



# Between Governing and Governance

On the Emergence, Function and Form  
of Europe's Post-National Constellation

POUL F KJAER

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## BETWEEN GOVERNING AND GOVERNANCE

This book explains the emergence and functioning of three forms of governance structures within the context of the European integration and constitutionalisation process: comitology, (regulatory) agencies and the Open Method of Co-ordination. The point of departure is the insight that the intergovernmental/supranational distinction, which most theories of European integration and constitutionalisation rely on, has lost its strength. A new paradigm of EU research is therefore needed.

Against this background it is suggested that the distinction between governing and governance provides a more appropriate basis for analysing the phenomenon of integration and constitutionalisation in Europe. The distinction between governing and governance allows for an understanding of the EU as a hybrid consisting of a governing dimension, characterised by legal and organisational hierarchy, and a governance dimension, which operates within a network form characterised by legal and organisational heterarchy. The function of governance structures is to ensure the embeddedness of the governing dimension in the wider society. Instead of representing contradictory developments, the two dimensions are therefore mutually constitutive in the sense that more governing implies more governance and vice versa. These theoretical insights are illustrated through two detailed case studies which respectively reconstruct the operational mode of the Open Method of Coordination within EU Research & Development Policy and the regulatory system for the EU chemicals market (REACH).

The book is inter-disciplinary in nature and incorporates insights from law, political science and sociology.

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Poul F Kjaer

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# *Abbreviations*

APEC	Asia-Pacific Economic Cooperation
ASEAN	Association of Southeast Asian Nations
AU	African Union
BEPG	Broad Economic Policy Guidelines
CAN (Comunidad Andina)	Andean Community
CAP	Common Agricultural Policy
CdT	Translation Centre for the Bodies of the European Union
CEES	Central and Eastern European Countries
CFI	Court of First Instance
CFP	Common Fisheries Policy
CFSP	Common Foreign and Security Policy
CfRA	Committee for Risk Assessment
CfSEA	Committee for Socio-Economic Analysis
CIS	Classical Institutional Structure
CM	Community Method
Commission	Commission of the European Communities
CoR	Committee of the Regions
COST	Co-operation in the field of Scientific and Technical Research
Council	Council of the European Union
CREST	Committee on Science and Technical Research
CT	Constitutional Treaty
DDP	Directly-Deliberative Polyarchy
EAR	European Agency for Reconstruction
EASHW	European Agency for Safety and Health at Work
EURATOM	European Atomic Energy Community
EC	European Community
ECA	European Chemicals Agency
ECB	European Central Bank
ECJ	European Court of Justice
ECSC	European Coal and Steel Community
EDC	European Defence Community
EEA	European Economic Area
EEC	European Economic Community
EES	European Employment Strategy
EESC	European Economic and Social Committee
EFSA	European Food Safety Authority

EMBO	European Molecular Biology Organization
EMCODA	European Monitoring Centre for Drugs and Drugs Addiction
EMA	European Medicines Agency
EMU	European Monetary Union
EP	European Parliament
ERC	European Research Council
ESCB	European System of Central Banks
ESDP	European Security and Defence Policy
ETF	European Training Foundation
EU	European Union
FP	Framework Programme(s)
FRA	European Union Agency for Fundamental Rights
GS	Governance Structures
IB	Institutional Balance
ICANN	Internet Corporation for Assigned Names and Numbers
IGC	Intergovernmental Conference(s)
IM	Internal Market
IMF	International Monetary Fund
LRT	Lisbon Reform Treaty
MEP	Member(s) of the European Parliament
Mercosur (Mercado Común del Sur)	Southern Common Market
MS	Member State(s)
MSC	Member State Committee
NAFTA	North American Free Trade Agreement
NMG	New Modes of Governance
NPM	New Public Management
OECD	Organisation for Economic Co-operation and Development
OLAF (Office européen de Lutte Anti-Fraude)	European Anti-Fraud Office
OMC	Open Method of Coordination
PJCC	Police and Judicial Cooperation in Criminal Matters
PPP	Public Private Partnerships
QMV	Qualified Majority Voting
R & D	Research & Development
REACH	Registration, Evaluation, Authorization and Restriction of Chemicals
SEA	Single European Act



SICA (Sistema de la Integración Centroamericana)	Central American Integration System
SGP	Stability and Growth Pact
SIEF	Substance Information Exchange Forum
SME	Small and Medium Sized Enterprises
SPORT	Strategic Partnership on REACH Testing
UK	United Kingdom

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