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# EU Policies in a Global Perspective

*Shaping or taking international regimes?*

Edited by  
Gerda Falkner and Patrick Müller



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# Abbreviations

ACP	African, Caribbean and Pacific countries
AETR	Accord Européen sur les Transports Routiers (European Agreement concerning the work of crews of vehicles engaged in international road transport)
ASEAN	Association of Southeast Asian Nations
BAC	Banking Advisory Committee
BCBS	Basel Committee on Banking Supervision
BENELUX	Belgium, Netherlands and Luxembourg
BRIC	Brazil, Russia, India and China
CAP	Common Agricultural Policy
CFSP	Common Foreign and Security Policy
CMOs	common market organizations
CO	carbon monoxide
COSCAPs	Cooperative Development of Operational Safety and Continuing Airworthiness Programs
CSDP	Common Security and Defence Policy
CTBT	Comprehensive Test Ban Treaty
DG	Directorate-General
EASA	European Aviation Safety Agency
EASO	European Asylum Support Office
EBA	European Banking Authority
EBA	Everything But Arms
EC	European Community
ECAC	European Civil Aviation Conference
ECB	European Central Bank
ECCAIRS	European Coordination Centre for Accident and Incident Reporting Systems
ECE	Economic Commission for Europe
ECJ	European Court of Justice
ECSC	European Steel and Coal Community
EEA	European Economic Area
EEC	European Economic Community
EFTA	European Free Trade Association

END	European Nuclear Disarmament
ENP	European Neighbourhood Policy
EP	European Parliament
EPC	European Political Cooperation
ESARDA	European Safeguards Research and Development Association
ETS	emissions trading scheme
EU	European Union
Euratom	European Atomic Energy Community
EUROCAE	European Organization for Civil Aviation Equipment
EUROCONTROL	European Organisation for the Safety of Air Navigation
FAO	Food and Agriculture Organization
FSAP	Financial Stability Assessment Program
FSB	Financial Stability Board
FTA	free trade agreement
GATT	General Agreement on Tariffs and Trade
GCIM	Global Commission on International Migration
GDP	gross domestic product
GI	geographical indications
GM	genetically modified
GMOs	genetically modified organisms
GRPE	Group of Rapporteurs on Pollution and Energy
GSP	Generalized System of Preferences
HC	hydrocarbons
IAEA	International Atomic Energy Agency
IASB	International Accounting Standards Board
IATA	International Air Transport Association
ICAO	International Civil Aviation Organization
ICN	International Competition Network
ICPAC	International Competition Policy Advisory Committee
IDP	internally displaced persons
IFRS	International Financial Reporting Standards
ILO	International Labor Organization
IMF	International Monetary Fund
INFCIRC5	IAEA Information Circulars
IOM	International Organization for Migration
IOs	international organizations
IOSCO	International Organization of Securities Commissions
IPCC	Intergovernmental Panel on Climate Change
IPR	Intellectual Property Rights
ISO	International Organization for Standardization
ITO	International Trade Organization
JAA	Joint Aviation Authorities
JHA	Justice and Home Affairs
JRC	Joint Research Centre

LDC	Least Developing Countries
MEPs	members of the European Parliament
Mercosur	Mercado Común del Sur (Southern Common Market)
NAFTA	North American Free Trade Agreement
NAMA	non-agricultural market access
NCA	National Competition Authority
NCAs	National Competition Authorities
NextGen	Next Generation Air Transportation System
NGOs	non-governmental organizations
NOx	nitrogen oxides
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NSG	Nuclear Suppliers Group
OECD	Organization for Economic Cooperation and Development
PHARE	Poland and Hungary: Aid for Restructuring of the Economies
PM	particulate matter
PN	particulate nitrogen
PTA	preferential trade agreement
REACH	Registration, Evaluation, Authorisation and Restriction of Chemicals
ROSC	Reports on Observance of Standards and Codes
RPP	Regional Protection Programme
SCM	Subsidies and Countervailing Measures
SEA	Single European Act
SESAR	Single European Sky Air Traffic Management Research
SPS Agreement	Agreement on the Application of Sanitary and Phytosanitary Measures
STABEX	Système de Stabilisation des Recettes d'Exportation
TBT Agreement	Agreement of Technical Barriers to Trade
TCNs	third country nationals
TFEU	treaty on the functioning of the European Union
TRIPs	Trade-related Aspects of Intellectual Property
UNCTAD	United Nations Conference on Trade and Development
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Program
UNHCR	UN High Commissioner for Refugees
URAA	Uruguay Round Agreement on Agriculture
WMD	Weapons of Mass Destruction
WMO	World Meteorological Organization
WTO	World Trade Organization
WWII	World War II



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# 1 The EU as a policy exporter?

## The conceptual framework

*Patrick Müller and Gerda Falkner*

### 1 Introduction<sup>1</sup>

European integration started off as an internal project centring on the making of the Single Market and the harmonization of Member State policies. Yet, over time, the external dimension of major EU policies gradually gained in importance and the EU became actively involved in shaping governance beyond its borders (Wunderlich and Bailey 2011). At the same time, the EU has progressively strengthened policies designed from the outset for external projection, such as its external trade policy and its foreign and security policy (Hill and Smith 2005a; Bretherton and Vogler 2006; Orbie 2009b; Tèlo 2009; Knodt and Princen 2003). But what has been the EU's policy-specific impact on global governance – has the EU been a policy shaper or a policy taker? And what explains the EU's capacity for policy export? The aim of this book is twofold. First, it seeks to establish the relative importance of selected EU policy regimes in the multi-level global governance system as compared to both national and global activities. Second, it explores the EU's capacity for exporting its domestic rules, norms and standards to the global arena, the mechanisms it uses and the conditions leading to success or failure.

Research comparing the EU's impact on global governance in different EU policy areas is still largely a research desideratum. Much of the existing literature portrays the EU as a regional power whose willingness and ability for external projection weakens as geographical distance away from the EU increases (Börzel and Risse 2012; Lavenex 2011; Schimmelfennig 2010). Others suggest that the EU is emerging as a 'partial' global power, with the capacity to exercise global (regulatory) leadership and shape international regulatory outcomes in at least a few policy areas (Bretherton and Vogler 2006; Tèlo 2009; Wunderlich and Bailey 2011; Vogel 2012). Andrew Moravcsik even went so far as to describe the EU as a 'second superpower' possessing a 'range of effective civilian instruments for projecting international influence that is unmatched by any country' (Moravcsik 2010). The portrayal of the EU's role in global governance in the existing literature thus appears fragmented and even contradictory, with contributors to the debate frequently drawing general conclusions about the EU's global role on the basis of individual case studies.

## 2 Transgressing the state of the art

Addressing the question of EU policy export (which we understand to cover all kinds of formal and informal norms such as rules, standards, operating practices, etc.) in a comprehensive fashion, this project speaks to several distinct bodies of literature that can inform our understanding of key mechanisms of policy export and the conditions for their success. We will discuss them one by one in this section.

The role played by the EU in promoting its own policies at the international level constitutes an important theme in research on the *EU's external relations*. Different analytical perspectives have contributed to this debate. Prominent among them are conceptions of the EU as a 'civilian power' (Hill 1990; Orbie 2009a; Tèlo 2007) or as a 'normative power' (Manners 2002: 239). The 'civilian power' perspective argues that the EU is a new type of foreign policy actor that has transcended traditional realist power politics based on military strength. Applying its own successful model of regional cooperation to its external relations, the EU's foreign policy relies predominantly on economic means to promote peace and security. Central shortcomings of the civilian power perspective are its reductionist focus on the EU's economic dimension and its indeterminate character that fails to clearly specify whether the concept serves as a description of 'means, ends, and/or impacts' (see Schimmelfennig 2010). The debate on whether the EU may still be considered a 'civilian power' following the developments of military capabilities through the Common Security and Defence Policy (CSDP) or whether a 'civilian power' may rely on military instruments to pursue civilian objectives is indicative of this indeterminacy. The concept of 'normative power' shares the idea that the EU's external behaviour is rooted in its unique identity as a foreign policy actor, emphasizing Europe's particular historical context, hybrid polity and political-legal constitution (Manners 2002: 240). It is concerned with the EU's ideational influence on global politics, with the EU shaping global norms in line with core principles of European integration such as democracy, rule of law, social solidarity and anti-discrimination. Our aim, by contrast, is not to establish whether the EU acts as a normative force for good in international relations, but to explore its capacity for projecting its domestic policies globally. For our study of EU policy export – which transcends the focus on core EU norms and puts forward a systematic conceptualization of policy export – established notions of civilian or normative power in Europe remain both too narrow and imprecise.

A more systematic understanding of the pathways, mechanisms and conditions of EU policy export is provided by the literature on 'external EU governance' (Schimmelfennig and Wagner 2004; Lavenex and Schimmelfennig 2009; Schimmelfennig and Sedelmeier 2005; Lavenex 2004). This body of literature explores the promotion of EU institutions, policies, governance modes and norms in the EU's near abroad. It has focused on institutionalized EU rule transfer to accession and candidate countries or states in the EU's neighbourhood through integration, association and political partnerships. The EU's

ambition to shape global regimes and international rules beyond its neighbourhood, in turn, has thus far largely been neglected in the external governance literature.

This neglect of the global dimension is also reflected at the conceptual level. The external governance concept is geared towards situations of institutionalized rule transfer where power and interdependence are highly asymmetrical in favour of the EU (see Lavenex 2011). External EU governance is conceived as a one-directional transfer of policies from the EU to partner countries in which active, power-based mechanisms (see Table 1.4) of EU influence – such as the use of political rewards and sanctions – figure particularly prominently. Global governance, by contrast, takes place in a context of mutual dependence and frequently relies on multilateral frameworks, with the EU functioning both as a shaper as well as a taker of global policy. Here, the process of EU rule transfer is less top-down and less encompassing than in the EU neighbourhood, with passive forms of policy diffusion through emulation and policy externalities playing a greater role. Accordingly, we prefer to speak of ‘EU policy export’ rather than of ‘external EU governance’. At the same time, the role of multilateral institutions as arenas and instruments for EU policy export needs to be considered.

There are large literatures on transnational *policy diffusion* and policy transfer in the field of international relations that can inform our understanding of horizontal patterns of diffusion of EU policies around the world (Holzinger *et al.* 2007; Lütz 2007; Braun and Gilardi 2006; Evans and Davies 1999; Stone 2004; Dussauge-Laguna 2012). The main focus of the policy diffusion and policy transfer literatures is on processes of domestic adaption as a result of rising international interdependence, enhanced international communication and the growing legalization of international relations. Even though the literatures on policy diffusion and transfer are based on distinct terminologies and methodologies, they identify similar mechanisms that drive processes of policy change including coercion, competition, learning and emulation (Gilardi 2012). There is also an emerging literature on the EU’s specific role in transnational policy diffusion. A number of authors have described the EU’s involvement in global governance as a result of functional pressures arising from globalization, growing interdependence and increasing transnational externalities (Bach and Newman 2007; Drezner 2005; Vogel 2012).<sup>3</sup> Issues like global environmental pollution or climate change represent problems of scale that exceed the domestic problem-solving capacity of even large international players like the EU, demanding coordinated international action. At the same time, the EU benefits from an international environment that mirrors its own standards and norms. Through policy export to the global level the EU reduces domestic adaptation costs, generates competitive advantages, and ensures a ‘level playing field’ for European firms bound by high domestic regulatory standards (Bach and Newman 2007; see also Drezner 2005). The main analytical focus here is on international regulatory competition and harmonization, generally portrayed as a game of horizontal coordination between the world’s great economic powers.

Others have looked at the transfer of institutional arrangements, policy patterns, and norms from the EU to other regional actors (e.g. NAFTA, Mercosur, ASEAN), which is often based on softer forms of EU influence such as learning and emulation (De Lombaerde and Schulz 2009; Gaens 2008; Wunderlich and Bailey 2011). Recently, attempts have been made to examine the way in which EU policies and institutions diffuse across different contexts using a single analytical framework, considering EU policy transfer to the neighbourhood in addition to other regions in the world (Börzel and Risse 2012). This project, by contrast, seeks to escape the ‘region-to-region’ approach that dominates the literature on EU policy transfer. Rather, it is concerned with the EU’s role as a global rule-setter, examining EU policy export to formal and informal regimes at the international level.

Finally, there is a growing literature on the EU’s role in global governance that can inform our understanding of the EU’s *role in multilateral institutions*. Some authors have focused on the EU’s performance at the UN (Laatikainen and Smith 2006) and in other international organizations (Jorgensen 2011), as well as the Union’s impact on a variety of international organizations in terms of original institutional design, policy-making processes, activities and institutional reforms (Jorgensen 2009a). Our focus, in turn, is on the Union’s policy-specific influence. We are interested in international organizations as arenas and instruments for EU policy export. Moreover, works on the EU’s role in global governance include insightful collections of essays (Tèlo 2009; Bretherton and Vogler 2006; Wunderlich and Bailey 2011) as well as studies that deal with EU governance in single policy domains (e.g. environmental, social or trade policy) (Meunier and Nicolaidis 2005; Oberthür and Gehring 2006; Orbie and Tortell 2009). Others have looked at the EU’s role in international affairs more broadly (Hill and Smith 2005b; Smith 2010). By contrast, we aim to produce a comparative study focusing on several major policies the EU adopted for itself, hence the substantial output of EU decision-making, and on how these EU policies bear intended or unintended effects on a global scale. By bridging between and adding to the separate strands of literatures discussed here, this book promotes a comprehensive and systematic understanding of the EU’s role in shaping global policy.

### **3 Mapping EU policy areas in a multi-level governance system**

In an increasingly globalized world, the interactions between global, European and national policy spheres have intensified. The phenomenon of distinct but ever more intertwined policy spheres has been described as ‘multi-level governance’ (Wessel and Wouters 2008: 11; Hooghe and Marks 2010; Hooghe 1996). The possibility of policy export is closely linked to the density of regulation at different governance levels, i.e. national, European and global. We can expect EU policy export only in areas where the EU has accumulated a certain degree of policy competences and regulation. Conversely, areas in which the EU faces



strong international rules in the absence of strong internal policies are more likely to produce policy import. To be sure, the relative significance of individual governance levels may change over time and is itself influenced by processes of policy import and export. To gain a better understanding of the significance of the EU regulatory sphere in the multi-level global governance system, the individual contributors to this book map the relative importance of sectoral EU regimes as compared to both national and global regulatory activities. It is useful to see if the global and/or the EU regulatory levels have increased in importance over time, and if the EU may be considered to be a 'first mover' in a policy area (with the EU's regulatory activities preceding the establishment of the corresponding international regime).<sup>3</sup>

The mapping of governance levels is conducted on the basis of expert judgements by the authors, relying on common criteria for orientation. A number of different indicators have been developed in the literature to capture the intensity of individual EU policy areas (Lindberg and Scheingold 1970; Alesina *et al.* 2005; Schmitter 1996; Hooghe and Marks 2001). These indicators, however, omit the global dimension. Our project also needs to assess to what extent core aspects of a policy area are governed by regimes beyond the EU.<sup>4</sup> Therefore, we refer to selected criteria developed by Helmut Breitmeier *et al.* (2006) as part of the International Regimes Database when discussing the respective importance of levels of governance over time. More specifically, our expert judgements centre on the following factors for orientation:

- functional scope of rules;
- depth as measured by density and specificity of rules;
- binding character of the rules for the regime members as opposed to only indicative soft law.

We ask: What is the significance of governance levels during a specified period in terms of the scope and depth of rules and the extent to which the rules are binding and formative for the policy overall? Our scores for significance are 'high', 'medium' and 'low'. We leave it to the authors to aggregate the three above-mentioned scores, based on the understanding that even a non-binding policy can be empirically important if many actors take it up, and that even a regime based on a narrow but crucial policy output may be considered empirically highly significant.<sup>5</sup>

Table 1.1 will end each policy chapter's description of the overall regime. The authors will explain their expert judgements in their respective policy chapters. To ensure the reliability and comparability of the results, the judgements made by the individual authors have, furthermore, been cross-checked multiple times (e.g. in an author workshop held in Vienna in July 2012).