

**Regional interest representation in the EU:
A qualitative intra-national comparison among German states**

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Abstract

Julian Jaursch: Regional interest representation in the EU: A qualitative intra-national comparison among German states
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The guiding research questions for this paper are: What channels of direct supranational interest representation do German states use on the European level and how? If there is variance among German states, how might different channel preferences be explained? Independent variables explored are size, resources, an East-West divide and conflicts of interest with the federal level.

The theoretical framework will be provided by the multi-level governance approach and research on regional authority within the EU. The qualitative empirical basis is a set of 30 semi-structured interviews conducted in late 2011 with German state officials working in Brussels and Berlin.

An analysis of how German states represent their EU interests in the various channels is offered. Overall, it will be seen that there is not a lot of intra-national variance between German states in what channels they use but that socio-economic factors play a role in how they utilize these channels.

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List of Abbreviations

CDU	Christian Democratic Union
CoR	Committee of the Regions
CSU	Christian Social Union of Bavaria
ECJ	European Court of Justice
EMK	Permanent Conference of the Länder Ministers for European Affairs
EP	European Parliament
ERDF	European Regional Development Fund
EU	European Union
FDP	Free Democratic Party
GDP	gross domestic product
MEP	Member of the European Parliament
MLG	multi-level governance
REGLEG	Conference of European regions with legislative power
SPD	Social Democratic Party of Germany

1. Introduction

The 16 German states are usually lumped together when talking about regional interest representation towards the European Union (EU). They are considered to be “well funded, strongly institutionalized, entrenched within their respective states, and active in the European arena” (Hooghe & Marks, 1996, p. 74), thus belonging to the “first league” (Tatham, 2008, p. 507) among European regions or even stemming from a completely different planet (Christiansen, 1996, p. 101).

Yet, some variance in interest representation among German states could be expected considering socio-economic differences between them such as unemployment rates (Statistik der Bundesagentur für Arbeit, 2012), expenditures for education (Statistisches Bundesamt, 2011a, p. 35) or the structure of agriculture (Ministerium für Landwirtschaft, 2007). But in the past, “[m]ost of the analysts of the regional level in the EU focused on the differences of regional actors across member states much more than they conceptualized differences between regional or subnational actors of individual member states.” (Bauer, 2006, p. 23)

This article offers an intra-national view of German states with regards to European interest representation. The two guiding research questions are: What channels of interest representation do German states use on the European level and how? If there is variance among German states, how might different channel preferences be explained? The dependent variable is thus channel use by German states.

While German states can also represent their interests in the domestic arena, I focus primarily on direct interest representation in Brussels. Theoretically, research in this area is still lagging behind (Tatham, 2008, p. 498). Practically, states more clearly show their undiluted interests in Brussels than in the constitutionally fixed and compromise-seeking environment of German federalism.

The intra-national approach is adopted to deviate from the common international or interregional comparative method. While it may only provide insights into one EU member state, the very narrow and controlled setting allows for the testing of various possible explanations for channel use. These independent variables I examine are the states' size and resource richness, an East-West divide and conflicts of interest with the national level.

I will lay out briefly the multi-level governance (MLG) approach as the theoretical background to my research questions. In addition to this, German states' powers with regards to EU policy-making will be presented. The goal is not to provide a comprehensive history or discussion of either the MLG concept or German states' relationship with the federal government and the EU. Rather, I will map out some theoretical reference points for my empirical analysis. This central analysis will offer an in-depth examination of German states' EU interest representation in Brussels, focusing on the different channels to the union. One major finding is that there is no variance in what channels the states use. How they are utilized, though, varies and this variance will be explored against the backdrop of the independent variables and the empirical findings from the interviews.

2. Theoretical Framework and State of the Art Report

2.1 The EU's Multi-level Governance System

Rejecting the idea that the EU is exclusively dominated by member states' central governments, proponents of the MLG approach claim that "the state no longer monopolizes European level policy-making or the aggregation of domestic interests" as "decision-making competencies are shared by actors at different levels" (Marks, Hooghe & Blank, 1996, p. 346). Early descriptions originated in the field of structural policy (Marks, 1992; 1993; for criticism see Jeffery, 2000, p.7; Palmer, 2003, p. 365) but today MLG structures can be observed in many different European policy fields (George, 2004, p. 107; Hooghe, Marks & Schakel, forthcoming, pp. 4, 11).

Accounting for the regional level

One defining characteristic of MLG is the very acknowledgement of the importance of regions. From the various interpretations of the term region (Bauer & Börzel, 2010, p. 253; Eurostat, 2007; Loughlin, 1996, pp. 146-148; Münch, Meerwaldt & Fischer, 2002), the following minimal definition corresponds well with German states and is thus used in this paper: "A region refers to a given territory having a single, continuous, and non-intersecting boundary. Subnational regions are intermediate between local and national governments. A regional government is a set of legislative and executive institutions responsible for authoritative decision making." (Hooghe, Marks & Schakel, 2010, p. 4)

The conceptualization of MLG is partly due to the realization in the early 1990s that “subnational governments are being mobilized in unconventional ways” (Marks, 1992, p. 221; also 1993, p. 407). Complex networks and negotiations between interconnected local, regional, national and supranational governments have led to “[t]he centralization of authority in a continental polity and the decentralization of authority in regions” (Hooghe et al., forthcoming, p. 2). This, in turn, means that no one level of government has absolute power to make decisions and solve conflicts: “[T]he hierarchy of levels of governance is being eroded.” (George, 2004, p. 123) It is precisely this interconnectedness of multiple governments that is touched upon when considering how German states represent their European interests. State-centric approaches, on the other hand, tend to uphold the primacy of the national government and downplay the influence of regional actors on the European level (Tatham, 2011, pp. 54-55).

At the same time, criticism has to be mentioned regarding the fact that MLG tends to overstate the influence of subnational actors (George, 2004, pp. 118-122; Tatham, 2011, p. 56). More fundamentally, it has been questioned whether MLG is even its own theory or not merely “a more comprehensive successor to neofunctionalism” (George, 2004, p. 112). Yet, if in the same thought it is recognized that MLG does not include neofunctionalism’s main element, functional spillover (p. 112), the justification for this criticism can be called into doubt as well. While MLG might not provide a theoretical framework for explaining European integration as a whole (Elias, 2008, p. 486), it is “a theory of what sort of organization the European Union is” (George, 2004, p. 125).

Subnational mobilization

In the MLG perspective, states are conceived not as actors but as a set of institutions which, in turn, shape the opportunity structure for political actors (Marks, 1996, p. 22; Marks et al., 1996, pp. 347-348). Such actors within state institutions may make decisions based on party political policy preferences. So, in fact, government leaders, as politicians, might sometimes deliberately transfer authority away from the central state. Reasons for shifting responsibilities in such a way include government leaders wanting to appease certain constituencies, to win the next election or to insulate a certain policy so they can influence it after their tenure is over (George, 2004, pp. 113-114; see also Marks, 1996, pp. 25-34; Marks et al., 1996, pp. 349-350). This opens up the possibility for regions to actively engage in the decision-making process.

Analyzing the EU policy cycle, Gary Marks, Liesbet Hooghe and Kermit Blank found strong indicators for the previously described actor-centered MLG system: for example, the vital role the Commission plays both in shaping the agenda and in policy implementation, the weak role of the member state dominated European Council, the existence of regional lobbying groups, the expanded use of qualified majority voting and the co-decision procedure as well as the independent European Court of Justice (ECJ) (Marks et al., 1996, pp. 356-371). Against a state-centrist reading of EU politics, this MLG system allows for “multiple points of access for interests, while it privileges those interests with technical expertise that match the dominant style of EU policy-making.” (p. 372)

These access points have not always been given, though, as the EU’s MLG structure just developed in the 1980s and is not a stable system (Marks et al., 1996, pp. 372-373). Only in the 1960s did the Commission come up with regional policies and only in the Maastricht Treaty of 1992 were regions granted a considerable part in EU decision-making. European

regional policy was mostly aimed at reducing economic disparities but it lacked serious supranational commitments until the 1988 reform of the structural policy which gave the Commission a much-expanded role (Bauer & Börzel, 2010, pp. 254-256).

Regarding subnational mobilization, the MLG approach has been criticized for a perceived top-down view to mobilization (Jeffery, 2000, p. 8) as well as a focus on extra-state mobilization (1996a, p. 214; 2000, p. 7). However, even early literature on the MLG system has included various kinds of subnational mobilization (Hooghe, 1995; Hooghe & Marks, 1996), countervailing this criticism.

Mixed effects of integration on regions

There is a danger of equating subnational mobilization with subnational influence (George, 2004, pp. 123-124; Tatham, 2008, p. 494), when it is, in fact, unclear what influence European integration has on regions.

Three possible scenarios for EU influence in a multi-level setting exist (Carter & Pasquier, 2010; Fleurke & Willemse, 2006; see also Knodt, 2002, pp. 213-215): Either the EU empowers regions, disempowers regions or has no effect at all. The EU could provide opportunities for regions through the Commission's regional policy and through structural funds. Additionally, decentralization could be aided because regions institutionalize their interest representations on the EU level and form transnational networks (Carter & Pasquier, 2010, pp. 298-300). Opponents of this interpretation hold that centralization may occur because regions may lose legislative authority and are turned into mere administrative units (pp. 300-301). Testing what effect EU legislation has on the decision-making of three Dutch subnational authorities, Frederik Fleurke and Rolf Willemse have found that the EU does impact subnational authorities but that this effect might be both enabling and hampering

(2006, p. 81). It has also been argued that due to the increased number of veto players in a MLG setting, efficient decision-making might be hindered (Benz, 2000, p. 30).

While the MLG concept recognizes the regional level as a viable actor, it does not assume that there is a unitary level of regional politics or convergence among European regions. Rather, regions in Europe continue to vary in institutional and territorial structure (Bauer & Börzel, 2010, p. 254; Hooghe & Marks, 1996, p. 91; Hooghe et al., 2010; forthcoming, p. 5; Jeffery, 2000, p. 3). In the beginning, it was contested that MLG considers both inter-regional and intra-regional variety but research in both fields has emerged (George, 2004, p. 117).

2.2 German States in the EU's Multi-level Governance System

In Germany, the different levels of authority are the federal level, the 16 states (Bundesländer or Länder, singular Bundesland or Land), the districts and the municipalities. This paper focuses on German states only, because they “monopolize power sharing with the federal government” (Hooghe et al., 2010, p. 145) and because in contrast to districts and municipalities, they handle their individual representational activities in Brussels.

In European policy-making, German states' domestic influence is today institutionalized in the Bundesrat procedure. The Bundesrat is the chamber of the German legislature made up of the Länder governments (for an introduction, see Reuter, 2009). It has the right to put forth legally binding statements to the federal government if EU legislation touches upon policy areas in which the Länder have exclusive competences in Germany's federal system (Große Hüttmann & Knodt, 2000, p. 3; Moore & Eppler, 2008, p. 492; Nass, 1989, pp. 177-178; Rowe, 2011, pp. 60-61; Suszycka-Jasch & Jasch, 2009, pp. 1235-1236).

In the early decades of the EU, it was almost exclusively the federal level which was responsible for European policies. Länder were to be informed by the federal government about major EU proposals in the procedure of forwarding legal initiatives (Zuleitungsverfahren) and later gained minor participatory rights through the participatory procedure (Länderbeteiligungsverfahren) (Große Hüttmann & Knodt, 2000, p. 3; Moore & Eppler, 2008, pp. 491-492; Suszycka-Jasch & Jasch, 2009, pp. 1233-1235). Their only own source of information was the Länder observer (Länderbeobachter): This position, dating back to 1958 but formalized in 1988, is a joint post of all Länder and provides information from the Council, the Commission and the Committee of Permanent Representatives to the Bundesrat (Der Beobachter der Länder bei der Europäischen Union, 2012; Hooghe, 1995, p. 184; Knodt, 2002, p. 218; Loughlin, 1996, p. 179; Rowe, 2011, pp. 61-62).

Subnational mobilization I: From the “third level”...

The discussions surrounding the Maastricht Treaty, signed in 1992, are the prime example for German states’ mobilization in a MLG setting. The EU not only negotiated with the federation but also with the Länder. And the Länder, additionally, were in talks with the federation themselves. Substantial changes concerning the states’ attitude and the formal rules in both the domestic and the European arena were the result.

Regarding the change in attitude, the Länder in the late 1980s pushed for more thorough reforms of the EU decision-making process. At home, the German states were in a fairly strong position vis-à-vis the federal government due to the fact that the Maastricht Treaty would require amendments to the German Basic Law which are subject to Bundesrat approval (Moore & Eppler, 2008, p. 492; Münch et al., 2002). This made considerable constitutional changes possible. On the European level, the Länder were vying for more

inter-regional cooperation under the slogan of a “Europe of the regions” (Loughlin, 1996, p. 151; Suszycka-Jasch & Jasch, 2009, p. 1238). They were attempting to rally a broad legion of regions together in order to establish a third level of regional governance in the EU (Jeffery, 1996c, pp. 261-262).

Domestically, the Länder achieved a change in the Basic Law in their favor (Jeffery, 1996b, pp. 60-61). The introduction of article 23 (for an English translation, see Deutscher Bundestag, 2010, pp. 28-30) and the follow-up Law on the Cooperation of the Federation and the Länder in Matters relating to the European Union (Bundesrat, 2010a; Suszycka-Jasch & Jasch, 2009, pp. 1242-1246) made the German states into veto players: At least in certain policy fields, they could now co-determine Germany’s position in the EU and send a regional representative to the Council of Ministers (Gunlicks, 2005, p. 1290; Jeffery, 1996c, pp. 257-261; 2007b, pp. 20-22; Knodt, 2002, p. 217; Moore & Eppler, 2008, pp. 492-493; for more detailed analyses of article 23, see Münch et al., 2002; Palmer, 2003, pp. 369-370; Suszycka-Jasch & Jasch, 2009, pp. 1239-1241). With this so-called Europe Article, article 24 granting the federation sole power to transfer sovereignty was partly overwritten.

Considering this, it is unsurprising that the federal government has not been viewing article 23 favorably. It argues that such strong inclusion of the Länder in the EU policy-making process severely hinders Germany’s flexibility at the negotiation table because it necessitates comprehensive and time-consuming coordination among different domestic actors (Jeffery, 2007b, p. 20; Moore & Eppler, 2008, p. 498). This marks the European dimension of German federalism’s joint-decision trap (Benz, 1999; Scharpf, 2005). But such criticism cannot be upheld when considering that Bundesrat opinions, in fact, rarely diverge from the position of the federal government (Jeffery, 2007b, pp. 21-22; Moore & Eppler,

2008, p. 499), suggesting “that [article 23] has not been a significant problem for German EU policy-making” (Jeffery, 2007b, p. 22). Its basic provisions also survived Germany’s 2006 federalism reform (Bauer, Knill & Ziegler, 2007, p. 742; Moore, Jacoby & Gunlicks, 2008, pp. 400-401).

In addition to article 23, the Basic Law was also changed to allow for the creation of a Europe chamber in the Bundesrat “to fast-track decisions when time or confidentiality issues make full deliberation within the Bundesrat impractical” (Moore & Eppler, 2008, p. 493) but this meeting group has convened very rarely (Reuter, 2009, p. 24).

Domestic changes furthermore concerned the states’ administrative structures. European policy sections were created in the individual departments (Jeffery, 1996b, p. 62). Additionally, in 1992, the states formed the Permanent Conference of the Länder Ministers for European Affairs (Europaministerkonferenz, EMK) which enables horizontal coordination between the states (Große Hüttmann & Knodt, 2000, p. 4; Jeffery, 1996b, p. 63; Knodt, 2002, p. 217). The EMK’s task is to coordinate Länder positions, to represent Länder interest towards the federal as well as the EU level and to streamline communication regarding the union (Schmuck, 2009, p. 490). Mainly concerned with fundamental EU topics, the conference meets a couple of times a year and leaves day-to-day EU business to the Bundesrat (p. 501). While there is sometimes a sense of competition between different ministerial conferences, the EMK is nevertheless a chance for the Länder to formulate common positions on those issues that cut across departments (p. 501).

Apart from the EMK, German states began opening representations in Brussels in the mid-1980s (Bomberg & Peterson, 1998, p. 229; Hooghe & Marks, 2001, pp. 86-87; Rowe, 2011, pp. 62-63). By that time, the Länder observer was not viewed as a sufficient

connection to the EU anymore (Rowe, 2011, pp. 61-62). These offices are further proof of the increased mobilization of the Länder in EU policy-making and will feature prominently in the latter part of this paper.

On the European level, the Maastricht Treaty also sparked extensive changes for regional involvement. The treaty has been called the “high point” (Keating, 2008, p. 633) for regional influence because several provisions regarding regions in the EU were introduced (see, for example, Bauer & Börzel, 2010, pp. 257-258):

1. The Committee of the Regions (CoR) was established. Today, it brings together 344 politicians representing regional and local authorities from all over the EU (Committee of the Regions, 2012). This was part of the German states’ effort to establish a third level of regional governance.
2. Regions gained entrance to the negotiations in the Council of Minister with article 146 of the Treaty establishing the European Community (TEC) which is now article 16 (Official Journal of the European Union, 2010, p. 24). A more detailed look at both the Council and the CoR will be provided later.
3. The principle of subsidiarity was formally inscribed into the treaty in what is now article 5 (Official Journal of the European Union, 2010; Suszycka-Jasch & Jasch, 2009, p. 1237; for an overview over EU institutions’ approach to subsidiarity, see van Hecke, 2003). The Länder had been pushing strongly for such an inclusion as early as 1987 (Große Hüttmann & Knodt, 2000, p. 4; Münch et al., 2002; Suszycka-Jasch & Jasch, 2009, p. 1241).

Subnational mobilization II: ...to focusing on autonomy

After the Maastricht negotiations, regions in Europe and especially the German states seemed satisfied with what they had accomplished (Moore & Eppler, 2008, p. 494) so regions were rather quiet in the talks for the Amsterdam and Nice treaties in the late 1990s and early 2000s. During this time, though, the Conference of European regions with legislative power (REGLEG) was founded in which all German states are represented and which pushes for clear allocation of competences between the European and the regional level (Hopkins, 2010, p. 65; Jeffery, 2005, p. 4; REGLEG, 2011).

Also at the turn of the century, a European constitution was being debated. Länder were very active in voicing their opinion (Bauer, 2005, pp. 34-38; 2006, pp. 25-28). Yet, in the end, the constitutional discussion did not involve a serious reconsideration or strengthening of the regional level in the EU but mainly “some symbolic recognition of local and regional authorities” (Bauer & Börzel, 2010, p. 258; see also Jeffery, 2005, p. 5). For example, the CoR is still not an official EU institution on par with the Parliament or Council and its policy scope was not increased (Jeffery, 2005, p. 6). The treaty did include the Protocol on the Application of the Principles of Subsidiarity and Proportionality (Official Journal of the European Union, 2010, pp. 206-209) which more clearly delineates when and how the subsidiarity principle should be used. By means of this protocol, the CoR as well as national parliaments gained the right to bring cases to the ECJ (p. 208). In addition, an early-warning system for subsidiarity was established (p. 207) “to allow national parliaments to protest about EU legislation on subsidiarity grounds” (Jeffery, 2007a, p. 11).

As can be seen from the succinct historical overview, German states have over time gained more and more rights to be included in European policy-making, especially in the domestic setting. On the EU level, the Länder are faced with a very heterogeneous and large

group of regions, which makes a strong and united regional level hard to achieve. The mobilization approach of establishing a pan-European third level of regional government has largely been abandoned, both in practice and in the literature (Keating, 2008, p. 633).

Among scholars, it is, however, contested how exactly German states mobilize today. Charlie Jeffery argues “that where the Länder now talk about subsidiarity in the EU, they do so in an introspective way, focused on the exercise and protection of their internal competences” (Jeffery, 1996b, p. 70). They have discarded the third level tactic in favor of intra-state interest representation and consensus with the federal level (pp. 71-72). This is termed by the Länder as European domestic policy (Große Hüttmann & Knodt, 2000, p. 4; Jeffery, 1996b, p. 59; 2000, pp. 9-10). Jeffery and others later argued that the states opt for a maximum of autonomy and decision-making participation in the federal environment (Große Hüttmann & Knodt, 2000, pp. 9-10; Jeffery, 1998, p. 340; Knodt, 2002, pp. 220-221). Here, differences in entrepreneurship, regional distinctiveness as well as a Land’s legitimacy and social capital could lead to diverging influence on the European level (Jeffery, 2000, p. 18).

Michael Bauer also acknowledges the end of the third level as a policy goal. But he hypothesizes that some Länder tend to focus more on autonomy and some more on participation (Bauer, 2006, p. 29). Agreeing on Jeffery’s regional identity factor, Bauer additionally points to the significance of party political cleavages and of actual affectedness (pp. 35-36). The latter describes the circumstance that for some Länder, it does not matter too much if they are autonomous or not because their “actual political room for manoeuvre” (p. 35) is limited by scarce resources in the first place.

3. Methodology, Sample and Data

To answer my research questions, I complemented a thorough literature review with qualitative interviews. The format of semi-structured in-depth interviews was chosen as a means to engage in still fairly explorative research. This type of interview makes two-way communication with the interviewee possible which in turn “allows the researcher to respond to the situation at hand, to the emerging worldview of the respondent, and to new ideas on the topic.” (Merriam, 2009, p. 90) On the downside, there are some dangers with this qualitative data gathering, from potential interviewer bias (Holloway, 1997, p. 96) to the possibility for respondents to provide untrue information (Keegan, 2009, pp. 82-84) in order to portray themselves or their regional office in a certain light (Tatham, 2008, p. 495).

But as I deem the value of first-hand expert evaluations on states’ representation higher than these methodological disadvantages, I still set out to find interview partners. To be included in my sample, three conditions had to be met: Firstly, the respondent needed to be employed by the Land so that familiarity with Land-specific issues and work methods was given and the regional outlook (instead of the national or supranational) was maintained. Secondly, the respondent needed to work in the broad field of EU affairs for his or her Land. Thirdly, the respondent needed to know all six channels of interest representation and, preferably, deal with at least one of them on a regular basis.

Based on these criteria, I sought out interview partners in the states’ administrations: One group of respondents was working in the Länder representations in Berlin or in the state chancelleries in the respective state capitals. The other group was made up of officials from

the Länder bureaus in Brussels. The Brussels offices by themselves have been identified as valuable proxies for regional EU interest representation (Tatham, 2010a, pp. 81-82; forthcoming, 2013b, p. 6). In my study, I can additionally compare and cross-check the Brussels perspective with the one from the region itself.

In total, I conducted 30 interviews (see table 1). The interviews lasted approximately between 20 and 80 minutes, with the respondents speaking on the condition of anonymity (when referring to the interviewees, I will use the male pronoun throughout, even though the sample included both women and men; all German to English translations in this paper were done by the author). All officials were asked a set of roughly thirteen questions about the structure of their office, their general view on the importance of EU representation, their evaluation of each of the different representation channels and their evaluation of those channels if there are diverging interests with the member state (see appendix). The answers were coded and aggregated so as to analyze similarities and difference among the Länder. While the semi-structured nature of the interview allowed for follow-up questions and further comments, the data is still comparable because the same questions were asked every time and because the open-ended questions were formulated so that comparability was guaranteed.

Table 1. Sample

Land	official in Brussels				official in Germany			
	Code	Date	Personal	Recorded	Code	Date	Personal	Recorded
Baden-Württemberg	A1	Dec 2011	yes	no	B1	Nov 2011	yes	yes
Bavaria	A2	Dec 2011	yes	yes	B2	Nov 2011	yes	yes
Berlin	A3	Nov 2011	yes	yes	B3	Jan 2012	yes	yes
Brandenburg	A4	Dec 2011	phone	yes	B4	Nov 2011	yes	yes
Bremen	A5	Dec 2011	yes	yes	B5	Nov 2011	yes	yes
Hesse	A6	Nov 2011	yes	yes	B6	Dec 2011	yes	yes
Lower Saxony	A7	Dec 2011	yes	yes	B7	Nov 2011	yes	yes
Mecklenburg-Western Pomerania	A8	Nov 2011	yes	yes	B8	Nov 2011	yes	yes
North Rhine-Westphalia	A9	Dec 2011	yes	yes	B9	Dec 2011	phone	yes
Rhineland-Palatinate	A10	Nov 2011	yes	yes	B10	Nov 2011	yes	yes
Saarland	A11	Dec 2011	phone	yes	B11	Nov 2011	yes	yes
Saxony	A12	Nov 2011	yes	yes	B12	Dec 2011	yes	yes
Saxony-Anhalt	A13	Nov 2011	yes	yes	B13	Dec 2011	yes	yes
Thuringia	A14	Nov 2011	yes	yes	B14	Dec 2011	yes	yes
Hamburg	n/a	n/a	n/a	n/a	B15	Nov 2011	phone	yes
Schleswig-Holstein	n/a	n/a	n/a	n/a	B16	Nov 2011	yes	yes
	14 out of 16 Länder (= 87.5%)				16 out of 16 Länder (100%)			

There are certain limitations to this sample. Most importantly, the sample is not representative for two reasons: Externally, not all Brussels offices are part of the sample. Internally, there is only a maximum of two interviewed officials per Land. Their statements should therefore not be generalized or exaggerated but merely taken as a hint on how Länder

representation might work. Also, the sample is only made up of subnational regional representatives. Their accounts are not cross-checked with other actors such as national and supranational officials.

The overlap of the Brussels and German officials, while allowing for a certain control, is another caveat: It might be redundant or even contradictory to include both sites in the sample. But it has to be remembered that both places use direct channels to the union and both are genuinely regional actors – in contrast to CoR members or Members of the European Parliament (MEPs) who are influenced by party politics and are part of the EU institutions. Furthermore, this overlap is in and of itself a distinct feature of German EU policy-making (see figure 2 on page 25).

The independent variables size, resources, an East-West divide and conflicts of interest with the federal level were chosen based on existing literature and Germany's structural and institutional situation. Size and resources are relatively easy to measure and have been addressed in previous studies (see, for example, Tatham, 2010a, pp. 79-80). The look at a possible East-West divide is justified considering Germany's recent history and the continued asymmetries between the two regions (Benz, 1999, pp. 69-72). Finally, the question if channel preferences change when there is a conflict of interest with the national government is interesting in light of Germany's pronounced federal structure and the issue of bypassing interest representation (Keating & Hooghe, 2006; Marks, Nielsen, Ray & Salk, 1996; Tatham, 2010a, 2010b, forthcoming, 2013a).

The qualitative results on the independent variables from the interviews are complemented with data from official German and EU publications. For a German state's size and population, the 2009 data emanates from the federal as well as regional statistical

offices (Statistische Ämter des Bundes und der Länder, 2011a). Regarding resource richness, for which I looked at the gross domestic product (GDP) per capita (2011b) as well as the debt per capita (Statistisches Bundesamt, 2011b, pp. 78-79), the same sources with data from 2010 were consulted. The union's contribution to the European Regional Development Fund (ERDF), which is co-financed by the member states and the EU, were taken from the Commission's website (European Commission, 2007b, 2007c, 2007d, 2007e, 2007f, 2007g, 2007h, 2007i, 2007j, 2007k, 2007l, 2007m, 2007n, 2007o, 2007p, 2007q, 2007r). As a proxy for conflicting interest representation, I also noted in my data the ruling or acting regional coalition in power in mid-March 2012 to see whether it was different from the federal coalition. These statistics, along with the number of members in the CoR (Committee of the Regions, 2011) and the EP (Informationsbüro des Europäischen Parlaments für Deutschland, 2011) as well as the number of votes in the Bundesrat (Reuter, 2009, p. 1), are summarized in table 2.

Some of the methodological shortcomings mentioned in this section open up avenues for further research. For example, broadening the sample to national and/or supranational officials would help validate or disprove the regional representatives' evaluations. A focus on one particular policy area or a particular set of Länder also seems feasible.

Table 2. Economic and political indicators regarding German states

State	Ruling coalition	votes in Bundestrat	MEPs	full CoR members	area in km ²	population in million	GDP in billion €	GDP per capita in €	debt per capita in €	EU contribution to ERDF funds, 2007-2013, in million €	EU contribution to ERDF funds, 2007-2013, in €, per capita	employees in Brussels office
Baden-Württemberg	Greens-SPD	6	12	1	35,731.45	10.7	361.7	33,651	6,044	143.4	13.35	27
Bavaria	CSU-FDP	6	15	1	70,549.97	12.5	442.4	35,337	3,451	575.5	46.04	31
Berlin	SPD-CDU	4	7	2	891.54	3.4	94.7	27,499	17,381	875.6	254.33	10
Brandenburg	SPD-Left	4	5	1	29,481.95	2.5	55.8	22,258	8,788	1,498.7	596.74	14
Bremen	SPD-Green	3	1	1	404.28	0.6	27.7	42,046	27,129	142.0	214.60	9
Hamburg	SPD	3	3	1	755.16	1.8	88.3	49,638	14,119	35.3	19.88	7.5
Hesse	CDU-FDP	5	6	2	21,114.91	6.1	225.0	37,101	8,544	263.5	43.46	25
Lower Saxony	CDU-FDP	6	10	1	47,634.98	7.9	214.0	26,974	8,448	1,227.8	154.85	20
Mecklenburg-Western Pomerania	SPD-CDU	3	1	1	23,188.98	1.7	35.8	21,730	7,426	1,252.4	738.48	8
North Rhine-Westphalia	SPD-Greens (minority)	6	19	1	34,088.01	17.9	543.0	30,421	12,283	1,283.4	71.81	30
Rhineland-Palatinate	SPD-Greens	4	6	2	19,853.58	4.0	107.6	26,861	10,316	217.6	54.23	13
Saarland	CDU-SPD	3	3	1	2,568.66	1.0	30.1	29,472	14,644	169.3	165.57	7
Saxony	CDU-FDP	4	5	2	18,419.70	4.0	95.1	22,870	2,432	3,091.1	741.51	11
Saxony-Anhalt	CDU-SPD	4	1	1	20,448.86	2.4	52.2	22,245	10,340	1,931.8	819.87	12
Schleswig-Holstein	CDU-FDP	4	3	2	15,799.07	2.8	75.6	26,712	10,843	373.9	132.02	7.5
Thuringia	CDU-SPD	4	2	1	16,172.41	2.2	49.9	22,252	8,401	1,477.7	656.78	10
Germany	CDU-FDP	69	99	21	357,123.51	81.8	2,498.8	30,566	10,662	14,559.4	177.98	242

4. Findings

4.1 German States' Interest Representation towards the EU

4.1.1 Motives

All of the interviewed officials attributed high importance to regional interest representation in EU affairs. A lack of variance does not come as a surprise here because all respondents work in EU affairs, so with any other answer they would have dismissed their own significance. Therefore, it is more helpful to examine what reasons they gave for why EU representation is important for the Länder. Four major explanations were identified.

Structural funds

To begin with, the topic that has historically led to a closer look at regions in the EU is still valid today: Several interviewees specified structural funds as a main reason for why EU interest representation is crucial for them (B3, B4, B8, B10, B12, A14, B14). In the interviews, structural funds were most often and most explicitly addressed by the Eastern German states. Respondents working in Eastern German representations all mentioned the financial repercussions of the EU at some point while this issue was only rarely addressed by other Länder (A5, B10). Moreover, officials for East German Länder working in Germany tended to bring up the topic more often than the respondents in Brussels. So, either the officials in Belgium take the chase after structural funds for granted or they do not view it as such a high priority as their colleagues at home. The latter option seems to be the reality,

deducting from the talks in Brussels. As an example, one interviewee stressed the importance of telling the home administration that setting one's policy priorities is much more efficient than demanding more money (A4, also A5).

The reason why East German Länder are especially focused on the structural funds is found in the allocation of the funds. Except for Berlin, all East German Länder are covered under the convergence objective of the ERDF (see figure 1) which is the objective with the highest possible funding for the poorest regions (European Commission, 2012a, 2012b). Therefore, under the 2007 to 2013 ERDF, the Eastern German Länder generally receive more EU funds per capita than the other states (see also table 2 on page 19).

Figure 1. Convergence and competitiveness objectives, 2007-2013 (European Commission, 2007a, p. 1)



European legislation

The Länder are in charge of implementing federal laws and because more and more of these are concocted in Brussels, the regional level is indirectly affected by the Europeanization of law. Interviewees pointed this out repeatedly (B1, B2, A3, B4, A6, B6, A11, B12, B14), yet with varying statistics: One said 30 to 40 percent of laws are influenced by the EU (B12), another said 50 percent (B2) and still others went as high as 70 or 80 percent (A6, B6). Around a quarter to half of the Bundesrat's agenda comes directly from Brussels (B11, B14). Since all Länder share the same institutional function, there was no variance in their general assessment of the legislative impact of the EU.

Specific policy interests

German states do not, however, share the same focus on respective policy fields. So, thirdly, some Länder have a particular focus on the EU because policy fields that are of high salience to them are dominated by EU legislation. One example that was given by almost a quarter of the respondents was agriculture. If a Land has a strong agricultural sector, it might view EU interest representation as even more important than usual because most of Europe's agricultural policy is decided in Brussels (B1, A2, A4, A6, B8, B13, A14). Generally, if those policy fields that concern a state the most are heavily influenced by EU legislation, including agriculture but also environment, transportation or research, then there is a greater need for EU interest representation. This is in contrast to, for example, social policy, where the federal level is responsible for the laws with little input from the EU (B13). Here, lobbying the federal government rather than the EU institutions would be the states' first choice.

For a third of the officials, interest representation is mostly a reaction to Commission proposals or Green and White Books (B2, B3, A5, B5, A6, B8, B10, A12, B14, B16). This would entail monitoring Commission activity, developing positions on topics relevant to the respective Land and then engaging with different actors. But 70 percent of the respondents acknowledged that interest representation can be both reactionary and proactive (A1, B1, A2, A3, A4, B4, B15, B6, A7, B7, A8, B8, A9, B9, A10, A11, B11, B12, A13, B13, A14).

A proactive stance is taken in precisely those policy fields and industries that are important to a state (B1, A2, B2, B5, B6, B7, B8, A13, B13, A14). For example, primary law and EU enlargement are topics that Bavaria and Baden-Württemberg actively publish their positions on (B1, B2). Bavaria also focuses strongly on agriculture and education (A2). Hesse is particularly concerned about transportation and mobility (A6, B6). As mentioned before, many poorer German states prioritize structural funds.

What this shows is a divergence in the areas that Länder represent their EU interests in. While not a surprising finding, it is crucial to stress this policy-driven approach to interest representation. It means that structural differences between the Länder also account for different behavior on the EU level. Stressing the salience of policy issues is in line with previous work on EU interest representation that often implicitly takes salience as a key explanatory factor (Tatham, forthcoming, 2013b, pp. 3-4).

Support for European integration

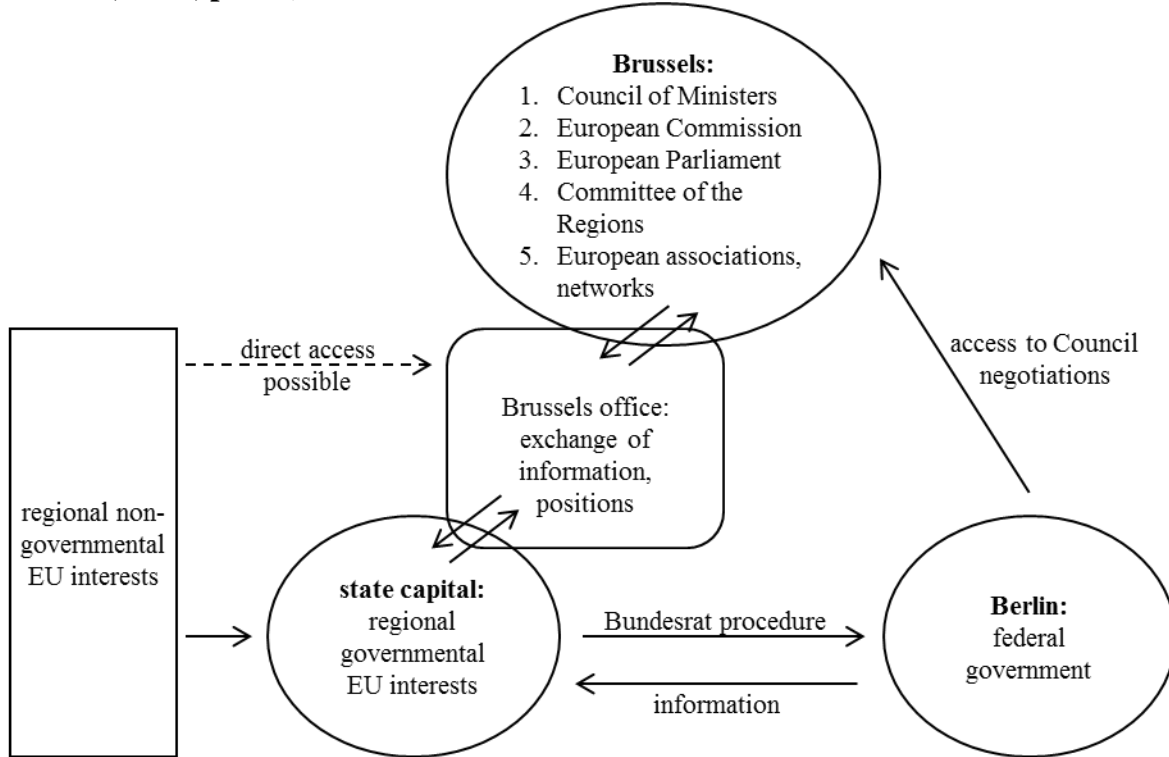
A fourth motive for EU interest representation is inspired by one respondent calling himself and his colleagues “glowing Europeans” (A9). While others might not choose words as solemn as these, it must be considered that some of the respondents view EU interest representation as important because they view the EU and European integration as important.

There is, in fact, a constitutionally mandated duty for Germany to foster European integration (article 23; Deutscher Bundestag, 2010, p. 28). But in a less tangible way, officials working in Brussels might normatively view European integration as favorable, either out of personal conviction or because of socialization effects in the European setting.

4.1.2 The Brussels Office

As described above, the MLG concept envisions multiple actors negotiating with each other. Regional actors as one level of government thus have the chance to engage not only with domestic actors but also with a range of supranational actors directly, using different channels. The concept of channels allowing access to Europe has been lingering in the literature since the mid-1990s (Hooghe, 1995). Usually, these channels include the Council of the European Union (Council of Ministers), the European Commission, the European Parliament (EP), the CoR, associations as well as the Brussels office (Hooghe & Marks, 2001; Rowe, 2011, pp. 51-53; Tatham, 2008, p. 498). However, both from a theoretical as well as from a practical point of view I do not presuppose that Brussels offices can be regarded in the same category as the other channels (see figure 2).

Figure 2. German states' EU interest representation (adapted from Rowe, 2011, p. 5; Tatham, 2008, p. 498)



As figure 1 illustrates, there is a double overlap for Brussels offices. One overlap is organizational, because they form part of the Land administration but are located in Brussels. Another overlap concerns their classification as a channel: The offices are a Brussels channel for the state capital but mainly because they are a gateway to the five other actual EU-level channels, thus becoming both a domestic and a supranational channel. Due to this overlap, it is appropriate not to place them in the same category as the other five channels (for more studies on German and other regional offices, see Bomberg & Peterson, 1998; Kettunen & Kull, 2009; Marks, Haesly & Mbaye, 2002; Mbaye, 2009; Moore, 2006, 2008; Nielsen & Salk, 1998; Rowe, 2011; Tatham, 2010a).

Resources

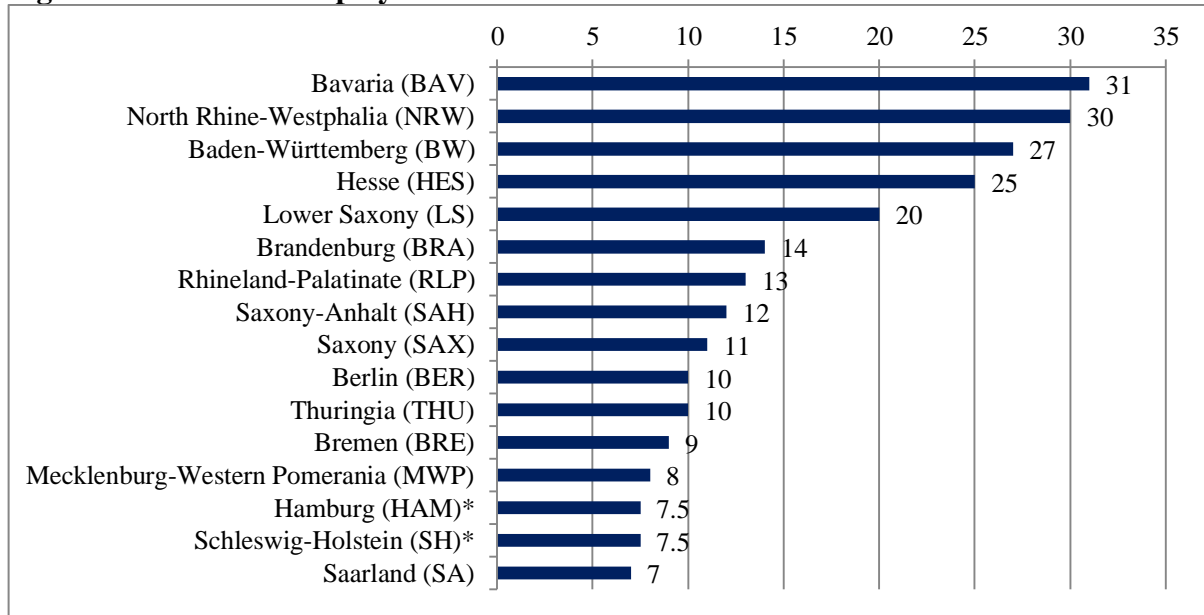
To measure the resources the Länder have at their disposal for EU interest representation, the number of employees in the Brussels office is used as a proxy value. This approach has several serious impediments in general (Tatham, 2010a, pp. 81-82) but also some specific to the German case. For one, the number of employees in Brussels has to be evaluated in connection to the number of people working on EU affairs in the Länder administrations in Germany. This would include the EU minister and his staff, people in the Berlin representations and officials for the EU affairs section of each specific department, such as agriculture, education or transportation. A good backing from home can greatly enhance the effect of the Brussels office and vice versa (A14). The connection to the home base cannot be quantified, however: The total number of people working on EU affairs in Berlin and the state capitals is not fixed because any official might have to deal with EU matters at any time. Moreover, as will be seen, personal networks play an enormous role in the Brussels representations. Therefore, even a small team of officials could have a big impact if their commitment and their networks are vast.

With these caveats in mind and for lack of a better quantitative indicator, the number of employees in Brussels will be used as an approximation. This statistic will be complemented with qualitative evidence in the remaining parts of the paper.

A total of 242 German officials were working in the German representations at the time of the survey, an average of 15.13 employees per office. In addition to the head of the office, there are usually some full-time and part-time officials as well as interns (A2, A13). Some offices have a rotation principle that brings officials from the state capital to Brussels and vice versa for a certain amount of time (A3, A13).

There are substantial differences in the number of employees in the Brussels office (see figure 3). All respondents were in agreement that the size of the staff was adequate, even though 16.7 percent of the interviewees said this was barely the case (A1, A2, A5, A11, A12). In comparison to their European colleagues, all German offices in Brussels are well-equipped: Previous studies found averages of 5.37 (Tatham, forthcoming, 2013a, p. 30) and 6.3 (Blatter, Kreutzer, Rentl & Thiele, 2008, p. 486) employees, respectively.

Figure 3. Number of employees in the Brussels offices



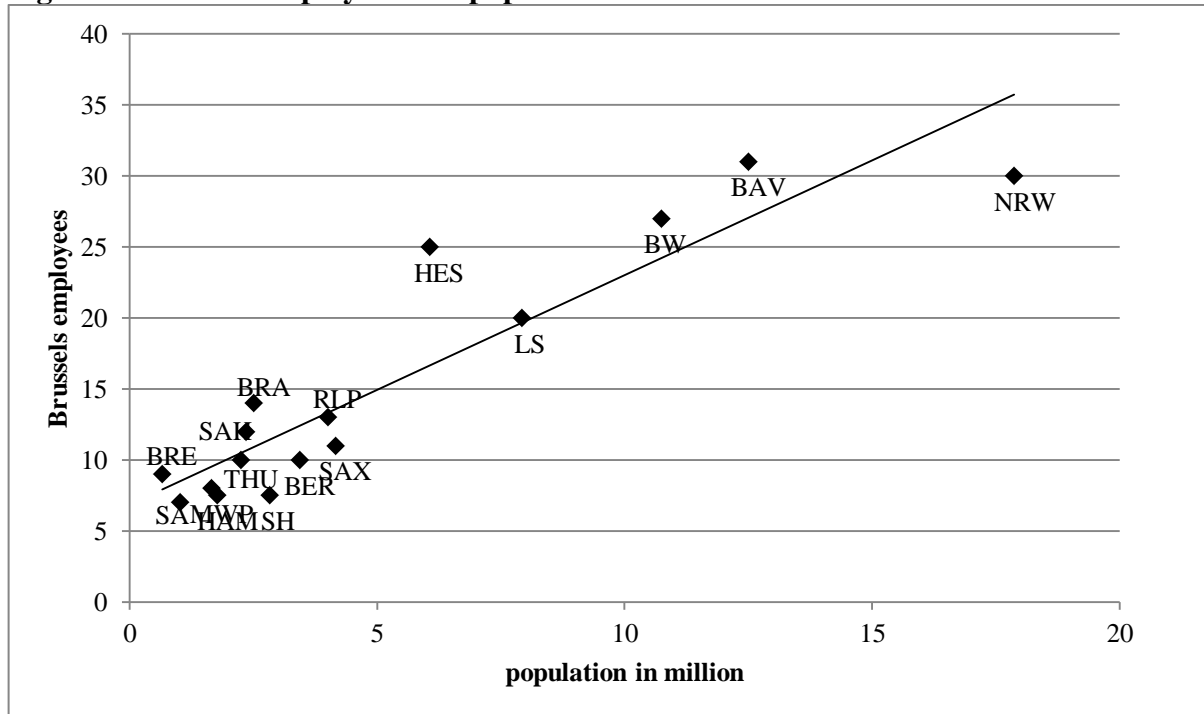
*These numbers were taken from the Hanse Office website and confirmed in an email by one of the officials. There are a total of 15 people working in the Hanse Office, sharing responsibilities for both represented Länder. All other numbers are taken from the interviews.

As a next step from this descriptive finding, it is again useful to look for explanatory factors. The office size does not seem to depend on whether there is an oppositional regional government in place or not. For instance, both the biggest and the smallest office represent CDU-led Länder. Interviewees did not systematically point to party politics affecting office

size but to validate this, a long-term study of party political staffing decisions would be necessary for which I have not gathered data.

Population size may be a fairly decent indicator, as the five most populous Länder also have the five biggest offices (see figure 4) and smaller Länder tend to have fewer employees. But there are also several exceptions such as rather small Länder having mid-sized offices, for instance Brandenburg, Rhineland-Palatinate or even Thuringia.

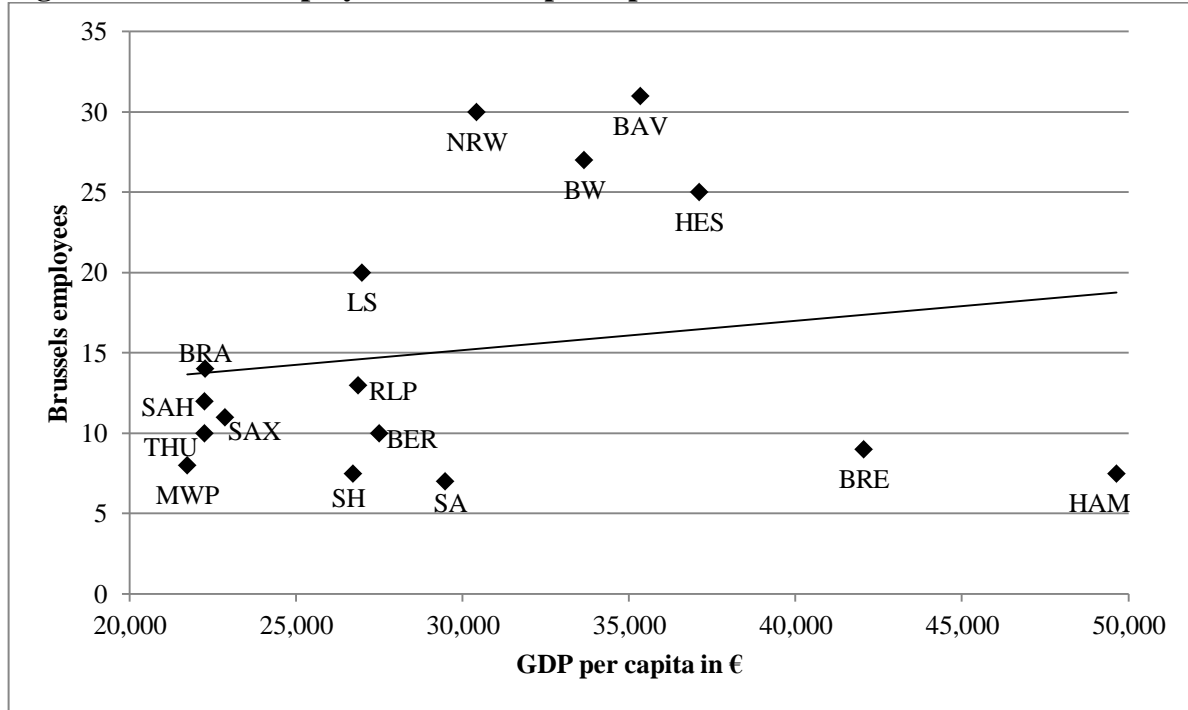
Figure 4. Brussels employees and population



Similar to population size, GDP per capita can be taken as a hint of an explanation (see figure 5). Outliers seem to be the fairly rich states Berlin, Bremen, Hamburg and Saarland which have fewer than a dozen people working in Brussels. Here, it is interesting to note that these four states have the highest debt per capita among German states, so their

GDP per capita wealth is relativized. Therefore, it could still be that the richer a state is, the bigger its office is.

Figure 5. Brussels employees and GDP per capita in €



A look at the structural funds partly supports this view (see figure 6): Those Länder that get the most funds have small to mid-sized staffs but certainly do not have the biggest offices. At the same time, those very Länder that receive the least ERDF money, have the biggest offices, with Hamburg as an exception. It might be that regions collecting the largest shares of the ERDF simply cannot afford a bigger office, which would be logical considering the largest shares of the ERDF should be collected by the poorest regions. A different causal relation along the motto of “We get our money anyways, we do not need a big representation.” did not emanate from the interviews, as the officials from the Eastern German Länder stressed the importance of securing funds.

If the correlation of relative poverty and office size is accepted, this would also explain why, on average, Eastern German offices have 10.84 employees and Western German offices have 17.7 (see figure 7). In the end, resources – and not need – determine the size of the office in Brussels, highlighting the expensive nature of subnational mobilization which might favor resource-rich regions.

Figure 6. Brussels employees and ERDF per capita in €

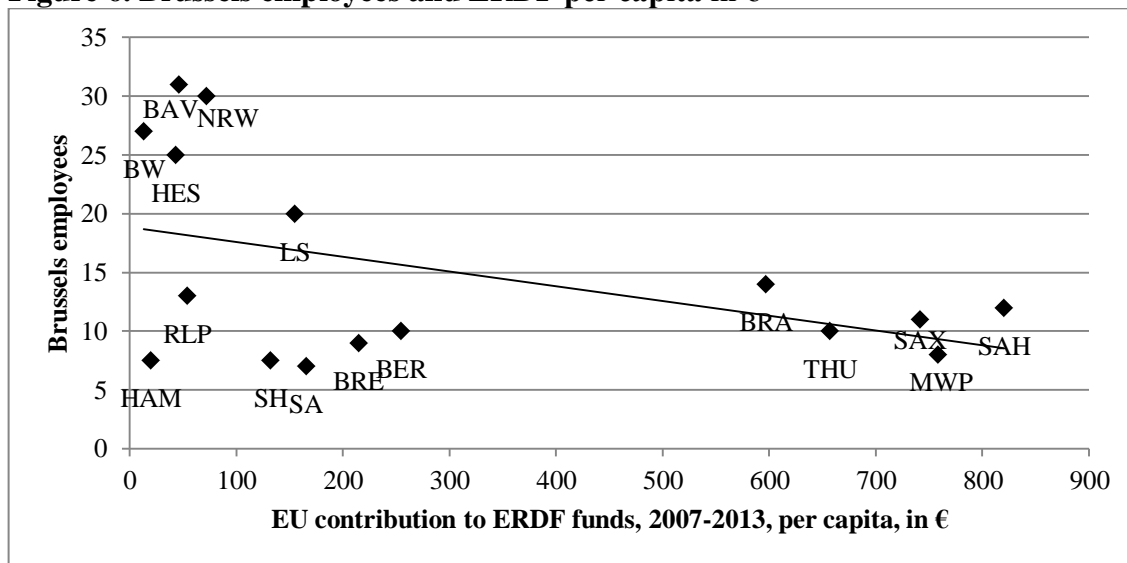
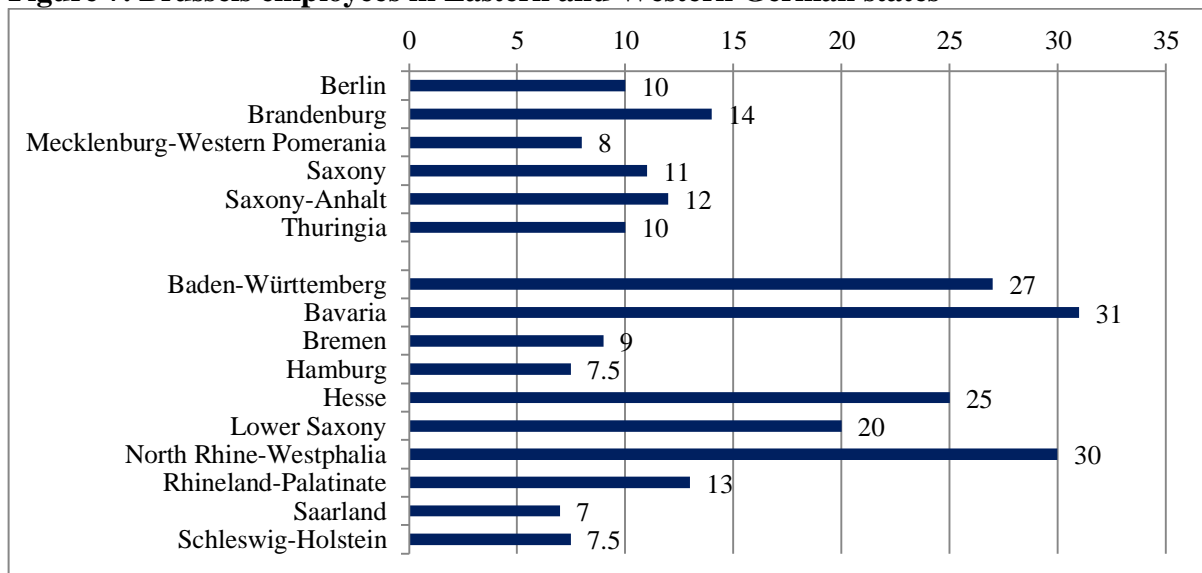


Figure 7. Brussels employees in Eastern and Western German states

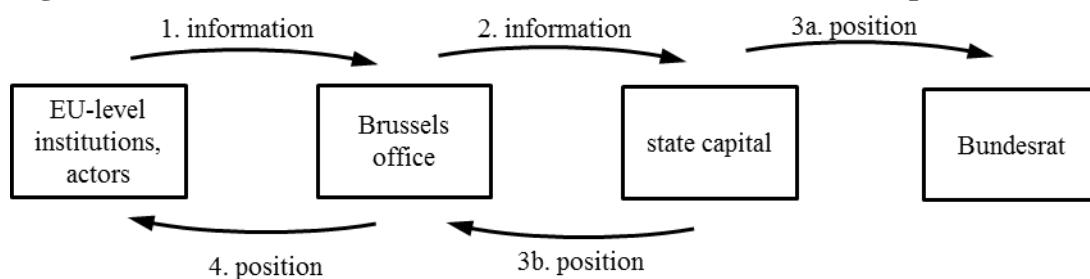


Activities

Various functions and activities of regional offices have been identified (Marks et al., 2002, pp. 4-6; Rowe, 2011, pp. 83-84) but based on the interviews, I have found only two broad categories of activities: the task of promotion as well as the intertwined activities of information exchange and networking. No respondent named promotional or representative functions as the most important task of his office. While it is certainly part of an office's job description, in this paper, I would like to focus on information exchange and networking.

In order to exchange information, one needs networks, and in order to get networks, one needs information. So, in line with previous research (Marks et al., 2002, p. 7; Rowe, 2011, p. 84) and the interviews, I grouped together the tasks of information exchange and networking. Figure 8 shows the simplified chain of events of how German states represent their interests towards the EU via their office: The office collects information from the EU level and delivers it to the state capital. There, a Land position is formed which the office then carries back to the EU institutions.

Figure 8. Brussels offices' connection with the EU and the state capital



Thus, bureaus not only send information home to the state capital like in the early days of the office. They are “a service which selects, interprets, filters and analyses the information gathered” (Moore, 2006, p. 198). One respondent termed this “translation work:

Helping understand why some [actors] stick to their positions and others don't.” (A7)

Another analogy used was that of being an “antenna and service provider” (A8) in the sense that an antenna can both send out and receive data.

In order to become this intelligence service provider (Moore, 2006, p. 198; Rowe, 2011, p. 83), all Brussels respondents stressed the importance of close, personal and direct contacts in the EU institutions. Most of these are found on the working level of the Commission. The Land officials in Brussels are tasked with acquiring and cultivating contacts in the Commission according to their policy field. One Brussels interviewee described the qualifications needed for officials (A9): “My colleagues here in the office, their core competence apart from their technical work is to network with others, to build good personal contacts to the cabinet of a Commissioner, to communicate with important parliamentarians or with other stakeholders.” By doing this, the officials receive early intelligence on proposals and they have an entry point when they want to present information and policy positions from their home region.

The advantage of maintaining a Brussels office is its proximity and easy access to the EU-level actors (A2, A7, A10, A12), both in a geographical and a social context. Entrepreneurship – “[t]he personal authority, interests and commitment invested by those responsible for leading EU policy” (Jeffery, 2000, p. 15) – is therefore decisive. But entrepreneurship and personal engagement are difficult to measure quantitatively and are not highly associated with the number of employees: A vast and deep network by three regional officials might be worth much more than 30 regional officials’ small and shallow personal connections. Apart from networking with institutional and non-institutional EU actors, office employees and heads of offices also meet each other regularly in thematic study groups,

facilitating horizontal coordination among the Länder (A12; Rowe, 2011, p. 104). The propensity of German states to cooperate in Brussels has been established before (Salk, Nielsen & Marks, 2001, p. 12).

There is generally a need for coordination and cooperation. While this entails compromises and may take a long time (B7, A12), 60 percent of the respondents regarded partnerships as indispensable (A1, A2, A3, A4, A5, B5, B15, A6, B6, A7, A8, B8, B10, A11, B11, A12, A13, B16). The following statement summarizes their reasoning: “Voicing a single interest is less successful than coming together in a network.” (A11) The importance of partnerships with other Länder, with other regions, with the federal level or with associations were mentioned by roughly 60 percent of the interviewees, regardless of size, resources or diverging regional-federal interests. Only three interviewees – from Mecklenburg-Western Pomerania, North Rhine-Westphalia and Rhineland-Palatinate – explicitly said their Land might attempt to push for its position without anyone else backing it. While these states are all opposition-led, this cannot be taken as an explanation. Rather, the respondents emphasized that solo representation happens only in the very rare instances when extremely Land-specific original interests are concerned (B8, A9, A10, B10). This supports the analysis that policy fields and salience matter and might be true for other states as well, even though the interviewees did not talk about it. For example, there was consensus that “[a]lliances are topical, they are not static” (A5) which means that some policy fields lend themselves to forming partnerships and others do not.

A certain East-West divide can be detected, as the Eastern German Länder underlined their cooperation (B3, A8, A12, A13, B13). Yet, even this appears to be rather policy-driven: Among Eastern German states, there is a shared focus on structural funds and a certain type

of agriculture – just like there are structural similarities between Bavaria and neighboring German and non-German regions or between Berlin and other capital cities which make wide-ranging cooperation possible (A2, A3, also B1, B6, B11).

Brussels interviewees from the four biggest offices and Berlin explicitly stated that they do not view themselves as lobbyists comparable to special interest groups because they are electorally backed and work for the public good and not special interests (A1, A2, A3, A6, A9). Nevertheless, they acknowledged their lobbying position and the offices' description as a lobbyist was shared by several Germany-based respondents (A1, A2, A3, B4, B5, A6, B7, A9, B10, B12, B14; for a similar analysis, see Rowe, 2011, pp. 94-95). With a look to the independent variables, neither the East/West consideration nor size nor diverging regional-federal interests can be used as explanations for why some offices consider themselves lobbyists and some do not mention this. A slight hint might again be given by the ERDF and GDP per capita: Apart from Brandenburg, Saxony and Thuringia, it was mostly states that receive only little or mid-sized funds and have rather high GDP rates that would call themselves lobbyists.

4.1.3 Channels for Interest Representation

Council of Ministers

It was mostly the officials working in Germany that credited importance to interest representation towards the Council. While the Brussels officials acknowledged its power, nobody named it as their primary contact. “We don’t need to lobby [the Council] here”, said a Brussels respondent (A7), “because we’re part of it through our Bundesrat deputies (...).” This shows very clearly that the Council is an EU channel worked predominantly through the federal government. With article 23 and the Bundesrat procedure, German states can

influence the federal position, which was regarded as an important entry way to the Council (see also Bomberg & Peterson, 1998, p. 222). Moreover, there is also the latent threat of one or more Länder suing the federal government based on a violation of article 23 (B2, B12).

Yet, there is more direct Länder participation as well. The Länder may ask for inclusion in areas that are domestically in their exclusive competence (Bundesrat, 2010a, p. 187). This only happens rarely (B5, B15) and the conduct of negotiations is left to the federal government in any case. The inclusion of a Bundesrat-appointed Länder representative is obligatory for the policy fields education, culture and broadcasting and here, he has the right to conduct the negotiations (Bundesrat, 2010b, pp. 187-188). This has to be done in accordance with the federal representative, though. The Länder have gradually learned how to conduct negotiations, after being “overstrained” (B13) by this task in the beginning. Nevertheless, the Council negotiations are still the “playing field for the member states” (A13, also A8) in that compromised positions are usually made beforehand under the strong leadership of the federal government. Sometimes there are struggles over who gets to represent Germany in the Council but these disputes are more about representation than about content (A2, B2).

Many Länder also have representatives in the lower-level Council working groups (A2, B2, A5, A6, A7, B8, A10, B11, A12, A13; Thuringia has none; no answers for the others). The Länder observer also has access and with his timely and detailed reports from every session, he remains an important source of information for the Länder (B7). Even without access, officials from the Council “are at liberty to talk about the topic over lunch or on other occasions” (A2) with regional employees. This would support the analysis of the Council as a place for socializing (Tatham, 2008, p. 501).

The role of the representative in the working groups is that of an observer rather than an influencing force (A1, A2, A3, A5, B5, A6, A7, A9, A10, B8, B12). He is selected by the Bundesrat (B11) and instructed from the home region, not the Brussels office (A14) which is another reason for why the regional representations do not have much to do with the Council. As an information gatherer, his role is essential. The goal is to present the regional position as far as possible and otherwise focus on gaining information on the federal position and sometimes even other member states' positions (B13).

Another way to deal with the Council is through the Permanent Representation. For example, the thematic study groups might include experts from the Permanent Representations (A3). The bureaus are also informally in touch with the federal officials and have access to the Permanent Representation's databases (A3, A13).

European Commission

The Council is a key source of information once positions are consolidated. The Commission, though, is the access point that regions can use for the earliest possible information on legislative proposals. This is absolutely crucial because the Länder have to implement EU legislation developed largely in the Commission (B3, B15, B6, A8, B8, B13, A13, A14). For this reason, the Commission was regarded by all Brussels respondents as their primary and by far most important contact. No divergences in how the regions represent their interests towards the Commission could be detected.

For one, the German states together can forward their opinions on proposals directly to the Commission. Since the Lisbon Treaty, the Commission sends all types of initiatives directly to the national parliaments and allows them to comment (protocol 1 formalized a closer parliaments-Commission relationship fostered by the Barroso initiative since 2006;

Official Journal of the European Union, 2010, pp. 203-205). This way, the Bundesrat can forward the opinions on EU initiatives not only to the federal government but also to the Commission (B2, B5, B10, B11, B12). The Länder do this in “selected cases” (B10) via the Bundesrat in Berlin and then usually hear back from the Commission relatively promptly. The more important relationship with the Commission is established in Brussels, though.

First, as mentioned earlier, Brussels officials try to find contacts and personal networks within the Commission. Institutionalized routes to the Commission do not exist so regional officials have to work to meet Commission officials, their deputies, assistants or friends informally (A1, A2, A3, B3, A4, A5, A6, B7, A8, A10, A11, B12, A13, B16; see also Rowe, 2011, pp. 92-93). For example, the bureaus might invite Commission officials to their regular study groups (A12, A13). But meetings are also possible through the Permanent Representation, at official events or over lunch or dinner in the Belgian capital. While a greater number of employees is certainly beneficial, again, the more significant consideration is the nature and depth of contacts: What counts is who the officials know in the Commission and how well they can access them. This quality cannot be related to my independent variables and as it pertains to individual commitment and personality, it is hard to measure.

Ideally, regional employees would first try to find Commission officials who are German or know Germany and its language. Sometimes this can be tough (A2, A14), especially for particular German regulatory matters such as public savings banks (Sparkassen). Therefore, link-ups usually occur according to policy fields. One respondent stated that “[e]veryone here [in the Brussels office] should know those people that are important for their field of work [in the Commission]” (A7). This sentiment can be taken as a guideline for all offices.

Once the personal connections have been knit, it is the foremost task of the office to access the Commission as early as possible (B1, A2, A3, A4, A5, B15, A6, B6, A7, B7, A9, B9, A10, A11, A12, B13; see also Rowe, 2011, pp. 92-93; Tatham, 2008, p. 503). One interviewee said (B6):

The ideal point to voice your interests is the moment when in the Commission someone starts thinking about thinking about writing something down. That's where you need to be present. That surely is the big leagues, that doesn't always work. But it's much easier to stop a certain phrasing from entering a text in the first place than to cross it out later through revision procedures in the legislative process via the European Parliament.

When a proposal is being published and especially when the Council and the EP deal with it, it is often too late for the regions to have meaningful influence over the drafts. So, constant communication with Commission officials is the bureau's main form of lobbying: After informing them of their regional view point, the regions can hope to be taken into consideration. The Commission, generally very open to and thankful for input from any external actor, actively seeks regional expertise (A1, A2, A3, A4, A6, B6, A9, A12, A14; see also Bomberg & Peterson, 1998, p. 223; Tatham, 2008, p. 502). The two following statements relate to this:

[T]he officials are also thankful. They are sitting far off from anything (...) in their ivory tower and don't know what's going on on the ground and when somebody comes along then who's closer to what's going on, then they're thankful for the information. (B7)

[The Commission officials] don't just sit at their desks and say, 'Let's make a nice directive now.' but they ask, 'Where are problems that we have to regulate and what facts do we need for that and who are the people concerned?' (A9)

Apart from personal contacts, five Brussels offices reported that they monitor and analyze the Commission's roadmap for the upcoming year early on (A2, A6, A9, A12, B13). For example, North Rhine-Westphalia's annual "European political priorities" identify what regulations pertain to the Land and why, what the Land's goal are and what department is

responsible (A9; Nordrhein-Westfalen, 2010). The positions are decided in the respective state capitals afterwards. Such a division of labor has the Brussels offices focusing on the working level preparations through contacts and intelligence services, while the political decisions are made in the administration (A4, A11; see also figure 8 on page 31).

A further indication for this division of labor is the fact that the bureau officials seek out contacts on the working level of the Commission but may prepare political meetings between members of the regional government and higher ranking Commission officials. A little over half of the respondents – again regardless of size, resources or conflicting regional-federal interests – specifically addressed their governments’ ability to get in touch with the heads of the Directorate-Generals or the Commissioners (B1, A2, B2, A4, B4, A5, B5, B15, A6, B7, A8, B8, A9, A11, A12, B12). Some variance according to size was given: “It is already hard for the regional level to get access to all Commissioners”, said one respondent (A8), “And here, it is tougher yet for a smaller region than, say, for the prime minister of the Free State of Bavaria.” (A8) Nevertheless, smaller states such as Brandenburg do have access to the Commission as well, as Commissioners’ visits to the state exemplify (A4).

European Parliament

The Brussels respondents all agreed that after the Commission, the EP is the second-most important arena for German states’ interest representation (see also Rowe, 2011, pp. 93-94). As previous research has shown, MEPs can be powerful actors because they are relatively free and unbound by party politics compared to the domestic setting, because they have great access to the Commission and because their credentials as directly elected politicians give them a considerable amount of soft power (Tatham, 2008, pp. 505-506). Over time and especially since the Lisbon Treaty, the EP’s power has only increased. Hence, the regions are

well advised to engage with the parliamentarians as they would with the Commission officials. This is mostly done in Brussels by the Länder bureaus.

60 percent of the respondents said that the Brussels offices' first points of reference in the EP are those delegates from their own region (A2, B2, A3, A4, B4, A5, B15, B6, A7, A8, A10, B10, A11, A12, B12, A13, B13, B16). More specifically, Länder officials get in touch with an MEP's office or his assistant (A5, A10, A12). One respondent described the reasoning behind contacting MEPs from the home region first (A13):

Cooperation is always easiest if parliamentarians stem from the region. The farther they are away from the region, the more important the content is to find affection and support from the parliamentarians. If the MEP has his constituency in the Land, then he is by that alone structurally interested to cooperate closely with the Länder offices.

It helps that in the EP, regional and national affiliations might sometimes be more important than party affiliations (A2, B6, A10, B12; see also Costello & Thomson, 2010, p. 236). Accordingly, Länder officials recognize that an MEP is a political delegate but they also "don't think that Land interests are completely absent from his mind" (B16). While again there is no variance in how the Länder view the EP as a channel, a clear divergence occurs in usage along more and less populous states: Bigger states have more MEPs and thus have better chances of finding a parliamentarian with knowledge about and sympathy for regional problems. Conversely, the low number of MEPs from the home region was mentioned as a difficulty by some interviewees from smaller states (B4, A5, A8, B8, A12, A14).

A second line of access is available, though, as the long quote above indicates. If the regional approach does not offer itself, the Länder officials seek out those parliamentarians that are experts in the particular policy field at hand (A4, A5, B6, A7, A9, A11, A12; see also Tatham, 2008, pp. 504-505). Here, the preference is to get in touch with committee heads, rapporteurs or shadow rapporteurs. Access to these important positions is harder if no

regional connection is given. Rewards are potentially high, though, because the officials know that these MEPs have considerable influence over EP legislative drafts and opinions and that they offer a good possibility of voicing regional interests (A6; see also Costello & Thomson, 2010, pp. 235-236). Moreover, similar to Commission officials, rapporteurs actively seek external expertise for their opinions (A14).

Yet, accessing the EP usually occurs after a Commission proposal is already on the table (A2, A4, A5). If interest representation at the Commission has not fully worked to a state's satisfaction or has come too late, there is then the chance to influence rapporteurs and other MEPs. This is a hard task (B8) because while regional considerations are given, MEPs act and vote according to their convictions in the end (A5). It is thus especially noteworthy that the EP is still considered the second-most important channel by all Brussels interviewees. Because Germany-based respondents agreed on the EP's importance, it can be deducted that the Parliament is today viewed as a viable force in the EU's decision-making process by the Länder. Some officials in Germany did hint at the chance of party political contacts to MEPs (B1, B7, B10, B14), despite the dominance of regional affiliation.

The EP is – just like the Council and Commission – also a source of information for the Länder. Via their office, they collect first-hand intelligence from parliamentary committees, which is useful for formulating Länder positions. Furthermore, the EP cooperates with the Bundesrat and Bundestag, for example through exchanges and meetings (B13).

Committee of the Regions

The CoR fulfills three functions (Carroll, 2011, p. 342; for an introduction to the CoR, see Dinan, 2010, pp. 285-288; Domorenok, 2009): representative, advisory and symbolic

functions. Its members are regional and local representatives who can be held politically accountable, it is a consultative body writing opinions for the Commission and it is a symbol for subsidiarity (Carroll, 2011, pp. 343-350). The CoR's strength has been called into question due to its diverse and large membership, its lack of decision-making power and cleavages within the Committee (Christiansen, 1996, pp. 111-115; Hooghe & Marks, 2001, p. 82; Hopkins, 2010, pp. 60-61; Jeffery, 2007a, pp. 4-5; John, 2000, p. 889; Loughlin, 1996, pp. 155-156; Moore, 2009, pp. 2-3; Tatham, 2008, p. 506). As a result of these weaknesses, the CoR has not developed powerful legislative influence but it has consolidated its representative and symbolic functions.

The respondents all acknowledged the CoR's shortcomings, with some still stressing that, formally, it is their only way of providing regional input (B8, B9, A12, A13, B13). The Länder were instrumental in bringing about this body but the enthusiasm they had at its inception in the mid-1990s has waned (Jeffery, 1995, p. 254; 1996b, p. 70). Nevertheless, there are ways in which the German states utilize the CoR. Both officials at home and in Brussels are involved because the politicians sitting in the Committee establish their positions at home but meetings are prepared in Brussels (A5, B5, A14). Nevertheless, the federal government submits the list of proposed Committee members to the Council (European Communities, 2009, pp. 25-26), a sign that the CoR is not completely regional.

The Committee fulfills its representative and symbolic functions. The CoR brings together different municipalities and regions from all over Europe. It is thus a forum where Länder can exchange information, see what regions have similar problems, build relationships and develop their positions accordingly (A1, A2, B2, A5, B15, A6, A7, A8, A10, B10, B11, B13, A14). In line with previous findings (Tatham, 2008, pp. 506, 511), one

interviewee described how the CoR helps the Commission and the regions gauge potential policy positions (A13):

The CoR is virtually a test balloon for where European compromises lie because the interests of local and regional authorities in Europe do, of course, oftentimes overlap with those of the national level so that if you put forth issues early on in the CoR and then have serious debates, then the results are not far off from what actually gets done.

Nevertheless, the CoR's advisory role was largely dismissed. Only 20 percent of the interviewees explicitly mentioned the importance of CoR opinions, pointing out that the Commission and Parliament exhibit a growing interest in them (B4, A5, A6, A8, A11, B13; also Neshkova, 2010). Formulating opinions and making decisions usually takes too long in the CoR so it is only useful if addressed very early (A3, B12, A13, B13). One respondent said: "The time and effort [put in] are enormous and in some way contrary to the political effect." (A5)

Apart from its strength as a forum, there is little importance to the CoR as a channel for interest representation for German states. However, three respondents from relatively small states (A8, A10, A13) said that the effect of the CoR depends on how much effort the individual Land puts in. All Länder have members there and will not deny the formal significance of the body. But from the interviews, it became clear, for example, that Berlin does not focus on the CoR work too much (A3, B3) while Saxony-Anhalt is rather active in the Committee (A13, B13). An explanation for these different attitudes towards the CoR using my independent variables could not be found. It might be a case of path dependency that, for instance, Bavaria or Baden-Württemberg today realize the limited influence of the CoR but still uphold its formal importance because these two Länder were among the most fervent advocates of a strong CoR in the first place (Jeffery, 1995, p. 254). Berlin, on the other hand, never called for a stronger CoR and is today lukewarm at best about its

usefulness (A3). Variance is therefore given because some states make the political decision to concentrate on CoR work but even they know of the low influence on policy.

Associations

Under the broad headline of associations, two groupings emerge: One cluster is made up of European special interest groups, business associations, labor unions and companies while the other consists of regional lobby groups (Bomberg & Peterson, 1998, pp. 229-230; Hooghe & Marks, 2001, p. 88; Tatham, 2008, pp. 508-509). The respondents all in all confirmed these two classifications which is why I will divide this short section accordingly.

Since partnerships in general are regarded as crucial in Brussels, it is always good to have more actors backing a certain demand. Securing support from business associations or companies can therefore be helpful, which is why no respondent discarded working with associations. Usually, this cooperation is sought out in Brussels and organized according to policy fields where interests converge. For example, Berlin is in contact with corporations having sites in the city (A3). Bigger Brussels offices may host events with associations or companies (A1, A2, A9, A10, B10, B13), with the biggest being approached by associations rather than the other way around (A1, A2, A9). Such meetings are a source of income for the offices (A2) but also a networking opportunity. The respondents from Saarland pointed out that business associations or other special interest groups possess unparalleled technical expertise in a certain field and tend to benefit from sizable resources (A11, B11). Thus, associations are another information provider and it “can’t hurt to have connections to them because they have the on-site manpower” (B11). But compared to the Commission or the EP, the possible impact of this information exchange is even more indirect and diffuse.

Besides these existing associations, regions can also form their own networks. Such groups can be based on similar policy interests or geography. For instance, Saxony-Anhalt was instrumental in bringing about the European Chemical Regions Network (ECRN; A13) and Hesse was a founding member of Nereus, the Network of European Regions Using Space Technologies (B6). Both networks include other German states as well (European Chemical Regions Network, 2012; Nereus, 2012). Similarly, Baden-Württemberg is heavily invested in establishing the Danube Partnership (A1, B1; see also Reinhart, 2009, 2011) and Bavaria works closely with regions in neighboring member states (A2). Inter-regional networks aggregate regional demands and thus put the regions in a stronger position towards EU institutions. One important such network is the previously mentioned REGLEG.

All respondents called contacts with various associations important. It emerged from the interviews, however, that like the CoR, they are not considered an absolutely indispensable channel for interest representation. The earlier finding that associations may be used to access Commissioners directly and to bypass other routes of interest representation (Tatham, 2008, p. 509) was not validated. Only two respondents even mentioned a link-up of associations with the Commission (B6, A13). So, again, like the CoR, it might be a strategic political decision to zone in on such interest-based cooperation rather than a decision influenced by the independent variables explored in this paper.

Other channels

Only respondents from Hesse mentioned their state's involvement with the ECJ and the European Council (A6, B6). The Land has an office in Luxembourg and as an observer tries to follow along the judicial processes. One goal is to be present here as well and another aim is to bring information back to the Land because ECJ decisions impact the regional level as

well. Hesse also engages with the European Investment Bank and the European Financial Stability Facility.

The European Council is the pinnacle of intergovernmentalism so there are no formal access points for anyone but the central states' leaders. One interviewee from Hesse did point out, nonetheless, that for topics of major importance, if anything, party political connections could work (B6). For example, CDU politicians see each other at least twice a month for regular party meetings so if there is an issue of urgent significance, a prime minister could approach the chancellor more easily than a politician from the opposition party. This happens only on extremely rare occasions and is a very weak and diffuse way of regional interest representation. Therefore, the European Council and the ECJ were not part of this research.

Summary

All Länder use the same supranational channels in Brussels with the same intentions for each and the same knowledge of how the channels could work for them. No variance was detected here along the independent variables. For instance, all states work in the same way for early, direct, personal, informal access to the Commission.

There is, however, variation in what the states achieve when working the channels – or at least what they think they can achieve. Presumably strong Länder such as Bavaria, Baden-Württemberg, Hesse or North Rhine-Westphalia with relatively large populations, a high GDP per capita, low levels of per capita debt and smaller shares of the ERDF were sometimes mentioned as the most powerful actors by interviewees from other states. Respondents from Berlin, Mecklenburg-Vorpommern, Saarland or Thuringia would more readily acknowledge that they are “but a very small cog in a big wheel” (A3). Some Länder treat interest representation with a more confident mind-set and attitude due to their

resources. Other Länder can compensate for their assumed weakness by focusing on policy areas that they know they are vital players for and by forging strong and committed networks through entrepreneurship (Jeffery, 2000, p. 18).

Successful interest representation through the channels is therefore not only a matter of resources but also of personal contacts and commitment.

4.2 Regional vs. Federal Level: Case Study on the Structural Funds Negotiations

This paper included the independent variable “conflicting interests between the regional and federal level” in order to explain possible changes in channel selection. For example, it could have been that the Commission is only or more often used if there are conflicting interests with the federal government. And indeed, a more intense involvement and a more intense search for allies were mentioned if there is conflict (B2, B4, B5, B11). But the respondents overall said that conflicting interests do not affect channel selection – even in such a fundamental zero-sum case as budget negotiations. This underlines the robustness of my previous finding that there is little variation in channel preferences among the Länder.

Possible conflict between regional and federal level should not be disregarded, though. In this brief case study, I will present the negotiations surrounding the structural policies as an example of conflicting interest representation and its consequences. The basic argument is that the Länder and the federal government seek a common position for the 2014-2020 budget negotiations, especially because the previous negotiation round for the 2007-2013 budget was characterized by conflict and did not benefit Germany’s overall position.

Respondents were asked to indicate how often it happens that regional and federal interests diverge, on a six-point scale ranging from never (value 1) over seldom (2), sometimes (3), often (4) and usually (5) to always (6) (Fowler, 1995, p. 56; found in Tatham, 2010, p. 98). Over half of the interviewees stated it happened seldom (53.3 percent), another 40 percent said it happened sometimes and the remaining two respondents answered with often (see table 3). The mean among German respondents might be a little bit higher than in Brussels because once a policy issue is transferred to Brussels, domestic conflicts have already been carried out. The statistical results have to be taken with a grain of salt because some respondents did not feel a quantification of this question was appropriate or provided an answer that did not easily fit in the scheme. What the table should show and what the qualitative analysis supported is that conflicting interests do occur and are not uncommon.

Table 3. Conflicting interests between the regional and the federal level

	mean*	variance	standard deviation
respondents in Brussels	2.07	0.07	0.27
respondents in Germany	2.94	0.33	0.57
combined	2.54	0.40	0.63

*1 = never, 2 = seldom, 3 = sometimes, 4 = often, 5 = usually, 6 = always

The most often named issue resulting in conflicting interests were the EU budget and specifically the structural funds (26.7 percent; A2, A3, A4, A5, B10, A13, B14, B16), rendering it suitable for this case study. Negotiating the EU budget is never easy but for the period of 2007-2013, an even bigger than usual rift between member states and the Commission appeared. The German federal government was not willing to expand the EU budget and in fact was aiming at paying less: It demanded a cap of the EU budget at one percent of the combined gross national income of the EU (BBC, 2003; Maruhn &

Emmanouilidis, 2005; Süddeutsche Zeitung, 2003, p. 5). A controversial debate surrounding the 2007-2013 budget ensued, lasting until December 2005 (for overviews over this debate, see BBC, 2005; Begg, 2004; Feld & Schnellenbach, 2007; Mische-Nordmeyer, 2007; Pitlik, 2006).

The discussion, mainly pitting net payers against net recipients and the Commission, was exacerbated by the looming enlargement of the EU (Lippert & Bode, 2001, p. 385). An expansion and reform of the structural funds was at the heart of the negotiations. One unique effect of enlargement on the structural funds was the statistical effect: “Regions whose GDP per capita slips below 75 percent of the new EU average because of the enlargement (...) will by and by drop out of the assistance under the [former objective 1, now] convergence objective.” (Seiler, 2006, p. 176) In Germany, this was a special concern for the Eastern Länder, as they were the only German regions receiving funds under the former objective 1. They were thus calling for an expanded EU budget to ensure continued support from the structural funds.

An intra-national fault line appeared between the federal government and the Länder and even among the states themselves. The Eastern Länder were for an expansive budget to ensure that at least the pre-enlargement levels of funding would be kept up. Whereas the Commission wanted to combine certain objectives into the new convergence objective, the Eastern Länder wanted to retain the benefits, both financially and administratively, they received under the former objective 1 region status (Fester & Fuchs, 2004a, pp. 6-7; 2004b, p. 34). Meanwhile, the Western Länder were intent on keeping the funds they obtained as objective 2 and 3 regions that were to be combined into the new competition objective (p. 34). To deal with the statistical effect which mostly concerned the Eastern Länder, the

Western Länder supported a phasing-out transition period. So, clearly, there were heavily conflicting regional and federal interests. One respondent likened the diverging budgetary interests of the federation and the Länder to “the two parts of the brain that are not connected.” (B16)

Germany did not agree on a common position. The federal government wished to rally more member states behind its call for a small budget while the Länder opted for fairly narrow interest representation towards the EU.

For example, Berlin could not come to agreement with the other city states Bremen and Hamburg because each city thought of their own individual interests first. The German capital consequently tried supranational contacts (A3): “Then we were looking for our friends and partnerships and channels outside of Germany and found them.”

The Eastern German Länder – without Berlin – did come together in one coalition and approached the Commission without federal backing (A13). They published a position paper with eight other European regions with the general demand of keeping the objective 1 assistance instead of introducing phasing-out regimes (Staatskanzlei Sachsen-Anhalt, 2003, pp. 2-3). Their argument against phasing-out was that just because statistically, the Eastern Länder were doing better, this was in no way related to an improvement on the ground. A reduction or an end to the objective 1 assistance would therefore not only hurt the economy but could also stir anti-EU feelings among the citizens (Staatskanzlei Thüringen, 2003, p. 4).

Länder not covered under objective 1 had goals almost diametrically opposed to those positions from Eastern Germany. Bavaria, for instance, explicitly demanded that “financial concessions to the acceding countries and previous profiteers of objective 1 assistance should be limited” (Bayerisches Staatsministerium für Wirtschaft, 2004, p. 17). Enhancing the

objective 1 support would create bad incentives for regions that already benefit from lower labor costs. Instead, cross-border regions should receive special attention.

Schleswig-Holstein, on the other hand, called for particular support for rural areas (Staatskanzlei Schleswig-Holstein, 2003, p. 2). Bremen, North Rhine-Westphalia and Saarland wanted to hear nothing of rural support but stressed the importance of objectives 2 and 3 (Länder Nordrhein-Westfalen, Saarland & Bremen, 2003, pp. 3-4). All four Länder, though, were for phasing-out rules to counter the statistical effect.

In the end, the negotiations dragged on for a long time and little substantial changes to the structural funds regime were made except for the agreement on a phasing-out period for former objective 1 regions (BBC, 2005; EurActiv, 2007; Pitlik, 2006).

For this case study, more relevant than the outcome of the negotiations is the fact that each of the German states or groups of them represented their own interests towards the EU. Germany did not speak with one voice. The country thus appeared divided, insecure and volatile in its demands (A2, A3, A4, A5, A8, A11, B12, A14, B14). Going alone without prior comprise with the federation hurt Germany's credibility, as the three following quotes from interviewees from a city state, an Eastern German Land and a Southern state show: Bypassing the federal government "can work short-term because the Commission (...) from case to case is interested in playing the federal level off against the Länder. (...) Long-term, this extremely weakens Germany's influence here and we all suffer from that in the end."

(A5) Another interviewee said (A4):

We (...) try to coordinate with the federal level in all areas. That, of course, doesn't mean that in the preliminary discussion we're always on the same page on all issues. (...) It would be fatal to go against the federal level because the federal level in the end has more pull through its work in the Council and it would also be disadvantageous because Germany then wouldn't present itself in a uniform way. That would be very dangerous.

A respondent from Bavaria invoked the allegiance to the federal level and stated that “you can’t go to the Commission and say, ‘Listen, the federal level has this interest but that’s not the Bavarian interest. We would like to have it like this.’” (A2)

The realization that a common German position is beneficial for negotiations leads over to the most recent rounds of talks. Today, Germany is much more focused on coordinating before going to Brussels.

As a result, the federal government and the Länder adamantly try to compromise and find a common position for the 2014-2020 budget negotiations. In the last round, the federal government saw that the Länder were able to assert themselves towards the Commission (A13) and now it is more open to cooperation, even if it might view the Bundesrat procedure and taking in the Länder positions as annoying sometimes (A3). The Länder, meanwhile, have realized that they cannot “sustain” (A8) going against the federal government, making German interest representation more coherent this time around.

The federal government and the Länder, for example, comment together on Commission proposals or documents concerning regional policies which they did not do in the last negotiations. In 2009, they issued a joint statement (Bund-Länder-Stellungnahme) on the Commission’s “Green Paper on Territorial Cohesion – Turning Territorial Diversity into Strength” (European Commission, 2008). In it, they express agreement on the need for autonomous regional action (Federal Government and Länder, 2009, p. 1) and they answer questions on the very idea of territorial politics in largely concurring fashion. Similarly, a joint statement was issued on the Commission’s fifth report on economic, social and territorial cohesion (European Commission, 2010; Federal Government, 2011; Federal Government and Länder, 2011; German Länder, 2011).

The EMK has on multiple occasions declared its backing of the joint statement with the federal government (47. Europaministerkonferenz, 2009; 53. Europaministerkonferenz, 2011; Europaministerkonferenz, 2009, 2011). In contrast to that, EMK publications on the previous structural funds debates did not mention any joint statements (32. Europaministerkonferenz, 2002; 33. Europaministerkonferenz der Länder, 2002). In the 2014-2020 negotiations, then, the Commission faces a more coherent German voice rather than a multitude of German voices which reduces the risk of the EU institution playing the Länder and the federal government off against each other (B13).

There are, however, still hurdles to a truly united federal-regional position. As always, the amount of money involved is up for debate. The federal government continues to insist on the one percent cap for the EU budget (Federal Government, 2011, p. 15; also B13). This demand most certainly did not find its way into the states' part of the statement. Besides, the federal government considers conditionality for the assistance "an interesting way forward" (Federal Government, 2011, p. 7), as long as it does not encroach on member state competences. The Länder are opposed to any conditionality (German Länder, 2011, p. 7).

Moreover, interviewees from four Länder did let it shine through that, generally, they are not willing to back down from either the Commission or the federal government (B1, A6, B6, A7, A9, B9). Hesse, North Rhine-Westphalia and to a lesser extent Baden-Württemberg and Lower Saxony all seem to have a more assertive stance towards the EU, with a self-image of being a strong independent player. The respondent from Hesse said that "the goal is always to speak with one voice but the Hessian interests have to be taken into account. Otherwise we have to assert ourselves alone or with others, that's important." (A6) His colleague from North Rhine-Westphalia concurred (A9):

We always go to the Commission first. We don't hide behind the back of the federal government but we act in our interests. (...) If the federal government has a position different from ours, then we take note of that. That certainly doesn't make our work easier but it also doesn't stop us, either.

So, consensus is not always a given. Since the budget negotiations usually do not enter a crucial phase until the proverbial last minute, tensions at a later stage – both between Germany and the Commission and within Germany – are a possibility. Yet, the short analysis of the two latest budget and structural funds negotiations shows that there has been a learning curve for both the federal and the regional level: Confrontational, solely independent interest representation and regular bypassing do not seem to be considered accepted and promising methods by either the federal or regional actors.

5. Conclusion

The Länder have multiple avenues in both the national and the supranational setting to represent their European interests and are thus part of a MLG “system of continuous negotiation along nested governments at several territorial tiers” (Marks, 1993, p. 392).

Domestically, they mainly use the Bundesrat to influence Germany’s position in the Council. At the EU level, the Commission is by far the most important channel, followed by the EP. Only little divergence was found in what channels the states use, at least regarding the independent variables explored in this study. Particularly noteworthy is the fact that conflicts of interest with the federation do not seem to play a role in channel selection, a finding backed up by the case study.

The results of using the channels vary, though. Generally, resource-rich Länder are more likely to use all of the channels examined in this study more frequently and more successfully. However, policy success only partly depends on resource richness. The weight each Land has in dealing with the channels in Brussels also differs based on the quality of its personal contacts and its perceived importance in certain policy fields. Because of difficulties in measuring this variable, this key finding has to be seen as an encouragement for future research.

All German states use the same set of channels in Brussels, suggesting that here, the institutional set-up of German federalism overrides socio-economic differences. How they utilize these channels, though, is determined by socio-economic factors such as resources, contacts and commitments.

Appendix: Interview Questionnaire

I. Begrüßung und Forschungsanliegen

II. Hintergrund

1. Wie viele Menschen arbeiten in Ihrem Büro? Vollzeit vs. Teilzeit?
2. Wie beurteilen Sie die personellen Ressourcen Ihres Büros?

III. Einstellung zur EU-Interessenvertretung

3. Wie wichtig ist die Interessenvertretung bei der EU für Ihr Land?
 - a. im Vergleich zu anderen Aktivitäten des Landes
 - b. im Vergleich zur Interessenvertretung für EU-Angelegenheiten beim Bund
4. Was sehen Sie als Hauptaufgabe Ihres Büros?
 - a. Einfluss ausüben (z.B. auf Gesetze; Regionssichtweise erklären)
 - b. Verbindungsglied zu Bürgern in Region (z.B. EU erklären; EU-Kontakte vereinfachen)
 - c. Informationsaustausch (z.B. Infos von EU bekommen; Aufmerksamkeit über Region stärken)
5. Gibt es bei den meisten EU-Angelegenheiten eine klare Position Ihres Landes?
6. Kommt der Anstoß zur Interessenvertretung meist aus Ihrem Land oder als Reaktion auf EU-Vorhaben?
7. Wenn Sie eine EU-Entscheidung beeinflussen möchten, was ist dann typischerweise das Vorgehen? (Rangfolge?)
 - a. eigene Position auf EU-Ebene durchsetzen
 - b. regionale Partner gewinnen, um Position auf EU-Ebene durchzusetzen
 - c. eigene Position zu Deutschlands Position machen

8. Wenn es eine Position gibt, die Ihr Land von sich aus auf EU-Ebene vertreten möchte, was ist dann typischerweise das Vorgehen? (Rangfolge?)
- a. eigene Position auf EU-Ebene durchsetzen
 - b. regionale Partner gewinnen, um Position auf EU-Ebene durchzusetzen
 - c. eigene Position zu Deutschlands Position machen

IV. Kanäle zur EU-Interessenvertretung

9. Bitte sagen Sie mir, inwiefern Sie die folgenden Kanäle zu Ihrer Interessenvertretung nutzen (wann welchen? welches Ziel? Rangfolge?):
- a. Ministerrat
 - b. Kommission
 - c. Europäisches Parlament
 - d. Ausschuss der Regionen
 - e. Brüsseler Ländervertretung
 - f. Assoziationen
10. Wenn Sie versuchen, die Position Ihres Landes auf EU-Ebene durchzusetzen, berücksichtigen Sie dabei für gewöhnlich die Position Deutschlands?
11. Wie häufig kommt es vor, dass die regionalen Interessen Ihres Landes anders sind als die der Bundesrepublik?
- a. nie
 - b. selten
 - c. manchmal
 - d. oft
 - e. meistens

f. immer

12. Wenn Sie wissen, dass Ihr Land eine andere Position vertritt als die Bundesregierung,
inwiefern beeinflusst dies die Wahl der Kanäle? (Rangfolge?)

VI. Dank und Abschied

13. Möchten Sie noch etwas ergänzen?

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