

# Studying the informal in European integration

## A research guide

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### Introduction

Studying informal aspects of European integration seems to be more challenging than researching formal aspects. This might help to explain the still rather low number of studies conducted on informality in European integration, notably in the area of European integration history. This chapter aims to encourage scholars both from history and political science to focus more on informality, especially since arguably no aspect of European integration can be fully understood without taking into consideration its informal dimensions. Consequently, this chapter identifies a range of potential problems when attempting to study informality, proposes solutions and thus offers a guide to analysing the informal in European integration.

Against this background, this chapter builds on the growing corpus of literature on informality at the European level. Scholars from political science and international relations have developed a number of definitions of informal governance and informal institutions,<sup>1</sup> and have designed a range of typologies and systems of categorisation. Some of the most influential examples are discussed in more detail in this chapter. Besides providing a concise overview of existing literature on the study of informality, this chapter aims to offer inspiration to scholars from both political science and history on how to structure and execute research in the subject area.

The main part of this chapter is structured as follows: it opens with a discussion of the main definitions of informal governance in political science, some of which were adopted by European integration scholars, as well as some approaches from international relations and European integration history. The chapter then develops its own take on the study of informality in European integration, taking into consideration the historical evolution of the European institutional framework and of decision-making procedures, which give informality at EU level a different significance than at state level.

Building on this conceptualisation of informality, the second part of the chapter addresses a number of issues which researchers need to consider when studying the informal. A number of theoretical and methodological approaches are discussed, which can serve as a basis for research on informality. A sub-section

discusses where scholars can expect to find informal practices, and within what framework these practices should consequently be examined. Finally, another subsection points out potential pitfalls in terms of available and unavailable data, and offers some inspiration on how to structure a research agenda when studying an aspect of informality.

As such, this chapter offers a research guide for scholars wishing to approach European integration beyond formal rules and established institutions. The theories and methods on which this chapter builds derive from different disciplines, namely political science, international relations and history. In presenting their different, though often compatible approaches, this chapter aims to demonstrate that a fruitful combination of these approaches can provide added value, and can help researchers cope with the challenges of studying the informal.

### Conceptualising the study of informality in European studies

Up to the early 2000s, scholars in European studies – while occasionally including informal aspects in their research – have almost exclusively developed concepts for the study of formal processes. This has changed since the beginning of the new millennium. Most existing studies on informality at the European level focus either on EU institutions<sup>2</sup> or EU member states.<sup>3</sup> While several scholars name the possibility to include, for instance, interest groups or other actors without any formal role in EU policy-making,<sup>4</sup> the vast majority of scholars concentrate on those actors who have some formal role, but get involved in different informal procedures for various reasons, ranging from self-interest to imposed necessity. In order to explain these reasons as well as the respective actors' behaviour, scholars have focused on very different characteristics of informality. While some characteristics apply only to limited sets of actors – such as informal meetings being irregular and usually 'sealed off',<sup>5</sup> which does not, for instance, apply to the vast informal behaviour of the early European Parliament<sup>6</sup> – the following characteristics constitute a common ground for the existing works on informality in the EU:

- Informal action usually lacks formal rules and legal oversight.
- Informal procedures normally consist of **systematic collective practices** developed by the involved actors.
- The results of informal procedures are **non-binding**, and can only be enforced by sanctions among those involved – such as political exclusion – or by peer pressure, following for instance 'naming and shaming' processes.
- Access to informal procedures comes mostly with an **uncodified membership**, possibly leading to an imbalance of actors and represented interests due to varying access to information, to contacts and negotiation platforms.
- Most forms of informal action are seen to have a **questionable level of legitimacy and accountability**, given the lack of oversight, fair access, and often of visibility.

Scholars furthermore have perceived informality to fulfil a number of tasks, based on which certain informal practices are chosen by actors at the EU level in order to attain their objectives. Notably, informal practices are expected to increase the efficiency and/or accelerate procedures of policy and decision-making, to help cope with incomplete or ineffective formal procedures, or simply to be useful in defending the actors' own interests. Informal practices may furthermore serve as a forum for the exchange of best practice and relevant information for other formal or informal procedures.

A more comprehensive overview of the characteristics and functions of informality advocated by scholars applying a range of different theoretical approaches can be found in Table 2.1 at the end of this chapter. Indeed, scholars have approached the study of informality through a variety of theories, ranging from different forms of institutionalism<sup>7</sup> and normative approaches<sup>8</sup> to governance, which still dominates the field.<sup>9</sup> Most of the existing studies on informality at the European level approach their subject of research through qualitative analyses. However, more recently some scholars have also chosen quantitative approaches to the study of informal procedures at European level.<sup>10</sup>

Much of the literature on which this chapter builds – particularly from political science – observes an increase of informality in EU politics in recent years. While some historical works show a high level of informality from the early years of European integration, this observation may derive from a higher level of visibility, and consequently easier traceability of informality since the European Treaties of the 1990s: the system of decision-making at European level has become more transparent and accessible overall, and has aroused an increasing level of public interest. Media coverage and the level of knowledge of the average citizen about European institutions and politics was considerably lower up to the 1980s than it has been since, following referenda, a number of enlargements, and the development of the European institutions' communication strategies, amongst others.<sup>11</sup> At the same time, policy-making at the European level became – formally – increasingly complex, not least because of the emergence of new actors especially from the 1970s, such as the European Council and the European Court of Auditors, and the extension of Community competences. Old and new institutions alike permanently sought to establish their position and find their place in European-level politics. Efficiency needed to be developed, maintained or reinforced, despite limited resources and staff, and information needed to be gathered. Moreover, from the 1950s (and even before) there were strong – often conflicting – ideologies at play within and among the different institutions, turning actors into activists.<sup>12</sup>

This chapter hence does not assume such an increase of informality from the 1990s, but rather a change in the role, the characteristics and the perception of informality at the European level. It is argued – and the contributions to this book show – that European integration as the interplay of parallel, conflicting and entangled processes can *at no point* be fully understood without the examination of its informal dimensions. While the balance of formality and informality at European level may have shifted repeatedly over time, both coexisted and

depended upon each other from the beginnings of the first European Community (i.e. the European Coal and Steel Community). Indeed, many of today's actors and procedures – be they formal or informal – have their roots in informal processes which developed prior to the 1980s or 1990s. Consequently, this chapter calls for the inclusion of a time variable in any research on European integration – be it embedded in history or political science – given that informal procedures rarely remained the same over a period of time.

Moreover, the study of informality requires the examination of the changing inter-relation of formal and informal processes. Among those studying informality, there is a consensus that it cannot be understood without taking into consideration the respective formal framework, “not unlike a hole in the cheese that only exists in relation to the cheese surrounding it”, as Van Tatenhove *et al.* aptly described.<sup>13</sup> Throughout the entire process of European integration, all actors at European level needed to interpret the set of formal rules applying to them. This necessity frequently led actors to wittingly or unwittingly establish informal rules and routines beside or beyond the formally given framework, for instance because the formal rules were not efficient, because actors were under the impression that they could not reach their aims through the given formal rules, or possibly because of simple misunderstandings or a lack of sufficient knowledge about the implementation of the formal rules.

When studying informal procedures, it can be insightful and indeed necessary for an understanding of these procedures to scrutinise at what point, under what conditions, and based on what reasons informality evolved within, beyond or beside a framework of formal rules and procedures. The evolution of informal procedures may take place at different stages, such as:

- the introduction of *new formal rules*, since efficient implementation procedures need to be newly established;
- the establishment of *new actors* (be they institutionalised or not), for whom existing formal rules provide no role in procedures in which they want or need to be involved;
- significant *changes in the composition* of existing institutions or other actors (e.g. through elections leading to a changing balance of parties, or through EU enlargements), leading to a shift amongst others of interests, preferences, ideologies and experiences; or
- significant changes in *external circumstances*, for instance of an economic or social kind.

Studying the coming into being of informality at such critical junctures<sup>14</sup> and its effects on formal as well as informal procedures can imply that scholars discover and define dimensions to policy-making procedures which have up to that point been considered mono-dimensional. The study of informal procedures in the European Council or in the Committee of Permanent Representatives (Coreper) can, for instance, add a supranational dimension to the perception of dominantly intergovernmental bargaining.<sup>15</sup>

While formal procedures put the involved actors on a predetermined path and limit their choice of action, informal procedures do usually not, or not to the same extent. This is not to say that actors always have a choice whether or not to apply informal procedures: they may very well be forced to resort to informal action in order to reach their goal, particularly if no procedures are provided for by treaties, formal agreements or legislation. However, given that no path of *prescribed* action is laid out before the actor in an instant where informal action constitutes a necessity in order to proceed, or at least an appealing alternative, the actor has to make a choice as to which informal path is best to be taken. In the study of informality, the analysis of the reasons and motives of actors to choose one form of informal action over possible (formal or informal) others may hence provide valuable insights. A number of works (such as Helmke and Levitsky, on whose 2004 study the list below is based) name different reasons why actors resort to informal action in the first place, namely:

- because formal rules and procedures are incomplete, e.g. did not anticipate certain issues or situations, or are ineffective;
- “informal institutions may be a ‘second best’ strategy for actors who prefer, but cannot achieve, a formal institutional solution”,<sup>16</sup> e.g. because they lack power;
- because actors deem it less costly to establish informal rather than formal institutions; or
- because actors see no other or better solution in their pursuit of goals not considered publicly or internationally acceptable (ranging from unpopular to illegal).

In the analysis of informal practices, it is important to keep in mind that informal power is defined and perceived differently than formal power. Whereas the latter is stipulated by the respectively applying legislation and by formal and institutional rules, informal power is generally a softer form of power and can, for instance, consist in (better) information access, access to key personnel, or simply the opportunity to be present at crucial negotiation tables. Such informal power can be acquired by big as well as smaller actors; the study of informality consequently allows for a more balanced assessment of the impact of various involved actors than the mere study of formal procedures. A primary example is the political activism of both the Commission and the European Parliament in the area of social policy prior to the Single European Act: the Treaties provided for only very limited Community competences in the area, and the main decision-making power was firmly in the Council’s and the member states’ hands. Yet, the Commission and the EP developed dense networks, thus gaining access to information and to key players, which put them at times in a better bargaining position than the Council.<sup>17</sup>

This section has revealed a dimension which has to be incorporated in all studies on informality: namely, informality cannot be fully understood if analysed separately from the formal context. Given that formal and informal

processes and developments influence – and often indeed determine – each other, such a contextualisation of the informal is mandatory and hence deserves special emphasis in this research guide. The importance of embedding the informal in its formal context is also discussed in the introduction to this volume, as well as in the contributions by Ludlow and Murlon-Druol. An analysis which focuses only on the informal is likely to draw a distorted image of the role and impact of the actors, procedures or events under consideration. Studying the informal in combination with its formal context is hence considered a premise in the application of all approaches and research strategies discussed below.

## **How to study informality**

When studying aspects of European integration, there is no single best way to identify informality, nor is there a unique research approach guaranteeing the best possible understanding of informality. This section aims to provide a collection of suggestions of where to seek informality in European integration, and how to structure one's research. The wide range of possibilities outlined below (supported by the table in the annex of this chapter) suggests that different theoretical and methodological approaches can be applied in order to analyse different aspects and cases of informality in European integration. Indeed, different approaches are necessary to fully grasp the importance of informality at European level.

### *Theoretical and methodological approaches*

The currently most frequently applied approach in the study of informality within the area of political science is the toolbox of **informal governance**.<sup>18</sup> It facilitates the analysis of the (im)balance of different actors' influence at different levels in European decision-making processes. Although the governance approach still dominates the field, informality at EU level has also been studied from a variety of other theoretical approaches. A number of **rationalist** studies, for instance, examine the at times conflicting and at times aligned interests of involved actors, and are thus able to analyse what gains actors hope(d) to achieve via informal action.<sup>19</sup> Through different **institutionalist** approaches, scholars can put particular emphasis on why institutions have the position they hold in decision-making, where the influence of certain actors comes from and what it leads to.<sup>20</sup> Moreover, institutionalist studies can identify how efficient informal practices are in the short as well as the long term; whether they shift costs to later stages in decision-making, for instance to the implementation stage; whether they impair formal decision-making; whether they prevent fair and equal access to information and involvement; and whether they lack or provide sufficient reliability for all involved actors. Methods from **network studies** allow not only to outline ties between different actors involved in informal practices, but can help to assess the strength or weakness of these ties.<sup>21</sup> The methodological toolbox of network studies furthermore provides for possibilities to

measure what determines the success or failure of informal procedures, such as trust, material or ideological pressure. Moreover, it helps to discover patterns in which networks are arranged, helping to understand how agreements are made.<sup>22</sup>

All above-mentioned approaches have been applied in a number of studies within the bigger context of informality in European integration. There are, however, also some approaches which have as yet found less scholarly attention and are less frequently used as a basis for studying informality in European integration, although also providing important insights. Among them are **normative** approaches. The works by Christine Reh dominate this (as yet rather small) field. Next to her, only few scholars have studied informal practices from a normative approach, though several have called for the scrutiny of informal practices with a view on their legitimacy or accountability.<sup>23</sup> Besides answering questions of how rightful, justified, controllable or reasonable informal procedures and their output effectively are, normative approaches allow the study of the norms underlying actors' behaviour. A comparison of the actors' expectations, based on different logics of appropriateness, as well as the resulting actions can provide some insight into actors' decisions to engage in, stick to or abandon informal practices. Even rarer than normative approaches, **ideational or constructivist** approaches have been used to study informality at the European level.<sup>24</sup> Yet, they could be fruitfully applied in order to understand what drives actors to step onto informal territory – or to leave it. Much scientific literature has shown that actors do not always behave rationally. Consequently, an impact analysis of informally acting actors' ideas and ideologies, as well as their socialisation and other influential factors on their behaviour, may at times be required to fully grasp the evolution and effect of informal practices in EU-level policy-making. Finally, the majority of scholars studying informality have thus far chosen qualitative methods. However, there are sufficient amounts of data (as will be discussed below) for numerous cases of informality to allow for **quantitative or mixed-methods** studies. Such studies could for instance analyse the balance of formal and informal elements in policy-making and decision-making, the likelihood of decisions to be made informally or formally in certain policy areas, or the likelihood of actors to act informally in specific settings.

This section does not aim to commend any of the approaches discussed above over the others. All of them provide added value for the study of informality, and should be chosen depending upon the issue under examination. The contributions to this edited volume show that the range of informal dimensions in European integration is so large that one approach alone cannot possibly provide the necessary analytical basis to the study of all. In calling for a more systematic analysis of the informal in European integration, this volume contains a number of case studies which are analysed based on very different theoretical and methodological approaches. Before choosing the best approach for the study of a subject with a significant informal dimension, the researcher must identify this dimension, and should conceptualise the concrete form of informality under consideration. The following sub-section aims to provide a guide to this step in the research process.

### *Where to find informality?*

Informality can be assumed to play a role – to different extents – in almost all EU-level policy-making. In order to study the extents, reasons and consequences, and in order to know where to look for data and source material, scholars need to be aware where in particular they may be able to trace informal action. Again, this sub-section does not provide a comprehensive list of venues where informal practices may develop. Rather, it aims to point out a number of starting points for research on informality, and wishes moreover to demonstrate the virtual omnipresence of informality in European-level political processes.

As discussed above and shown in the attached table at the end of this chapter, informal practices may evolve at all stages of decision-making at the European level. The *types* of informal practices, however, differ considerably, depending upon the task informality has to fulfil. In **negotiations and agenda-setting**, for instance, actors without a formal role may gain access through informal procedures, or formally involved actors may hope to facilitate cooperation through informal contacts on the side-lines of negotiations. Moreover, actors may decide to create new informal fora, allowing for exchange and agenda-setting if existing ones are insufficient in the actors' eyes. The European Council<sup>25</sup> and the G7<sup>26</sup> are prominent examples.

Also in **decision-making procedures**, actors may choose – or feel compelled – to resort to informal practices, both in otherwise formal decision-making procedures, and in entirely informal decision-making. Among the latter are ad-hoc agreements among member states beyond Treaty provisions, with the Luxembourg Compromise of 1966 as a prominent example.<sup>27</sup> In legislative procedures, informal vote-trading is likely one of the most frequent occurrences of informal practices within EU-level decision-making, together and in connection with many non-institutionalised and non-public proceedings within Coreper. Among the Council, Commission and Parliament, informal dynamics have been traced by a number of scholars in the Ordinary Legislative Procedure (i.e. the co-decision procedure), including, amongst others, early agreements.<sup>28</sup> Formally provided, yet full of informal practices with regard to decision-making, is furthermore the Open Method of Coordination.<sup>29</sup> Within the Council, another example of informality in decision-making are consensus and unanimously made decisions where none are formally required.<sup>30</sup>

Once decisions are made, some actors apply informal strategies in order to reach the **implementation of adopted policies**. The Commission, for instance, has repeatedly sought informal contact to trade unions at national and regional level, looking for help in the implementation of social-policy and labour-related legislation.<sup>31</sup> Prior to 1979, Members of the EP (MEPs) attempted frequently to exert pressure on national ministers via their double-mandate, and by calling their national parliaments to support them in their endeavours for more integration.<sup>32</sup>

Institutions and EU/Community competences have changed frequently over time, and informality can be found at numerous instances within these processes.



With regard to the EU's **institutional evolution**, informality can be traced where the perception of an institution's role in the eyes of its members and the Treaty-given formal rules differ significantly. This can lead to institutional activism, such as in the case of the Commission, for instance in the years prior to the Empty-Chair Crisis of 1965,<sup>33</sup> or in the case of the Committee of the Regions.<sup>34</sup> Furthermore, as mentioned above, informality is likely to occur at instances of significant change in an institution's composition, when a new institution or body is created, or when there are significant changes in external circumstances, forcing actors to adapt their behaviour more swiftly than formal rules allow.<sup>35</sup> The latter can happen notably through crises, both within Europe and beyond. Both the 1970s economic and financial crisis and the recent Eurozone crisis, for instance, produced a number of informal practices through which member states and institutions tried to cope with the effects of the crises.<sup>36</sup> Informal practices also often evolve when **EU or Community competences** are extended to new areas. In the process of establishing monetary union, for instance, a transnational elite of financial experts played a crucial role through informal contacts,<sup>37</sup> as does the Eurogroup nowadays.<sup>38</sup> Informal contacts and bargaining equally had a significant impact on the establishment of the Schengen area,<sup>39</sup> the evolution of a European foreign policy, starting with the Davignon report of 1970,<sup>40</sup> and the creation of the European Pillar of Justice and Home Affairs, beginning with the formation of the Trevi Group.<sup>41</sup>

All of the above-mentioned categories of where to look for informality are subject also to studies of formal elements in European integration. In addition to these, scholars of the informal should look for informality beyond formal structures as well. For instance, a rich variety of **European, national and transnational networks** can be identified which had a significant – though informal – impact on European integration, such as the European Federalist Movement, university networks,<sup>42</sup> the European Trade Union Confederation, or national diplomats' networks within the area of European foreign relations. Moreover, decision makers' good or bad **personal relations** occasionally had a measurable impact on the success or failure of policy initiatives. Famous examples can be found in Franco-German relations, for instance in the close cooperation of 'Merkozy' – i.e. the German Chancellor Angela Merkel and the French President Nicolas Sarkozy<sup>43</sup> – or the duo Valéry Giscard d'Estaing and Helmut Schmidt.<sup>44</sup> Also within and among supranational institutions, personal rapports could help or hamper policy-making. In the – relatively small – EP prior to 1979, for instance, friendships among MEPs had an impact on intra-parliamentary solidarity and intra-party group unity.<sup>45</sup> Furthermore, if (former) members of one institution joined another, but kept contacts to their former colleagues, informal inter-institutional exchanges could be strengthened through preserved personal contacts.

### *Finding evidence for the informal*

Identifying fora, instances and procedures within or around which informal practices may evolve serves as an important basis for the study of these practices

themselves. Only an understanding of the reasons for which and the conditions under which they evolved allows the scholar to fully grasp the impact of informal practices, as well as their prospect of success in the short and long term. Based on this understanding, scholars of the informal need to uncover evidence for the processes and developments they study. This sub-section discusses the problem of identifying, collecting and analysing source material on informality in European integration. The sub-section furthermore offers some inspiration for the structuring of research on informality, which needs to tackle a number of issues that do not appear in the study of formal rules and procedures. The following paragraphs, like this entire chapter, address scholars conducting research on informality in European integration both on the basis of political science and history approaches. Once more, the authors aim to point out the added value of combining different elements of analysis from both disciplines.

The acquisition of data and source material is possibly the most difficult problem to solve in the study of informality. Many informal practices produce much less – if any – output compared to formal procedures. Moreover, much of the material that is produced in informal practices is kept privately, swiftly destroyed, remains confidential or is for other reasons inaccessible. Indeed, to the researcher it is often not immediately obvious what sources exist, and where one can consequently consult and gather data. Thus, a first step after defining one's research theme in the study of informality "is often not only about gathering data, but actually about defining the kind of data that is to be collected".<sup>46</sup> There are some rather obvious possibilities in case no minutes or other forms of official output exist: involved actors can be interviewed, or interviews with them in different media can be consulted. Memoirs, autobiographies or other texts written by the actors themselves may offer some insight into details of and reasons for their behaviour. Private documents such as correspondences or diaries may be accessible. All these documents have to be treated with care, of course, since they depict only one – subjective – point of view.<sup>47</sup>

In European integration, informality does not always happen behind closed doors, but sometimes out in the open. When it comes, for example, to institutional activism beyond formal provisions, some institutions even choose to act as visibly as possible in order to give their actions some legitimacy through the possibility of scrutiny.<sup>48</sup> If that is the case, informal practices can be traced rather easily in case the researcher knows what to look for. The study of the accessible documents once more requires a sound level of knowledge about the formal framework within which the respective actors acted informally, in order to assess where they left the formal framework. The understanding, for example, of the competences the EP has in the negotiations concerning a member state leaving the EU is required for an assessment of the – informal – role of the Belgian MEP Guy Verhofstadt as representative of the EP in Brexit negotiations.<sup>49</sup> In case informal action is not openly visible, it is at times helpful to look for gaps in the documentation of formal procedures. Where an actor suddenly changes an opinion and aligns with another without visible incentive, for instance, or where two unconnected actors start to communicate with one another formally without

having an evident reason to do so, there may lie a hint towards informal procedures.

In the process of source acquisition, the problem of finding documentation can be followed by the difficulty of determining when a sufficient basis for the envisaged study is reached. As Mareike Kleine aptly states, “[i]f it is difficult to identify the entire universe of informal governance, it is difficult to know whether a study bases its argument on a representative or a biased selection of cases”.<sup>50</sup> As a solution, when studying informal practices, one can try to get information from as many sides as possible, and compare (biased) information from different actors in order to establish common ground and be able to interpret the different sources adequately. Moreover, it is possible to compare the case at hand with other policy areas and similar situations, procedures, or actions of the same actor in order to verify elements of the gathered, though possibly incomplete, data.

Following the data collection and the first inspection of the data, the researcher should first and foremost – if not undertaken already – establish the formal framework which determines the behaviour of the actors under examination, the rules they have to follow, and the possibilities of action open to them. On this basis, the researcher can then pursue questions such as: what tasks is informality supposed to fulfil in the eyes of different involved actors? What makes informality successful or unsuccessful in their eyes, and why? What causes or factors underlie this specific example of informality? Where does, in this specific case, formality end, and where does informality begin? In what relation does this case of informal action stand with regard to the formal framework – does it take place within that framework, go beyond it, undermine it, happen in parallel, or is it possibly relatively unconnected? Through a selection of the numerous available methods, some of which were listed above, and based on a clear definition of informality, as for instance provided in the introduction to this volume, research on informality in European integration can thus produce concrete, detailed and insightful results that help gain a better understanding of actors, procedures and developments within European integration.

## **Conclusion**

Informal practices have been inherent elements of virtually every significant development in the process of European integration. Whereas many works in political science, international relations and history within the area of European studies address informal aspects, many of them do so without paying particular attention to the specific characteristics, reasons and effects of informality. This chapter has outlined some of the most important of these characteristics, namely those that can be generalised for informal action at European level throughout the history of European integration. In so doing, this chapter has attempted to make clear the need for a precise and well-defined theoretical and methodological research frame when studying the informal, which is often invisible, vague, non-transparent and difficult to scrutinise. At the same time, the chapter

has emphasised that informality in European integration cannot only be found in hidden spaces and non-public fora, but can be traced in very different settings and under different circumstances. Given such varying conditions under which informal practices may evolve, their analysis may require different sets of methodological tools. This chapter has argued not for the application of merely one theoretical or methodological approach, but rather aimed to offer an overview of possibilities. Moreover, in its second part, the chapter has discussed a number of issues arising in the study of informal rather than formal aspects of European-level policy-making, and has proposed some research strategies allowing for a profound analysis of informal practices despite a possible lack of sources. Thus, this chapter attempts to provide a research guide that may help scholars both from political science and history to identify, trace and analyse informal practices at European level, contributing to a better understanding of the extent and impact of informality in the process(es) of European integration.

## Annex

Table 2.1 The most influential and important approaches to informality in European integration

<i>Authors</i>	<i>Theoretical approach</i>	<i>Characteristics of informality</i>	<i>Tasks/functions of informality</i>
Stone (2013); Peters (2006); Christiansen <i>et al.</i> (2004)	Governance	<p>"[S]ystematic influence of unwritten rules, shared expectations or norms within international organizations that substantially modify or substitute for formal treaty provisions" (p. 123)</p> <p>Non-codified and not publicly sanctioned</p> <p>Filtered access</p> <p>Increased number of actors in the process may slow down processes and lead to more complex bargaining</p> <p>Lack of transparency, accountability, authority and thus reliability; hence efficiency is not ensured in the long term</p> <p>Forms of informal governance in the EU: network governance, multi-level governance, soft law, Open Method of Co-ordination</p>	<p>Redefine policy instruments and adapt mechanisms to achieve certain goals; influence governments' behaviour, e.g. through 'best practice'; "the glue that holds the cumbersome and contradictory system of EU governance together" (Christiansen <i>et al.</i> 2004, p. 7)</p>
Kleine (2013a); Kleine (2013b)	Liberal regime theory, governance	<p>Systematic collective practices departing from formal rules</p>	<p>Prevent supranational actors from imposing domestic political costs; prevent the unauthorised defection of actors</p>
Mak and van Tatenhove (2006a, 2006b); van Tatenhove <i>et al.</i> (2006)	Governance, with elements of new institutionalism	<p>No formal or written rules regulating the actors' behaviour</p> <p>No public sanction; private sanction through peer pressure, reputation or retaliation</p> <p>Covert strategies</p> <p>Instable and unpredictable</p> <p>Co-operative and rule-directed or conflictual and rule-altering</p>	<p>Exchange of 'best practices' to improve the implementation of policies and decisions</p>

<p>Stacey and Rittberger (2003)</p>	<p>Rational choice historical institutionalism</p>	<p>Informal rules lack a formal foundation Actors are not legally bound to informal rules No third-party oversight via ECJ, merely political sanctions with negligible legal force Informal action leads to 'interregnum integration': transfer of sovereignty by member states, resulting from informal bargains and interpretative ECJ rulings (as opposed to 'history-making integration': sovereignty transfer based on formal inter-state bargains)</p>	<p>Fill gaps of formal rules ; contradict formal rules; supersede formal rules</p>
<p>Farrell and Héritier (2002)</p>	<p>Rational choice institutionalism, with elements of historical institutionalism and constructivism</p>	<p>Informal rules are enforced by the actors themselves (as opposed to formal ones, being enforced by a third party) Makes outcome of formal institutional change never fully predictable Allows actors with little direct influence on formal Treaty negotiations considerable indirect influence</p>	<p>More efficient decision-making procedures; speed up the legislative process; stabilise cooperation between institutions</p>
<p>Helmke and Levitsky (2004)</p>	<p>Institutionalism</p>	<p>Informal institutions are "socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels" (p. 727) Non-compliance generates some kind of external sanction Distinction of four types of informal institutions: complementary, accommodating, competing, substitutive</p>	<p>Create/strengthen incentives to comply with formal rules; cope with incomplete or ineffective formal institutions; 'second-best' strategy for actors unable to achieve a formal solution; pursue publicly not accepted goals</p>

*continued*

Table 2.1 Continued

<i>Authors</i>	<i>Theoretical approach</i>	<i>Characteristics of informality</i>	<i>Tasks/functions of informality</i>
Reh (2012); Kleine (2018)	Normative approach	<p>Restricted set of actors; variable and uncodified membership</p> <p>Meetings are irregular and usually sealed off</p> <p>Internal atmosphere of mutual trust</p> <p>Informal action affects the legitimacy of a political order in different ways and at different dimensions (input, throughput, output)</p> <p>Imbalance among actors due to privileged access to information for participants in informal decision making</p> <p>Potential discouragement of formal procedures such as tabling amendments if decisions are already made informally</p>	<p>Increase efficiency, facilitate and accelerate decision-making; substitute deficient or dysfunctional formal politics; reduce transaction costs of decision making (or shift these costs to the stage of policy implementation)</p>
Gijswijt (2012)	Network studies	<p>Informal elements appear in European-level politics particularly in times of profound institutional change</p> <p>Non-state actors such as NGOs, trade unions, ILO, OEEC need to be considered, since they frequently gained a significant level of influence in European integration developments</p> <p>Study of informal governance helps to understand the existing connection of national, intergovernmental, supranational and transnational level</p>	<p>Informal governance relies on “mostly indirect methods such as agenda-setting, knowledge transfer, the creation of shared perceptions and aspirations, trust-building and elite socialization” (p. 413)</p>

## Notes

- 1 Institutions are here understood as sets of rules, as defined by North: *Institutions, Institutional Change and Economic Performance*.
- 2 See amongst others Puetter: *The European Council and the Council and The Euro-group*; Reh: 'Informal Politics'; Mak and Van Tatenhove: 'Introduction'; Stacey and Rittberger: 'Dynamics of Formal and Informal Institutional Change'; Christiansen *et al.*: 'Informal Governance'; Farrell and Héritier: 'Formal and Informal Institutions'.
- 3 See amongst others Kleine: 'Knowing your Limits' and 'Informal Governance' (2013); Stone: 'Informal Governance'; Engelmann: 'Informelles Regieren'.
- 4 See amongst others Gijswijt: 'Informal Governance'; Peters: 'Forms of Informality'; Christiansen *et al.*: 'Informal Governance'.
- 5 See Reh: 'Informal Politics'.
- 6 See amongst others Roos: 'Far beyond the Treaties' Clauses'.
- 7 See Stacey and Rittberger: 'Dynamics of Formal and Informal Institutional Change'; Farrell and Héritier: 'Formal and Informal Institutions'; Helmke and Levitsky: 'Informal Institutions and Comparative Politics'.
- 8 See Reh: 'Informal Politics'; Brie and Stöltzing: 'Formal Institutions and Informal Institutional Arrangements'.
- 9 See Mak and Van Tatenhove: 'Introduction'; Peters: 'Forms of Informality'; Christiansen *et al.*: 'Informal Governance'; Kleine: 'Knowing your Limits and Informal Governance' (2013); Stone: 'Informal Governance'.
- 10 See amongst others Cross and Hermansson: 'Legislative Amendments'.
- 11 On changes in media coverage of EU topics, see for example the contributions by Boomgaarden and De Vreese, Hanretty and Banducci, and De Vreese and Boomgaarden in Van der Brug and De Vreese: *(Un)intended Consequences*. For EU communication strategies, see (for the example of the Commission) Gallego *et al.*: *The Communication Policy of the European Commission*.
- 12 A range of examples of such developing activism at the European level are discussed in the contributions to the *Journal of Contemporary European Research*, 13:2 (2017).
- 13 Van Tatenhove *et al.*: 'The Inter-Play', 19.
- 14 Here understood not merely in the historical institutionalist sense, but more generally.
- 15 As demonstrated i.a. by Lewis: *'Informal Integration'*.
- 16 Helmke and Levitsky: 'Informal Institutions and Comparative Politics', 730.
- 17 See amongst others Roos: 'Far beyond the Treaties' Clauses'.
- 18 As defined by Helmke and Levitsky: 'Informal Institutions and Comparative Politics'. For an overview of the state of literature, see Kleine: 'Informal Governance' (2014); Christiansen and Neuhold: 'Informal Politics in the EU'.
- 19 See Lewis: 'Informal Integration'; Stacey: 'Displacement of the Council'.
- 20 See Stacey and Rittberger: 'Dynamics of Formal and Informal Institutional Change'; Farrell and Héritier: 'Formal and Informal Institutions'; Helmke and Levitsky: 'Informal Institutions and Comparative Politics'.
- 21 See Justaert and Keukeleire: 'Informal Governance'; Peters: 'Forms of Informality'.
- 22 See Gijswijt: 'Informal Governance'.
- 23 See amongst others Kleine: 'Informal Governance and Legitimacy', Van Tatenhove *et al.*: 'The Inter-Play', Peters: 'Forms of Informality'.
- 24 See amongst others Aalberts: 'The Future of Sovereignty', contributions to Christiansen *et al.*: *The Social Construction of Europe*.
- 25 See Foret and Rittelmeyer: *The European Council*; Murlon-Druol: 'Steering Europe'.
- 26 See Shehu in this volume, Murlon-Druol and Romero: *International Summitry*.
- 27 See Heisenberg: 'The Institution of "Consensus" '.
- 28 On informality in co-decision procedures, see Farrell and Héritier: 'Interorganizational Negotiation'; Rasmussen and Reh: 'The Consequences of Concluding Codecision Early'; Burns: 'The European Parliament'; Häge and Kaeding: 'Reconsidering



- the European Parliament's Legislative Influence'; Reh *et al.*: 'The Informal Politics of Legislation'.
- 29 See Idema and Kelemen: 'New Modes of Governance'.
- 30 See amongst others Lewis: 'Informal Integration' on the European Council; Heisenberg: 'The Institution of "Consensus"' on the Council of Ministers.
- 31 See for example 'Commission Seeks to Revive Battered Social Dialogue', *Euractiv*, 6 March 2015. [www.euractiv.com/section/social-europe-jobs/news/commission-seeks-to-revive-battered-social-dialogue/](http://www.euractiv.com/section/social-europe-jobs/news/commission-seeks-to-revive-battered-social-dialogue/) (accessed on 20 December 2017).
- 32 See Roos: 'Far Beyond the Treaties' Clauses'.
- 33 See Ludlow: *The European Community*.
- 34 See Schönlau: 'Beyond Mere "Consultation"'.
- 35 See Farrell and Héritier: 'Formal and Informal Institutions'.
- 36 See i.a. Schoeller *et al.*: 'Explaining Informal Policy-Making Patterns'.
- 37 See Mourlon-Druol: *A Europe Made of Money*.
- 38 See Puetter: *Governing Informally* and *The Eurogroup*.
- 39 See Zaiotti: *Cultures of Border Control*.
- 40 See Keukeleire and Delreux: *The Foreign Policy of the European Union*; Delreux and Keukeleire: *Informal Division of Labour*; Bindi: 'European Union Foreign Policy'.
- 41 See Levi-Faur: 'Regulatory Networks'.
- 42 See Lehmann in this volume.
- 43 See Schoeller *et al.*: 'Explaining Informal Policy-Making Patterns'.
- 44 See Waechter: *Helmut Schmidt and Valéry Giscard d'Estaing*; Haessler: *A 'Cold-War European'*.
- 45 See Roos: 'Intra-Party Group Unity'.
- 46 Christiansen and Neuhold: 'Informal Politics in the EU', 1204.
- 47 The specific challenges of oral history and of the usage of personal documents for historical research have been discussed, amongst others, by Janesick: *Oral History*; Kurkowska-Budzan and Zamorski: *Oral History*; and Perks and Thomson: *The Oral History Reader*.
- 48 See a number of case studies on this in the above-mentioned issue of the *Journal of Contemporary European Research*, 13:2 (2017).
- 49 The EP has acknowledged publicly that "it has no formal role within the Brexit negotiation process, other than the right to receive regular information on its progress". [www.europarl.europa.eu/unitedkingdom/en/ukevents/brexit.html](http://www.europarl.europa.eu/unitedkingdom/en/ukevents/brexit.html) (accessed on 20 December 2017).
- 50 Kleine: 'Informal Governance' (2014), 311.

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