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**Choosing Channels. Intra-state and Extra-state strategies of Belgian Subnational
Authorities in Response to the European Semester**

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Abstract

Europeanization literature has found that, in general, subnational authorities prefer to target the EU indirectly via member state channels. This article tests whether these findings hold in the non-legislative domain of the European Semester. With respect to the Belgian case, the article concludes that all Belgian subnational authorities indeed primarily use the cooperative intra-state channels as a response to the domestic division of competences and the EU decision-making procedures. It also finds that in addition especially Flanders invests substantially in extra-state strategies towards EU institutions. The article concludes that stronger time constraints, lower compliance pressure and the more politically salient issues of the European Semester trigger the most prosperous and identity prone region to adopt additional extra-state channels on top of the dominant intra-state channels.

Keywords

Europeanization, European Semester, intergovernmental relations, sub-national authorities, Belgium

Introduction: Europeanization of Intergovernmental Relations

The European Union (EU) is a political system that affects political life in its member states. This rather trivial empirical observation has triggered a comprehensive research agenda in political science, commonly labelled as Europeanization (Featherstone and Radaelli 2003; Graziano and Vink 2006; Bulmer and Lequesne 2012; Börzel and Panke 2016).

Europeanization research assumes effects of various dimensions of European integration on a variety of member states' features: (1) on policies, i.e. member state compliance to EU rules (see Treib 2014), (2) on politics, i.e. the adaptation of domestic political actors such as political parties and interest groups to the multi-level structure of the EU (see Ladrech 2012; Saurugger 2012) and (3) on the polity, i.e. changes in domestic constitutional and institutional design (see Kassim 2012). Polity effects refer to questions such as whether and how European integration alters the way subnational authorities (SNAs) deal with national level institutions when confronted with EU policies and what this entails for the strategies of and the power balance between the national and the subnational levels. Regarding the latter, SNAs that are endowed with a strong constitutional position, are generally found to be able to strengthen their position vis-à-vis the national level by making strategic use of the EU context (Kassim 2012).

The literature discussing how SNAs deal with the EU, however, has not come to univocal conclusions. In a review chapter Bursens (2012) concludes that the EU has a differential impact on SNAs due to the varying ways in which domestic institutions enable or constrain these authorities to deal with the EU. More specifically in terms of domestic intergovernmental relations, different effects are found. With respect to Germany, Jeffery (2003) and Jensen (2014) report the dominance of the cooperative interaction via domestic

coordination, but also the gradual extension of additional direct links of the *Länder* with the European level. Börzel (1999) and Colino et al. (2014) argue that Spain, with the exception of Catalonia, evolved from competitive federalism to cooperative federalism because the EU pressured the *Comunidades Autonomas* to cooperate and to intensify horizontal and vertical coordination mechanisms. With respect to Belgium, Beyers and Bursens (2007, 2013) point to the institutionalization of internal cooperation mechanisms and a clear survival (yet transformation) of the federal level. This finding shows that even SNAs that are endowed with a high level of autonomy primarily turn towards cooperative intra-state strategies to cope with EU primary and secondary legislation. However, they also find that the economically stronger region (Flanders) simultaneously pushes for further decentralization arguing that more autonomy is necessary to remain competitive within the European single market. Most Flemish political elites for instance are in favour of regional fiscal autonomy to lower company taxes and to offer companies competitive advantages within the single market. One way to express this autonomy is to invest in direct contacts with the EU level. From a comparative perspective, Tatham (2011: 76), combining his own IRI index with the Hooghe et al. (2008) RAI index, concludes that 'greater devolution leads to greater institutionalized regional involvement in the domestic EU policy-shaping process'. Jensen (2017) confirms this formal involvement of SNAs by empirically classifying all (quasi) federal states (but the UK) as pluricentric coordination mechanisms.

Whether intra-state or extra-state strategies are more popular among SNAs seems to be equally inconclusive. Summing up conclusions from a Regional and Federal Studies special issue, Swenden and Bolleyer (2014) find that SNAs primarily seek access to the EU via the member state level, while regions with a high level of authority additionally engage in direct strategies towards the EU. Also Högenauer (2014) finds that unmediated access is not

preferred above internally mediated channels. These findings are contrasted by Donas et al. (2013) and Tatham et al. (2014) who observe frequent use of EU level mobilisation of SNAs. Moreover, Huwyler et al. (2018) find that legislative regions engage more in EU policy-making than non-legislative regions and that this is even more outspokenly the case for extra-state strategies. These contradicting findings are partly due to the different types of respondents (national level by Huwyler et al. and EU level offices by Donas et al.) or to the specific focus (legislative activities by Högenauer).

The latter is of particular relevance here. Research on the Europeanization of intergovernmental relations has almost exclusively focused on EU legislative procedures (see also Tatham 2016; Van Hecke et al. 2016). However, this is at odds with the empirical reality of the EU. The better regulation agenda of the Juncker Commission leads to a shrinking amount of new legislation and, more importantly, EU policies are increasingly developed by other instruments such as delegated acts, decisions of executive institutions and agencies, and different types of soft law. This article focuses on the European Semester (ES), the yearly policy cycle to coordinate member states' economic and fiscal policies. The ES is particularly relevant for SNAs as it touches heavily upon their competences, such as education, research and development, environment, labour market and others. The core question of this article is how SNAs react to the growing impact of the ES. First of all, do they turn to intra-state routes towards the EU or rather to direct access strategies, or to both, and which conditions shape these options? In other words, what is the effect of the ES on domestic intergovernmental relations? Does the response follow the logic of dealing with EU-legislation or not? And secondly, under what circumstances does the ES trigger cooperative or competitive strategies? This article does not look at policy content, i.e. to whether and to what extent SNAs comply with ES targets (Zeitlin and Vanhercke 2015), but focuses on the effects of the ES on

intergovernmental relations (see also Bonne and De Blauwer 2012; De Blauwer 2014; Maes and Bursens 2015).

By focusing on the Belgian federation this article contributes to a more comprehensive understanding of how the EU affects Belgian politics in general and domestic intergovernmental relations in particular. The empirical part is based on an analysis of official documents from European, national and subnational institutions, more in particular since the policy cycle of 2014.¹ The document analysis is complemented by findings based on intensive participation in the ES policy cycle by one of the authors (see also author 2 2016).²

Choosing Intra-State or Extra-State Channels?

SNAs of EU member states are confronted with the effects of EU policies. Whether these come in binding laws or in coordinating efforts, EU policies decrease the autonomy of SNAs. What SNAs themselves took away from the national level is also increasingly being taken away from them by the European level. First through legislation and more recently also through the ES, the EU narrows down regional policy scope and limits the availability of regional policy instruments, first through legislation and more recently also through the ES. More in particular, the Europe 2020 strategy's focus on smart, sustainable and inclusive growth entails a set of economic, social and environmental policies that quite often fall within the regional competences. As is the case with EU legislation, however, SNAs are largely excluded from formal EU-level decision-making arenas. While a number of SNAs enjoy diplomatic accreditation and some even work from within the Permanent Representation, the Commission formally consults with the member states and not with the SNAs. In addition, the Council of Ministers and the European Council are composed of representatives of the member states (who can be affiliated to SNAs, but must always defend national positions).

To contextualize our expectations regarding the strategies of Belgian SNAs towards the ES, we briefly recall some key features of Belgian federalism (for full details see Deschouwer 2012) and how this affects intergovernmental relations when dealing with EU-legislation. Belgium is an example of competitive federalism, with a (double) subnational level that enjoys exclusive legislative and executive powers within its respective jurisdictions. Belgian elites are not pushed to cooperate or to seek common solutions in decentralized policy areas as the federalization process was and is explicitly designed to give subnational levels a high degree of policy autonomy. The rather unique *in foro interno, in foro externo* principle is illustrative in this respect as it grants all governmental levels (federal and regional) the right to conduct foreign policies in those areas they have domestic competence. These features rank Belgian *Gemeenschappen* and *Gewesten* as the most powerful SNAs within the EU (see also Hooghe et al. 2008; Tatham 2011), recently illustrated by Wallonia exercising its formal veto-player position in the case of the CETA ratification (Tatham 2018). While these constitutional principles trigger competitive strategies, such behaviour is tempered by other features of Belgian federalism as well as by rules enshrined in the EU Treaty. Indeed, as most competences are split between the federal and the regional level, extensive vertical coordination is necessary. In addition, those powers that belong to the regional level belong to all regional levels, necessitating also horizontal coordination. This is highly relevant as the EU demands member states to have one single position and to speak with one voice when discussing legislation in the Council. EU requirements push all Belgian governmental levels towards domestic cooperative intergovernmental relations if they aspire to be effective players in the European arena (Beyers and Bursens 2007, 2013), even though this strategy is increasingly under pressure (Happaerts et al. 2012).

In order to formulate expectations regarding SNA strategies when dealing with the ES, we now turn to comparing the ES to legislation. Firstly, the way EU competences are allocated domestically, strongly affects strategies of SNAs as mixed competences necessitate horizontal and vertical collaboration among government departments and levels in order to formulate and represent one single position at the European level. Many areas in which the EU enjoys legislative authority, touch upon such mixed competences within Belgium (e.g. environment, transport policies). The ES is equally characterised by policy areas that are spread over government levels (e.g. social and economic policies). Secondly, the ES has in most areas more outspoken intergovernmental features than the legislative process, making the role of the member states even more relevant and therefore putting pressure on SNAs and the federal level to coordinate internally. Cole et al (2015) even argue that the ES needs tighter central control and enhanced instruments of central steering as these policies, although often more intergovernmental and not governed by binding legislation, increasingly belong to the core of European policies. Given these similarities we expect Belgian SNAs to behave quite similarly in the two areas, i.e. in a cooperative way and primarily using intra-state channels.

However, both contexts also vary in a number of ways. First of all, the pressure to comply is different. Due to the supremacy of EU law, EU directives and regulations must be implemented and complied with by member states. Depending on the internal division of competences, lower levels of government may be the implementing actors. In case of non-compliance (by whichever level), the Commission can initiate infringement procedures that can ultimately result in a Court of Justice ruling imposing financial penalties. The situation regarding the ES is more complicated. The recommendations in the framework of the Europe 2020 Strategy and the Stability and Growth Pact (SGP) are translated in Country Specific Recommendations to which member states react in National Reform Programs. In addition,

the Commission also monitors the implementation through bilateral meetings with member states. In case of insufficient compliance, no legal sanctioning is envisaged (e.g. ‘comply or explain’ in case of the Country Specific Recommendations), or member states only face political pressure (e.g. ‘comparisons between member states in the Europe 2020 Strategy’).³ Regarding budgeting objectives (and in theory also regarding the macro-economic imbalances), on the other hand, surveillance and sanctioning is much more binding as these are backed up by the SGP and further strengthened by ‘six-pack’ (and ‘two-pack’ for Eurozone states) legislation, enabling the Council to impose financial penalties (even by reversed qualified majority) and by the Treaty on Stability, Coordination and Governance (TSCG). We expect that the less binding parts allow for more direct strategies as they generally pose less risks for member states.

Secondly, time constraints in the case of the recurring and consecutive deadlines of the yearly ES cycle are higher, as compared to legislative agendas which can take longer, both in the decision-making and implementation stages. The confrontation with tight deadlines may prompt Belgian SNAs that are eager to provide input at the European level to skip the lengthy domestic procedures.

Thirdly, most member states have been socialized for decades in the supranational legislative procedures, which means that they all have highly institutionalized coordination mechanisms in place to prepare and implement EU laws. Also SNAs have had ample time to organize their participation in EU law-making as Belgium has implemented extensive coordination structures since the early 1990s. The ES, however, has only been installed more recently, hence coping strategies are less institutionalized (Bekker 2015). The fact that the Belgian Cooperation Agreement (cf. *infra*) doesn’t explicitly mention the ES gives regions an additional opening to explore and use extra-state routes on top of intra-state coordination. The latter also has repercussions for the involvement of parliaments. While there is substantial

variation in scrutiny of national and regional parliaments (Auel et al. 2015; Abels and Eppler 2016), all member states have at least some procedures to scrutinize EU legislative proposals. These tools are not necessarily applied to monitor the ES (Hallerberg et al. 2011). Also, national and regional parliaments primarily focus on legislation and are less involved in the ES (Auel et al. 2015; Abels and Eppler 2016), hence creating an environment in which regional executives have more freedom to go solo.

Fourthly, while competences in both settings are mixed, they also vary in the sense that while most legislation covers more technical issues (such as norms and standards), the ES deals with more politically salient and controversial issues (budget, taxes, redistributive policies, labour market policies). It is fair to say that the ES, since the start of the Juncker Commission, has become more politicized as it has evolved into ‘Chefsache’, attracting the attention of the European Council and triggering media coverage of politically sensitive recommendations. All this may make it more difficult for national authorities to reach a consensual position, especially when one level of government considers the issue of crucial interest triggering SNAs to turn additionally to direct strategies.

While these may be reasons for all SNAs to complement intra-state strategies with extra-state strategies, we argue that this is particularly the case for regions that explicitly aspire to more autonomy with the aim to promote their regional identity and to safeguard their competitive position, compared to regions that have less interest in international exposure and impact. We therefore expect that the stronger type of regions will additionally turn to extra-state strategies in the case of the ES, especially regarding Europe 2020 issues. The ES content of economic governance is salient for strong regions, as it gives them the opportunity to get exposure on a theme they want to be associated with. These economically strong regions like to show their strong performance regarding policy areas such as innovation, education and the labour

market, making clear to the European institutions and other partners that autonomy pays off. A similar message is simultaneously conveyed to their electorate. The presence of nationalist parties in regional executives may be an additional push to play out identity politics and to go for international exposure. Another argument to add solo strategies is that strong regions may be dissatisfied with the burdensome internal coordination mechanisms which hamper clear positions in favour of policies that foster their competitive position in the EU. Finally, such regions are triggered to look for unmediated access as the ES context is relatively harmless in absence of Court of Justice jurisdiction: causing delays by disturbing the intra-state procedures are less risky in terms of EU sanctions.

Summarizing, we expect Belgian subnational authorities to behave rather similarly in the ES context as compared to the legislative context: to take effectively part in the EU decision-making process, they will largely copy the way they deal with legislation and opt primarily for the intra-state route. However, as some parts of the ES are less binding, take place under time-constraints, have interesting content for exposure and are considered to be of strategic importance to safeguard competitiveness, especially economically strong regions that aspire more autonomy will complement the intra-state route with extra-state strategies. Hence, we expect all Belgian SNAs to focus primarily on intra-state channels and especially Flanders to additionally invest in extra-state strategies.

The Belgian approach to the European Semester

The ES is a yearly policy cycle involving the European (November – July) and the national level (August – October). In November-December, the Commission drafts the Annual Growth Survey (discussing the general economic situation of the EU), the Alert Mechanism Report (detecting macro-economic imbalances) and – for the Eurozone – budgetary

recommendations. After discussion in the Council, the Commission publishes a series of Country Reports (January – March). In April the member states present their National Reform Programs and Stability and Convergence Programs which are in the end adopted by the Council (June-July). Finally, throughout August – October, which can also be regarded as the National Semester, member states are expected to implement the recommendations and draft their annual budgets, taking into account the comments of the European institutions. Of interest to us here is the way member states cope with the European stages of the ES (November – July), which can be compared with the upload and download stages of the EU legislative process.

The coordination of European policy-making in Belgium is regulated by the Cooperation Agreement of 1994, updated in 2003. This agreement between the federal level and the Regions and Communities prescribes the Belgian coordination procedure to reach consensus on a single Belgian position and on the delegation to represent that position in the various levels of the Council (the upload stage). This agreement has been up for revision for several years, but consensus on reform has yet to be found. One important incentive to reform is that the current procedure only explicitly prescribes how to deal with EU legislation within the Council. Other institutions (such as the European Council and the Commission) nor other policy instruments (such as those related to the ES) are mentioned. In practice, however, the procedures to deal with other EU institutions and policy instruments are inspired by the Council approach, and hence involve all government levels holding competences in a particular dossier. The Federal Government Coalition Agreement (2014-2019) for instance states that ‘the government shall make particular effort to align the policies and the positions of the government concerned at the various levels of governance in our country. This applies to the NRP and the interim assessment of the EU2020 strategy. The Belgian Program and the

plans to be submitted shall consist of a clustering of the federal and the federated states' programmes and plans⁴. Likewise, the three regional coalition agreements all stress the relevance of the ES and call for using the intra-Belgian decision-making procedures to defend the regional interests.⁵ As a result, the Directorate of European Affairs of the Federal Ministry of Foreign Affairs, tasked with intra-Belgian coordination, plays a crucial role. The Directorate of European Affairs also met to prepare a Belgian position on the mid-term review of the Europe 2020-strategy and still meets each year to prepare the Spring European Council which focuses on the ES.

The modus operandi of the general Cooperation Agreement is clearly reflected in the consecutive ES stages. From November to July, European institutions and national authorities usually hold two formal bilateral meetings. The Belgian national delegation to these meetings is composed of political aides (members of the ministerial cabinets) of the prime ministers of the federal government and all regional governments. On the agenda are the implementation of the previous year's Country Specific Recommendations (fall meeting) and the Belgian assessment of the new Country Report (spring meeting). These meetings are coordinated by the federal prime minister who receives input from all government levels. In late fall, the European Commission organizes a Fact Finding Mission during which political and administrative actors of the federal and regional governments provide extensive input for the Commission's drafting of the Country Report. The Commission services also provide member states with the opportunity to comment on the draft Country Report. The Belgian comments are again coordinated among the federal and regional governments. In addition, and to stress the political relevance of the ES, the Juncker Commission has initiated high level political involvement by means of a yearly meeting between a European Commissioner and the Belgian federal and regional governments.⁶ Next, the focus lies on the drafting of the National

Reform Program which is prepared by a committee of representatives from administrations of all levels (the so-called Drafting Committee) and adopted by a committee of political aides from the involved ministers, also of all levels (the Policy Monitoring Committee).⁷ The ultimate approval of the programs is tabled at a meeting of the Concertation Committee (Comité de Concertation / Overlegcomité), the highest political coordinating body, composed of all the Belgian prime ministers. Finally, the drafting of amendments to the Country Specific Recommendations is equally organized in coordination meetings by the aides of all involved ministers of all government levels.

This description of the formal process already indicates that all Belgian SNAs are formally part of an encompassing Belgian ES approach. But how do Belgian SNAs engage in practice with the EU: when do they opt for intra-state routes, and who, if anybody, additionally also makes use of extra-state routes?

Who Opts When for Intra-State and Extra-State Channels?

Intra-State Channels: the Prime Route to Europe

Amending the Draft Country Specific Recommendations (May) and Draft Country Report (January)

Member states can submit amendments in EU level committees that discuss the draft Country Specific Recommendations before they are adopted by the Council. As there is no formal participation of SNAs in these committees, it is up to the Belgian federal representative to defend the agreed amendments, also when these amendments relate to the competences of Regions and Communities. To this end, Belgian SNAs have been participating in domestic preparatory meetings for some of these EU level committees and since 2015 even in an inter-

federal working group in charge of formulating these amendments. The inter-federal working group is also activated when Belgium has the opportunity to formulate amendments with regard to the analytical part of the draft Country Report, a new instrument introduced by the Commission Juncker in 2017. Both are clear illustrations of how Belgian SNAs walk the domestic path to the EU.⁸

The Council meeting that discusses and adopts the Country Specific Recommendations is, as all Council meetings, prepared by Directorate of European Affairs meetings in which all Regions and Communities participate intensively. In this phase, also the Belgian Permanent Representation to the EU plays a crucial role. As described elsewhere (Beyers and Bursens 2007; 2013), the Belgian Permanent Representation formally hosts delegations of Regions and Communities and can thus be seen as another prime example of an intra-state channel for regional involvement in EU policy-making. It is interesting to note that the capacity of Flanders, being the economically strongest region and the most eager to seek exposure for itself, outnumbers the other regional delegations at the Permanent Representation, also regarding the follow-up of the ES, a clear indication of the importance Flanders attaches to intra-state channels.⁹

Drafting the National Reform Program (March – April)

As mentioned earlier, the Belgian National Reform Program is written by two committees: the Drafting Committee composed of officials, who actually draft the National Reform Program; and the Policy Monitoring Committee, composed of political aides to federal and regional ministers, who eventually validate the National Reform Program. This double approach is typical for Belgian decision-making: officials prepare and political aides approve before the final political decision is taken by the government(s) (Deschouwer 2012). The whole

procedure is quite familiar for Belgian EU policy-making: all Communities and Regions have a seat in the committees (Beyers and Bursens 2007; 2013). Notwithstanding the intensity of the process nor the tight time frame, neither of the two committees is characterized by severe disputes: there is hardly any discussion or mutual interference regarding the contents of the programs. What happens is little more than adding up the federal and regional input, enabling each SNA to edit its part as it wishes. The Flemish Reform Program is by far the most elaborated as it also contains political messages to the Commission, explicit regional Europe 2020 objectives and reports on the consultation of stakeholders, in contrast to the more concise Walloon and Brussels contributions.¹⁰ Since 2015, the National Reform Program is approved by the overarching Concertation Committee. The process concerning the national Stability Programme is more demanding: it requires more intense political consultations as greater interests are at play. In addition, technical issues (e.g. the late publication of the Report of the High Council of Finance) and political obstacles¹¹ (e.g. a mismatch of resources of Regions and Communities and their investment responsibilities), prevent the different governments from reaching agreements on the division of the fiscal trajectory. These elements make it also hard to meet the tight deadline of the Commission.¹² Finally, national parliamentary involvement in the ES is low, and hence in line with limited parliamentary involvement in other EU policies. This is also the case for regional parliaments with the exception of the Flemish Parliament which has introduced procedures¹³ to monitor the ES and from which the Walloon Parliament¹⁴ has taken some inspiration.

Bilateral Meetings and Fact Finding Missions

During the ES policy cycle the Commission holds formal bilateral meetings with member states to discuss whether national policies are in line with European recommendations. The Belgian input for these bilateral meetings is prepared by an inter-federal working group,

extended with officials from the Permanent Representation. Again, there is little concrete exchange of positions and coordination on substantive issues between the federal government and the SNAs, also caused by very late communication of the draft agenda by the Commission. The Belgian delegation for the bilateral meetings itself is composed of Permanent Representation officials, and political aides of the Prime Minister and of the Community and Region Prime Ministers. These bilateral meetings are also used by the Flemish Government to send political messages to the Commission, especially regarding the incorporation of regional objectives in the Country Reports and other analyses. In recent years, however, especially Flanders was left rather unsatisfied by the way the Commission took these into account. Next to these formal political bilateral visits, the Commission also organizes Fact Finding Missions, mainly at the administrative level. Again, all Communities and Regions take part in these missions. Compared to other instances, the inter-federal preparation and coordination is less intense and developed.

Concluding, the ES triggers all Belgian SNAs to walk the intra-state route towards the EU, quite similarly to the approach they take in legislative procedures. The intra-state route is considered as crucial, also for the strongest player, illustrated by the Flemish demand for a revision of the general Cooperation Agreement. Flanders as well as Wallonia aim at strengthening their position within the Belgian federation, to make sure that their interests are better served at the EU level.

Stressing Specific Regional Interests via Intra-State Channels

The practice during the various stages of the ES highlights the importance of domestic channels for regions to address Europe. However, taking the intra-state route does not automatically mean the drafting of one single position. The centralizing effect of the ES

seems to be more modest compared to the legislative procedure. The federal government and the SNAs are not pushed, nor given much time, to put effort in integrating policy positions. For instance, in the case of the National Reform Program the Belgian response is not much more than the adding up of the policy measures of all involved government levels. The pressure to cooperate via the ES is less compelling compared to EU legislation. Belgium can suffice to just add up positions as the ES doesn't require defending an integrated position in the Council. What is left is an intra-state strategy without much integration.

At the same time, such a little integrated intra-state route offers opportunities to highlight regional autonomy and policies to the European level. Especially the economically stronger and diplomatically more assertive Flemish Region uses the ES to make clear to the Commission that it possesses substantial competences and that it has used these successfully. To show this, Flanders incorporates its Europe 2020-objectives and their state of play in its own regional reform programme (while Brussels and Wallonia do not). The Flemish Government also adds (macro-economic) data and other relevant indicators to make clear that it has the capacity to collect such data. It even includes comparisons (especially with regard to the Europe 2020-targets) between Flanders and other EU member states, suggesting equivalence between the Region of Flanders and genuine member states. During the mid-term review in 2014 all Belgian regions stressed the importance of the regional level, but Flanders went one step further by demanding region specific recommendations. This demand is also part of the Flemish Government Coalition Agreement 2014-2019.¹⁵

Concluding, unlike the legislative context, the ES doesn't trigger that much integrative efforts, leaving a lot of room to highlight regional autonomy and individual policies via the domestic coordination. In addition, EU pressure doesn't always lead to smooth cooperation.

Case in point is the burden sharing in climate policies, on which an agreement was only reached because of UN pressure (Happaerts 2015). Also budgetary efforts are hard to coordinate (Vanden Bosch 2014) due to diverging ideological positions. It is therefore not a surprise that in the past few years the Concertation Committee only took note of the Stability Program, in contrast to the National Reform Program that was formally approved. In addition, the Commission leaves very little time for member states to submit amendments concerning the draft Country Specific Recommendations, making it hard to organize thorough inter-federal coordination, as also observed by Bursens et al. (2015: 178): ‘The more the EU uses severe deadlines in more policy areas (e.g. the ES), the more a broadly organized domestic consultation process comes under pressure’. This leaves us with the question whether intra-state practices are satisfactory or whether (some) regional governments also invest in extra-state channels when dealing with the ES.

Extra-State Channels: Additional Tools for Assertive Regions

All Belgian levels exploit the ES to put themselves on the EU map. A prime example is the membership of Flemish Community, the Brussels Capital Region, the Walloon Region and the German Community of the Committee of the Regions’ Europe 2020 Monitoring Platform.¹⁶ However, when it comes to seeking international exposure, the Flemish Government uses the ES the most. Flanders formulates explicit demands (which are not shared by the Brussels Capital Region or the Walloon Region) such as the drafting of region specific recommendations and the organization of region-specific Fact Finding Missions. Other examples are ES related visits to other regions such as Catalonia (in 2017), the organization of a high profile conference on the Europe 2020 strategy (in 2012) and presentations about the Flemish semester governance during the week of Cities and Regions (2014, 2017). The variation among Belgian regions is also illustrated by the fact that Wallonia

and Brussels in their contributions to the National Reform Program only react to the content of recommendations, while Flanders also comments on governance issues, arguing for more direct contacts between the European and the regional level. In terms of content, Flanders drafts its own Flemish Reform Program which is used to integrate the ES in Flemish policy-making. The Flemish Reform Program is also used to send direct messages to the Commission and other European institutions.

The Flemish Government Coalition Agreement 2014-2019 makes these European ambitions very explicit.¹⁷ “We will increase interaction between Flemish and European institutions. First and foremost we will formulate and communicate our positions and vision about the EU more clearly and in a more targeted manner. This means, among other things, that we will report directly to the EU as much as possible. Vice versa we will ask the EU to provide information directly to Flanders where possible. We will request the EU to assess Flemish programs and plans for structural reforms (as in the reform program and the stability program) separately and to issue separate recommendations”. This resulted in a set of very visible extra-state instruments. The Flemish government has invested in continuous contacts with the Belgian ES officers of the Commission. As soon as the Flemish Reform Program is approved by the Government of Flanders at the end of March, it is transmitted to these officers. By doing so, Flanders uses the time frame strategically, because the National Reform Program itself is only sent to the Commission (and other European institutions) by the end of April. In addition, the Flemish Government has facilitated contacts of Flemish officials with Commission administrators and has even put a website online specifically devoted to the ES.¹⁸

One of the most prominent attempts by the Flemish Government to deal more visibly and directly with the European level are the demands to introduce Region Specific

Recommendations and regional Fact Finding Missions, arguing that some national recommendations refer to competences that the federal government doesn't even possess (e.g. school drop out).¹⁹ Such demands are not made by the other regional governments. In its response, however, the Commission made clear that it was only willing to involve the regional level if all Belgian Regions and Communities would take part in the Belgian mission. In other words, while Flanders was pushing for an explicit extra-state channel, the Commission de facto only allowed for some form of enhanced intra-state channel. Flanders took the intra-state opportunity offered by the Commission very seriously and prepared well for the meeting of 2017. Overall, the number of contacts between Flanders and the Commission has increased significantly in recent years and extra channels were opened (e.g. through VLEVA²⁰ (Vlaams-Europees Verbindingsagentschap), yearly meetings with the Board of Chairmen of the Flemish administration and joint initiatives such as the 'ES on Tour'). Finally, Flanders was the only SNA to submit several requests (including one concerning spending reviews) for support within the framework of the 2017 Structural Reform Support Program²¹ of the European Commission which provides tailor-made support to all EU countries for institutional, administrative and growth-enhancing reforms. This provided Flanders extra visibility in the context of the ES.²²

For its part, the Flemish Parliament renewed its demand for region specific recommendations in a unanimously accepted resolution by members of the government majority parties²³. They argue that Flanders has invested in the ES from the start in 2010 and that it delivers region-specific reports and documentation to the European institutions. They regret that neither the Commission nor the Council take the regional level sufficiently into account as they stick to the aggregate level of country-specific analyses and recommendations. According to the Flemish Members of Parliament, this is not very helpful for Flanders as Belgian regions differ

substantially and as many policies through which the ES recommendations have to be implemented fall within the realm of regional competences. The Flemish Parliament therefore recalls the official position of the Flemish Government regarding direct relationships between Flanders and the EU. They call upon the Flemish Government to keep on pushing the European institutions to deliver region-specific recommendations and - meanwhile –to keep on investing in collecting and sending relevant information to the European institutions.²⁴

Finally, we turn to the budgetary and macro-economic dimensions of the ES. The Belgian SNAs are closely involved in the development of both the Draft Budgetary Plan²⁵ and the Stability Program²⁶. Compared to the National Reform Program, both programs are more binding as they are part of the European budgetary surveillance. This dimension prompted all government levels in Belgium to conclude Cooperation Agreements on budgetary stability and on the implementation of article 3§1 of the TSCG with the aim to divide the fiscal efforts between the different levels of government in Belgium. Overall, this more binding character has further triggered substantial subnational participation in intra-state coordination and, compared to other ES areas, less engagement in extra-state strategies. This is also the case for Flanders as it invests substantially in the follow-up of the Draft Budgetary Plan (administrative and political coordination, securing the link with the other ES dimensions, discussions in the Flemish Parliament), but chooses to do so mainly via the intra-Belgian route. The same is true for the Stability Program: in comparison with the Flemish Reform Program, there's no 'Flemish Stability Program' that is transmitted to the European institutions. As this is a highly contentious area, the Stability Program is also discussed in an inter-federal inter-cabinet working group.

Concluding, intra-state coordination procedures are the most common tools to deal with the various ES dimensions. The additional use of extra-state direct targeting strategies towards the European level seems to coincide with high levels of interest in identity politics and is primarily practised by the Flemish Region. Moreover, a relatively high level of (legally) binding policies (such as in the sphere of budgetary politics) seems to mitigate the extra-state efforts of autonomy aspiring regions such as Flanders.

Conclusion: Preference for Intra-state Channels, Under Conditions Supplemented by Extra-state Routes

To what extent do the strategies of SNAs towards ES policies differ from their strategies towards EU legislation? The theoretical expectation was that all Belgian SNAs would behave rather similarly, i.e. that they would primarily opt for intra-state strategies, under certain conditions supplemented by extra-state strategies, as also found by Swenden and Bolleyer (2014) for Germany and Spain.

The empirical analysis confirmed these expectations. With respect to the various dimensions of the ES, all Belgian SNAs invested heavily in the intra-Belgian coordination mechanisms. The ES very much resembles the well-established routines, including the typical Belgian relations between administrative officials and political aides. Also similar to legislative politics, especially the Flemish Region is found to supplement its intra-state channel with demands for more involvement in internal channels and some direct strategies towards EU institutions. Two characteristics of the Flemish Region trigger this behaviour. First, as an economically strong region, Flanders has a comparatively larger interest in the content of Europe 2020 policies that shape the conditions of its competitive environment. When its

interests differ from the other regions and the federal level, Flanders seeks to make this position clear to the Commission. Second, next to a different economic rationale, also a more outspoken eagerness to be present at the European scene, leads to a strategy for enhanced visibility by the Flemish government. This is triggered by the leading participation of the nationalist Nieuw-Vlaamse Alliantie (N-VA) in the Flemish executive, but backed by the other majority parties (liberals and Christian-democrats).

A set of features in which the ES differs from the legislative area help to understand why the extra-state route is additionally applied when dealing with the ES. Firstly, the sometimes tight deadlines of the Commission combined with the time-consuming Belgian coordination mechanism tempt Flanders to approach the European institutions also unilaterally. For this, the Flemish government has even installed specific procedures at administrative and political level. Secondly, within the range of ES dimensions, those that are less binding (Europe 2020) trigger more additional extra-state activity than those that are more binding (budget, stability program). In the latter a univocal Belgian position is crucial to ensure impact and, in later stages, also compliance. Additionally, when the necessity to come up with one single position (such as in Council meetings when discussing legislation) is less felt, the need to integrate the different regional positions is less present as well. When coordination only leads to adding up individual positions, these positions themselves are easier to communicate to the European level. In this logic the less binding ES dimensions are more inviting for additional solo strategies than legislative dossiers. Interesting to note is the fact that the extra-state strategy of Flanders regarding specific topics (parliamentary involvement, Fact Finding Missions) also led to leverages for the other SNAs (parliamentary involvement) and Belgium (Fact Finding Missions) concerning these issues. Thirdly, the ES touches upon the politically salient issue of economic performance. Being an economically strong performing region, Flanders likes to

use the ES to make this clear to the Commission. Fourthly, the ES is a relatively young area for which no explicit coordination mechanism exists. While the provisions of the general Cooperation Agreement are largely used to guide the intra state coordination, this also provides opportunities to explore additional direct routes to the European level.

To conclude, Belgian SNAs seem to be primarily taking up the formal role of public authorities as part of the intra-Belgian coordination in order to convey a clear and single position regarding ES issues. In addition, as also Tatham (2014) has found, some SNAs, taking up the role of interest groups, also engage in more informal individual direct contacts that offers them exposure at the European level. The latter, however, are only supplementary and do not replace the intra-state route towards the EU. Overall, the Belgian response to the ES confirms the findings of Beyers and Bursens (2007, 2013) with respect to the regional response to EU legislation: a preference for intra-state channels, only under specific conditions supplemented by extra-state routes.

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¹ Documents at the SNA level include the Flemish Reform Programme, notes and policy papers of the Government of Flanders, official letters to European institutions) and coordinated internal documents (such as amendments to the draft Country Report and the draft CSRs, input for the NRP and FFM). From the national level we used governmental documents (the NRP, notes of the Concertation Committee), and coordinated Belgian internal documents (FFM, bilateral meetings, amendments to the draft Country Report and the draft CSRs). EU level sources include official ES documents and internal documents (such as draft Country Reports, guidelines for NRPs).

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³ The ES documents of the European Commission can be consulted at :
https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/eu-economic-governance-monitoring-prevention-correction/european-semester_en.

⁴ Accord de Gouvernement / Regeerakkoord (October 9, 2014),
http://www.premier.be/sites/default/files/articles/Accord_de_Gouvernement_-_Regeerakkoord.pdf

⁵ http://www.wallonie.be/sites/wallonie/files/publications/dpr_2014-2019.pdf,
<http://be.brussels/files-nl/over-het-gewest/de-gewestelijke-bevoegdheden/regeerverklaring-2014-2019>, <https://www.vlaanderen.be/en/publications/detail/government-of-flanders-2014-2019-coalition-agreement>.

⁶ <https://ec.europa.eu/avservices/video/player.cfm?sitelang=en&ref=I137149>

⁷ <http://www.be2020.eu/nhp/procedure.php?lang=en>

⁸ Additional examples are the Cooperation Protocol for the installation of an Interministerial Conference of the Ministers of Education of the three Communities, the intra Belgian consultation to put industrial policy on the European agenda and Belgian position paper aimed at modifying the flexibility clause for investments under the SGP.

⁹ http://www.vlaanderen.be/int/europese-unie/sites/iv.devvlh.vlaanderen.be.int/europese-unie/files/documenten/20150707_EU-reflex_VR_2015_0307_DOC.0680_1.pdf

¹⁰ http://www.be2020.eu/uploaded/files/201805041043430.NRP_2018_Belgium.pdf

It is important to note that the Walloon Region (<http://economie.wallonie.be/content/la-belgique-d%C3%A9pos%C3%A9-son-programme-national-de-r%C3%A9forme-2018>) and the Brussels Capital Region (<http://be.brussels/files-nl/over-het-gewest/regering-vergadering->

[van-de-ministerraad-van-19-april-2018](#)) describes their input to the NRP as ‘contributions’ in contrast to Flanders that is using the term ‘Flemish Reform Programme’.

¹¹ The Services of the Commission also refer in the Country Report 2017 to political and technical elements, but they stated: “However, the obstacles appear to be rather political than technical.” <https://ec.europa.eu/info/sites/info/files/2017-european-semester-country-report-belgium-en.pdf>, p. 17

¹² Although the drafting of the SP is always lagging behind the drafting of the NRP, both programs are always submitted to the Commission at the same time (end of April).

¹³ <https://www.vlaamsparlement.be/parlementaire-documenten/parlementaire-initiatieven/1247011>

¹⁴ http://nautilus.parlement-wallon.be/Archives/2017_2018/CRAC/crac111.pdf

¹⁵ Regeerakkoord van de Vlaamse Regering 2014-2019, <https://www.vlaanderen.be/en/publications/detail/government-of-flanders-2014-2019-coalition-agreement>.

¹⁶ <https://portal.cor.europa.eu/europe2020/Knowledge/Pages/welcome.aspx>

¹⁷ <https://www.vlaanderen.be/en/publications/detail/government-of-flanders-2014-2019-coalition-agreement>, pag. 184

¹⁸ <http://flandersineu.be/en/european-semester-0>

¹⁹ http://www.vlaanderen.be/int/europese-unie/sites/iv.devlh.vlaanderen.be.int/europese-unie/files/documenten/EU%20visienota_web_NL.pdf

²⁰ <https://www.vleva.eu/event/het-europees-semester-vlaanderen-op-weg-naar-succes>

²¹ https://ec.europa.eu/info/funding-tenders/funding-opportunities/funding-programmes/overview-funding-programmes/structural-reform-support-programme-srsp_en

²² See e.g. the phrase (consideration 13, page 4) in the proposals for CSRs of Belgium 2018-2019 “At regional level, only Flanders is planning to introduce a spending review approach in its budgetary process.” https://ec.europa.eu/info/sites/info/files/file_import/2018-european-semester-country-specific-recommendation-commission-recommendation-belgium-en.pdf

²³ <https://www.vlaamsparlement.be/parlementaire-documenten/parlementaire-initiatieven/1101845>

²⁴ The chairman of the Flemish Parliament repeated that message during the visit of the president of the Commission to the Flemish Parliament in May 2018

<https://www.vlaamsparlement.be/plenaire-vergaderingen/1252855/verslag/1254223>

²⁵ See DBP 2018, in particular pp. 19-31 and 34-37

https://ec.europa.eu/info/sites/info/files/economy-finance/2018_dbp_be_fr.pdf

²⁶ See SP 2018-2021, in particular pp. 26-35 <https://ec.europa.eu/info/sites/info/files/2018-european-semester-stability-programme-belgium-fr.pdf>