Why widening makes deepening: unintended policy extension through polity expansion

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ABSTRACT   By analysing widening as the cause of deepening, the contribution examines unintended effects of enlargement. During the Eastern enlargement process, the European Commission was assigned competences *vis-à-vis* the candidate states which exceeded the powers formally conferred to it by the European Union *acquis*. During the pre-accession phase, the Commission thus implemented double standards that applied to candidate states but not to members. However, these special capacities did not expire in all policies, as expected. Theoretically, this raises the question: Under which conditions does policy-making lead to an increase of supranational capacities? The contribution concludes that widening produces systematic pressure for the deepening of supranational policy-making capacities. Whether such deepening persists depends not only on the interplay of actor preferences and institutional contexts, but to a decisive extent on the actual policy type that is institutionalized. Along these lines, the policy-making exercised in the most recent widening rounds did indeed cause deepening.

KEY WORDS   Commission; deepening; enlargement; EU capacities; integration.

INTRODUCTION: THE EMPIRICAL PUZZLE AND THEORETICAL QUESTIONS

Whether widening of the European Union (EU) may be a cause for deepening remains disputed. This contribution examines a chiefly neglected question: What kind of a repercussion does the implementation of enlargement have on EU institutions? In answering this question, I diverge in three ways from most research on the interaction effects between deepening and widening. First, I take a policy-centred angle. This means that the question is not about the impact of institutions on policies but the effect of policies on institutions. Second, in departing from empirical findings, the analysis does not test prominent integration and governance approaches but serves a genuine theory-building purpose. Third, this unconventional conceptual and methodological approach makes it possible to inconspicuously research unintended effects of widening on deepening.

Overall, enlargement has been insufficiently theorized for a long time (Schimmelfennig and Sedelmeier 2002: 501). Empirically, the large body of work on

widening is, on the one hand, limited to the formal institutional effects of growing membership, such as voting rights in the Council or the composition of the European Parliament. On the other hand, various researchers have investigated the effects of enlargement on the political systems of the new member states with a special focus on Europeanization effects. Especially the pre-accession adaptations in candidate states have been well researched applying Europeanization approaches (Börzel 2009; Schimmelfennig and Sedelmeier 2005). The knowledge gained from these studies informed questions on institutional reforms and the functioning of the EU, as well as the conditions under which the EU can impact on third states. This contribution taps into another question: Has the way in which the EU tried to steer the candidate states affected its own functioning?

The study is driven by an empirical puzzle. In the context of Eastern enlargement (2004/2007), the European Commission had powers that went beyond earlier enlargement rounds; it exercised authority over policies in the candidate states for which it lacked any Treaty base. Although these powers were designed to expire with accession, the Commission stayed active in some fields. What explains this variance between policies that were institutionalized beyond the enlargement framework and those that expired as intended?

Theoretically, the puzzle touches on two key questions of integration research. First, *what are the drivers of regional integration*? This question was the main matter of inquiry during the first decades of EU research. Since the mid-1990s, the so-called 'governance turn' (Kohler-Koch and Rittberger 2006) moved attention to the actual functioning of the EU polity. Accordingly, researchers treated the EU more frequently as a given polity than a system in the making. This conceptual re-emphasis and empirical evidence suggested that with the completion of the economic and monetary union, the heyday of integration was over. Revising his earlier work on the integration as a 'creeping' accumulation of competences on the supranational level, Mark Pollack (2000) argued that with the Treaty of Maastricht, political and economic backlash led to an end of such 'creeping competence'. Following up on Pollack, this contribution illustrates that if we focus on the effects of policy-making, the dynamics of creeping competences are still at work.

Second, how do *horizontal institutionalization (widening) and vertical institutionalization (deepening) interact*? A trade-off between deepening and widening is often assumed. But empirical studies provide an ambiguous picture of the interaction effects between the two processes. In particular, widening has been shown to have a catalyst effect on deepening. Although an increase in membership may impinge decision-making,

> successive increases in size have without doubt allowed the EU to develop more substantial and effective policies, internally and externally, than would have been possible with a smaller group. The process of widening has often accompanied or reinforced deepening: *more* has not led to *less*. (Avery 2008: 181–2; emphasis original)

At the same time, depending on the actual increase in heterogeneity owing to enlargement, widening has had cumbersome effects on decision-making, particularly in the Council (Hertz and Leuffen 2011; Hosli *et al.* 2011). Yet, despite some pessimistic forecasts, enlargement has not led to deadlock (Pollack 2009; Wallace 2007).

Although theories about a deepening/widening trade-off are not fully falsified, they cannot fully explain interaction effects between vertical and horizontal integration. Tapping into this theoretical void, the aim is to identify conditions under which widening causes deepening. The next section presents empirical evidence on the repercussions policy-making had on EU policy-making capacities during the 1993–2007 pre-accession phase that built on 'pre-accession strategy' initiated in 1994 and decisively different from earlier enlargement rounds. I develop a theoretical explanation based on a comparison of five policies with varying impacts on deepening. I argue that the Copenhagen enlargement framework, marked by the pre-accession strategy, created a particularly conductive context for policy-generated integration. In essence, the type of policy in terms of direct political ownership is decisive for a capacity to be institutionalized beyond its limited original mandate. The final section evaluates the theoretical conclusions about integration dynamics and the role of widening as trigger for deepening from a policy-centred perspective.

THE EMPIRICAL EVIDENCE: VARYING EFFECTS OF POLICY-MAKING

The guiding hypothesis states that widening is a source for deepening. Focusing on policy-driven change, the independent variable widening (territorial expansion of the EU or horizontal integration) is narrowed down to the policy-making dimension. The notion of widening is limited to the actual implementation of enlargement policy, which is the Commission's exercise of singular competences as part of the pre-accession strategy. The Copenhagen Accession Criteria (European Council 1993) created a peculiar legal framework, which differed from previous widening under the 'classical enlargement method' (Preston [1995]; for a comparison see Heidbreder [2011]: 12]). For the first time, states applying for membership had to meet political, economic and legislative criteria before opening negotiations. A further decisive novelty of the Copenhagen framework was that these conditions were not all derived from the *acquis communautaire*. Instead, double standards granted the Commission leverage to steer policy-making in the candidate states but not the member states (Amato and Batt 1998). The analysis includes all cases of clear double standards and tests whether and under which conditions the implementation of these policies led to an expansion of EU capacities.

The dependent variable is deepening (increasing depth and width of supranational authority [Börzel 2005] or vertical integration). From the policy-centred perspective, deepening is defined as the continued use of capacities the member states delegated to Commission in the Copenhagen framework, which applied

exclusively to the candidate states and should have expired at accession. Capacities are conceptualized more widely than legally based authority. They are operationalized as an increase of supranational steering instruments. Accordingly, capacities are measured as the continued post-accession application of policy instruments developed in the Copenhagen framework. Operationalizing institutionalization of EU authority as Commission steering capacities enables us to measure deepening as the persistent use of new policy instruments, which varies between the two sets of cases.

Table 1 summarizes the results on the enlargement-induced conditions for deepening. It lists the policy instruments the Commission established during the pre-accession phase and those institutionalized beyond enlargement. The first main finding is that policy-making created demands for continued Commission involvement in all cases. The second finding is that whether member

Table 1 Steering instruments in pre-accession phase and beyond

Policy issue	Copenhagen framework	Acquis communautaire

Administrative capacity	Regulation
	  monitoring SIGMA standards
	Distribution
	  assistance, especially twinning
		Distribution
		  nested regulatory &
		  redistributive policies

Cross-border co-operation	Distribution
	  assistance lowering borders
	  old/new & new/new member
	  states
		Distribution
		  all member states
		  eligible

Minority protection	Regulation
	  monitoring internationally
	  standards
	Distributive Policy
	  assistance focused esp. on
	  Roma
		Regulation
		  non-hierarchical
		  steering instruments
		Distribution
		  all member states
		  eligible

Nuclear safety	Regulation
	  monitoring based on extended
	  interpretation of Euratom
		–

Anti-corruption	Regulation
	  monitoring based intended EU
	  law
		–

Source: Author's own table (*cf.* Heidbreder 2011: 161).

states pre-empted the extension of capacities depended on the political clout the EU level would gain. Member states tolerated Commission involvement if capacities in the Copenhagen framework were largely limited to soft regulation and distributive action and did not threaten to become more formal if extended to all member states. As long as the supranational activities go politically unnoticed or remain in a legal grey area, the Commission stays involved in any field in which co-ordination pressure emerges. However, if co-ordination pressure necessitates new hard regulation, which would entail an evident re-allocation of political ownership, member states push the Commission out of its policy-making role and opt for co-ordination by other international forums.

In order to provide a more detailed empirical picture, I will introduce the five cases and then turn to the general characteristics of the pre-accession policy instruments. On this basis, the two groups of cases are briefly contrasted. This summary builds a more detailed illustration by Heidbreder (2011).

THE CASES OF DOUBLE STANDARDS AND THE DESIGN OF THE PRE-ACCESSION INSTRUMENTS

For the analysis, all areas in which double standards occurred are of relevance. Based on document analyses of Commission reports and external evaluations of the pre-accession strategy, five policies are identified and included into the analysis. In three cases, the Commission remained active beyond accession: minority protection; administrative capacities; and cross-border co-operation. In contrast, nuclear safety and anti-corruption policy were not directly converted from the Copenhagen framework to new Commission capacities. The evidence for a policy-making capacity beyond enlargement is based on data about the organization of Commission staff, i.e., where have the issues been integrated into a directorate general outside enlargement, on budgetary and programming lines which provided continued funding for the issues, and on interviews that trace how expertise has moved from DG enlargement to other units. The interviews focus mainly on how issues are dealt with outside the enlargement units and were conducted in Commission services after the 2004 enlargement.

In all policy areas under scrutiny, the enlargement strategy equipped the Commission with decisively wider authority over the candidate states than it possessed under the regular *acquis communautaire*. This holds even though some closely related developments occurred parallel to the enlargement framework which covered closely linked or overlapping concerns. A case in point is the anti-discrimination *acquis* that established basic individual rights. The distinct feature that was covered by the enlargement minority criterion but not the regular *acquis* was the promotion of collective rights, which were partially merged into the anti-discrimination *acquis* (for details see Heidbreder [2011: 82–5]). A form of Treaty base had existed before enlargement in other cases, notably cross-border co-operation and nuclear safety. But the policies were given a new interpretation and scope in the enlargement context, which

created new policy objectives that were put on the agenda for the first time in view of the upcoming enlargement (Heidbreder 2011: 103–38).

The decisive feature of all cases under scrutiny is that the member states did not aim to confer official competences in these areas but felt the strong need to react to perceived problems in the candidate states. The Eastern enlargement was marked by the fact that the bulk of the 2004/07 accession states were undergoing a fundamental political, societal and economic transformation. Unlike earlier enlargements rounds with transforming states (notably the Southern enlargements), the distinctly new approach was to push for adaptation *before* accession instead of quick adhesion to assist further democratic, societal and economic reform of the new members. This strategy put highly salient political problems on the agenda, even though a conferral of powers in these fields was generally not in the interest of the member states. Thus, the member states had a strong interest in Commission control over the external states before and only until accession, which granted the Commission unprecedented discretion to shape the single pre-accession policy contents and tools.

Backed by conditionality, the Commission had at its disposal two types of instruments: monitoring and assistance. The most significant departure of Eastern enlargement from previous rounds was the introduction of pre-accession conditions, the Copenhagen criteria. While earlier accessions were based on a single Commission opinion (*avis*) followed by bilateral negotiations, the Copenhagen framework established a multi-annual monitoring system to report on each state's progress. To support reforms, the Commission also created differentiated programmes to prepare the future participation in the EU structural funds (Instrument for Structural Policies for Pre-accession [ISPA]), agricultural policy (Special Accession Programme for Agriculture and Rural Development [SAPARD]) and across all other kinds of state transformation (Phare). Regular monitoring combined with financial and technical assistance were the strategic innovations of Eastern enlargement process. Obviously, both monitoring and assistance were not new tools, and the linkage between financial assistance and certain conditions had been used before, especially in the regional and cohesion policies (Heidbreder 2011: 40). To understand the logic of the Eastern enlargement strategy, it is, however, important that the conditionality mechanism was rendered effective through the mix of monitoring and assistance tools. The innovation was therefore to make monitoring and assistance the main drivers of the new, strategic pre-accession approach (Heidbreder 2011: 9).

In line with the two types of instruments, the method of control was regulative or distributive. Matching the Union's dominant role as regulator, annual Regular Reports assessed the progress in transposing EU law and the accession criteria. The pre-accession assistance programmes provided considerable financial resources but were conditional on progress. Most notably, SAPARD payments were delayed by almost two years because the Commission considered the administrative capacities of the national payment agencies insufficient. Moreover, the Commission relied heavily on technical assistance. Under the

twinning (Technical Assistance for Information Exchange [TAIEX]) pro-gramme, officials from the member states were seconded to the candidate states to assist administrative reforms and EU rapprochement.

Emphasis varied across the cases between restrictive regulative measures linked to monitoring and reporting, and distributive measures linked to finan-cial and technical assistance. The type of policy problem, and hence the legal context a policy falls into, determine the selection of policy instruments. The following presents the systematic differences between the two groups of cases in which capacities were contained or extended.

PATTERNS OF SIMILARITIES AND DIFFERENCES ACROSS POLICIES

Only two of the five policies adhered to the intentional design and expired with accession. The specific trademark of the nuclear safety and anti-corruption pol-icies is the strong regulatory logic of pre-accession instrumentation. Since hard regulatory policies were the dominant policy tools imposed on the candidate states during the pre-accession phase, any further Commission involvement had to mean new binding EU legislation. In addition, given the politicization of the policies added to the agenda with the decision to enlarge eastward in 1993, new supranational steering capacities would have implied a public confer-ral of political ownership from the member states at the EU level. In reaction, the member states pre-empted any further Commission involvement and redir-ected their co-ordination efforts to alternative venues offered by other inter-national organizations or private networks.

The *nuclear safety* case created the most tensions between the Commission and the member state governments. The Commission's legally justified claims for new powers were met with member state rebuffs during the pre-accession phase. Although the understanding of nuclear safety in the 1957 Euratom Treaty did not include nuclear installations, the Commission argued for a revised reading to also include safety standards for nuclear power plants – which it was monitoring in the candidate but not the member states. In a dispute over the accession to the International Atomic Energy Agency (IAEA) Nuclear Safety Convention, the European Court of Justice backed the Commis-sion's wider reading. Although the Court confirmed the Commission's compe-tence (European Court of Justice 2002), the member states continued to refuse competences, withdrew the monitoring mandate from the Commission and del-egated it to a network of private regulators. The Commission pushed forward with the so-called *nuclear package*, a set of legal acts which would have formal-ized non-binding *acquis* in line with the Court's judgment (Commission of the European Communities 2004) and was again blocked by the Council. Other than deepening the EU in nuclear safety, the governments argued that the IAEA and the private regulators' network were better suited to handle nuclear safety. According to a Commission official, these accords outside the EU were:

mostly very much in line with what the nuclear package did, but the nuclear package would have been binding, whereas they want to do this work on a non-binding basis. . . . The member states see it as a kind of opening the door to community legislation, and they do not want to give in even that little bit of stamp, even if it does not change anything. (Interview Directorate General for Transport and Energy [DG TREN] 2007)

The member states opted equally for alternative international co-ordination in the *anti-corruption* case. In 2003, the Commission abandoned its previous insistence on regulation, arguing that other international organizations were sufficient or even better in dealing with the problems that continued to exist. In one and the same document, the Commission presented an abundant list of anti-corruption measures demanded from the candidates and asserted for the member states that the EU should withdraw from measures already covered by other organizations, 'in particular for initiatives of the United Nations, the Organisation for Economic Co-operation and Development (OECD) and the Council of Europe, where the EU has been playing a leading role and should continue to do so' (Commission of the European Communities 2003: 5). In both the nuclear safety and the anti-corruption case, EU involvement in candidate states was substituted for other organizations' less coercive co-ordination, even if recognizing that the Commission's pre-accession oversight offered more effective control. This contradiction is illustrated by the fact that anti-corruption double standards persist for the 2007 entrants Romania and Bulgaria through continued bi-annual Commission monitoring.

The major difference the other three cases share is that policy implementation in the candidate states remained below the decisive hallmark of question-raising on political ownership between the Commission and the member states. The policies that persisted were either distributive policies linked to eligibility conditions or those framed as regulative policies that could be linked to existing rules but which formally remained in a legal grey area.

In the case of *minority protection*, monitoring was linked to assistance, particularly for Roma minorities in the candidate and soon also in the member states. The anti-discrimination *acquis* based on individual rights materialized within the Union parallel to the promotion of collective minority rights in the enlargement context (Geddes and Guiraudon 2004). Against this development, the Commission did not push for additional minority regulations but fed many of the pre-accession issues into the anti-discrimination legislation. In addition, soft instruments were established. Most prominently, the European Monitoring Centre for Racism and Xenophobia (EUMC) was founded in 1998 (since 2007 European Union's Fundamental Rights Agency), monitoring and 'naming and shaming' bad records. Despite 'the simple fact that the words "minority" and "minority protection" do not appear anywhere in the EU and the EC Treaties' (De Witte 2004: 110), parts of the Commission insisted that the legal construct under which the candidate states were monitored established also a Commission responsibility to

monitor member states' minority protection more generally (Interview, Commission Legal Service 2007). In addition, assistance continues for all states through the European Social Fund. Without substantive new competences, informal institutionalization of the policy tools can be observed based significantly on a wide – if not stretched – interpretation of the existing *acquis*. With the mix of informal monitoring and assistance, also for specific minority groups, that was established parallel to the anti-discrimination acquis, the Commission moves in a legal grey area, which is silently tolerated by member states.

While Roma support has become a flagship concern of the EU, *administrative capacity* building has been incorporated into the European Social Fund and Cohesion Policy with little notice. To draw on EU funds, administrative capacities have to be included into national project planning. This way, the list of standards developed and monitored during the pre-accession phase (in co-operation with the Organisation for Economic Cooperation and Development [OECD]'s Support for Improvement in Governance and Management [SIGMA] programme) is still applied in an indirect manner, making the distribution of funds conditional. This allows the Commission nesting certain regulative objectives in the formally distributive policy. Distributive measures emerge as a very powerful tool from all three cases in which the Commission extends its capacities without substantive new treaty powers. Either new distribution lines are formally open to all states or funds are tied to certain conditions for the recipient. In the former cases, distributive conflict is mitigated by the notion of equal returns. In the latter case, the nesting of regulative objectives is to ensure that funds are handled in the intended manner. Providing financial and technical assistance, the Commission uses distribution as an indirect instrument to steer and for policy-making inside states.

From the beginning, *cross-border co-operation* was limited to distributive measures. Hence, moving instruments to the European Neighbourhood Policy (ENP) did not raise questions about regulatory competences. However, allowing the Commission to 'import' enlargement policy measures to the ENP extended the actual scope of Commission authority to genuine foreign policy issues. The extent to which the ENP instrumentation was a direct continuation of enlargement policy is widely recognized (e.g., Balfour and Rotta 2005; Kelley 2006; Marchetti 2007). In organizational terms, staff for the new ENP was mainly recruited from officials who had formerly worked in enlargement. Concretely, the Commission argued that it had created effective instruments in the candidate states which should be expanded to the neighbourhood strategy. Although the member states recognized that the ENP should also deal with the crucial issue of securing the new external borders, they were reluctant to delegate much discretion to the Commission. Citing a Commission official who moved from enlargement to ENP:

we had a good idea, we were convinced of it but it took a long time to convince them [the member states] – but now we know and member states want

to do the same thing . . . It's all about soft capacities, and using them in a convincing manner because that makes a difference (Interview 2007, DG External Relations).

In brief, the continued use of distributive instruments was, in all three cases, framed in such a way that either all member states could benefit from further EU funding or that funding was bound to conditions. The regulative tasks that were filled with actual policies in the monitoring system were continued as soft law, in legal grey zones, or as nested regulation through conditional distribution of EU funds.

CONDITIONS FOR WIDENING AS CAUSE FOR DEEPENING: POLICY-GENERATED INTEGRATION MECHANISMS

Although the 'grand theories' of regional integration by and large neglect enlargement as a cause for deepening, at first glance the cases lend themselves to both standard structural and agency-centred explanations. The structural explanation hints at policy-specific features of the two sets of cases. Intergovernmental theory suggests that states agree to bind themselves under the control of supranational agents to avoid freeriding (most prominently Moravcsik [1998]). The structural feature of policies is that the incentive to co-operate is expected to apply only to 'low' and not to 'high' politics, which represent the core powers of the state. Although this explanation takes into account policy-specific features of deepening, the distinction between high and low politics (Hoffmann 1966) cannot explain the variance. Anti-corruption and minority protection regard justice and home affairs as crucial state prerogatives. The re-definition of cross-border co-operation into an external policy instrument implies that the Commission, via programmes run in the ENP, is involved in sensitive foreign policy activities (e.g., the training of border post at the Ukrainian border) and is formally subject to the intergovernmental Common Foreign and Security Policy. Rather than matching the high/low politics distinction, a shared feature of the policies is that they all touch on sensitive high politics (arguably with the exception of nuclear power installation safety). None of the policies represented an area of traditional economic Community activity, and the high/low politics explanation is not a convincing explanation of the pattern observed.

Agency-centred explanations focus on interaction between the Commission and the member state actors. Theories that conceptualize the Commission as an entrepreneurial actor with an idiosyncratic interest in extending its powers offer especially valid insights. In applying the principal—agent theory, the Commission acts as the member states' agent exploiting the originally delegated discretion which leads to agency loss. However, principal—agent theory fails to fully grasp the issue at stake. Member states effectively control the Commission and enforce their preferences, even in cases in which the Commission has formal legal powers (nuclear safety). In fact, it shows that in the two cases in which the Commission was in conflict with the principals' preferences, the principals were able to successfully prevent slippage. Thus, the Council controls the

Commission – when it wants to. In the cases in which capacities were extended, it was because they did not openly threaten the member states which, in turn, tolerated an unrestrained expansion of Commission discretion. Thus, an explanation based on principal–agent theory confirms the basic assumptions about principals' control. The alternative explanation offered in the following does not compete with this contention but provides a different angle that asks: Under which conditions do the member state principals allow for an expansion of the agent's policy-making capacities?

A POLICY-BASED EXPLANATION: CONDITIONS FOR DEEPENING THROUGH WIDENING

The alternative explanation follows up on the structural conditions determined by policy types and the actor-centred explanation of agency control. The interaction of policy features and actor preferences is captured by the notion of policy instrumentation. Specific policy problems determine the possible selection of policy instruments, which strategic actors take into account by calculating the political price of installing supranational policy instruments. Accordingly, member states will agree to deal with certain policy problems but reject others. Although specific problem types relate to strategic interest constellations 'interest constellations derived from the . . . problem types serve only as a point of analytical departure, and are not precisely reflected in the political arenas' (Héritier 1997: 172–3). The decisive intervening variable discerned from the case studies is the policy instrumentation by which a specific policy problem is framed and implemented. Since policy problems are usually multi-facetted, they may be tackled with a more or less wide range of policy instruments. On the one hand, the Copenhagen framework offered a limited toolbox (regulation-based monitoring/distribution-based assistance), but on the other hand the Commission had extreme freedom in selecting the implementation instruments. Although the problem types were initially *all* in conflict with member states' general deepening interests, soft regulative and distributive instrumentation in the distinct Copenhagen framework led the member state governments to tolerate further deepening, while coercive regulative instrumentation led them to actively pre-empt further creeping competences.

Regarding structural features, what policy-specific communalities can explain the supranational institutionalization of steering capacities if not the high/low politics distinction? In conceptualizing policies as a functionally structuring cause, Theodore Lowi (1964, 1988) prominently inversed the assumed causal direction between politics and policies – namely that 'policies determine politics'. If we apply this insight to our cases, the pre-accession policies implied significantly different politics which determined the member states' tolerance for institutionalization. Notably, the national governments' reaction to pre-empt a continued Commission involvement was not determined by the substantive power transfers but the political visibility of Commission capacities. Only those policies that threaten to politicize issues on the EU level and move political ownership out of the national realm are counteracted by the states. In turn, as

long as no real politics are involved, the member states let the Commission expand capacities even into sensitive state responsibilities. This links to the second theoretical stream: Which actor-specific features add to the explanation of the puzzle, if it is not agency loss? In view of the results, one can formulate the counterfactual that the observed mechanisms should arise independent of the Commission's idiosyncratic interests. Policy-making in previously excluded areas creates pressure for further activity in all cases. But as the deferral of certain policies from the EU to other international organizations shows, the decisive threshold is the politics. The member states prove effective strategic actors in deciding the venue for inevitable continued co-ordination. Accordingly, it is the specificities of policy-making rather than political entrepreneurship which explain whether a capacity is institutionalized at the EU level.

The enlargement strategy that was established based on the Copenhagen criteria of 1993 and the conditionality logic created conditions under which widening served as a cause for deepening. The policy-driven mechanism at work meant that steering instruments designed for and applied exclusively to the external candidate states could only be contained to this context if the member states actively pre-empted the continued use of the tools.

To sum up, two conditions caused further deepening of policy-making in the pre-accession context. The necessary condition was the pressure to co-ordinate additional policies at the EU level in face of the envisaged widening of the Union. The issues put on the agenda during Eastern enlargement were a number of high politics that had firmly remained outside the Union's responsibilities. This condition of a clear problem perception in a policy field was met in all cases. Moreover, the pressure for co-ordination increased in all five cases during the pre-accession phase because the Commission created policy solutions for problems that had not been tackled or had been handled less effectively in other international forums. Yet, pressing policy problems and the perceived need for co-ordination are not sufficient to explain why a specific policy is deepened. The sufficient condition concerns the policy type at stake. The specific problem that needs to be solved determines which instruments can be feasibly applied to implement a policy. If the instruments used do not openly expose the political clout behind the problem and threaten to shift political attention to the EU level, member states allow the Commission to intervene in almost any area. Accordingly, distributive and soft or implicit regulative policies are probable realms for further deepening, whereas the potential threat of genuine and visible political authority for the Union bodies will lead to an outsourcing of responsibilities from the EU to other international organizations that offer politically less demanding – albeit less effective – solutions.

CONCLUSION: THE DEEPENING/WIDENING CONJUNCTION

To conclude, I will return to the questions about integration dynamics, the deepening/widening link, and the contribution of a policy-centred research angle. First, how does integration proceed in the post-Maastricht era? As the case

studies reveal, integration still continues and does so as 'creeping competences'. But these creeping competences have changed since 1993. The main dynamic for more integration does not come from the internal, functional spillovers of one policy sector to the next. Rather, new demands emerge owing to the increase in the heterogeneity of the Union's membership. In the case of Eastern enlargement, this meant an expansion of the supranational policy agenda to highly political topics that did not feature consciously among the member states' initial integration interests. The increased need for co-operation in politically sensitive policies therefore reinforces the trend for creeping competences during enlargements, which – as all widening after 2004 – are based on the conditionality principle as developed in the pre-accession strategy. The critical benchmark for member states is not necessarily the *de facto* limitation of sovereignty owing to the policy-making capacities the Commission exercises. The decisive hallmark is the loss of political ownership over sensitive issues. It is beneficial for member states to rely on effective policy-making by the Commission, even in high politics, but to reveal that political authority is conferred to the EU comes at a high price (*cf.* Heidbreder 2013). The changed notion of creeping competences is accordingly one of supranational capacities located in legal grey zones or which promote regulatory objectives by conditional distributive means. While authority formally remains under the control of the member states, *de facto* policy-making latitude moves to the Commission. The member states seem to tolerate Commission involvement in basically any area in which co-operation pressure emerges, as long as the Commission's policy-making capacities remain publicly a-political.

Second, what does that tell us about the linkages between deepening and widening? Enlargement extended the policy agenda beyond the traditional pool of EU policies to political realms in which the old member states had not seen the need to pool competences but felt pressured to introduce safeguards for the incoming members. Consequently, enlargement served as a powerful catalyst of policy-generated integration. The mode of creeping integration described is not necessarily unique to the enlargement context, but widening is particularly prone to this mechanism of extending the venues for creeping competences to a great number of policies. The set-up of the pre-accession strategy, in which the Commission had unprecedented discretion to produce and apply new policy instruments, was decisive for this dynamic. As much as enlargement creates new hurdles for deepening if heterogeneity between the member states increases, the very increase in heterogeneity and policy demands also increases the pressure for deepening if policy-makers are concerned about the continued day-to-day operability of a widened political system. In conclusion, the conjuncture between vertical and horizontal integration represents a deepening/widening paradox: because strategic actors expect widening to impede future deepening, it has a catalysing effect and causes pre-emptive further deepening.

Finally, what is the value added of the policy-centred research angle on EU integration? The shift to policy-making has illustrated the potential to highlight mechanisms which escape analytical attention, if we focus merely on the link

between institutions and actor interests. Taking policies seriously is a promising avenue to examine the conditions under which multilevel governance evolves. Beyond this, the integration trajectory depicted by the widening/deepening nexus has strong normative implications, since it creates an impasse for further deepening. On the one hand, the issues in which more intense co-operation is requisite are increasingly political. Such politicization of EU integration applies not only to the enlargement context but more widely to the post-Maastricht Union (Hooghe and Marks 2009). On the other hand, as soon as the problem agenda threatens to turn political and can no longer be presented as technocratic policy-making, member states run the danger of losing real stakes in their domestic arenas. In consequence, supranational policies to tackle dicey problems are either pre-empted or pushed to the informal, legally non-transparent realms, where they lack political control through the Parliament and the European Courts. Both options raise not only a host of normative concerns about democratic rule but also fundamental questions about the consequences of these creeping competences regarding the EU's capacity to act under increasing politicization of the integration process at large.

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