations. White (1989)

³⁴ See e.g. <https://www.worldbank.org/en/topic/governance/brief/govtech-putting-people-first>.

³⁵ See the European Strategy for Data, COM(2020) 66 final, 19.2.2020. At <https://ec.europa.eu/digital-single-market/en/policies/building-european-data-economy>.

defines foreign policy as “government activity conducted with relationships between state and other actors, particularly other states, in the international system”. Beach (2019) uses a more refined definition, which focuses on “both broad trends of behavior and the particular actions taken by a state or other collective actor directed towards other states or collective actors within the international system”, and specifies that “foreign policy actions can be undertaken using a variety of different instruments ranging from adopting declarations, making speeches, negotiating treaties, giving other states economic aid, diplomatic activity such as summits, and the use of military force”.

The most traditionally accepted approach to foreign policy analysis is so-called realism, which claims that states are motivated by the concept of power. Despite the focus on decision-making, realists often fail to explore underlying motivations, something that has reportedly triggered criticism on the side of International Relations scholars. Structural realists typically explain state foreign policy by using it as the basis for a rational action model, leading to predictions about what we should expect to see in both individual cases and broader trends. A similar rational decision-making approach is also found among social constructivists, who rely on Rational Actor Models (MacDonald 2003), including game-theoretical models based on expected utility theory. In these models, decision-makers are assumed to be able to rank preferences “according to the degree of satisfaction of achieving these goals and objectives” (Sage 1990). The rational actor is also expected to be able to identify alternatives and their consequences and to select from these alternatives in an effort to maximize satisfaction. In this setting, the rational economic decision maker is expected to be able to access a set of objectives and goals.

These theories are controversial in the foreign policy and international relations space, especially in terms of their ability to adhere to the reality of foreign policy analysis. TRIGGER bridges foreign policy analysis, international relations and microeconomics-based rational economic actor models by conceptualizing the behaviour of actors in the foreign policy space as attempts to maximise actorness. This approach can be seen as a boundedly rational decision-making approach, which transcends the short-term payoffs and concentrates on strategies and tactics as a way to preserve the actorness of the various players in the field. It will also incorporate short- v. long-term action trade-offs, by embedding real options theory: actions that reduce the degree of actorness of a given player over time should be discarded, unless the decision-maker suffers from hyperbolic discounting, or simply incentives (e.g. related to the electoral cycle, or consensus management at home) that could lead him/her to adopt suboptimal decisions.

In TRIGGER, the complexity of foreign policy design and implementation is approached in different stages, through different means. We are currently analysing the evolution of EU actorness and governance in given policy domains, including the SDGs, climate policy, digital policy and development aid. We will then focus on specific negotiation processes (e.g. the SDG, COP21, etc.) and will observe the initial incentives and goal achievement (effectiveness) of the various players at the table. We are also using data science to understand how the evolution of

EU actorness can be monitored in real time thanks to the use of media analysis, sentiment analysis and network analysis. The underlying assumption is that the evolution actorness can be inferred from the extent to which actors are cross-referred to by other actors in official documents, as well as the frequency with which they are referred to in traditional media and social networks. An observation of (cross-)references, especially associated with specific negotiation processes, can also be coupled with an assessment of the sentiment associated with the referencing. Finally, we may be able to develop a network analysis of negotiation processes, which in turn would enable the measurement of the EU's "closeness" and "betweenness" and, more generally, centrality measures that can help understand the prominence of EU institutions as actors in the process.

Overall, TRIGGER aims at laying the foundations for developing, over time, the possibility of real-time monitoring of EU actorness per policy field, through data that will become more accurate over time. TRIGGER aims to accomplish some first steps towards this complex endeavour, which may offer a new tool to policymakers, in addition to the sources and instruments discussed in the previous section for the case of ordinary lawmaking and regulation.

5. Concluding remarks: new opportunities, new tools

As the world evolves with increasing speed, EU policymaking must be able to keep the pace. On the one hand, governments are called to increasingly engage with citizens and civil society, to build trust and rely on the wealth of information and knowledge that bottom-up processes can generate. On the other hand, there is a need to depart from traditional policy tools, to embrace data-driven policymaking, foresight, experimental and AI-assisted policymaking as ways to increase the speed and effectiveness of policies. The TRIGGER project responds to these needs by venturing into several new domains and paving the way for the future implementation of AI-assisted and other new methods of policymaking, hopefully making inroads in the definition of enlightened methods of public policy. TRIGGER will also make direct contributions to the transformation of EU better regulation, in a way that is more oriented towards SDGs; and more generally, in the understanding of the behaviour of EU institutions in foreign policy contexts, i.a. encompassing trade, development aid, and diplomacy *lato sensu*.

A different way to approach policymaking at the EU level, centred on the stated goals of the EU project, and in particular the EU's actorness and effectiveness, can offer important advantages to policymakers. On the "home front", better regulation would eventually depart from the original, neoclassical approach adopted back in 2002, and would move towards enhanced policy coherence for sustainable development. In foreign policy, the EU would have a more solid, long-term framework for approaching its diplomatic relations, and a new way to foster its objectives, including in particular the goal of a more assertive foreign policy, based on strategic autonomy (Puglierin 2019). In this respect, the COVID-19 pandemic has highlighted even more the need to involve civil society in policy decisions: failure to do so can deeply undermine the effectiveness of policy, and distance citizens from public institutions, leading to a deterioration of trust (Renda 2019). As the Future of Europe conference, even if with some delay, is expected to focus on empowering citizens, the use of digital tools to co-create the future with civil society, at the EU, national and also local level, is a true imperative for government. In the post-lockdown phase of the pandemic, the EU and its Member States will indeed have to adopt decisions that have no chance of succeeding if not shared with the private sector and civil society, including changing work patterns, reorganising public transportation, reinventing modes of production and consumption, and of course implementing social distancing until the risk of contagion will finally be under control.

When it comes to multi-level governance, new arrangements have to be found to improve the agility and representativeness of governance solutions. The ability of the EU to find agile solutions that reconcile the interests and priorities of the EU and its Member States, and at the same time speaks to the international community, is becoming evident in certain areas. Examples include the EU's attempt to shape an international alliance for human-centric Artificial Intelligence, as well as the creation of the "Team Europe" approach to face the pandemic and support developing

countries. As observed i.a. by Abels et al. (2020), the future action of the EU may be increasingly characterised by these policy options.

The next steps of TRIGGER will shed more light on a number of research questions, which we need in order to fully implement the proposed new framework. In particular, we will test our assumptions on the relationships between the various internal and external determinants of actorness shown in figure 1 and the resulting level of actorness; we will also test the relationship between actorness and effectiveness, and possible feedback loops. And we will lay the foundations for using data science in the analysis of EU governance and in the determination of EU actorness over time and per policy domain. Towards the end of 2020 we will start testing all these tools also with EU officials in charge of policy making and foreign policy, in order to ensure that the future PERSEUS suite fully adheres to their needs and facilitates their daily work.



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