The Europeanization of Swiss decision-making processes

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Introduction
Europeanization has been at the core of two research projects on decision-making processes in Switzerland that we carried over the last decade. Interestingly enough, Europeanization was initially not supposed to be the central focus of these projects: The first was broader in scope, as it dealt with the effects of globalization and internationalization,¹ and the second was agnostic with respect to Europeanization – it looked at the characteristics of the most important decision-making processes and structures in contemporary Switzerland, and at the related changes that have taken place since the 1970s.² However, in both projects Europeanization has imposed itself as a crucial variable, if not as the most crucial variable. We use insights from these two research projects – and from a data-bank on the legislative acts of the 1995-2006 period that emerged from these projects – to address the questions raised by the initiators of this debate and, more especially, to highlight what effects Europeanization has had on decision-making processes and related power and conflict among actors.

Definition and measurement of Europeanization
On the one hand, our work has grounded on the general definition of Europeanization put forward by Ladrech (1994: 69): “[an] incremental process re-orienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organisational logic of national politics and policy-making”. Further, but still in line with most studies, our work is firmly anchored in the tradition of the "second image reversed" approach (Gourevitch 1978, Katzenstein 1985). Accordingly, we see Europeanization as the

¹ This project was carried out in the context of the SNF Priority program “Switzerland towards the future” (Project Nr. 5004-058512).
² SNF project “The Swiss decision-making system in the 21. century: power, institutions, conflicts” (Project Nr. 100012-113964).
domestic consequences of the European integration process, and not as the process of European integration itself.

On the other hand, we must cope with Switzerland's specific situation in Europe: As Switzerland is not member of the EU, Europeanization takes of course different forms than in EU member states. One of us contributed to the – henceforth widely used – distinction between direct and indirect Europeanization (Fischer 2005, Sciarini et al. 2004, Sciarini et al. 2002). Direct Europeanization represents the most obvious mechanism of EU influence, as it results from an international negotiation between Switzerland and the EU. Directly Europeanized acts may thus be fairly easily identified based on the legal status of a legislative act – i.e. it includes the bilateral agreements and the domestic legislative changes that derive from them (see Jenni's and Gava and Varone's contributions). Indirect Europeanization, by contrast, occurs without formal negotiations with the EU. It refers to a situation where a non-EU member state adapts unilaterally to existing EU rules. In Switzerland, this form of adaptation is known as "autonomous adaptation" (autonomer Nachvollzug). While indirect Europeanization is a less straightforward – and less easy to grasp – form of influence, it is presumably no less relevant than direct Europeanization, as it may potentially affect any piece of legislation.

In both research projects we relied on this twofold conception of Europeanization mechanisms when analyzing differences between policy processes. In the first project, we compared three decision-making processes that differed with respect to the extent and nature of Europeanization (Fischer 2005, Sciarini et al. 2004): The bilateral agreement with the EU on the free movement of persons (as a case of direct Europeanization), the telecommunication reform (indirect Europeanization), and the 11th pension reform (as a control case, i.e. not exposed to EU influence). Similarly, the second project also included directly Europeanized, indirectly Europeanized, and "purely" domestic projects (Fischer 2012, Sciarini 2014b).³

Our work exemplifies the "bias" of the Swiss literature on Europeanization mentioned in the introduction of the debate: While in the EU policy-related studies strongly dominate, we have mostly addressed politics- and polity-related issues (see section 3). Of course, elaborating a policy is the raison d'être of any decision-making process and the policy dimension is, therefore, of utmost importance all along the process. But given our analytical focus, policies mainly served as an "excuse" for the study of institutions and actors, and interactions among

³ In both projects, therefore, the inclusion of domestic cases has enabled us to overcome the "no variance" and "lack of control case" problems that may affect the Europeanization literature (Haverland 2000, 2007, Radaelli 2003).
them. For the purpose of the present contribution, however, we have conducted additional analyses regarding the policy dimension: As a by-product of the two research projects we created a data bank on legislative acts that includes information about the direct or indirect Europeanization of acts; it also informs about the issue topic at stake, following the classification system developed in the "Policy Agendas Project" (Baumgartner and Jones 1993).

**Direct and indirect Europeanization across policy domains**

The list of the 11 most important decision-making processes of the 2001-2006 period, which we identified based on an expert survey, is already quite revealing in and of itself (Sciarini 2014b). Among these 11 processes, three are directly Europeanized: The extension of the bilateral agreement with the EU on the free-movement of persons, the treaty on Switzerland’s participation in the Schengen and Dublin agreements, and the agreement with the EU on the taxation of savings. In addition, two additional domestic bills have a strong European component: The new law on foreigners and the revision of the telecommunication act. Overall, then, almost half of the 11 most important processes of the 2001-2006 are directly or indirectly Europeanized. This underscores the utmost importance of European integration in contemporary Swiss politics. This is all the more true since two additional acts (the law on cooperation with Eastern European countries, i.e. the one billion Swiss francs contribution to the EU cohesion funds, and the bilateral agreement on fraud) also belong to the 30 most important acts of the 2001-2006 period.

The comparison with the situation prevailing in the early 1970s can only reinforce the view that Europeanization has become very important in the last two decades: Among the 13 most important decision-making processes of the 1971-1976 period there was only one legislative act in European (economic) policy: The 1972 free trade agreement with the EC on industrial goods (Kriesi 1980). In addition, had Kriesi's study covered the late 1960s or the late 1970 and early 1980s, there would have been no single important legislative act in European policy. In fact, European integration has become an issue in Swiss politics in the late 1980s only, as a result of the Single Market project (Dupont and Sciarini 2001, Sciarini 1991).

Now, one may wonder whether the most important decision-making processes are representative of the larger set of legislative acts. The answer is crystal clear: They are not, at

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4 The coding of both Europeanization and issue topic stems from Frédéric Varone's SNF project (see Gava and Varone's contribution to the present debate).
least not in terms of Europeanization. Among all legislative acts subject to direct democracy (popular initiatives, constitutional changes, federal laws) and adopted by the Swiss parliament during of the 1995-2006 period (N=583), the share of Europeanized acts is only 9%; 6.5% directly and 2.5% indirectly Europeanized acts. Further, a look at a sub-set of legislative acts for which we have additional information regarding their importance shows that Europeanized acts are more important than domestic acts, on average (table 1).

Table 1: importance of domestic and Europeanized legislative acts, 1995-2006 (mean values, standard deviation in parentheses)\(^5\)

<table>
<thead>
<tr>
<th>Importance</th>
<th>n</th>
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<tbody>
<tr>
<td>Not Europeanized</td>
<td>2.64 (0.74)</td>
</tr>
<tr>
<td>Directly Europeanized</td>
<td>3.44 (0.83)</td>
</tr>
<tr>
<td>Indirectly Europeanized</td>
<td>3.05 (0.72)</td>
</tr>
</tbody>
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Note: the scale of importance ranges from 1 (no) to 5 (full); the data stem from two expert surveys (see Sciarini et al. 2002; Sciarini 2014c).

Table 1 shows that Europeanized legislative acts, and in particular those that are associated with direct Europeanization, are deemed more important than "purely" domestic legislative acts. Thus, Europeanized acts represent only a small minority of legislative acts, but they are especially important.

A closer look at the data reveals important variations in the extent of Europeanization across policy domains. Between 1995 and 2006, two domains exhibit an especially high share of (directly or indirectly) Europeanized acts: Immigration (42%) and education (20%). The share of Europeanized acts is also above average in domestic commerce (18%), foreign policy (12%), science/communication (11%), transport (10%) and labor (10%). By contrast, the share of Europeanized acts is especially low (less than 3%) in the domains of civil rights, health, agriculture, energy and defense. Not surprisingly, the domains that are most Europeanized are those that were covered by bilateral agreements. The fact that

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\(^5\) Information regarding importance is missing for acts adopted by the Swiss parliament between January 2000 and October 2001. The total number of observations is thus 479, against 583 for the whole 1999-2006 period.
Europeanization is so low in foreign policy reminds us that international politics does not stop at the EU border.

Other effects of Europeanization

The effects of Europeanization on domestic polity and politics are well assessed and consistent, at least with respect to direct Europeanization. Regarding first the polity dimension, Europeanization has had an impact on both the institutions of decision-making processes and the relative importance of decision-making phases. Directly Europeanized processes include international negotiations, which shift the center of gravity away from the domestic level. Taking place at the beginning of the process, these negotiations influence the content of the act substantially, and the inner-administrative, technocratic phase thus tends to become the most important part of the process (Moravcsik 1998, Sciarini et al. 2004). For the same reason, the importance of formal consultation in the pre-parliamentary and the parliamentary phases is weaker in Europeanized than in domestic processes; this, since there is not much room (nor time) for domestic debates (Sciarini 2014b, Sciarini et al. 2004). To be sure, consultation takes place in the pre-parliamentary phase, but it is informal and highly selective (Fischer and Sciarini 2013b, Sciarini et al. 2004, Sciarini et al. 2002). Thus, while the parliamentary phase has overall strengthened since the 1970s, this does not hold for directly Europeanized processes (Sciarini 2014b); despite the consultation and information rights granted to parliamentary committees on foreign affairs, executive state actors still take the lead.

Effects of direct Europeanization on the politics dimension (i.e. power and conflict) go hand in hand with those regarding decision-making phases. The claim that Europeanization leads to differential empowerment (Börzel and Risse 2003) has proven to be true also in Switzerland. In both research projects, we find that state executives, and more especially those that are involved in international negotiations, are reinforced in directly Europeanized processes, at the expense of both the legislative body and non-state actors (Sciarini 2014b, Sciarini et al. 2004, Sciarini et al. 2002). While there is a controversy regarding the effects of European integration on national parliaments (Goetz and Meyer-Sahling 2008), in Switzerland, Europeanization seems to be associated with "de-parliamentarisation", and with more technocratic policy-making (Papadopoulos 2008, Sciarini 2014b).

While direct Europeanization strengthens state executives, the latter still depend on domestic, non-state veto-players in the ratification phase. As a result, state executives actively look for collaboration with – and support from – euro-skeptical actors from both the Left and the far
Right all along the decision-making process (Fischer and Sciarini 2013a, 2013b). Further, our results show that non-state actors are not all equally affected by Europeanization. First, due to direct access to negotiations or EU institutions as well as financial means, interest groups suffer less from Europeanization than political parties (Fischer et al. 2014, Sciarini et al. 2004). Second, interests representing the export-oriented economy are favored as compared to the domestically oriented economy (Sciarini 1994). By contrast, the effect of direct Europeanization on the power balance between business and trade union is less straightforward than expected (Fischer 2005, Fischer et al. 2002, Sciarini et al. 2004).

Our findings are less clear-cut with respect to indirectly Europeanized processes. This may be due to the greater heterogeneity of the processes that fall into this category. While processes from the late 1990s showed a weakening of parliament in indirectly Europeanized processes (Mach et al. 2003, Sciarini et al. 2004), the parliamentary phase – and within that phase the governing parties – was very important in two indirectly Europeanized processes of the early 2000s – the law on telecommunications and the law on foreigners (Sciarini 2014a, 2014c). Similarly, in our first project we emphasized the high importance of (formal and informal) pre-parliamentary consultation in indirectly Europeanized cases (Sciarini et al. 2004, Sciarini et al. 2002), but in our second project the pre-parliamentary phase overall appears as unimportant.

The consequences of Europeanization on domestic conflict are disputed in the literature. On the one hand, and in line with Katzenstein’s (1985) seminal work, we may expect that the external pressures arising from Europeanization fosters consensus domestically. On the other hand, opponents of Europeanized legislation are confronted with “faits accomplis” and cannot influence the project substantially, which is likely to increase conflict (Fischer 2005). Our results lean towards the first term of the alternative: Sciarini et al. (2002, 2004, also Sciarini and Nicolet 2005) find that Europeanization reduces domestic conflict, and Fischer (2012, 2014) finds that Europeanization has no consistent effects on conflict between coalitions.

Conclusions and Outlook

According to our data, only a small minority of legislative acts in Switzerland are Europeanized. However, these acts are very important. In addition, the effects of direct Europeanization on domestic polity and politics are substantial, and they are consistent across

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6 In a comparison between Switzerland and Romania, Jurje and Fischer (2013) further find that the effect of Europeanization on domestic power structures is lower in the non-member Switzerland than in the candidate country Romania, i.e. a country on which the EU can exert pressure in the form of access conditionality.
a number of cases. In a nutshell, direct Europeanization leads to more technocratic policy-making, it reinforces state executives and weakens non-state actors. The decline in formal consultation procedures is nevertheless compensated for, at least partly, by the pro-active, inclusive strategy of state actors. This, in turn, may also account for the overall high level of consensus that we observed in directly Europeanized processes. The effects of indirect Europeanization on the polity and politics dimension are more ambiguous. To begin with, indirect Europeanized processes are less easy to identify. In addition, existing findings point in different directions. It is thus especially with respect to indirect Europeanization that further work is needed.

References


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