Chapter 1

Introduction: origins of change in EU policies.

‘Reaching and understanding is the process of bringing about an agreement on the presupposed basis of validity claims that are mutually recognized’. (Jürgen Habermas, On The Pragmatics of Communication, MIT Press, 2000, page 23).

1.1 Shaping of EU policy at everyday level

During its existence of more than fifty years, the range of competences and legislative activity of the European Union (EU) has extended visibly. With time, institutions of the EU adopted ever more legislative instruments over an increasing range of policy areas. Joseph Weiler, a leading scholar in the field and now also president of the European University Institute, noted that in the 1980s “no core activity of state function could be seen any longer as still constitutionally immune from Community action” (1991: 2446).

It has even been argued that the gradual expansion of Union activity, or the shaping of policy competence at the EU level, beyond narrowly defined treaty limitations can be considered a characteristic feature of European integration (Stone Sweet et al. 2001; Weiler 1991). Take for instance the area of environmental policy or that of consumer policy, various related legislative instruments were adopted at Community level already before Community competences in these fields were codified in the Single European Act (1986) and the Maastricht Treaty (1992) (Jordan et al. 1999; Weatherill 2005: 4-5; Sbragia 2000: 296). The shaping of these policies at European level and hence the capacity to decide on related subject matters occurred well in advance of the formal recognition of Community (or EEC) competence in these fields, which took place only when the Maastricht Treaty entered into force in 1993.

It seems that the shaping of policies and possible expansion of legislative activity in the EU is also driven by the needs and concerns of day-to-day policy making of the EU. Generally speaking, there is good reason to consider the idea that the daily running of decision making and implementation has just as much of an impact on the shaping of policy and legislative activity in the EU as the occurrence of a major event like an economic crisis, an international security threat, enlargement of

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1 I.e. the predecessor of the EU: the European Economic Community or ‘EEC’. 
the EU, or a modification of the founding treaties through intergovernmental negotiations. There are ample cases of daily legislative activity in one policy area triggering (the need for) further action and new policy instruments. There are even cases where further action is needed in other flanking policy areas without prior formal recognition of competences and related policies through treaty modification – which require the formal approval of all member state governments and national parliaments, and even referenda in some member states.

Shaping of policy (and related competence) or expansion of legislative activity driven by day-to-day business of EU decision making appear to be at odds with the idea that member states are in control of the EU and its development. Apart from questions about whether shaping of new policy competences or expansion of legislative activity driven by everyday EU business is actually necessary or legitimate, there is the more theoretical conundrum of how this process (as it actually takes place) should be viewed. This theoretical conundrum raises various types of basic questions about the nature of change and capacities for human action to transform the (social or institutional) environment. It can be questioned for example whether, or to what extent, it is appropriate to see the member states being in control of the process at day-to-day level of European integration. To put it the other way round, to what extent would it be more appropriate to consider everyday decision making at the EU level as a self-sustaining process evolving independently from member states’ individual interests and action? If so, how would one theoretically capture such a process and the changes that inevitably occur in it? While these questions are not novel, they still continue to be relevant.

With these considerations in mind, the specific purpose of this study is to move beyond the view that the shaping of policy (and related competence) or expansion of legislative activity is only driven by such major events as intergovernmental conferences where EU’s founding treaties are modified through interstate negotiation. The purpose is to identify transformative elements and their conditions that can be found in the multitude of venues and levels of everyday decision making in the EU. In doing so, this study seeks to extend the (theoretical) perception beyond that of the EU as an arena of competing national (fixed) interests. Instead of focusing on bargaining processes where negotiating partners – mostly member state governments – are oriented towards the maximization or preservation of their own fixed interests, this study endeavours to capture social exchange where negotiating partners are induced to change their positions or interests in the course of everyday decision making.
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The underlying basic argument is that if actors are engaged in a reciprocal exchange of reasoned argument, they are likely to be open to persuasion and reason and therefore likely to change their position or interest in light of another's argument or alternative view. The challenge, then, is to identify not only instances of change resulting from this communicative practice – in this study referred to as 'deliberation' – but also the circumstances under which this practice and ensuing change is likely to occur. The key question that is central to this study therefore is under what circumstances, and to what extent, does deliberation induce change in the everyday practice of decision making in the EU?

1.2 Background: the shaping of justice and home affairs in 1999-2009

Questions about the shaping of EU policy and the scope for member state action to transform are especially relevant in areas of EU activity which member states traditionally consider to be at the core of their national sovereignty. According to this traditional view, member states are likely to keep a grip on the process in such policy areas at the EU level. It is in such areas as taxation, public financing, loans, foreign affairs or internal security that it is considered to be less likely (or even unlikely) that expansion of legislative activity or any change in policy shaping at the EU level would occur without the individual approval of each and every member state (as it is formally guaranteed by formal procedure enshrined in the treaty provisions).

There is one specific area of EU activity which, even though it has traditionally been considered part of the state's core business, has exponentially grown into an extensive field of EU activity in the period between the entry into force of the Amsterdam Treaty in 1999 and that of the Lisbon Treaty in 2009. This is the area of justice and police cooperation, which was (and still is) part of what in the Amsterdam Treaty has been formally called the ‘area of freedom, security and justice’ (‘AFSJ’). In addition to justice and police cooperation (hereinafter: ‘justice and home affairs’ or ‘JHA’), the AFSJ area also covered (and still covers) policies concerning immigration, asylum, external border controls, visa, and justice cooperation in civil and commercial matters.

Whilst in the period before the Amsterdam Treaty took effect JHA issues were less prominent on the EU agenda, they became top priority in the period beyond Amsterdam (De Kerchove 2000; Monar 2001). An entirely new institutional framework, new legislative tools, and new long-term objectives – such as assuring free movement in conjunction with a high level of safety – were identified by the treaty. These new arrangements would allow the EU to take (more) decisive action in the
AFSJ field. With two subsequent multi-annual programmes, the Tampere programme (1999) and the Hague programme (2004), AFSJ objectives were translated into policy agendas for ‘everyday’ action at the EU level, respectively over the periods of 1999-2004 and 2005-2009.

Since the entry into force of the Amsterdam Treaty, the entire legislative framework in this field has grown exponentially in terms of substance and number. The new arrangements that were introduced by the treaties and multi-annual programmes, were translated and implemented into a large number of concrete legislative instruments in a policy area that was hitherto not covered by secondary legislation. Whereas only nine conventions (which also included asylum and immigration instruments) were concluded in the period before the Amsterdam Treaty, the legislation output of the period 1999-2005 yielded a list of well over forty-five binding decisions of various sorts in the field of justice cooperation alone (Den Boer and Wallace 2000: 510). During the ‘Tampere’ period, legislative activity only increased due to the dramatic events of the 9/11 attacks (2001) and the bombings in Madrid (2004) and London (2005) (see e.g. Edwards and Meyer 2008).

One of the institutional innovations, introduced by the Amsterdam Treaty, was the ‘framework decision’. This legislative tool was meant for the approximation of national criminal law rules. Its legal form and nature resembled very much the better-known ‘directive’ (i.e. it was binding on the member state as to the results to be achieved). Well over forty framework decisions have been adopted in the period between May 2001 (when the Amsterdam Treaty entered into force) until December 2009 (when the Lisbon Treaty entered into force). They covered a wide range of JHA matters, ranging from (harmonized) penalties and other sanctions against counterfeiting of the Euro, cybercrime, terrorism, and the sexual abuse of children to rules on the standing of victim in criminal proceedings. The most widely known measures of this category included a framework decision providing for a simplified system of surrender of sentenced or suspected persons – the European Arrest Warrant; the setting up of Joint Investigation Teams; and facilitating exchange of evidence for the purposes of criminal investigation or prosecution – the European Evidence Warrant.

Another innovation was the introduction of the so-called mutual recognition principle (by the Tampere programme). Broadly speaking, this principle implied that a

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2 Only decisions and framework decisions based on Title VI of the Treaty on European Union (the treaty basis of the EU’s then third pillar) were counted. AFSJ related legislative instruments based on the Treaty establishing the European Community (such as those adopted in the fields of asylum and immigration) were excluded from the analysis.
decision that has been taken by a judicial or prosecuting authority in one member state is allowed to take effect (thus: to be ‘recognized’) in another. The interesting part, for the member states, was that all this could be done without relinquishing the standards of one’s own criminal system (De Hert 2004; Jimeno-Bulnes 2008; Mitsilegas 2008a). On the basis of this principle a large share of the framework decisions was adopted. The European Arrest Warrant was one of them.

The measures adopted in this period also covered the establishment of a wide range of various sorts of agencies, platforms or networks active in the JHA field (Den Boer 2004; Den Boer et al. 2008; Flore 2000; Puntscher-Riekmann 2008). The most important measure in this regard was the creation of Eurojust in 2002. It was (and still is) a unit composed of national prosecutors detached from the member states who had the task of coordinating activities between national prosecuting authorities and supporting criminal cross-border investigation (Puntscher-Riekmann 2008). JHA activity, at the time, also included projects involving the creation of large-scale European data systems and instruments facilitating information sharing between national law enforcement and judicial authorities. European data systems that were established at the time, included a European IT system storing ‘biometric’ data (i.e. fingerprints and facial image) for the exchange of visa information (VIS) – which could also be accessed for law enforcement purposes – and the second generation Schengen information system (SIS II) containing alerts on persons and objects for a broad range of purposes including law enforcement.

All these (and other) developments indicate that the expansion of the scope of EU activity and policy change occurred in an area where few would have expected it a decade before. However, for all the many decisions taken and instruments enacted in this period, it has regularly been questioned whether these ‘day-to-day’ developments matched the high level of ambition expressed in the political statements and long-term objectives stated in the treaty and the multi-annual programmes. Reference was often made, in this regard, to deficient and fragmentary implementation of treaty and multi-annual objectives, both at the EU level and at member state level (Balzacq et al. 2008; Commission 2004a, 2004b, 2006; Den Boer, 2004; Den Boer et al. 2008; Elsen 2007; Monar 2005; Nilsson 2002). The former (first) Director-General of the Council General Secretariat for Justice and Home Affairs, Charles Elsen, pointed out that while in terms of “quantity” the day-to-day implementation at EU level provided a positive picture, in terms of “quality” it was less positive. He explained that “[i]t is necessary to lead to consensus at the lowest common denominator” (Elsen 2007: 19).
Indeed, in 2006, when the Commission assessed the implementation of the Tampere programme (both at EU level and at member state level) over the period 1999–2004, it reported that “the constraints of the decision-making process and of the current institutional context preclude the effective, rapid and transparent attainment of certain political commitments” (Commission 2004b: 4). The unanimity rule in the Council, the marginal role of the European Parliament and the shared right to initiate legislative proposal with the member states were identified as the main sources of constraint. Similar observations about constraints of the institutional setting were also made in academic circles (Balzacq and Carrera 2006: 24-25; Den Boer 2004: 1; Puntscher-Riekmann 2008: 20).

Interestingly, during the 1999-2000 period developments in the JHA field also took place in another, different institutional setting. While most JHA related developments took place in an institutional environment where “constraints of the decision-making process” were considered to be fully at work, other JHA related developments took place in a setting where decision making was clearly less constrained.

In the 1999-2009 period, the institutional set-up of the EU was based on a three-pillar structure. Primarily, policies and instruments in matters of police and justice (including those mentioned above) were adopted in the third pillar of the EU. In this pillar, the Council of Ministers, where member state delegations convened, was the exclusive decision-making institution of the EU. Decisions could only be taken by unanimity in this institution. However, several policies in the AFSJ field were also adopted in the so-called first pillar of the EU, where such decision-making constraints did not apply. In this pillar, institutions who did not act on behalf of the member state interest, also often called ‘supranational’ institutions (the European Commission and the European Parliament), had significant leverage in the decision-making procedure. Moreover, in this pillar decisions were taken by (qualified) majority.

JHA related developments in EU’s first pillar covered mainly immigration, visa, and asylum policies, which due to the Amsterdam Treaty became formally part of the first-pillar legislation. However, developments went even further than what was explicitly provided in the treaties. Justice related issues were also drawn into the sphere of first-pillar decision making. Although there was no explicit reference in the EC Treaty to first-pillar competence in relation to criminal law, the member states found themselves increasingly involved in a practice where first-pillar decisions had to be taken which involved the enforcement of Community rules through criminal law.

Before this practice took shape, the situation was that whenever measures were adopted on a first pillar legal basis for which criminal law enforcement was needed,
two parallel instruments were simultaneously adopted (for further discussion see e.g. Mitsilegas 2008b; Vervaele 2006, 2008). Instruments which contained Community rules to be complied with, were adopted on a first pillar legal basis and then accompanied by an instrument adopted in the third pillar which contained the provisions on criminal law enforcement (on definitions of criminal offences and types and levels of criminal sanctions). This so-called ‘double-text’ approach was conducted mainly in such first-pillar policy areas as immigration, asylum, and visa or where financial interests of the EU/Community needed to be protected. An example are the measures that were adopted in parallel (i.e. contemporaneously in both the first and the third pillar) against money laundering. A first-pillar directive, adopted in 1991, on the subject matter was later complemented, in 1998, with a third-pillar framework decision containing related criminal law provisions. Another example is a first-pillar measure on the protection of the Euro against counterfeiting coupled with a framework decision containing provisions on enforcement through criminal law (both adopted in 2001). In the field of immigration policies, an example of this double-text approach is the first-pillar directive of 2002 on combating the aiding of illegal immigration, which was soon to be coupled with a framework decision of 2002 on the criminalization of facilitation of unauthorized entry, transit, and residence.

This double-text approach came to an end due to a dispute on the need for criminal law competence in the first pillar. The European Commission, as the sole initiator of legislation and guardian of the day-to-day agenda in the first pillar, found that a first-pillar instrument should provide for definitions of criminal offences and criminal sanctions for ensuring compliance with first-pillar rules (Commission 2001). The subject of the dispute was the enforcement of environmental protection rules. The Council (read: the member states) opposed criminal enforcement of these rules in the first pillar. When the Council still held on to the double-text approach by adopting a third-pillar decision, the Commission took legal action and obtained annulment of the third-pillar decision from the Court of Justice (2003). The Court’s ruling was revolutionary because even though the treaties were not conclusive on the competence to adopt criminal law instruments in EU’s first pillar, the ruling nevertheless acknowledged first-pillar competence to adopt measures containing criminal law provisions which were considered necessary for ensuring compliance with first-pillar rules (for comments see Mitsilegas 2008b; White 2006).

In the period following the Court’s ruling, several initiatives for legislative instruments that contained criminal provisions, were taken and negotiated in the first pillar. One concerned a proposal, tabled in 2006, for a directive on criminal enforce-
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ment of intellectual property rights (the proposal was later withdrawn, in 2010). Another instrument was a directive, adopted in 2005 (by the European Parliament and the Council), on ship-source pollution and on the introduction of penalties for infringements. The adoption of a directive that was the direct consequence of the Court’s ruling of 2005, on the protection of the environment through criminal law, was adopted by the European Parliament and the Council in 2008. Another first-pillar directive containing criminal law elements was adopted in the 1999-2009 period. It provided for minimum standards on sanctions and measures against employers of illegally staying third-country nationals. This first-pillar instrument was adopted by the European Parliament and the Council in June 2009, only five months before the Treaty of Lisbon entered into force. With this treaty, the three-pillar structure of the EU was abolished. That is, with the Lisbon Treaty the third pillar disappeared and all matters in the field of police and justice were transferred to a single institutional framework, together with all social-economic policy fields that were previously dealt with under the supranational first pillar. Most of the JHA matters – not all – are now treated under the same supranational decision-making rules as those of the traditional supranational first-pillar policies (such as single market, transport, consumer protection, or agriculture).

1.3 Research aims, questions, hypothesis, and relevance

Most of the studies that examined the shaping of, or the changes in, JHA policies in the 1999-2009 period, have focused solely on policy outcomes that needed political agreement at the most intergovernmental forums of decision making: intergovernmental conferences – resulting in the adoption of treaty amendments – or European Council Summits – resulting in the adoption of multi-annual programs (with the notable exception of e.g. Kaunert 2010). Mostly, processes at these levels have widely been viewed as interstate bargaining processes in which member state governments are considered to be the primary players (for a critical discussion on such events see: Beach 2005). There is the widely held view that at such ‘highly’ intergovernmental levels member states engage in bargaining processes and mobilize “their ministers, officials and even their nationals in EU institutions to press forward their national preferences” (Peterson and Bomberg 1999: 16). This view assumes that member states are, through their national governments, firmly placed in the driving seat of shaping EU policies, especially in such sensitive fields as the JHA policies.

However, as the initial exploratory findings in the previous section revealed, the developments in the JHA area in the 1999-2009 period seem to suggest that member
state governments are not as firmly placed in the ‘driving seat’ of overall EU policy making as one might expect in a policy area such as the JHA (see also Kaunert 2010). The policy outcomes that have eventually been shaped in the intervening periods – of everyday business – between the high-level, intergovernmental decision making events, did not match the long-term objectives or multi-annual policy agendas agreed upon at the higher levels of intergovernmental decision making. Some policy instruments did not live up to the expectations formulated at these higher levels. And some policy instruments went even beyond the scope of action/competence defined at the high-level, intergovernmental decision making (in treaty provisions).

This raises the question about the nature of change and capacities for transformation at the day-to-day level of policy shaping. To date, little attention has been paid to the gradual, sometimes unobtrusive changes in the daily practice of decision making, which have equal (if not more) opportunity to influence the shaping of policies or the adoption of new policy instruments in the long run. The focus only on decision making at the higher levels of intermittent intergovernmental decision making – in this case: during the ‘boom years’ of JHA expansion – misses out on other sources of change. That is, sources of change which are likely to be found in the multitude of venues and levels of everyday ‘Brussels’ decision making (involving a host of various sorts of delegates or policy makers) which is so specific to such an “institutionally dense” environment as the EU (Checkel 1999: 554; Risse-Kappen 1996: 71).

A partial picture of decision making in the EU, with its focus only on intermittent, high-level events of decision making, is problematic for another reason. Taking in the processes at the level of day-to-day decision making in the EU extends the perception beyond that of the EU as an arena of competing national interests. The latter perception focuses on strategic bargaining processes where member state governments play a significant (if not an exclusive) role (see e.g. Moravcsik 1993). Moreover, behaviour and exchange, in this perception, are basically characterized by logic of the market, that is: the logic of consequentialism or instrumental rationality (Checkel 2001b; Christiansen et al. 2001; Risse 2000; Wendt 1994). Behaviour, according to this basic perception – based on the so-called rational-choice premise – is orientated to maximize, optimize, or satisfy given – or fixed – member state preferences or interests.

The aim of this study is to move beyond the rational-choice perception that is primarily focused on intermittent high level events of intergovernmental decision making. The study aims to contribute to a fuller picture of change – or continuity – in EU policy shaping by investigating patterns of communicative behaviour at the everyday level.
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of decision making in the EU. *Everyday decision making* is defined as processes of decision making that occur on a daily basis (almost always in Brussels) in the intervening periods between the high-level events of intergovernmental decision making. These processes mostly occur in the framework of a legislative procedure where a policy instrument (a draft proposal) is being discussed in a series of successive meetings where delegates of member states, European institutions, and/or other organizations interact at various levels and in various venues of EU decision making.

As regards *communicative behaviour*, in this study it refers in particular to the communicative form of what the German philosopher (Jürgen) Habermas refers to as communicative action (1984). On the basis of his theory on communicative action this study examines whether delegates (discussants) in day-to-day decision making engage in a communicative process where “valid arguments can be truthfully and open-mindedly exchanged” (Risse 2000; Ulbert *et al.* 2004: 4-10). In such a process, which will hereinafter be referred to as ‘deliberation’ or ‘deliberative discourse’, discussants are induced to shift or change their interests, beyond their initial positions, towards a common and reasoned understanding on a policy outcome (Dahlberg 2004: 33; Graham 2008: 20; Risse 2000: 9). This perspective is, as opposed to the rational-choice perspective, based on the premise that interests or preferences are not fixed in the course of exchanges and discussants are willing to be convinced (i.e. to change their minds) by the “forceless force of the better argument” (Habermas 2005: 384).

Specifically, the purpose of this study is to (empirically) examine under what circumstances and to what extent discussants in day-to-day decision making actually engage in deliberative discourse. Subject of this empirical examination are three events of everyday EU decision making. Each of the cases concern a decision-making process resulting in the adoption of a new policy instrument in the EU policy field of justice and police cooperation. All three occurred in the period between the entry into force of the Amsterdam Treaty (1999) and that of the Lisbon Treaty (2009). They differ in terms of circumstances in which deliberation is assumed to occur. The question whether discussants did actually shift their position or interest due to deliberative discourse falls within the reach of the following research question that is central to this study:

*Under what circumstances, and to what extent, does deliberation induce change in the everyday practice of decision making in the EU?*
Answering this empirical question also entails the identification of circumstances in which deliberation is likely to occur. Drawing specifically upon constructivist literature (notably Checkel 1999: 554; Gheciu 2005; Risse-Kappen 1996; Risse and Kleine 2010), which sheds light on the occurrence of deliberation in such a multi-faceted or institutionally dense environment as the EU, a set of institutional and social conditions is proposed that hypothesizes that deliberation is likely to occur when: (1) there is continuous, enduring frequent interaction; (2) there is insulation from political pressure from outside; (3) decisions are taken by majority; and (4) delegates from non-state actors (such as the Commission or the European Parliament) have full, unconstrained access to the discussions. These conditions make up the institutional and social ‘density’ of the environment in which discussion takes place. Consequently, the proposition that is central to this study is as follows:

*Deliberation is likely to occur when the environment of decision making is institutionally and socially dense.*

In more specific terms, deliberation and ensuing change is likely to occur – and to induce interest and preference change – in everyday decision making of the EU when:

- negotiating parties meet repeatedly and contact between them is sustained and has some significant duration (systematic interaction);
- negotiating parties discuss in settings which are insulated from outside political influence or pressure (insulation);
- non-state actors – such as European institutions – enjoy full access to the negotiations; and
- qualified majority is required in the Council for the adoption of the final outcome.

Together, the findings identified on the basis of the key research question and hypotheses seek to provide a detailed, qualitative account of communicative patterns in day-to-day decision making in the EU. Moreover, they seek to contribute to the understanding that in a multi-faceted context of decision making like the EU – with its rich diversity of institutional and social conditions – shaping of policies (or even new competences), expansion of legislative activity, adoption of new policy instruments, or change in general also occur independently of high-level interstate decision making.

The relevance of the findings extend beyond the scope of the subject of this study, that is: beyond the scope of everyday decision making in the area of justice and police cooperation in the period between 1999 and 2009. The basic argument that
instances may be found in which ‘arguments carry the day’ and as a consequence of which preferences or interests change, is equally relevant for other policy areas in the EU. As a matter of fact, findings of this study have extra robustness considering that the area of justice and police cooperation is to be considered a ‘least-likely case’. The JHA area is a particularly sensitive policy field that lies at the very core of national sovereignty (for a discussion see Aus 2008; Kaunert 2010; Uçarer 2014). If findings demonstrate instances of deliberation and ensuing change at everyday EU level in this field, then they provide strong support for the theoretical claim that deliberation and ensuing change can be identified in other areas of EU activity as well – given the circumstances.

Moreover, the argument extends to decision making processes in today’s EU, as designed by the Lisbon Treaty, and beyond. Therefore, instances of deliberative discourse identified in this study are to be viewed as alternative sources of change in EU decision making, irrespective of the time frame. If circumstances, which have been identified as conditions facilitating deliberation, do also exist in the institutional and social setting of post-Lisbon EU, then deliberation is just as much a driver of change as in the period under examination. Robustness of the argument and findings of this study are strengthened by the selection of the cases, which vary in terms of both institutional setting and social patterns (including cases that more or less resemble the current institutional framework of post-Lisbon EU).

This study contributes to a fast-growing body of constructivist and sociological research on European integration and the functioning of the EU in various ways. Theoretically, it identifies and specifies – on the basis of research in the field of communication sciences – a set of elements conceptualizing deliberative discourse and a set of conditions which are postulated – in constructivist research – to facilitate the occurrence of deliberative discourse. The study basically merges two strands of thinking into one conceptual framework for capturing processes in the EU in terms of discourse and change. Methodologically, it operationalizes these concepts – i.e. the elements of deliberative discourse and conditions facilitating it – into a set of indicators which allow to empirically identify the occurrence of deliberation and the setting inducing discussants to engage in deliberative exchanges. Also here, insights have been merged from both constructivist and communications research.

On a more general note, this study seeks to improve our understanding of the EU as an evolving community where (national and other particular) interests ‘inter-mesh’ rather than compete. Nowadays, it seems that the EU is being perceived more and more in society as an arena of competing national interests where outcomes are
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reached through zero-sum competition between member states. Mindful of these developments, this study ultimately seeks to contribute to a move of the general discussion from the instrumentalist perspective towards a more sociological perspective of the EU as an evolving community of intermeshing interests.

1.4 Organization of the study
This study is organized in seven chapters, a conclusion, a bibliography, appendices and an index. In Chapter 2, a review of various theories on European integration and the conceptualization of change in this process is presented. In this chapter the emphasis gradually shifts to discussion of constructivist literature, its various strands, and the reasons why constructivism is an appropriate approach for theorizing integration and change in Europe. A set of notions that conceptualize elements of deliberative exchange will then be discussed as well. Also in this chapter, drawing mainly on insights from literature in the field of communication sciences, a set of elements conceptualizing deliberative discourse is discussed. They are further specified (for analysis) and operationalized into empirical indicators in Chapter 3. Also in this chapter, a set of conditions facilitating deliberative discourse is specified and operationalized. The research design and methodology of this study is addressed in this chapter as well. The selection criteria, the methods of data collection, the procedures followed and the method of analysis are then explained. In the subsequent three chapters (Chapters 4, 5, and 6), three case studies and a discussion of the findings are presented. The conclusive chapter contains a summary of the findings, reflections on the relevance of the findings and on the nature of the EU as an evolving community.