



**Organising for EU Enlargement**

A challenge for member states and candidate countries

**NEGOTIATING EUROPEAN ISSUES**

National Strategies and Priorities

The European Arrest Warrant Negotiations  
Negotiations of the Greek position at domestic level

OEUE PHASE I  
Occasional Paper 4.2 – 11.03

George Andreou

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FIFTH FRAMEWORK PROGRAMME



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## **ORGANISING FOR EU ENLARGEMENT:**

### **Challenge for the Member States and the Candidate Countries**

The Dublin European Institute, University College Dublin,<sup>1</sup> was awarded, in 2001, a research contract under the EU's Fifth Framework Programme<sup>2</sup> to carry out a comparative study of the impact of the EU on the structures and processes of public policy in six small countries: **Ireland, Greece, Finland, Estonia, Hungary** and **Slovenia**. The Project's partnership, under the direction of Professor Brigid Laffan, Dublin European Institute, University College Dublin<sup>3</sup>, includes: Professor Dr. Wolfgang Drechsler, University of Tartu; Professor Teija Tiilkainen, University of Helsinki; Professor Calliope Spanou, University of Athens; Professor Attila Ágh, Budapest University of Economic Sciences and Public Administration; and Professor Danica Fink-Hafner, University of Ljubljana.

The aim of the research project was to deepen our understanding of the processes of Europeanisation in a number of the existing member states and some of the candidate states.

The research project encompassed the following three objectives:

- The conduct of research which offers immediate policy relevance to key stakeholders in the enlarging Union;
- The conduct comparative, theoretical and empirical research on the management of EU public policy making in three existing member states – Ireland, Greece and Finland – and three candidate states – Estonia, Hungary and Slovenia;
- The shedding light on the capacity of smaller states to adjust and to adapt to the increasing demands of Europeanisation on their systems of public policy-making and thus to identify the barriers to effective, efficient and accountable management of EU business.

### **Research Strategy**

The research design consisted of two phases and within each phase, two levels of analysis. **Phase I** analysed the management of EU business at the macro level of the core executive and was complemented by a micro case study of a recent policy negotiation using decision analysis. **Phase II** of the research broadened the analytical focus to encompass other levels of government – the EU and sub-state – through multi-levelled governance. Here attention was centred upon the emergence of policy networks and the interaction between public actors and the wider civil society in specific, discrete policy sectors.

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<sup>1</sup> National University of Ireland, Dublin (University College Dublin).

<sup>2</sup> European Commission, Community Research Fifth Framework Programme (Socio-Economic Research).

<sup>3</sup> This project forms part of the Governance Research Programme, Institute for the Study of Social Change, University College Dublin, [www.ucd.ie/issc/](http://www.ucd.ie/issc/) and [www.ucd.ie/govern/intex.htm](http://www.ucd.ie/govern/intex.htm).

## **Methodology**

The study employed two specific methodologies: historical institutionalism and rational institutionalism in a new and innovative fashion. The use of combined perspectives provided a theoretically innovative and new approach to the study of the Europeanisation process. Both approaches could be used as they were applied to different elements of the empirical research.

## **Academic and Policy Implications**

This study's findings provide insight into the manner in which diverse state traditions, institutions and political and administrative cultures influence national adaptation to EU governance and how the interface between national policy processes and the Brussels arena is managed. It is expected that these findings will assist those making and managing policy, thus facilitating adjustments to the changing European Union while also contributing to the growing academic debate on Europeanisation.

At various stages during the course of this project the research findings and analysis were presented to a range of stakeholders and academics to facilitate feedback and enhance the analytical process. Further details about the Organising for EU Enlargement (OEUE) project are available on the project web site [www.oeue.net](http://www.oeue.net), along with i) the Project Report, ii) the OEUE Occasional Papers and iii) a selection of papers by the research partners which draw on various aspects their project research.

## **INTRODUCTION**

The term "Europeanisation" is usually used to describe processes of constitution, diffusion and institutionalization of formal and informal rules, procedures, policy paradigms, styles, "ways of doing things" and shared beliefs and norms that are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourses, identities, political structures and public policies (Radaelli 2000: 3). In this research Europeanisation is understood as a multi-faceted process, where reception is accompanied with the projection of national concerns into the EU decision making process (Bulmer & Burch 2000: 48) and in the case of the various mechanisms of policy coordination, with the competition between national institutions and practices (Dyson 2000: 652). Moreover, these three types of effects do not interact in a void; they are conditioned by the institutional, political and behavioural distinctiveness of different national environments (Harmsen 1999: 81). Put more simply, national actors are simultaneously the products and the architects of Europeanisation (Andreou & Koutsiaras forthcoming).

There are two primary research goals for this Greek case study at the national level. This study attempts to elucidate: a) how the stakeholders at the Greek core executive have organised themselves at the domestic level to ensure effective own policy position preparation and b) how these stakeholders negotiated their policy positions at the domestic level. From a theoretical viewpoint, addressing the above questions is essential for illuminating the -often neglected- bottom-up dimension of the Europeanisation process, namely the impact of the existing institutional and policy arrangements on the substance of the decisions reached at the European level. Following the theoretical framework that inspires the present research, this paper is applying a modeling approach which attempts to reproduce the way different preferences of individual actors are actually transformed into one collective outcome (Payne 2002: 7). However, before studying the interactions that took place at the Greek domestic level during the EU decision making process, one has to develop an understanding of which (formal and informal) actors belong to the relevant policy networks and what kinds of interdependencies develop between them. For this purpose, the analysis begins with a qualitative presentation and assessment of the existing institutional mechanisms and policy networks operating at the national level.

## **A SHORT HISTORY OF THE CONTEXT OF THE DECISION**

Prior to the European Arrest Warrant coming into force, extradition was the only instrument available to the judiciary of a member state to apprehend criminals beyond its national borders. All or some member states were parties to a number of conventions in this field. In addition, the fifteen member states, prior to the recent accession, had adopted three conventions dealing wholly or partly with extradition. The European Arrest Warrant (EAW) aimed to replace these traditional extradition arrangements. The agreement carries through the European Council

conclusions of October 1999 in Tampere, which stated that “the formal extradition procedure should be abolished among the Member States as far as persons are concerned who are fleeing from justice after having been finally sentenced”.<sup>4</sup> As a consequence, the adoption of the European Arrest Warrant figured prominently on the EU agenda. The attacks on the World Trade Centre Twin Towers in New York and elsewhere in the USA (September 11 2001) added to the urgency in the desire of EU partners to combat terrorism and thus acted as a powerful catalyst in the direction of adopting the European Arrest Warrant. On September 13<sup>th</sup>, following the calls of member state executives for action in response to this tragedy, the Commission put forward proposals a) for harmonizing the fight against terrorism and b) for a framework decision on the European Arrest Warrant<sup>5</sup> under the rule of unanimity (consultation with the European Parliament). At its first meeting after September 11<sup>th</sup>, the Justice and Home Affairs Council set itself the deadline of 6/7<sup>th</sup> December 2001 for agreement on the two proposals. This commitment was further strengthened by the Conclusions of the Brussels Extraordinary European Council (22<sup>nd</sup> September).

Actual Council negotiations started on October 1<sup>st</sup> and most of the negotiations primarily took place in the Article 36 Committee.<sup>6</sup> The speed of the negotiations was very rapid given the desire to adhere to the agreed timetable and there was an overall desire among all delegations that the negotiations be concluded at Council and not European Council level. On the other hand, reaching an agreement proved a difficult task and no substantial progress was made until late October. Then, the Belgian Presidency, sensing that the original European Commission proposal was not conducive to achieving agreement, decided to abandon it and to proceed with its own proposal. After a series of meetings at the level of Article 36 Committee, COREPER and Justice and Home Affairs Council, the outline of a possible compromise begun gradually to emerge. When the Justice and Home Affairs Council met in 6<sup>th</sup> December, an agreement was achieved between fourteen member states; only Italy objected to this settlement. The EU reached finally a political agreement on the European Arrest Warrant on 11<sup>th</sup> December, when the Italian delegation removed its objections after considerable political pressure had been brought to bear by the remaining member states. The final decision stipulated that the European Arrest Warrant would come into force on the 1<sup>st</sup> January 2004.

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<sup>5</sup> Proposal for a Council Framework Decision on the European Arrest Warrant and the surrender procedures between member states - COM (2001) 0522.

<sup>6</sup> However, after the JHA Council of 16 November 2001 the Presidency initiated a round of bilateral meetings at the ministerial level for the examination of the most contentious issues (defined in Section III as Issue 1 and Issue 2).

## **POLICY MAKING IN GREECE: KEY INSTITUTIONAL**

A review and assessment of the Greek participation in the case of the European Arrest Warrant would be impossible without any knowledge of the domestic structures of the European policy-making system and without an understanding of the prevalent norms and practices, at the domestic level. Of course, this assertion applies to any Europeanised policy area. However, there is an additional reason why one would expect that the domestic management of Justice and Home Affairs issues would closely reflect the dominant structures and practices related to EU affairs. As Justice and Home Affairs is a relative latecomer in the European sphere of politics, its Europeanisation is taking place within established domestic politico-administrative systems. Thus, we can reasonably anticipate that the domestic organisation of Justice and Home Affairs will largely borrow from pre-existing institutions and procedures in other EU-related areas.

The way the Greek system of EU policy currently functions is essentially the by-product of the interplay between three forces.

- First, some longstanding features of the politico-administrative system -the reliance on the personal qualities of political leaders rather than on the established rules and procedures, the total subordination of a generally inefficient public administration to its political leadership and the prevalence of informal networks and contacts over formal prerogatives and functions- have been always exerting a powerful influence on the Greek management of EU policy-making at the domestic level.
- Second, Greek governmental attitudes towards "Europe" do have an impact on the organisational level. Hence, for the greater part of the 1980s, European policy did not dominate the policy agenda of the socialist governments under the Prime Minister Papandreu, and the Greek politico-administrative system was shielded from European influences. On the other hand, during the 1990s, EU membership (and the goal of Economic and Monetary Union participation in particular) became the main concern of all governments in office, and this shift of priorities brought to the forefront the formerly neglected organisational dimension of Greece's participation in the EU.
- Third, the deepening of European integration is by itself a catalyst for organisational change. Pressures of this nature are increasingly evidenced in almost all policy areas; however, domestic responses vary greatly from one policy field to another, given the existing inequalities in terms of political and organisational endowments.

As a result of the above, the Greek system of European policy-making is riddled with a fundamental inconsistency. While the politico-administrative structure is officially highly centralised, it operates in a decentralised or even fragmented manner around minimal obligations for information and co-ordination, limited mainly at the decision stage of the EU policy process.

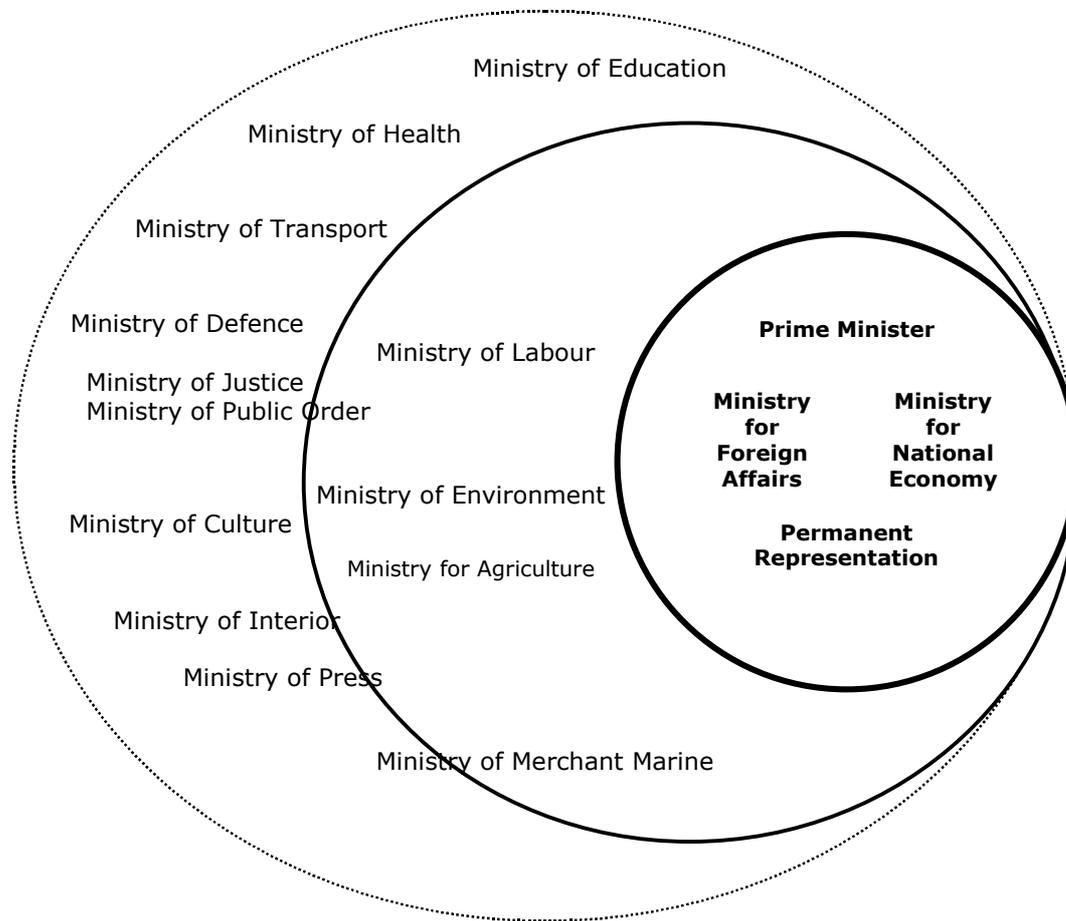
The Greek core executive includes the Prime Minister and the Cabinet, the ministries of Foreign Affairs and the Economy (the latter absorbing in 2001 the ministries of National Economy and

Finance), as well as Greece's Permanent Representation in Brussels.<sup>7</sup> The incumbent Prime Minister reserves for himself a residual role of conflict resolution and also a positive role of identifying and spreading European policy priorities and safeguarding consistency. The macro management of the EU issues relies on a formal network whose nodal point is the Ministry of Foreign Affairs. In reality, the effectiveness of the control exercised by the Ministry of Foreign Affairs varies greatly across policy sectors and across different stages of decision making in the Council of Ministers. On the one hand, policies of primary importance, such as economic coordination in the framework of the Economic and Monetary Union regime, regional policy and the Common Agricultural Policy are handled in a quasi-independent manner by the Ministry of the Economy and the Ministry of Agriculture respectively, with the Ministry of Foreign Affairs exercising only token control. On the other hand, the co-ordination ambition of the Ministry of Foreign Affairs is very modest; it consists in eliminating policy inconsistencies between different national positions in view of the preparation of the COREPER agenda and the transmission of official positions to the Permanent Representative. Indeed, the Ministry of Foreign Affairs, lacking the personnel, the information and the knowledge to monitor and control in detail the substance of national positions and EU bargaining, intervenes only at the last stage of the decision making process -when most decisions have already been made- in order to resolve inter-ministerial conflicts and to eliminate possible responsibility gaps.

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<sup>7</sup> The formal role of the Permanent Representation is to operate as communication channel between the European and the domestic level. In practice, however, the need to fill the policy gaps generated by the lack of expertise evidenced in most of the sectoral ministries obliged its personnel to assume also a policy-making role.

## THE GREEK CORE EXECUTIVE



*Figure Key:*

MFA= Ministry of Foreign Affairs

MNE= Ministry of the Economy

PeR= Greek Permanent Representation

Regarding the capacities of domestic administration, an important distinction has to be made between two groups of policy areas. In the areas of foreign affairs, macroeconomic policy, agriculture and merchant marine national departments are generally able to study the implications of and react to EU policy proposals. However, in most Greek sectoral policy fields, domestic preparation is insufficient and last minute decisions in Brussels are common practice. Nevertheless, all ministries face a gap between needs and availability of required expertise. This problem is not dealt with systematically; political advisors and appointees, ad hoc recruitment and in some cases, independent bodies of experts, compensate for this inadequacy of human resources. In most cases the recruited experts (or groups of experts) are placed in high positions and entrusted with the task of for overcoming the endemic weaknesses of the civil service, usually by taking over the functions the administrative level is supposed to perform. This is an additional reason why personal networks and contacts are substituting for formal rules and procedures. As a consequence, the Greek management of the EU policy business depends on a small number of highly skilled persons, each one of whom is usually burdened with a huge load of responsibilities.

#### **THE MANAGEMENT OF NEGOTIATIONS ON THE EUROPEA ARREST WARRANT IN GREECE**

Formally, the domestic management of cooperation in the fields of Justice and Home Affairs (JHA) falls under the competence of the Ministry of Justice and when police cooperation is required, the Ministry of Public Order, with the Ministry of Foreign Affairs acting as coordinator. In practice, due to their insufficient staffing and expertise<sup>8</sup>, both of the above-mentioned Ministries often have to rely on the support of the Ministry of Foreign Affairs (and especially its C-Directorate on JHA) and/or the support of Greece's Permanent Representation. In addition, the responsibility for the preparation, the representation and the promotion of Greek positions at the EU level is usually delegated to political appointees (most often ministerial advisers). Furthermore, when important issues are at stake, the agents in charge of a particular policy dossier tend to seek the counsel of outside experts; the latter are selected according to personal criteria and/or affiliations, whereas the relevant consultations take place through purely informal channels. The reforms brought about by the Treaty of Amsterdam did not have any repercussions at this organisational pattern.

The overall competence for the preparation and the negotiations on the European Arrest Warrant belonged to the Ministry of Justice. The technical preparation of the Greek positions was assigned to the General Directorate of Legal Coordination and Special International Legal Relations. However, all negotiating positions were finalized in meetings of the General Director and his subordinates with the Minister of Justice and his advisers. A first position paper had been completed in October 2001 under the responsibility of an adviser to the Minister of Justice, Mr. Stathopoulos. Nevertheless, Mr. Stathopoulos resigned in October and was replaced by Mr.

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<sup>8</sup> Given the slow reflexes of the Greek administration, these shortcomings can be partially attributed to the fact that the Europeanisation of the JHA policy area is a relatively recent phenomenon.

Petsalnikos. Thus, from late October on, overall responsibility was divided between the aforementioned adviser (who retained his post under the new political leadership) and a second political appointee (who assumed the post of adviser to the new Minister).

It has not been possible to delimitate the exact division of labour between the two advisers; all the same, it is clear that the new adviser progressively assumed a more important role (he attended all meetings of the Article 36 Committee since early November) and that he contributed decisively to the shaping of the Greek bargaining position in the most salient issue from a Greek perspective -extradition of nationals. With hindsight, it appears that the option of assigning responsibility to both advisers reflected the wish to ensure some continuity in the representation of Greek interests and to safeguard the prestige of the new adviser (who was a newcomer in the Article 36 Committee). It is also certain that, at some stages of the EU negotiations, the Prime Minister gave some negotiating guidelines to the Minister of Justice. Finally, the legal adviser to the Prime Minister was involved in the formulation and the defence of the Greek position on the issue of extradition of nationals.

Overall, the Greek negotiating strategy was founded on a number of distinct but interrelated concerns, whose combination limited significantly the country's negotiating room of manoeuvre –at least from the viewpoint of the Greek political leadership. First, Greece had to conform to its commitment (assumed jointly with the rest of the member states at Council level and confirmed in two special European Councils) to reach an agreement with its EU partners on the EAW by early December. Second, the Greek government had to convince an already recalcitrant domestic public opinion that its urge to enhance security would not jeopardise individual and collective liberties. Third, it was believed that Greece had to demonstrate a flexible and constructive negotiating stance, taking into consideration the sensitivity and the importance of the EAW for EU (and its US ally) in relation to the country's delicate international position.<sup>9</sup> Finally, the legal experts taking part in the EU negotiations were made to understand that Greece could not afford to seriously raise any constitutional problems at the European level, because a possible constitutional revision would be a protracted and a politically unpredictable process.

Greece was represented in the Article 36 Committee by the two legal experts from the Ministry of Justice. Before each Committee session, a coordination meeting had been taking place in Athens under the auspices of the Ministry of Foreign Affairs, with the participation of legal

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<sup>9</sup> Generally speaking, during the tenure of PM Simitis (that is since 1996), Greek foreign policy has been dominated by the twin priorities to achieve participation in the core of the EU policy system and, at the same time, to confirm the country's commitment to the EU project by adopting a consistent pro-Community stance. This strategy was thought to be the most appropriate for a small and peripheral country facing serious economic problems and maintaining tenuous relations with some of its neighboring states. According to this doctrine, belonging to the vanguard of the EU club would not simply bring an end to the country's political isolation (as had been generally the case during the 1980s and the early 1990s), but would also contribute to the promotion of the main Greek strategic goals. So far, this view has not remained unchallenged neither at the political level (and especially in the interior of the ruling party, PASOK), nor at the level of public opinion. However, after the recent admission of Cyprus to the EU, it should be expected that the pro-EU camp will further reinforce its position.

experts from the Ministry of Foreign Affairs, Justice and Public Order. However, these meetings involved nothing more than information exchange. On the other hand, the Permanent Representative assumed an important role during the course of the negotiations; while his task was officially limited in handling negotiation guidelines, it appears that in practice he took advantage of his position in order to influence the substance of Greek positions.<sup>10</sup> Information on negotiations in the Article 36 Committee was filtered back to the Ministry of Foreign Affairs (which is in charge of the general co-ordination of Greek European policy) through the Permanent Representation.

## **KEY RESEARCH PRIORITIES RELATED TO THE MODELLING APPROACH**

The present research aims at comparing three decision making models: the compromise model, the exchange model and the conflict model. All of these models have their origin in rational choice theory and share a number of similar assumptions. The starting point is that decisions come about as a result of policy making processes that take place within a social system of formal and informal actors having diverging and sometimes conflicting preferences with regard to the outcome of the policy issue at hand (Payne 2002: 7). Each decision situation is viewed as a single decision set consisting of a number of policy issues. These issues are visualised as one-dimensional continua on which the outcomes and the policy preferences of the actors are represented. The outcome of an issue that an actor desires is the actor's policy position on the issue. In order to model the decision making process, one needs also to know the capabilities of each actor and the salience that each actor attaches to each issue. Each of the three aforementioned models is using a different method for calculating the outcome of the negotiating process. In the compromise model, the outcome predicted for each issue is the mean of all actors weighted positions, power and salience. The exchange model considers also differences of utility between actors and, more importantly, seeks to model the exchanges in policy positions that take place as a result of the negotiating process. More precisely, this model assumes that actors co-operate by bargaining (or log-rolling) so as to increase each other's utility - though the outcome of all exchanges may be sub-optimal for all actors. On the other hand, the conflict model assumes that actors adopt a non-co-operative strategy, challenging divergent positions if they think that this will result in utility gains for themselves.

### **Case Study Data collection**

It goes without saying that applying a model-based approach requires a considerable amount of quantitative and qualitative information. Moreover, the only way to collect the most specific quantitative data is through access to expert knowledge of the decision making process and of the issues at hand. As a consequence, taking advantage of expert judgement is indispensable for the success of such an analysis. Potential experts from the Ministry of Justice and the Ministry of Foreign Affairs were identified early on in the research process. Two preliminary interviews took place with an adviser to the Minister of Justice (March 2002) and with a legal

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<sup>10</sup> As it is going to be argued, this influence became visible in the issue of extradition of nationals.

expert in the Ministry of Foreign Affairs.<sup>11</sup> The first person (who hereafter will be referred to as the “first expert”) was given responsibility for negotiations of the European Arrest Warrant for the last two months of the negotiations (November-December 2001) and was, as a consequence, judged to be a key expert. The second person (who hereafter will be referred to as the “second expert”) was also judged highly expert because, monitoring the negotiations on behalf of the Ministry of Foreign Affairs, she had accumulated experience in third pillar issues and was familiar with the EU context.<sup>12</sup>.

### **Specification of issues**

A preliminary issue specification took place on 9<sup>th</sup> September 2002. No issue was ranked as controversial at the national level because in all cases the negotiations were handled exclusively by *one actor*, the political leadership of the Ministry of Justice. This assessment was confirmed in all levels:

- at the inter-ministerial level, only the ministry of Justice had the authority to handle the negotiation of the EAW, and no other institutional actor attempted to challenge this role through informal channels;
- at the intra-ministerial level, no divergence of opinions was recorded because the views of the civil service were subject to approval by the minister and/or his advisers;
- at the personal level, it was not possible to identify differences of preference among the persons that were involved directly or indirectly in the negotiations. The fact that the Greek negotiating strategy on the issue of extradition of nationals was altered as a result of the ministerial change that took place in late October does not contradict the last assertion; this shift of preferences had only a temporal character and, according to available evidence, did not create any internal divisions in the Ministry of Justice.

### **Specification of actors**

At the national level, it was not feasible to locate any actor apart from the Ministry of Justice. Initially, it had been assumed that the Ministry of Foreign Affairs and the Ministry of Public Order might have had an input in the national decision making process. However, the fact-finding interviews demonstrated that the role of the Ministry of Foreign Affairs was limited in monitoring developments at the Council, and that the Ministry of Public Order had no role at all.

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<sup>11</sup> Both experts wish to remain anonymous.

<sup>12</sup> The first interview with the second expert took place in September 9<sup>th</sup>. The first interview with the first expert took place in 24<sup>th</sup> September and the second in September 26<sup>th</sup>. The second expert was interviewed a second time in October 16<sup>th</sup>. Additional interviews with both experts were conducted in November -the second expert was interviewed on November 15<sup>th</sup> and the first expert was interviewed on 25<sup>th</sup> November. Finally, it was deemed appropriate to interview the legal adviser to the Prime Minister as well; this interview took place on December 4<sup>th</sup>. Overall, the two principal experts interviewed had difficulties in giving numerical estimations on positions, were -with a few exceptions- unable to provide data on salience and proposed that the resulting gaps should be covered by the interviewer following their qualitative estimations and the documents they had provided. At a more detailed level, the contribution of the second expert on stakeholders' capabilities was richer in qualitative terms; in addition, she was more willing than the first expert to provide information and to answer to embarrassing questions; thus, in the absence of a better alternative, her numerical estimations (data) are applied.

On the other hand, it was discovered that the Prime Minister did intervene in the process;<sup>13</sup> nevertheless, this intervention never took a structured form and was justified by the peculiar circumstances of the decision context;<sup>14</sup> besides, no difference of preferences between the Prime Minister and the Ministry of Justice was noted. It can be argued that the situation might have been different on the issue of extradition of nationals if the political leadership of the Ministry of Justice had remained the same during the whole duration of the negotiations.<sup>15</sup>

Our inability to locate more than one actor at the domestic level brought the effort to apply a modelling approach in the Greek context to an end. At first glance, this result could be attributed to the particular nature of the case studied. However, such a claim is clearly unfounded: most issues related to the adoption of the EAW did have important constitutional and political implications. As a consequence, one cannot but deduce that the presence of one actor must be the result of systemic factors. What kind of explanation can this research offer as the key for interpreting the scarcity of Greek domestic actors in the case of the EAW. One of the main findings of the study in question is that the Greek domestic decision making tends to be fragmented, that the official co-ordinating role of the Ministry of Foreign Affairs is largely symbolic, and that this fragmentation is even greater when sectoral (i.e. non-horizontal) issues are addressed. This is the case even when the responsible Ministry lacks the capacity to handle EU business effectively. Moreover, it has been shown that, due to the lack of expertise, almost all Ministries rely on outside experts who bear the burden of formulating national positions and defending them at the European level and who use extensively informal contacts and networks. Finally, the study demonstrated that, when highly important issues are at stake, the Prime Minister often intervenes, though not in a formal way. All these phenomena are observed in the present case.

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<sup>13</sup> It has been confirmed that the Prime Minister instructed the Minister of Justice to defend the principle of speciality in the Article 36 Committee negotiations.

<sup>14</sup> It should be reminded that the Fifteen were committed to reach a decision on the European Arrest Warrant as soon as possible, and that this commitment was confirmed in two extraordinary European Councils.

<sup>15</sup> Nevertheless, this argument underestimates a) the "disciplinary capacity" that the Greek co-ordination system exhibits when important EU negotiations are at issue and b) the importance of informal deliberations that precede formal decision making and that often produce a somehow misleading picture of unity. Thus, even assuming the Minister of Justice having different policy preferences from the Prime Minister, it is far from certain that this divergence of preferences would have been converted to contrasting policy positions.

## CONCLUSION

Paradoxically, the most important finding of the Greek micro research is that no modelling approach was appropriate for analysing decision making on the European Arrest Warrant at the Greek national level. First, it was established that only one institutional actor -the Ministry of Justice- had the formal competence to express its preferences on each of the main issues and that no other institutional actor attempted to contest this rule. Second, it was impossible to locate divergences of preferences at the intra-ministerial level -the hierarchical nature of decision-making and the subordination of the administration to the political leadership of the Ministry was responsible for this. Third, some sporadic interventions of the Prime Minister never took an institutionalised form and were kept at a purely informal level. Fourth, the involvement of Prime Minister's adviser in the issue of extradition of nationals followed the same pattern, and, oddly enough (but not unexpectedly, given the importance of improvisation in the Greek context), was not coordinated with the interventions of his political superior. As a consequence, applying the criteria posed by the models for actor specification led to the identification of only one autonomous actor, the Ministry of Justice as a unitary actor.

The broader initial qualitative work for this case study offers some valuable insights for interpreting the scarcity of actors in the case of the European Arrest Warrant. According to its findings, one would expect that, in cases of great political importance, the members of the Greek core executive would choose to handle the preparation and the defence of national positions in a highly centralised and, at the same time, informal manner. Moreover, one would assume that this "capture" would be even stronger when the competent Ministry would not be part of the inner circle of the core executive ("core-core executive"). In the latter case, it would be also anticipated that the protagonists would not be civil servants, but outside experts recruited to cover the underperformance of public administration. Finally, it would be reasonable to expect that the actual co-ordination process would evolve across informal channels, would also involve persons with no official competence to handle the issue and would depend on the personal policy style of the Minister involved.

All these expectations were confirmed in the case under consideration. Given the importance of the negotiations in question (and the challenges they raised for Greek foreign policy), it is no surprise that some members of the core-core executive (in this case, the Permanent Representative and the Prime Minister) chose to influence indirectly the formulation of the Greek positions and the Greek negotiating strategy. However, this intervention was never viewed as an intrusion by the Minister of Justice or his principal adviser; according the organisational logic of the system, this was one of the "special cases" when they had to their adjust their own policy preferences to the broader governmental policy objectives.

The inability to locate more than one actor at the domestic level meant that it was not possible to apply the model-guided analysis at the national level for the Greek case study. This research rejects the argument that this is the result of the particular negotiations selected for these case

studies. The Greek cases study confirmed that the adoption of the EAW did have important constitutional and political implications. As a consequence, one cannot but deduce that the presence of one actor must be the result of systemic factors. The earlier macro analysis of Greece, undertaken in the framework of the present research does offer the key for interpreting the scarcity of domestic actors in the case of the EAW. The macro study showed that Greek decision making tends to be fragmented, that the official co-ordinating role of the Ministry of Foreign Affairs is largely symbolic, and that this fragmentation is even greater when sectoral (i.e. non-horizontal) issues are addressed. Rather than build up the internal capacity of the Greek administrative system, there is instead a considerable reliance across all Greek ministries on the expertise of outside experts, who bear the burden of formulating national positions and defending them at the European level and who use extensively informal contacts and networks. Finally the research demonstrated that, when highly important issues are at stake, the Prime Minister often intervenes, though not in a formal way. All these phenomena are indeed observed in the present case study.

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