

LSE/Challenge Working Paper

January 2007

Raphael Bossong

The European Security Vanguard? Prüm, Heiligendamm and Flexible Integration Theory

Abstract:

The main purpose of this paper is to better understand the political importance of the so-called G6 group that unites the Interior ministers of the six biggest EU member states. Furthermore, some of the implications of the Prüm Convention will be discussed, as the group of Prüm signatories has been compared elsewhere to the G6. However, this paper also hopes to contribute to the wider discussion of the phenomenon of 'flexible integration' in area of Justice and Home Affairs. Thus, after a brief historical overview of this

1. The G6 controversy

junior UK government representatives that these meetings are merely informal, and therefore, relatively unimportant, and that this very informality required increased confidentiality.

Apart from such procedural aspects of the meetings, the report also reproduced hearings in which the very *raison d'être* of the G6 was critically discussed. The peers basically accepted the right of the UK government to meet some of its European partners outside the formal context of the EU, but said that due to their decisive weight, the big six should not try “to ride roughshod” over the 19 smaller member states (p.8). In this context, they drew the parallel to the Prüm Convention which is also central to this paper. The report deserves to be quoted at some length here for its very candid language:

The G6 should recognise that they are not the *Europe des Six*.

Inter-governmental groupings of this type, which lack the basic democratic requirements of accountability and transparency, have in the past led to the Schengen agreement and the Schengen Convention. Neither EU citizens, nor their representatives, nor indeed those Member States that were not originally part of the Schengen group, had any say on these policies of fundamental importance. They were presented with a *fait accompli*.

A more recent example is the Prüm group...This to our mind is a perfect illustration of the dangers of a small group of Member States taking steps which pre-empt negotiations already taking place within the EU institutions. Article 1(2) of the Prüm Convention provides that any Member State may accede to it, and Article 1(4) sets out the aim “of incorporating the provisions of the Convention into the legal framework of the European Union”. But those provisions are now set in stone, and are being treated as if they were already part of EU policy...If the Convention does become part of the legal framework of the EU, that framework will for practical purposes have been imposed by seven Member States on the other eighteen.

(House of Lords 19/07/2006: 8-9)

2. The wider controversy over 'flexible' European integration in Justice and Home Affairs

Generally speaking, European cooperation on Home and Justice Affairs outside the EU Treaties has increasingly come under fire, even if – or precisely because – the policies are mostly known to specialist circles. The Prüm Convention referred to by the peers in the above citation is perhaps only the most important recent example of such rather secretive policy initiatives and has been harshly criticized as such (Balzacq, Bigo et al. 01/2006). More fundamentally, Balzacq et al. (*ibid.*) have also argued that the Prüm Convention weakens the EU as an effective actor in Justice and Home Affairs, as it undermines the trust in, as well as the coherence and transparency of, EU security policies.

This current debate on cooperation in Justice and Home Affairs outside the formal EU framework draws on an older more general debate on the merits and dangers of 'flexible' or 'differentiated' integration inside the EU. Therefore, I will very briefly present some historical context on the issue of flexible integration² before turning to a particular theory of flexible integration that can help to clarify some long-term policy developments. I will then summarize what this theory leads one to expect in the case of the Prüm Convention. Next, I will also highlight how this theory may be insufficient to understand the dynamics G6. Consequently, I will argue that one needs to distinguish more carefully between different groups of states that promote initiatives of flexible integration. That is, blanket critiques of flexible integration that lump the Prüm Convention and the G6 together may be somewhat imprecise. Finally, I will make the case that the G6 is potentially more problematic than the Prüm Convention, as the former plays a more direct role in the EU decision-making process than the latter.

² However, it is far beyond the scope of this article to give an fully adequate historical discussion of the issue. There extensive literature on this issue best summarized in Stubb (2002).

Throughout the paper, the term ‘flexible integration’ will be used very loosely. This is somewhat imprecise, as there are important variations of the phenomenon such as ‘opt-outs’ or ‘enhanced cooperation’, which have implication from the standpoint of EU Treaty law. There is also a variety of terms used in political debates, such as ‘core Europe’, Europe ‘*à la carte*’, Europe of ‘variable geometry’ or of ‘*deux vitesses*’. I can only refer to other academic works that have admirably disentangled the various legal, political and historical implications of each of these and several other terms (e.g. Wallace and Wallace 1995; Stubb 1996; Shaw 2002; Stubb 2002; Dehousse, Coussens et al. 2004; Er 2004). Yet these terminological distinctions are not important to my argument, as should become clear over the course of this paper. Therefore, as well as for simple reasons of space, this paper will content itself with a very open-ended understanding of ‘flexible integration’³ as any form of systematic cooperation on substantial policy issues⁴ between a group of - in contrast to all - European Union member states, be this cooperation institutionalized or not, or legally inside or outside the Treaties⁵.

³ The term ‘differentiated integration’ is also very frequently used, but here I will stick to ‘flexibility’ as the wider concept. ‘Flexibility’ seems to have been the most general buzz-word in policy-making circles, see Wallace, H. (2000).

⁴

3. The historical controversy over flexible integration

Already during 1990s the traditional ‘Community method’, based on common, formal deliberation in the EU institutions leading to legally binding decisions, was on the retreat (Wallace and Wallace 1995). The Amsterdam Treaty that aimed to regulate the use of flexible integration, just as it made arrangements for the inclusion of the Schengen accord into the *acquis*, formalized this ongoing trend (Walker 1998; Stubb 1999). One reason for the growing popularity of flexibility over the course of 1990s were ‘new’ European integration projects in areas of ‘high politics’, such as Defense and Justice and Home Affairs, so that national sovereignty came to be defended more strongly. Furthermore, opposition to the Community method or any binding EU decision was strengthened by an increasing politicization of the issue European integration as such and by changing power balances among the growing and increasingly diverse number of member states (Wallace 2000). Yet also precisely because of these and several other obstacles to communal decision-making, flexible forms of European cooperation became increasingly attractive to a number of member states that liked to press ahead with integration⁶.

However, proposals for the formation of a “hard core” around the Franco-German alliance and the “Founding Six”, which had kicked off the discussion over flexible or differentiated integration around 1994 (Stubb 2002: ch.3), never took concrete shape. Therefore, fears of a permanent and formal division of Europe, with a clear hierarchy between an inner circle and the marginalized rest, have mostly been put to rest by now (*ibid*: 119-21). Already the larger than originally expected number of EMU participants spoke against the formation of such a small hard core (Wallace 2000: 181). And even if the idea was still discussed during the

6

European Convention (Dehousse, Coussens et al. 2004), the negative French referendum on draft constitutional treaty could be regarded as the final nail on the coffin, as no core EU could form without the leadership or at the least the inclusion of France. Therefore, policy-specific and cross-cutting trends of divergence and convergence across various political levels in the EU, rather than cores or concentric circles, have increasingly attracted academic and political attention (e.g. Dimitrova and Steunenberg 2000).⁷ Any area of EU integration has by now been analysed in light of the inevitably “differentiated” responses or adaptations of national and sub-national governments (Thym 2004; Andersen and Sitter 2006). Still, this rediscovered ubiquity of differentiation and flexibility across European member states does not imply that instances of flexible integration between EU member states have become uncontroversial.

Rather, the controversy over flexible integration is alive and well, but perhaps in a slightly different form than during the 1990s.⁸ This is underlined by the fact that the legal provisions for “enhanced cooperation”, which were the object of intense discussion at Amsterdam and Nice (Stubb 2002: ch.4 & 5) and were meant to regulate the use of flexibility within the EU, so far have not been used in the new millennium (Guske 2004). That is, instead of discussing the relation between flexibility and the formal constitutional structure of the EU, the debate is

and the wider direction of European foreign policy after September 11. Yet Verhofstadt,

Kölliker essentially argues that the long-term consequences of any instance of flexible integration depend on the nature of the “good” that it aims to generate. Some goods have “centrifugal” and other “centripetal” effects: i.e. they can either induce initially unwilling outsiders to sign up to the initial group of cooperating states, or they can drive them further away from cooperation (or leave them indifferent). Whether such centrifugal or centripetal effects ensue, is mainly determined by two qualities that are central to the study of public goods: a) the degree of excludability b) the rivalry of consumption. The degree of excludability determines in how far benefits of the good can be limited to its producers. The category ‘rivalry of consumption’ denotes whether a good is diminished by an increasing number of consumers or not. Based on these criteria of excludability, which takes on the expressions of either ‘excludable’ or ‘non-excludable’, and of rivalry of consumption, which is either ‘positive’, ‘neutral’ or ‘negative’, there are six types: private goods, club goods, excludable network goods, common pool resources, public goods, and non-excludable network goods.

Private goods are goods that are exclusive to insiders, but whose consumption is rival. This means that an increase in the number of insiders/consumers diminishes the collective benefit. An example would be private hunting grounds. Club goods are also exclusive, but their consumption is neutral. That is, membership can increase without decreasing benefits, while the production costs for the club good may even go down. Examples for club goods are obvious by the name of it, e.g. sport clubs. Excludable network goods are goods that are also exclusive to insiders, but whose rivalry in consumption is negative. This means that the more consumers there are, the better, while the benefits are still exclusive to insiders. For instance, every user of a computer operating system benefits from an increase of the overall number of users (negative rivalry), while it is protected so that all users have pay for it (excludability), which ensures the continued development (upgrading) of the product. Public goods are goods

whose benefits are not exclusive to insiders or producers, but whose consumption is non-rival. Street-lighting would be a classic example: it is paid for by the tax-payer, but benefits everybody, tax-payer or not, and its use does not diminish with an increasing number of beneficiaries. Non-excludable network goods again benefit from an increase in numbers, but there is an incentive not to contribute to their creation, i.e. to 'free-ride', as the benefits are not limited to insiders. Software piracy of operating systems furnishes one example: it is still generally advantageous for every users if there are more users that use the same operating system, as they jointly have a bigger market share and can share more data, even if some software pirates are 'free-riding' on the payments of others who have legally bought the operating system. Finally, common pool resources are both rivalry in consumption and hard to

outsiders can happily exploit the resource and even take advantage of the self-constraint of insiders by consuming more of the latter's share – centrifugal effects ensue. This means that it is not only unlikely that new states join a cooperation agreement, but there is also a need for strong enforcement mechanisms to constrain insiders. The other four kinds of goods fall between the poles of centripetal and centrifugal forces.

Furthermore, one needs to calculate the potential costs of staying outside an agreement for international cooperation, which off-set some of the incentives to free-ride. For instance, in the case of a free-trade area, which is generally speaking an excludable “club good” of neutral consumption, non-participating countries may also profit from the general rise of prosperity in their neighbourhood, which favours free-riding. However, their national economies may also suffer if their companies cannot compete with enterprises from the free-trade zone that operate on different economies of scale inside the zone. So outsiders may bear a cost, or a ‘negative externality’, of the free-trade zone, with the result that they may be induced to join, even if participation would cost them in tariff revenues and they would rather prefer that the free-trade zone did not exist at all. Finally, - and here Kölliker's theory may need to be slightly modified as he does not consider this aspect – an increase in the number of insiders may sometimes increase rather than decrease the production costs of the public good (Ahrens, Hoen et al. 2005), regardless of whether consumption is rival or not: i.e. do new members make the running of the club more or less expensive for every existing member? If one assumes relatively fixed costs, these may be split – yet if the “club rules” are stringent or based on informal trust, then an increase in membership may make enforcement more difficult or require the elaboration of more formal rules, both of which makes membership more onerous for all. So although outsiders may want to join, they may be barred from doing so by insiders, which counteracts the centripetal policy dynamics of public goods.

5. A brief theoretical analysis of Schengen and the Prüm Convention

This is only a rough summary of the theory of flexible integration. Nevertheless, it is still rather easy to see how one may theoretically deduce whether certain forms of flexible integration may develop centripetal dynamics and thus come to be extended to the whole of the EU, or whether the opposite is likely to happen. To turn to European JHA policies, the general argument is that this policy area mostly consists of excludable club goods or of even excludable network goods. Therefore, there are strong incentives for outsiders to join any pioneering initiatives of flexible integration in this field. Kölliker spells out this argument in relation to the original Schengen agreement (2006: ch. 4). The Schengen Treaty primarily generated excludable network goods, as an increasing number of states increased the power of the data-sharing arrangements and the benefits of free mobility relative to its set-up and running costs. Furthermore, with an increasing size of the Schengen area, there have also arguably been rising negative externalities to outsiders, such as displacement effects of criminality and asylum applications, providing more incentives for signing up. Thus, it is not surprising that the Schengen Treaty was not only extended to most of the EU, but even beyond its borders. Furthermore, although a few states secured an ‘opt-out’ from the Treaty (surprising ts3 0 T

negative externalities that Schengen gradually created. Public goods theory can also make more sense of the demanding and fairly rigid nature of the Schengen *acquis*, whereas the metaphor of a laboratory evokes openness, experimentation and flexibility, which nowadays would be associated with the Open Method of Coordination. As has been discussed in the previous section, any common good, such as the sharing of sensitive security data, can become more costly to produce with an increase in the number of participants. Therefore, insiders may not easily allow new outsiders to participate, even if the latter are keen to join, and are likely to impose strict convergence conditions that will keep the production costs of the common good as low as possible. This is clearly what has happened with the extension of Schengen agreement to new members, even before it became part of the *acquis*.¹⁰ Although this aspect of trade-offs between the number of participants and production costs of the public good would merit a more extensive discussion (see e.g. Majone 2005: 106), this unfortunately cannot be undertaken here.

The key point for now is that there are good theoretical -and not merely historical or metaphorical¹¹ - reasons to expect a continuation of Schengen-style extension and ratification dynamics in the case of the Prüm Convention. Its core provisions clearly deal with increased and improved data exchanges¹² and with standards of operational cooperation between national security agencies.¹³ Confidential data exchange arrangements can easily be classified as exclusive network goods, whereas standards of operational cooperation are exclusive club goods, i.e. they serve as the basis for more effective security cooperation within the 'Prüm Club'. As has just been argued, exclusive club goods and particularly exclusive network

¹⁰ The current exclusion of the new member states from Schengen may be more to do with the concerns over

goods are most likely to lead to centripetal dynamics, creating increasing incentives for outsiders to sign up. That is, we can expect that the Prüm Convention will fare similar to the

the long-term when centripetal policy dynamics have had time to unfold. Initial outsiders to the Convention will eventually feel compelled to join, which eventually will lead up to the formal adoption of the Convention into *acquis*.

6. The limitations of functional theorizing and the political dimensions of the G6

So far I have presented the Prüm Convention as an example of a possible ‘attractor’ to outsiders based on functional policy-dynamics. This casts the ‘Prüm Group’ in the role of a *vanguard*, which is meant to create momentum for change and to overcome collective action problems. Ideally speaking, such a vanguard role is meant to be based on direct political pressure, but rather on leadership ‘by example’. That is, centripetal policy dynamics may push initially unwilling outsiders to cooperate so that their ‘free choice’ is diminished; but formally there is no coercion involved. Accordingly, outsiders with very intense preferences against the extension of cooperation to the entire EU so far have managed to obtain opt-outs, be it from Schengen, EMU or European Defence initiatives.¹⁶

However, this kind of functional reasoning about centripetal policy dynamics may not easily be transferred to the G6. The very fact that the Prüm agreement is a Convention, and therefore, a single package that can be more-or-less assessed as a whole in terms of its incentives and policy dynamics facilitates the theoretical argument. That is, even if there are perhaps several unattractive features to the Convention, the package as a whole may be attractive enough for outsiders to want to sign up. The G6 group, by contrast, so far has only agreed on measures and initiatives in a rather loose and informal manner, so that a pick-and-mix approach and loose national implementation of the agreements are much more likely. Rather than being able to assert theoretically that the initiatives agreed on by the G6 may have centrifugal or centripetal effects on outsiders, it would, thus, be necessary to look at each measure in isolation. However, such a detailed analysis will not be undertaken here. This is not primarily because of empirical constraints. Rather, this lack of clear policy incentives points to the somewhat different nature and rationale of the G6 in contrast to the Prüm Group.

¹⁶ For an interesting discussion of the dynamics of political choice behind various opt-outs, see Sion, M. (2003).

As will be more extensively discussed in the last section of this paper, there are different political implications to the cooperation among a strong bloc of member states, such as the G6. Rather than having to wait for unfolding centripetal policy-dynamics to induce initially unwilling outsiders to sign up, a group like the G6 can weigh directly on the EU institutions to promote their agenda at the collective level, which more-or-less excludes the possibility of opt-outs.¹⁷ Partly this can also be inferred on the basis of the previous theoretical argument: Initiatives of flexible integration, which are usually costly to participants, are only likely to be engaged in if outsiders cannot free-ride, or are likely to be compelled to join over the longer term. By contrast, policies that are not likely to generate such incentives may more effectively be regulated by binding policies in common institutions. Thus, one should not only expect the formation of avant-gardes that lead by example, but also of lobby groups that try to exert

7. The normative controversy

States that do not want an increase in European cooperation may rather be worried by two corresponding normative problems¹⁸, which partly have been touched on already. The first is that the policy-dynamics set off by the actions of an avant-garde can unduly constrain the

the EU to realize the free movement of persons to justify their actions.¹⁹ However, if there are opt-outs, this “incoherent” outcome is often regarded as deficient. Consequently, if it was possible to arrive at common EU legislation rather than engaging in flexible integration, this may be preferable even from a perspective that accentuates outputs. If, however, the outcome is not widely welcomed or agreed on in advance, then the issue of input legitimacy becomes much more salient. That is, if a vanguard is ‘successful’ in promoting new policies in the EU, this may then not only be criticized an undemocratic approach to agenda-setting, but also as inefficient or overly costly for those who were compelled to join later on. Thus output legitimacy may not be drawn on either, and formal decision-making and preference-aggregation structures in the EU become indispensable both for input and output legitimacy. However, from a perspective of input legitimacy it may also be justifiable to engage in flexible integration initiated on the basis of national sovereignty, which again have negative implications for outsiders or the coherence of the EU. The simple upshot of these cross-cutting arguments is that any initiative of flexible integration may be presented in various lights, be it from the ‘inside’ and the ‘outside’ of the participating states.

Yet even if flexible integration may, therefore, be ‘essentially contested’, I would still hope to clarify the current debate by shifting the focus to the actors of flexible integration. I would argue that there are different rationales for forming different kinds of cooperating groups of states. This is mainly related to the kind of public good they seek to secure. To get a handle on this I would offer rough typology of four kinds of groups, which draws on several points raised in this paper so far:

¹⁹ Now the ‘principle of availability’ of information seems to serve as a legitimizing ideal for initiatives.

1. Groups for the exchange of “best-practices” and policy-learning in areas of common concern. These concerns are usually specific to the regional focus of the group, or to any other peculiar characteristic of the members of the group (such as their status as destination countries for immigrants).
2. Groups that cooperate in specific areas of common concern. It may be asked whether bi- or multilateral forms of cooperation outside the common EU framework are not undermining the spirit of EU law. But in principle, there are no grounds to object to initiatives of transnational cooperation based on the national sovereignty of participant states, as long as they do not have harmful consequences for outsiders.
3. *Vanguards* that regard their projects of cooperation as a signal and of wider importance. In the context of the EU, a vanguard typically would aim to generate political momentum that would lead to the creation of common EU legislation. But the creation of common EU laws may also only be the last step in a different and wider process of step-wise inclusion of outsiders that could also include non-EU member states. However, a vanguard does not resort to open political pressure, even if it is undemocratic from the point of agenda-setting.
4. Finally, there are ambitious lobby groups that actively push their political agenda in a wider context, such as the EU. At its extreme, a small and highly effective lobby group could be also called a *directoire*. In both cases, informal political power is exercised to bring about binding collective decisions. A key difference to the ideal-

9. The G6 – a *Directoire* of the Third Pillar?

Clearly, just as the Prüm group, the six biggest member states of the EU may easily act as a vanguard by agreeing on policies or standards and conventions with centripetal dynamics, so that other member states would feel compelled to join later. For instance, the G6 in Heiligendamm made reference to the ‘standards of Prüm’ in relation to transnational police cooperation (Bundesministerium des Innern 23/06/06: par.5), thus strengthening the *vanguard* role of the Convention, even if some G6 states are not, and will not soon become signatories to Prüm.²⁰ However, this example could also be interpreted as evidence of a common political agenda of the G6 above

have acquired the following habit: What works, I keep, and do not push it aside with the argument that it would break taboos. But I want to be very clear here: It is not an institution, it is not the aim to marginalize the “small states”. The aim is to prepare informally initiatives for the Council of the European Union and possibly to invite other big or small states, that are interested in one or the other topic, to the deliberations. For in light of their historical role, everybody knows what the small states can contribute to the creation of Europe. And as everybody knows, all common decisions are taken by a vote in the Council and require a majority. Nobody has to fear a Directory of the Great. Nevertheless I affirm that Europe with 25 members needs a new motor. That the six great European countries take responsibility and take care at the same time that all those are participating in their actions that want to go ahead. I am thinking here of Belgium and Luxemburg that have joined Germany, Spain and France to form the Eurocorps. And I am also thinking of Portugal and the Netherlands that have joined Spain, Italy and France to found the European Gendarmerie Force. And the G6 is not the only smaller group inside Europe and is not necessarily qualified to cover all themes. Thus I have strongly supported to modernize the functioning of the Eurogroup that does neither include the UK nor Poland...I do not think back nostalgically to the Europe of Six. (Sarkozy 16/02/2006), own translation from German)

It may be commented on in passing that it does not lack a certain irony that Sarkozy does not see any contradiction between his quite regal approach to European leadership, whereby he does not care about ‘taboos’ and simply decides who is fit to be invited to the G6, and his reassurances that nobody “has to fear a Directory of the Great”. It is perhaps of also of interest that one Sarkozy’s key partners in the G6 is the German Wolfgang Schäuble who was the first important politician to openly promote the idea of a ‘core Europe’ in the early 1990s (Schäuble and Lamers 01/09/1994). Yet here I would more like to draw attention to the fact that Sarkozy states the G6 is meant to “prepare informally initiatives for the Council”. This is a more upfront description of the political intent of the G6, as it refers to the formal EU

decision-making process in the Council, than the preamble to conclusions of the meeting in Heiligendamm that states:

Similar to a “laboratory” this small circle will draw up concrete proposals to intensify cooperation in European home affairs. Other EU Member States will be fully informed about proposals made by the G6 countries and can participate in their implementation.

(Bundesministerium des Innern 23/06/06; translation by Statewatch)

I have already criticized the common metaphor of a “laboratory” to explain instances of flexible integration like Schengen. Furthermore, in this particular quotation it appears as if the results of the meeting in Heiligendamm are only some proposals outside the EU framework that other states may choose to participate in. Thus, the G6 seems to play the role of a vanguard, which may be problematic enough, as discussed previously. Yet it should be clear by now that there are important differences between the G6 and a ‘regular’ *vanguard*.

One difference is that other countries may “participate” in the implementation of new proposals, but cannot form part of G6 themselves, in contrast to other *vanguard* initiatives like Schengen or EMU. I have already briefly argued earlier that judging from its composition and size the G6 seems to be a lobby group: so far it included Poland into their midst, which maximizes the trade-off between political clout and cohesion, even though reportedly several states, such as Austria, Belgium, Luxemburg, Netherlands and Portugal, are already ‘knocking on the door’ of the G6 (Agence 22/03/2006).

The second, crucial difference is that, according to Sarkozy, the G6’s purpose is to p th6’s pu-0.0008 Tw(Tc

number of states, its political weight and range of cooperation has no significant implications for the entire EU, even if there seems to be some ambitions to that effect. For instance, the new member states have repeatedly used the platform to ask for an accelerated accession to Schengen, but clearly have got nowhere.²⁴ More interestingly, the Austrian Interior Minister Ernst Strassner got the G5 to meet the Salzburg group in 2004, with the intention to unveil a new plan to combat terrorism and play a pioneering role in matters of European security cooperation (Der Standard 15/04/2004). However, French officials stated in advance that no concrete results were expected (Agence 15/04/2004). In the end, some general agreement on increased data sharing was reached, particularly on bi-lateral data sharing (eGovernment news 19/4/2004), but this was far from an ambitious new direction for EU JHA policy the Austrian plan had envisaged. This demonstrates the power imbalance to the G5 who rather seemed to prefer to set the direction for EU policies among themselves. This impression was underlined by the fact that Austria was not invited to the last G6 meeting in Heiligendamm even though it held the EU presidency at the time (Die Presse 21/07/2006).

However, it is also only fair to point out that the G6 is anything but a like-minded group that controls the EU institutions. Most prominently, it even failed to bridge political differences to find a new director of Europol (Burns 06/07/04) only a few month after the Madrid bombings should have facilitated more European cooperation. And al-0.00150vb86 -2 a Tc-0.s(Two)#44hfofo the G/6s etbings havecGovetedulange groend,als theHiour

at this point in time. So far one has to make general inferences on the basis of the conclusions

states on particular policies, as Sarkozy pointed out. Thus, even if internal political disagreements may frequently hamper the G6, the shadow of a highly exclusive *directoire* in EU JHA policy-making is on the wall. Extrapolating from their general attitude towards European integration, the UK and Poland may have counted on acting as a braking element on groups like the G6. Yet ever since the threat of terrorism has risen on the agenda, such expectations have been upset. There is a real threat of unbridled transnational activism of national interior ministers, including from the UK, as they can distance themselves both from domestic and from EU constraints in their informal gatherings.

The formation of lobbies and the exercise of informal power may be an inevitable phenomenon if formal institutions do not correspond to the preferences of powerful member states. Yet only if things are called by their name, so to speak, is it possible to create the necessary political opposition to such power-political approaches. This is arguably what has happened in the context of the second pillar, where the leadership of the 'big three' may frequently be seen as a necessary evil, but where equally the more open manifestations of a *directoire* are harshly criticized by other member states. As inconsistent as it may be, this attitude of occasionally welcoming the initiative of the big member states, but consistently challenging any form of permanent alliances and hierarchy may be precisely what is called for when dealing with the G6. The controversy over Heiligendamm is a step in the right direction and will hopefully lead to a much more critical engagement with the G6 in the future.

References

Amnesty International Section Francaise (12/01/2005) Point sur la réforme du droit d'asile en France. Amnesty International. Paris

Agence France Presse. (15/04/2004). Interior ministers from current and future EU states to meet in Austria Friday. Agence France Presse. Paris.

Agence France Presse (22/03/2006). Immigration: la France va défendre le projet d'une police européenne au G6. Agence France Presse. Paris.

Ahrens, J., H. Hoen, et al. (2005). "Deepening Integration in an Enlarged EU: A Club-theoretical Perspective." Journal of European Integration **27**(4): 417-439.

Andersen, S. S. and N. Sitter (2006). "Differentiated Integration: What is it and How Much Can the EU Accommodate?" Journal of European Integration **28**(4): 313-30.

Balzacq, T., D. Bigo, et al. (01/2006) Security and the Two-Level Game: The Prüm Convention, the EU and the Management of Threats. CEPS Working Document Volume, 28

Bigo, D. and E. Guild (2005) La logique du visa Schengen : police à distance. Cultures & Conflits Volume, 14

Bundesministerium des Innern (04/07/2006). Schäuble, Zypries und Amato unterzeichnen Erklärung zu Verstärkung der grenzüberschreitenden polizeilichen Zusammenarbeit in Europa. Pressemitteilung. Berlin.

Bundesministerium des Innern (23/06/06). Treffen der Innenminister von Frankreich, Deutschland, Italien, Polen, Spanien und dem Vereinigten Königreich in Heiligendamm, 22. und 23. März 2006.

Burns, J. (06/07/04). Failure to agree on Europol head a blow for G5. Financial Times. London.

Charlemagne (14/09/2006). Migration migraine. The Economist.

Dehousse, F., W. Coussens, et al. (2004) Integrating Europe, Multi speeds - One Direction? EPC Working Paper Volume, 65

Die Presse (21/07/2006). Eu-Präsidentschaft; SPÖ verlangt Aufklärung über EU-Geheimtreffen. Die Presse. Vienna.

Dimitrova, A. and B. Steunenberg (2000). The Search for Convergence of National Policies in the European Union: An Impossible Quest? **1**: 201-226.

Dinan, D. (2005). Ever Closer Union. An introduction to European Integration. Third Edition. Houndmills, Basingstoke, Palgrave Macmillan.

Der Standard (15/04/2004). Austria to open data banks to partners in antiterror fight. SOURCE: Der Standard, in German 15 Apr 04. Vienna.

Er, B. (2004). The evolving concept of flexible integration within the European Union: A tool for managing diversity? Department of International Relations, Graduate School of Social Sciences of Middle East Technical University: 125.

Financial Times Deutschland (11/09/2006). Grenzöffnung zu neuen EU-Staaten kommt später. SOURCE: Financial Times Deutschland, 11 Sept 2006.Berlin

Guske, C. (2004). Die Verstärkte Zusammenarbeit in der Europäischen Union – Eine Analyse der (Nicht)anwendung der Flexibilitätsklauseln am Beispiel der Energiebesteuerungsrichtlinie. European Centre for Comparative Government and Public Policy. Berlin, Freie Universität Berlin Humboldt-Universität Berlin & Technische Universität Berlin.

Hall, B. (2000) How flexible should Europe be? Centre for European Reform Working Paper Volume, 21

House of Lords (19/07/2006). Behind Closed Doors: the meeting of the G6 Interior Ministers at Heiligendamm. Report with Evidence. E. U. Committee, Authority of the House of Lords. **40th Report of Session 2005-06: 66.**

Kaunert, C. (2005). "The Area of Freedom, Security and Justice: The Construction of a 'European Public Order'." European Security **14**(4): 459-483.

Kölliker, A. (2001). "Bringing Together of Driving Apart the Union? Toward a Theory of Differentiated Integration." West European Politics **24**(4): 125-51.

Kölliker, A. (2006). Flexibility and European unification : the logic of differentiated integration. Lanham, MD, Rowman & Littlefield.

Kölliker, A. and F. Milner (2000) How to Make Use of Closer Cooperation ? The Amsterdam Clauses and the Dynamic of European Integration. European Commission Forward Studies Union Working Paper Volume, 58

Leslie, P. (2000). Abuses of Asymmetry: Privilege and Exclusion. European Integration After Amsterdam: Institutional Dynamics and Prospects for Democracy K. Neunreither and A. Wiener. Oxford, Oxford University Press: 192-217.

Majone, G. (2005). Dilemmas of European integration : the ambiguities and pitfalls of integration by stealth. Oxford ; New York, Oxford University Press.

Missiroli, A., Ed. (1999). Flexibility and enhanced Cooperation in European Security Matters: Assets or Liabilities?, Institute for Security Studies of WEU.

Monar, J. (2001). "The Dynamics of Justice and Home Affairs: Laboratories, Driving Factors and Costs." Journal of Common Market Studies **39**(4): 747-764.

eGovernment News (19/4/2004). EU: European countries set to increase data sharing to combat terrorism.

