



SMALL STATE PERFORMANCE IN EU DECISION-MAKING PROCESS: CASE OF THE EU AGENCY FOR THE OPERATIONAL MANAGEMENT OF LARGE-SCALE IT SYSTEMS IN THE AREA OF FREEDOM, SECURITY AND JUSTICE ESTABLISHMENT



Ketlin Jaani-Vihalem,
Estonian Ministry of the Interior

Ramon Loik,
Estonian Academy of Security Sciences

INTRODUCTION

The establishment of EU Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (IT Agency) with its headquarters in Tallinn (approved in September 2011) may be considered as one of the most positive outcomes of the Estonian EU Justice and Home Affairs (JHA) policy so far. It was in Estonia's best interest to create a capable agency that would effectively support the EU internal security and law enforcement-related cooperation. Estonia considered the IT Agency as a good opportunity to participate more actively in the EU JHA domain, and decided to stand as a candidate for its country of location. The process demanded comprehensive commitment and a lot of extra resources.

The aim of the qualitative research was to assess by example of the establishment of the IT Agency how productive Estonian participation has been in the EU JHA decision-making process, as well as determine the main factors for effective participation. The research is based upon the liberal intergovernmental approach that has been shaping the EU JHA cooperation for some pre-Lisbon Treaty decades.

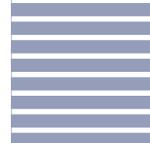
The topicality of the research is based on the need to systematically explain what a small

Member State should take into account in order to participate successfully and upload its policy preferences to the EU level. The main method used was the explanatory case study, consisting of expert interviews and document analysis. Eleven detailed expert interviews from different decision-making levels were conducted with the participants in the creation of the IT Agency both from Estonia and various EU institutions.

CONTEXT AND CONDITIONS FOR SUCCESS

Estonia's success in the highly political process was determined by various factors. The decisive factor was Estonia's prompt political will to be proactive in their EU policy, and the idea to create an IT Agency was a good opportunity for that. The agency's sphere of activity coincided with Estonia's previous innovative, very IT-friendly image and therefore created a suitable context for the official candidature. This context was also supported by the 2003 Council's decision foreseeing that all new EU agencies ought to be head-quartered in the new Member States.

When weighing their candidacy and as early as during the negotiations phase, Estonia constituted



its course of action on the domestically agreed priorities of their EU-directional approach. Verbalising priorities and setting prompt goals makes it possible for small countries to better channel their engagement in the EU policies. This was also the case with Estonia standing as a candidate for the IT Agency's country of location.

In addition, Estonia made the far-sighted decision of choosing experienced officials and professional cooperation partners on the EU level to manage the multi-directional negotiation process. Based on their earlier experiences and having been active in the field for many years, it was easier for them to establish contacts with both the EU institutions and other Member State representatives. Creating cooperation networks and having the skill to use them gives small Member States an edge that enables to strengthen their position in international negotiations, as well as build up a good teamwork environment.

Another criterion of success according to the research was the content of Estonia's offer and also the reasoning behind the candidacy. Estonia was willing to cover the costs for building the headquarters, moreover to use environmentally friendly solutions to do so, offer support teams for personnel to facilitate settling in, as well as create opportunities for offering international education. Estonia's candidacy was based on arguments that were difficult to argue against: there were yet no EU agencies in Estonia, the country was a new Member State, and according to the 2003 Council decision it had reasonable expectations of housing an EU agency.

The right strategy (*ex post*) and choice of appropriate tactics granted success in negotiations. Early preparations on the domestic level, including both the government's approval of the offer and the layout of presenting the candidacy, was what enabled Estonia to portray itself as self-confident and impelling whilst pleading its case. During the negotiations about the country of location, Estonia focused on finding support and forming as large a coalition as possible. For that purpose, a series of meetings took place both in Member States' capitals as well as in permanent representations in Brussels. Officials, politicians and diplomats were involved in the process. Lobbying was at first focused on

neighbouring countries, then moved on to the new Member States, and finally tried to gain the support of all the rest.

Negotiations with France were the most challenging for Estonia. The political weight of their 'competitor' and their experience in the EU cooperation did not give much promise for success to Estonia at the initial stage. At the end of the process, both parties were forced to seek some compromise. Yet consistency and fearlessness were the qualities that eventually brought success and aided in achieving a suitable agreement as described by the experts. Thus it can be said that Estonia used all bargaining strategies that small countries have in their arsenal — forming coalitions, bargaining and striving for self-profit.

The establishment of the IT Agency as a whole was problematic also when striving to achieve an agreement with the European Parliament. The changes in the EU JHA decision-making processes that came about with the changes to the Lisbon Treaty gave the European Parliament more decision-making power, as well as pressured Member States to feel more compelled to make compromises. The Council-approved decision regarding the IT Agency was approved by the European Parliament partly due to Estonia's preparedness for close cooperation and openness in offering clarifications.

CONCLUSION

The creation of the IT Agency could be characterised by being based on the liberal intergovernmental approach. On the other hand — defined by the forcefulness of Estonia's transnational approach — the realisation of Member States' interests and preferences can no longer be realised only through transnational negotiations. However, the changes that have taken place in the EU JHA decision-making processes have given some more opportunities for small Member States in realising their interests due to the fact that in the conditions of a qualified majority votes (QMV) it is easier to form coalitions and thus succeed in reaching the goals that they strive for.