EU to the rescue no more?

Lydie Cabane and **Martin Lodge** reflect on contemporary challenges to EU crisis management regimes

EU member states are said to have largely lost their national economic boundary control. Contaminated food from one member state can cause death in another member state, competition over regulatory standards can create systemic risks as the financial crisis has highlighted, and asymmetric economic fortunes can lead to migration.

The European Union is traditionally at the heart of dealing with transboundary policy problems. Whether the EU governance can effectively deal with these varying types of transboundary crisis has been a long-standing preoccupation. Traditionally, these debates have sought to explain differences in governance regime by pointing to the type of policy such as 'barrier eliminating' (negative) vs new policy-creating (positive) integration, the type of regulatory standards (market-making, market-correcting) or the diversity of member state administrative traditions.

Over the past decade, however, different factors have emerged on the political landscape. These factors are likely to have fundamental effects on the ways in which EU governance operates. One central trend is the re-nationalization of electoral politics. Even before the Brexit referendum, the EU was no longer seen as a solution, but as an electoral issue to be campaigned against. The other factor concerns financial depletion of national administrations in the aftermath of the financial and sovereign debt crises. At the same time, the EU has set up more or less visible transboundary crisis management systems to deal with potential threats to its existence and challenges to market integration.

So how do these factors affect the EU crisis management arrangements? Firstly, whatever the exact nature of regime, any policy requires systems for setting and updating its standards or goals. Secondly, policies need mechanisms for information gathering so as to detect the emergence of risks and the compliance of member states. Thirdly, policies need mechanisms to change the behaviour of member states so as to ensure compliance. We are arguably observing challenges to EU governance across all these three regime components. Partly, this makes the study of EU governance at this time particularly interesting. However, for those interested in effective crisis management, these dynamics are more problematic.

Take the regime for invasive alien species as an example. This is a risk that affects all member states at one level representing a cost of €12.5 billion per year to the EU. At another level, which species are regarded as invasive and are having an effect on local ecological systems varies across member states, given their climate, state of ecological diversity and trade connections. However, all states face similar challenges as changing temperatures mean that species spread into new territories and trade integration means that invasions are increasingly likely. It follows that member states need not just to agree which plants and animals represent invasive alien species, but they also need to commit to tackle species, even if their presence is largely a threat to other states' ecology rather than their own. One recent example is the Asian hornet which 'landed' in France and has caused considerable debate about (the lack of) effective management strategies, especially with bee-keepers whose hives were affected, and with neighbouring countries complaining about the failure to contain the invasion early on.

Invasive alien species represent a relatively new policy domain. The EU recently passed Regulation 1143/2014 to tackle this transboundary problem. At the heart of the regime is a list of invasive species which attracted considerable debate among interested parties (such as plant export firms, environmental NGOs and the fur industry), inter-institutional conflict between the European Commission and the European Parliament, and debate about the quality of risk assessment that summarized scientific knowledge about particular species. The second pillar is the commitment by member states to establish systems to monitor species and take actions, when required. While it might be too early to tell whether the second pillar is functioning, it is presently not clear to what extent member states are committed to creating and maintaining such systems in view of resource depletion. The first pillar, the list, is arguably also under threat. Updating of the list requires risk assessments and it is not apparent whether the European Commission and the member states have sufficient resources to conduct these. There is therefore a distinct risk of fossilization and increasing irrelevance of this particular EU regime.

The UK plays a unique role in this context. It was central to the development of the EU regime and claims to have one of the most advanced risk assessment and management systems in place. At the same time, Brexit raises essential questions: does the UK want to adopt its own list which will require considerable negotiation with the EU, or does it want to continue shadowing the EU that may be less enthusiastic about this topic, as one of its central promoters is heading to the departure lounge rather than the negotiation table?

We can find similar dynamics also in other regimes that are associated with different EU decision-making procedures. Take, for example, the case of youth unemployment. The promotion of the so-called Youth Guarantee was seen as a noteworthy policy development in the aftermath of the financial crisis. It was promoted by member states (especially Germany and France) and by the European Commission, and it, somewhat uniquely, combined traditional elements of benchmarking and peer review (as part of the 'European semester') with substantial financial commitments (totalling €12 billion). There are, unsurprisingly, debates about the level of solidarity, funding commitments and the choice of policy tools. Member states, such as Spain, with devolved competence for such youth schemes, had problems in coordinating and dispensing monies. Member states with the highest youth unemployment figures (above 40%) were also those whose administrative capacities were the most affected by the financial and debt crisis. Local administrations were faced with the problem of identifying potential recipients of such schemes, especially in those member states whose youth unemployment figures were reaching historically high levels (Italy, Greece and Spain). Others (UK) considered this kind of active labour market policy to be ill-suited to their own local conditions and did not implement the Youth Guarantee. Beyond the problem of administering such schemes, there was also the concern with the use of indicators. For some, data gathering and comparing exercises offered scope for comparison and learning. For others, these exercises were largely decoupled from the real political decision-making on particular issues, especially as it was not clear how much effort member states actually placed in providing relevant data. In short, the ability of the EU to be seen doing crisis management for its youth is largely dependent on member states goodwill and capacities.

These are just two examples that highlight the critical role that member states play in EU governance. Member states are central to the updating of regimes, they are central to the reporting of the information that informs decision-making, and they are central to ensuring that policies are put into action. Their actions (or rather lack of) can have considerable effects on other member states and the EU. It highlights the highly fragile nature of EU governance since it depends on the motivation and the capacity of member states to contribute to standard setting, information gathering and behaviour modification. Motivation to contribute to the existence of these regimes is not just shaped by domestic interests and orientations, it is also affected by the wider commitment towards supporting the EU as a legitimate source for addressing transboundary crisis management issues. Not unrelated, however, are questions about capacity. It is not clear whether administrative systems are in place that support the effective organizing of EU multi-level governance regimes, given limited resources and the limited legitimacy attributed to the EU.

While it may be too early to write an epitaph to EU governance as legitimate source for crisis management, it is important to realize that the foundations for effective EU crisis management are cracking at the seams.

Lydie Cabane is Research Officer on the TransCrisis project at **carr**. **Martin Lodge** is director of **carr**.

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The TransCrisis project (full name: *Enhancing the EU's Transboundary Crisis Management Capacities: Strategies for Multi-Level Leadership*) is a three-year project funded by the European Union under the Horizon2020 programme. **carr** is the co-ordination partner in this network of eight organizations. Other partners involve: Crisisplan (Arjen Boin), the University of Utrecht (Femke van Esch), Central European University (Nick Sitter), Institut Barcelona d'Estudis Internacionals (IBEI, Jacint Jordana), University of Catania (Fluvio Attina), University of Stockholm (Mark Rhinard) and ThinkTank Europa (Maja Rasmussen). More information can be found at the project website: www.transcrisis.eu