CONSTRUCTING SOCIAL EUROPE THROUGH THE OPEN METHOD OF COORDINATION?
A qualitative study of actor’s perceptions of the OMC on Social Protection and Social Inclusion in Sweden

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ABSTRACT

The Open Method of Coordination has since its inauguration in 2000 rocketed into the high politics of EU-policy making and has been embraced by both politicians and scholars for its potential to further Europe into a more socially oriented integration. However, while the method has been praised as a breath of fresh air in EU policy-making it is remarkable how empirically unexplored its real life operation is. This thesis focuses on actor’s perceptions of the OMC on Social Protection and Social Inclusion (OMC/SPSI) in Sweden. Through a qualitative approach, based on interviews with stakeholders in the national OMC/SPSI process it is argued that while the method have had a potential impact as a leverage for actor inclusion in policy discussions perfections among actors portray the method as a rather illegitimate and ineffective method constructing a more socially oriented Europe.

Keywords: Open Method of Coordination, Social Protection and Social Inclusion, ‘Social Europe’, European integration, Legitimacy, Effectiveness, Democracy, Europeanization, Sweden
ABBREVIATIONS

BEPG – Broad Economic Policy Guidelines
CU – Committee of Users
EAPN – European Anti-Poverty Network
EEC – European Economic Community
EES – European Employment Strategy
IMF – International Monetary Fund
NAP – National Action Plan
NGO – Non-Governmental Organization
NMU – Network Against Exclusion
NSR – National Strategy Report
OMC - Open Method of Coordination
OMC/SPSI – Open Method of Coordination on Social Protection and Social Inclusion
OECD – Organization for Economic Cooperation and Development
SKL – Swedish Association of Regions and County councils
CONTENTS

1. INTRODUCTION..................................................................................................................5
  1.1 Purpose ..........................................................................................................................7
  1.2 Disposition ....................................................................................................................7

2. THEORIZING THE OMC .................................................................................................8
  2.1 The OMC and ‘governance’ ..........................................................................................8
  2.2 The OMC and ‘Europeanization’ ...................................................................................9
  2.3 Legitimacy and Effectiveness: Focal points debate and research .................................13
      2.3.1 What’s the problem with the OMC? .....................................................................13
      2.3.2 Legitimacy ...........................................................................................................15
      2.3.3 Effectiveness .......................................................................................................18
  2.4 The OMC/SPSI in Sweden ..........................................................................................21
      2.4.1 Sweden as a political and organizational culture ...............................................21
      2.4.2 Introducing the OMC in Sweden ........................................................................22
  2.5 Analytical assumptions and why perceptions matter ..................................................23
      2.5.1 Why perceptions matter ......................................................................................23

3. METHOD...........................................................................................................................24
  3.1 Research design and choice of respondents ...............................................................24
  3.2 Analysis and caveats ....................................................................................................25

4. RESULTS............................................................................................................................26
  4.1 Legitimacy ...................................................................................................................27
  4.2 Effectiveness ................................................................................................................29

5. CONCLUDING DISCUSSION..........................................................................................33
  5.1 Questions for further research of the OMC in action ..................................................36

REFERENCES.......................................................................................................................39

Appendix 1 - Interview guide NGOs .................................................................................46
Appendix 2 – Interview guide public officials ..................................................................47
Appendix 3 – Swedish summary .......................................................................................48
1. INTRODUCTION

Through the Lisbon Summit in March 2000, Europe was in a ten-year perspective set on the course to become ‘the most competitive and dynamic knowledge-based economy ... with more and better jobs and greater social cohesion’. Except the creation of a Social Agenda¹, one of the major achievements of the summit was the clear formulation of a ‘new’ approach coordinating social policy in the European Union (EU). The Open Method of Co-ordination (OMC), originating from the Broad Economic Policy Guidelines (BEPGs) and the European Employment Strategy (EES), is the EU’s latest policy-making tool representing the “methodical backbone” of the Lisbon Strategy in the attempt to realize a ‘European Social Model’ (Zeitlin 2008: 1; Heidenreich & Bischoff 2008: 499 (quotation)). Its main purpose is to orient Member State’s policies toward common strategic goals and develop a shared framework for economic and social policy recalibration in an era of increasing economic competition and fiscal austerity (Ferrera & Sacchi 2005: 137; Pierson 1998).

The method can be seen as part of the ideas behind the ambitious ‘re-launching of Europe’, which during the 1990s resulted in, what Streeck (1996) has called a ‘neo-voluntaristic’ approach to European integration – an approach representing a shift from harmonization to co-ordination of social policy. Associated with the rise of ‘New Modes of Governance’ in EU policy-making the OMC can also be seen as part of a response to the Community Method’s ineptness accommodating the diversity of Member State’s institutional arrangements reconciling European objectives with (sub-)national preferences (Kohler-Koch & Rittberger 2006: 36; Smismsans 2004: 16).

Consequently, in contrast to the social policy initiatives of the EEC, which rather unsuccessfully attempted to establish supranational social rights and obligations (Community method/hard law’), the construction of ‘Social Europe’ in the European Union give Member States greater responsibility to interpret and implement social policy at national level without the threat of legal sanctions in case of non-conformity (‘soft law’) (Scott & Trubek 2002). Thus, through an iterative cyclical reporting process (Member states responding to the Commission’s recommendations through so called National Strategy Reports²) domestic social policy is exposed to monitoring, peer review and benchmarking which over time aims at enhancing mutual learning processes (Borras &

¹ Also referred to as the Lisbon Agenda or the Lisbon Strategy.
² Formerly referred to as National Action Plans (NAP).
By including the entire spectrum of the European multi-level polity, potentially pooling knowledge from an array of different actors, the OMC also attempts to enhance new and innovate policy solutions while simultaneously respecting the principle of subsidiarity, thus potentially balancing the thin line between intergovernmentalism and supranationalism—a theoretical quality often accentuated by its advocates describing it as a ‘third way’ in EU-policy making (Zeitlin 2005: 4; Larsson 2001). This inclusive ambition has also aspired as a potential antidote against the Union’s perceived ‘democratic deficit’ effectively reducing the gap between political elites and European ‘citizens’ creating a more deliberate and transparent EU. Thus, perceived as a “breath of fresh air” in the often opaque landscape of EU policy-making (Borras & Jacobsson 2004: 187), open coordination has spread (and is spreading) swiftly across policy fields beyond employment and is now applied in areas such as social inclusion, pensions, research and development, education, immigration etc.—fields in which the EU’s constitutional competences are weak or non-existent (Pochet 2005; Goetschy 2001: 402; Radaelli 2003; Kröger 2007; Citi & Rhodes 2007).

The OMC’s rocketing political career has caught the attention of many scholars resulting in a burgeoning body of literature. Lively debates have aroused concerning its implications for European integration. While some scholars distinguish it as a promising policy-making instrument potentially bridging Member State’s deep-rooted policy legacies in the creation of ‘Social Europe’ (Vanderbroucke 2001), some of the more critical accounts simply perceive it as an “innocuous exercise in Euro-Verbosity” (Alesina & Perotti 2004: 8). A central matter of controversy, feeding the ongoing debate, concerns the absence of empirical accounts of the OMC ‘in action’ where much of the literature, until recently, have biased a theoretical and often normative approach. Thus, while the OMC in its infancy was embraced by many scholars for its novel and experimentalist approach to EU policy-making, few have been able to provide any ‘hard facts’ in favour of its real-life operation. In its quality of ‘soft-law’ (i.e. not constituting a legal framework onto which policies necessarily conform), the OMC has been recognized as a notoriously slippery object of research for a number of interrelated reasons. First, the varying dynamics and impact of different OMC

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3 According to the Lisbon Conclusions, the OMC is “a fully decentralised approach...applied in line with the principle of subsidiarity in which the union, the Member States, the regional and local levels, as well as the social partners and civil society, will be actively involved, using variable forms of partnership” (Paragraph 37 European Council Conclusion 2000).

4 However, for two empirically oriented accounts see Zeitlin, Pochet & Magnusson (ed.) (2005) and Heidenreich & Zeitlin (ed.) (2009).

5 Scholars who more often than not were included in the actual development of the method acting as experts (e.g. Vanderbroucke (2001)).
processes makes it difficult to draw general conclusion about the method. Second, although the process has been around for more than a decade, in a comparative perspective, it is relatively new which makes it difficult to draw any but tentative conclusions. Third, the horizontal and vertical complexity of different OMC processes integrating several policy domains and including an array of actors in the European multi-level polity engaging on a formal as well as informal basis makes the ‘tracking’ of influence an intricate exercise. Fourth, the non-coercive/non-binding character of OMC processes where establishing evidence of causal impact between EU and (sub-)national level can be seen as somewhat of a daunting task (Zeitlin 2005: 26). Fifth, since the empirical research on the OMC is still in its infancy the absence of reliable variables and analytical frameworks through which to assess the method’s potential impact makes research of the OMC problematic and has been a matter of recent discussion (Citi & Rhodes 2007; Kröger 2009b et al.). While recent studies have provided empirically oriented and to a larger extent more critical accounts a notion of the method as somewhat of an ‘unidentified political object’ still prevails (Zeitlin 2005). Thus, it seems important to fill the empirical gap in the study of the OMC in order to identify the ways it ‘matter’, or not, in the ongoing process of European integration.

1.1 Purpose
The focus of this study is domestic actor’s perceptions of the OMC on Social Protection and Social Inclusion’s (OMC/SPSI)6 legitimacy and effectiveness as a policy-making instrument in Sweden. The study should be seen as a contribution to the ‘empirical turn’ (Borras & Conzelmann 2007) in the study of the OMC evaluating its potential as a policy-instrument for the construction of a more socially oriented Europe.

1.2 Disposition
The following chapter positions the OMC in relation to theories of European integration and introduces the reader to the debates and research concerning both the method’s legitimacy as an instrument as well as its practical effectiveness. The third section presents the study’s methodological approach. The fourth chapter provides an account for the main findings of the study. The fifth part discusses the findings in relation to the ongoing debate on ‘hard’ and ‘soft’ modes of governance in European integration.

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6 The OMC on Social inclusion was ‘streamlined’ with the OMC on Social Protection in 2006 and is now referred to as the OMC on Social Protection and Social Inclusion (OMC/SPSI) (see CEC, 2005).
2. THEORIZING THE OMC

2.1 The OMC and ‘governance’

Much of the OMC-literature falls under the so called *governance approach* in EU-studies (Pollack 2005: 36). Emerging during the 1990s, the governance approach detach itself from the ‘grand theorizing’ found in classical integration theory and instead encompasses a cluster of *mid-range* theories that share some conceptions, assumptions and research strategies (Hix 1998). Thus, broadly speaking, the governance approach in EU-studies is concerned with *three* general dimensions of European integration: 1) the question of the possibilities of democratic and legitimate governance beyond the nation state 2) the problem-solving capacity of national systems of governance and their transformations by Europeanization 3) the political conflict as a result of the insertion of national systems of rules into a European political system (Jachtenfuchs 2001: 257-8).

However, before engaging in the European strand of the governance literature a general definition of ‘governance’ should be provided. Thus, the term governance is somewhat of a blurred concept with a range of different definitions. Rhodes (1996:660) offers an encompassing account of the concept listing *four* shared characteristics:

1. Interdependence between organizations meaning that governance is broader than government covering non-state actors thus blurring the boundaries between public, private and voluntary sector.
2. Continuing interactions between network members, caused by the need to exchange resources and negotiate shared purposes.
3. Game-like interactions, rooted in trust and regulated by rules of the game negotiated and agreed by network participants.
4. A significant amount of autonomy from the state. Networks are not accountable to the state: they are self-organizing. Although the state does not occupy a privileged sovereign position it can indirectly and imperfectly steer networks.

Thus, the notion of governance, according to Rhodes (1996), indicates a change of how society is governed where the state no longer possess monopoly of power but where political reality, to a

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7 See e.g. Rhodes (1996:653) who identifies six different uses of the term: 1) the minimal state 2) corporate governance 3) the new public management 4) ‘good governance’ 5) socio-cybernetic systems 6) self-organizing networks.
larger extent, is negotiated between public and private actors in a given political arena. This complex process de-monopolizing the state’s competencies can be explained through an array of interrelated processes associated with more or less blurry concepts such as globalization and the internationalization of politics, regionalization, the ‘crisis’ of the welfare state, the rise of neoliberalism, New Public Management and the privatization of public services etc. (Rosamond 1998). The EU has been recognized as a significant actor in these ongoing processes fragmenting the state’s sovereignty where increased market integration (e.g. Single European Market), supranational regulation (ECJ) and extensive regional and non-state funding (e.g. Regional Fund, Social Fund, the Commission’s funding of the European Social Platform etc.) can be seen as contributing to a increasingly complex and dispersed system of governance.

Thus, while governance appears to be a fuzzy concept, within EU-studies is often claimed to be a sui generis where the EU is perceived as a de-centred, non-hierarchical multi-level polity inhabited by an array of public and private actors engaging in deliberation (Hix 1998: 38-9). In this view, the European polity is seen as a political system of ‘governance without government’ in which deliberative and collective problem-solving is seen as a normatively superior form of policy-making. Thus, the EU emerges as a potential ‘deliberative democracy’ in which actors engage in problem-solving beyond the reach of the nation state blurring the clear-cut distinction between the international and domestic systems (Pollack 2005: 36; Jachtenfuchs 2001: 258; Kohler-Koch 1996). Hence, the relation between the EU-and the domestic arena has been a central point of research.

2.2 The OMC and ‘Europeanization’

The term ‘Europeanization’ has no shared definition or stable meaning where scholars have questioned its usefulness as an encompassing concept (Olsen 2002). However, broadly speaking it has been conceived as “the reorientation or reshaping of politics in the domestic arena in ways that reflect policies, practices or preferences advanced through the EU system of governance” (Bache & Jordan 2006: 30). The Europeanization literature is dominated by two alternative explanatory perspectives deriving from rational-choice theory on the one hand, and social constructivism on the other. These two perspectives (in the Europeanization literature often referred to as rationalist and constructivist perspectives) are often presented in a polarized way highlighting different ways whereby the EU may influence the domestic political sphere (Pollack 2005: 40). Rationalists see power as a zero-sum game where actor’s interests are fixed and mechanisms of Europeanization is mediated by the redistribution of power resources. Constructivists perceive power as a positive-sum
interaction where interests are malleable and Europeanization is brought about through socialization/learning (see Table 2.2 in Bache 2008: 13). The two perspectives are not seen as mutually exclusive but often occur simultaneously and characterize different aspects of adaptational change (Börzel & Risse 2000: 2).

A general notion in the Europeanization literature is that the likeliness of change or adjustment of the domestic arena correlates with institutional and/or political preconditions. According to Börzel and Risse (2000), two conditions for expecting domestic change as a response to Europeanization exist: 1) a certain degree of ‘misfit’ between European-level processes, policies and institutions and domestic-level processes, policies and institutions (often referred to as ‘goodness of fit’ (see Duina 1997)) 2) some facilitating factors, either in the form of actors and/or institutions, who/which respond to adaptational pressures. The degree of fit/misfit is seen as a precondition, but not a sufficient condition, for change (p. 1). Furthermore, the authors use the rationalist-constructivist divide to emphasize different mediating factors of Europeanization. Thus, through a rationalist view Europeanization provides actors with new opportunities which can, depending on the capacity of actor’s to use opportunities and avoid constraints, lead to a redistribution of power in the domestic sphere. However two mediating factors, exerting opposite effects influence actors capacity to make use of opportunities: 1) multiple veto points in the domestic political structure, i.e. the ability of a political system to resist/reject change 2) formal institutions providing actors with resources (strategic or cognitive) to bring about change. In the constructivist view, policies, norms and collective understandings exert adaptational pressures that may lead to the internalization of new norms and identities. Two mediating factors are emphasized: 1) the role of norm entrepreneurs as ‘change agents’ persuading other actors to redefine preferences and identities 2) the political culture and other informal institutions contributing to consensus-building and cost-sharing (p. 1-2).

Drawing on this categorization Risse, Cowles and Caporaso 2001 derive five mediating factors: 1) multiple veto-points 2) facilitating institutions 3) political and organizational cultures 4) the differential empowerments of domestic actors 5) learning. A sixth factor, 6) political or partisan contestation is added by Bache (2008: 16), which relates to the political dynamics of Europeanization. The figure below (2.1) envisage this dynamic.

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8 Börzel and Risse (2000) refer to these categories as ‘rationalist institutionalism’ and ‘sociological institutionalism’. However, they will be referred to in this thesis as rationalist and constructivist perspectives.
However, important to note (as the authors acknowledge), this analytical framework is restricted to a *top-down, one-way* perspective and does not incorporate the way in which actors in the domestic political arena may overcome, manipulate or even use a misfit (Börzel & Risse 2000). As Mastenbroek and Kaeding (2006) argues, the ‘goodness of fit’ thesis is too deterministic meaning that it is apolitical, presuming that governments want to remain the *status quo*. Thus, according to the authors, national policy-makers and politicians may use a fit/misfit as leverage realizing radical reforms (p. 337). The authors exemplify this through a number of examples where Member States have reacted in total dissonance with the thesis of fit/misfit$^{10}$. Thus, they argue for a bottom-up perspective placing domestic politics on the center stage of the study of European influence (p. 347). This is an important aspect and as Kohler-Koch (1996: 368) points out, “*National administrators make frequent strategic use of the paradoxical logic of self-commitment in a ’two level game’. At the European level, a government may turn its weakness, in terms of being dependent on domestic pressures, into strength by blackmailing its European negotiating partners. In turn, being interested in a European compromise, domestic interests may be rejected*” (References removed by author). Thus, in the case of the OMC, as Büchs (2008) argues, national administrations as well as NGOs may use the OMC in a strategy of ‘*invited dutifulness*’ where actors “*can try to lobby the EU Commission and influence the OMC agenda in order to provide themselves with an additional reform lever ’at home’*” (p. 20). The OMC can thus be used selectively by domestic actors ‘*uploading*’ their preferences to form the agenda contributing to the

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$^{9}$ In Bache’s version the last box contains a typology (Type I and Type II Multi-level governance) which is not of central relevance for my study. Thus, I have left this out.

$^{10}$ For example, the Netherlands highly resisting a Commission directive on liberalizing the national gas-market while suddenly, after a domestic political change of government, the Netherlands suddenly became an advocate for the directive.
construction of the policy-blueprints. By subsequently ‘credit claiming’ or ‘blaming’ the OMC, actors may use the method to justify reforms/status quo of national policies (Ibid).

Another important aspect of this complex interaction, often implicitly indicated but seldom defined, is the ways in which actors ‘make use’ of EU politics/processes. Jacquot & Woll (2003, 2010) define this notion of ‘political usage’ as "social practices that seize the European Union as a set of opportunities, be they institutional, ideological, political or organizational" (2003: 9). By focusing on intentional actions the authors nuances, what they se as the reductionist perspective in rational choice. They argue that “Resources and constraints are a necessary but not sufficient condition for strategic behavior. They are only contextual element that usages are based on; actors intentionally transform them into political practices in order to reach their goals. Making use of something implies voluntary action and thus intended meaning, but conscious and voluntary action does not mean that the final outcome is identical to the initial objective, as the effects of an action are often not entirely predictable or controllable. As strategic as usages may be initially, in the long run, it entails cognitive and/or normative adaptation by actors and their political environment, which in turn affects their subsequent behavior and positioning” (2010: 116). Thus, neither ‘uploading’ nor ‘downloading’ is perfect and the outcome is far from certain – an important point that highlights the limits of the ‘goodness of fit’ thesis and emphasizes the complexity associated with multi-level interactions. Finally, as Pierson (2000: 252) argues, even though transformations may occur these are bound to be ‘path-dependent’. This is so, according to the author, since “preceding steps in a particular direction induce further movement in the same direction…” where “the probability of further steps along that path increases with each move down that path”. Thus, the ‘increasing returns’ or ‘positive feedback’ associated with following a certain institutional-political path will increase the costs (mainly in the form of electoral loss) of deviating from it. In relation to Europeanization, this means that any influence ‘traveling’ from EU to Member States will be incorporated into the national system in ways that avoid costs.

So, in sum, by acknowledging that the term Europeanization is indeed a complex and often disputed concept where the interaction between EU and national level should be seen as a reciprocal ‘two-level’ game in which a range of actors make use of the process in different ways, both in attempts to affect the EU-level agenda as well as the domestic sphere and where radical change is associated with electoral loss, one should recognize the complexity in identifying the influence of the OMC where conclusions must be interpreted in the light of a range of intermediating processes.
2.3 Legitimacy and Effectiveness: Focal points debate and research

While there exists a plethora of analyses and perspectives concerning the OMC’s implications for European integration, broadly speaking, two main focal points have arisen concerning the method’s 1) legitimacy as a policy instrument and 2) effectiveness enhancing learning processes (Kröger 2009b: 4-5). While the two concepts are interrelated, i.e. legitimacy may enhance the effectiveness of a certain policy-outcome through comprehensive actor input and vice versa, the effectiveness of a policy may enhance legitimacy through its perceived output (Scharpf 2006). However, before engaging in the current research of the OMC’s legitimacy and effectiveness a brief review of the debates surrounding the method will be presented.

2.3.1 What’s the problem with the OMC?

The OMC has been subject of extensive debate. As indicated above, much of the controversy concerns the legitimacy and effectiveness of the method where the central points of discussion have surrounded the method’s political design as well as its actual policy content as associated with the Lisbon strategy. Three broad and interrelated issues have been raised: 1) the market oriented policy discourse propagated by the OMC 2) where it has been asserted that the design of the method may ‘frame’ policy discourses leading to a reductionist perception of social policy 3) and where its ‘soft’/‘experimentalist’ approach to policy-making may actually turn out to be less legitimate and effective than preceding approaches.

Hence, the policy discourse of the OMC as incorporated in the Lisbon Strategy has been pointed out as highly market-oriented where scholars have recognized the method as continuously embedded in the EU’s ‘master discourse’ of competitiveness (Radaelli 2003: 7). For example, looking at the four pillars on which the EES rests: employability, adaptability, entrepreneurship, and gender equality, Streeck (1999) argues that the EU’s vision of a social dimension rests on a form of ‘supply-side egalitarianism’ where “Equality of citizens is pursued, not through ex post political intervention in market outcomes, but through ex ante equalization of the resource endowments of market participants, especially their “human capital” and "employability”’ – an agenda which reflects a neo-liberal orthodoxy in which ‘flexibility’ and ‘deregulation’ are seen as the panacea for reducing employment (Howell 2005). Furthermore, as Hansen and Schierup (2005) argues, the EU’s understanding (or rather the Commission’s spin on) of social exclusion should be seen as a severe dislocation of the concept’s original meaning as it emerged in the 1970’s. Thus while the original

notion of exclusion was associated with a broader sense of citizenship and the blocking of individual’s opportunities to exercise social, political or civil rights, the conceptualization of exclusion in post-Maastricht Europe was clearly linked to an economic understanding where labor market participation was seen as a precondition for inclusion (p. 17 ff.).

Related to this debate is the discussion concerning the OMC’s political and instrumental design where scholars have questioned its contribution to EU policy-making. For example, Salais (2007), questions the novelty of the OMC’s policy ‘toolbox’ arguing that it largely has been adapted and borrowed from New Public Management. Recognizing the method as a social technology of knowledge the author argues that statistical tables, social indicators and guidelines should be seen as descriptive tools constructing normative discourses stipulating institutions’ way of perceiving social ills and subsequently how to deal with these. Thus, the OMC transforms politics into a “process of maximising quantitative performance” where the creation of “an environment of procedures of information and of evaluation adequate to predefined political goals (ultimately, a system self-producing proofs)… leads to growing difficulties to articulate legitimate alternative claims” (Salais 2007: 4, 17). The perception that the OMC is an a-political or neutral policy-instrument capable of promoting any sort of policy constitute, according to Kröger (2009b: 12), a rather naïve assumption about politics and, as Lascoumes and Les Galès (2007:4) points out: “Public policy is a sociopolitical space constructed as much through techniques and instruments as through aims or content. A public policy instrument constitutes a device that is both technical and social, that organizes specific social relations between the state and those it is addressed to, according to the representations and meanings it carries”. Thus, in this view, the OMC represents a political instrument through which the construction of ‘Social Europe’ is conducted according to a neo-liberal conception of society.

Furthermore, Schäfer (2006:84), in a comparison between the OMC and similar soft-law coordination mechanisms in the IMF and the OECD, questions the asserted effectiveness of the method and argues that: “Multilateral surveillance is not primarily chosen for its effectiveness but for its capacity to facilitate compromises, substituting substantial agreements for procedural ones”. The lack of legal follow-up potentially creates a culture in which Member States manipulate the philosophy of soft-law circumventing the process and thus, ultimately making it ineffective. In line with this, Alesina and Perotti (2004: 8) furthermore argue that the OMC seem to put governments in a “bad Nash-equilibrium in which a withdrawal would qualify them as Euro-villains”. In addition, they argue that the Lisbon process has “set back the level of the debate and understanding by the
public by giving the impression that some EU institution actually knows how to solve the problem of European unemployment, if only national governments cooperated” (Ibid). On the other hand, if the method would turn out to be effective it would, as Duina and Taipo (2007) points out, raise several questions of accountability since national parliaments are not consulted in the OMC process. As the OMC is not processed according to traditional procedures of scrutinizing EU-legislation, national parliaments find it harder to ‘get a grip’ on the method (p.493). Thus, national administrations may use the OMC in the ‘two-level’ game (see above) to increase a form of ‘deparlamentarization of national politics’ (p. 491). Finally, Hatzopolous (2007) in his article discussing ‘Why OMCs are not good for Europe’, argues that the spreading of OMCs may actually worsen the EU’s legitimacy problems. Thus, the lack of policy output associated with the OMC may impair the EU’s credibility contributing to the already negative idea that Europeans have of the EU. Therefore, according to the author, “it is hardly surprising that, in the political arena, the most frequent supporters of the OMCs happen to be quite unenthusiastic about European integration” (p. 318).

So, to answer the question above, the problem with the OMC, as implied by this critical review, is that: 1) the method, as incorporated in the Lisbon strategy, does not necessarily constitute a genuine attempt to place social policy at the frontline of European integration but has also been conceptualized as a ‘Trojan horse’ filled with neo-liberal orthodoxy 2) the notion of the OMC as a ‘neutral’ policy instrument is not necessarily ‘true’ since it does not take into account the ways in which policy instruments may ‘frame’ political reality 3) the OMC may not be as ‘new’ as we think since it largely rests on ‘old’ mechanisms of policy coordination which means that one could question its added value in creating a more accountable and transparent EU where its ‘experimentalist’ approach to democracy may result in less democratic outcomes than preceding approaches to policy-making in the EU. With these caveats in mind, I will continue with a review of current research concerned with the OMC’s legitimacy and effectiveness.

2.3.2 Legitimacy
As mentioned above, the OMC has been praised by its advocates for its potential democratic qualities where the ambition to include a range of different actors of the European multi-level polity has been seen as a solution to the faltering legitimacy of the EU. Thus, the method’s ability to enhance legitimacy and participatory policy-making has been given much attention. Analyses of the OMC’s legitimacy usually depart from theoretical conceptions of deliberative democracy and participation subsequently using them as yardsticks in empirical orientations studying the method
on EU and national level (Borras & Conzelmann 2007). Studies focusing on the EU level highlight the logic of decision-making in committees concerned with establishing OMC guidelines, largely concentrating on the degree and quality of actor-participation. De la Porte and Nanz’s (2004) empirical study of the OMC on employment and pensions at EU-level show that the method does not live up to its democratic ambitions. They draw on three different approaches to deliberative democracy: 1) a *procedural theory of deliberate democracy* derived from Habermas emphasizing that decisions should be made on the basis of adequate information through a transparent process in which the different interests involved have equal weight 2) *deliberative supranationalism* focusing on the political deliberation through a top-down perspective emphasizing the degree of deliberation in expert committees rather than stakeholder participation 3) *directly deliberative polyarchy* emphasizing the importance of bottom-up participation for the effective outcome of decisions (p. 269-271). Through these approaches five normative criteria are developed assessing the OMC’s potentially democratic qualities: transparency, public debate, participation, learning and responsiveness. Their overall conclusion, using these criteria, asserts that the OMC is neither transparent nor open for participation where the process seem to remain “centralized and top-down rather than de-centralized and bottom-up” (p. 284). On the other hand, the authors argue, legitimacy (as defined in their article) seem to differ somewhat between policy fields both according to its institutionalization at EU-level (i.e. employment having a closer relation to the treaty than social protection and social inclusion) as well to actors own participatory interests in certain policy fields. However, comparing ‘new’ modes of governance (OMC) with ‘old’ (Community Method), Stijn Smismans questions the legitimacy of the OMC showing that it may well be even more closed than ‘hard-law’ policy-making calling it an ‘Open Method of Centralisation’, i.e. centralizing the definition of policy choices to the EU-level and being ‘open’ not in the sense of actor participation but rather in the form of unpredictable policy outcomes (2004: 17). Thus, Smismans warns that “one should be very reluctant in arguing that new modes of governance are characterized by their particularly democratic participatory nature. More horizontal and heterarchical governance does not mean automatically more participatory governance in normative democratic terms” (2006: 19).

Domestically based studies generally assess the method’s subsidiarity ideal and to which extent NGOs and other relevant actors participate in the drafting of the NSRs. Often using similar methodological approaches these studies show a more differentiated picture of the OMC’s democratic capacity where national institutional settings and political traditions is an important variable for the degree of legitimacy and participation. The field of policy also affects the ways in
which the integration of the method is processed at the domestic level. As Jacobsson (2005) shows, in her study of the OMC on employment and social inclusion in Sweden and Denmark, the degree of actor inclusion (which in a comparative perspective is moderately high) differ between policy fields. Whereas the EES includes the domestic social partners on a regulatory basis (in line with political tradition) in the drafting of the NSR, civil society actors are only included on an *ad hoc* basis denoting their role to contributors of information. In the field of social inclusion however, social partners are not participating (mainly due to their focus on industrial relations) and NGOs have a more important role, although still on an *ad hoc* basis (p. 130). In Germany the degree of participation is relatively low where the drafting-process of the NSR is mainly dominated by bureaucrats (Friedrich 2006). The German political system challenges the OMC’s democratic ambitions where the ‘Länder’-structure duplicates the procedure of the method and makes participation problematic (Ibid). Thus, as Büchs and Friedrich (2005) conclude, without a stable political anchorage within Germany’s social and employment policy-making structures (i.e. both at the *Bundesrat* and *Länder*-level) the OMC’s integration will be restricted to ‘surface integration’ of interest only to a few political elites. In Britain, Armstrong (2005) has found that the participatory dimension of the OMC on inclusion correlates both with: 1) the devolution of the public system which have resulted in the development of specific sub-regional strategies and partnerships, which are not necessarily interested in the OMC process 2) the amount of European funding associated with the method where organizations and sub-regional actors have focused more attention to the Regional and Social funds. In Italy, Ferrara and Sacchi (2005) show that although the OMC has had a moderate effect building national ‘institutional capabilities’ in the field of employment, it has been relatively insignificant affecting participation in policy-making. The absence of domestic commitment on social inclusion has furthermore led to an insignificant inclusion of non-state and regional actors (p. 163, 166).

In sum, the degree of legitimacy and participation of the OMC-process at the domestic level seems to correlate with 1) the diversity of Member State’s institutional political legacies and structures 2) non-state and sub-national/regional actors own interest in the process (which is also true for the EU-level). This is an observation which clearly emphasizes the argument put forward by Smismans, i.e. that one should be cautious about equaling ‘new modes of governance’ with democratic and participatory decision-making since the complex institutional and political reality of both the EU and Member States challenge the normative ambitions of the OMC.
2.3.3 Effectiveness

The OMC has been entangled in a broader political debate concerning the significance of ‘hard’ and ‘soft’ modes of governance in the construction of ‘Social Europe’ (Trubek & Trubek 2005). Thus, the approach’s effectiveness has been a central point of research. Existing literature draws heavily on theories of Europeanization (see above) and is generally concerned with *when, why, how and to what degree* the OMC affects Member States? (López-Santana 2009: 134). The focus of interest has been the method’s ability to pool knowledge through actor-participation, to create ‘opportunity structures’ for actors in the EU and domestic political arena as well as to enhance learning and to diffuse policy orientations among the diversity of Member State’s institutional arrangements (Jacobsson 2005; Ferrera & Sacchi 2005; Kröger 2007). The main challenges for researchers have been to capture, measure, interpret and theorize manifestations of influence where the absence of established variables and analytical frameworks through which to assess the method has caused some general scholarly confusion. As in the case of legitimacy, case studies indicate that influence is neither unidirectional nor uniform but rather reciprocal and to some degree correlating with institutional settings as well as other endogenous and exogenous processes (Visser 2009). Recent empirical studies (see Heidenreich & Zeitlin et al. (2009)) also indicate a less deterministic notion of influence where the ‘yardsticks’ measuring influence have gone from the search for direct regulatory effects to more subtle and indirect policy adjustments. Some of these studies also casts doubt on the usefulness of the ‘goodness of fit’ thesis (Hamel & Vanhercke 2009: 105 ff.).

Thus, a clear example of a more constructivist ‘lean’ in the study of the OMC is a recent chapter by López-Santana (2009) who presents the idea of ‘ideational fit’ through which she argues that the dependent variable assessing the influence of the OMC is ‘internalization’. In her study of Belgium Spain and Sweden, she asserts that while the OMC (in this case the EES) does not lead to radical change, the method may ‘inspire’ policy-makers or ‘frame’ policy discourses in an early stage of the policy process which can lead to incremental procedural and cognitive adjustments in subsequent stages. According to the ‘ideational fit’, influence will be manifested differently across Member States. Thus, it is hypothesized that countries with low ideational misfit will internalize soft law less than countries with medium or high misfit. In the case of Belgium and Spain the author asserts that although the EES did not lead to direct radical changes in domestic labor market policies, governments and social partners have since 1997 created programmes, legislation and collective agreements that in many ways match the principles and objectives promoted by European guidelines (p. 143). In the case of Sweden internalization has been less manifest since policies already showed a low degree of misfit. Thus, in conclusion, the author argues that the EES has had
an implicit effect on Belgian and Spanish labor market policies, particularly through *problem identification, agenda setting* and *policy formulation* where the OMC is conceptualized as an ‘opportunity structure’ ‘that pushes policy makers to update their belief systems and to reform (or strengthen) their welfare policies, programmes and institutions’ (p.149).

Hamel & Vanhercke (2009) furthermore, in the study of the OMC/SPSI in Belgium and France, presents *four* mechanisms through which the OMC, in their view, may exert procedural or substantive alterations of domestic policies, politics or polity: 1) through *creative appropriation* where rational actors use the OMC in creative ways as a ‘leverage’ legitimizing their preferences and agenda criticizing officials and demand increased participation in governance 2) by spurring *socialization and discursive diffusion* where actors, by using the cognitive content of the OMC incorporate terms and ideas into national debates 3) through *mutual learning* where policy-makers through ‘mirror effects’ and comparative monitoring may increase their awareness of other solutions which may be used, implicitly or explicitly, in the domestic sphere 4) through *external peer pressures* where benchmarking and other types of rankings may influence actor’s beliefs or actions (p.85). Furthermore, by hypothesizing that the influence of the OMC also should be seen as related to the ways in which actors have, or have not, been able to influence the EU-decision-making process, i.e. the idea that the amount of ‘uploading’ will correlate with the likeliness of subsequent ‘downloading’, they add a further dimension to the process of influence. Their findings (based on stakeholder interviews) show that the OMC has caused procedural as well as substantive shifts in both Belgium and France. Thus, according to the authors, the OMC spurred a ‘culture of monitoring’ in both countries. Furthermore, in Belgium, the OMC increased the vertical and horizontal interaction between authorities and regions causing intra-regional *learning* (a noteworthy effect considering the autonomy of regions in Belgium). The authors also assert that the OMC has caused substantive shifts in France and Belgium, both political and cognitive. Firstly, the OMC spurred actor inclusion (more so in Belgium than France) where actors *appropriated* the method using it as a lever for inclusion. Secondly, the OMC pushed child poverty as a policy priority in both countries (although more explicitly in Belgium) *diffusing* established discourses of poverty and policy-procedures, e.g. greater decentralization of policy-discussions. Furthermore, *external pressure* was not felt ‘soft’ at all where actors perceived the EU, in the case of child poverty, as strongly pushing them to develop indicators, targets etc. (p. 105-107). In conclusion, the authors argue that the OMC may be more effective than has been asserted. In their view, the OMC may work *independently* of Member States initial uploading success. For example, Belgium, already having a large fit with EU-requirements concerning actor inclusion, further strengthened NGO
involvement. This casts doubt on the ‘goodness of fit’ thesis where actors appropriation (however small the misfit may be) of the OMC may be used to push their agenda and where the time between uploading and downloading may cause unintended consequences resulting in outcomes which not necessarily can be understood through a misfit/fit approach (p. 107-108). Thus, the authors argue that domestic effects are not preconditioned by the institutional setting: “On the one hand different institutional settings lead to similar effects …” (e.g. OMC creating a ‘culture of monitoring’ in both countries even though having dissimilar starting positions) and “On the other hand… similar institutional settings may lead to different effects” (e.g. OMC leading to a high degree of actor participation in Belgium but not in France) (p. 108).

However, while the above examples mirror a rather positive idea of the OMC’s effectiveness as subtly leading to a Europeanization of domestic social policy, Kröger (2009b), in her study of the OMC/SPSI in Germany and France, draw very different conclusions about the method’s virtues. She argues that the OMC thus far has scored ‘dramatically low’ (however, lower in Germany than in France) because its main mechanism of learning and monitoring does not work where “The short answer to this phenomenon is that the weak institutional architecture (of the OMC) did not work in favor of learning, and the architecture was too weak because member states wanted it to be weak” (p. 208). Thus the absence of an independent monitoring agent, the non-coerciveness, the insufficient information, absence of clear rules as to what qualifies as ‘good practice’, the lack of precision of what should be learned etc. all seem to disqualify the OMC as an effective policy instrument (Ibid). Thus, it is naïve to think that the OMC, without sanctions or precise information, will be properly integrated into the domestic institutional structure where “The point is that the assumption of learning has been de-contextualized from the larger institutional environment(s) in which it is supposed to happen, and that the embedding institutional structures in which actors are supposed to learn are not necessarily supportive of supranational learning processes“(p. 208).

Thus, the OMC seems to be a case of ‘soft governance in hard politics’ (Kröger 2008b). This notion of the OMC’s moderate effects and Member State’s ambivalent attitude toward the method is affirmed by Vifell (2009) who, in the case of the EES in Sweden means that the national administration is speaking with ‘forked tongues’ when accommodating the OMC-process in the domestic arena. Thus, while the OMC have had some effects on the administration’s organizational work where Sweden have to act according to formal EU-requirements (e.g. draft a NSR) to be seen as a legitimate actor, EU-influence of Swedish labor market policies is not seen as legitimate in the domestic arena which means that when dealing with these conflicting demands, the national administration ‘de-couples’ the OMC from national policy-making where the OMC is separated
from national policy-making. Thus, while the national administration reflects a legitimate way of solving problems to the EU, they maintain ‘business as usual’ behind the scenes (p. 5). This point is important since it highlights the intricate relation between legitimacy and effectiveness of the OMC. Accordingly, since the OMC does not enjoy legitimacy at the domestic arena it is not implemented properly, which in the end leads to deficient effectiveness.

Thus, drawing on the above examples, one could possibly conclude that: 1) the OMC does not necessarily conform with the ‘goodness of fit’ thesis where actors appropriation, time and uploading/downloading misjudgments etc. may lead to unintended outcomes 2) that the literature on the OMC’s effectiveness differ widely according to the ‘lense’ through which it is studied where a constructivist approach may portray a more optimistic outlook for the OMC’s effectiveness while a more rationalist approach shows a more moderate effect where Member States in different ways secularize the process (i.e. looking at the OMC in relation to ‘hard politics’ indicates a relative insignificance of the method while highlighting informal and incremental adjustments portray the method as implicitly effective).

2.4 The OMC/SPSI in Sweden

Provided with the above discussion regarding the complex nature of Europeanization as well as the differentiating examples of how and under what circumstances the OMC may affect the national political arena, it is important to sketch out some distinctive characteristics of the Swedish political system in order to understand in what context the method operates.

2.4.1 Sweden as a political and organizational culture

Thus, while Sweden is often characterized as a centralized political system it also has clear corporatist features with a long tradition of cooperation between organized labor (LO/TCO) and capital (Confederation of Swedish Enterprise). The social partners have a privileged position in social policy-making through the institutionalized tri-partite decision-making structure (i.e. collective decision-making between the government, labor organizations and employer organization). NGOs, the voluntary sector and other civic organizations without clear relation to industrial relations have not, in a historical perspective, resided the same position in policy-making processes (Rothstein 1992). Since the 1990s, the Swedish regions and county councils enjoy a high

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12 Svenskt Näringsliv
degree of independence, taxation rights and are responsible for public services and thus have a central role in the distribution of resources in the social sector (Garpenby 1992; Blomqvist 2004; SOU 2000:1: 136-159). The Swedish welfare state is often classified, along with its Scandinavian neighbors, as a ‘social democratic’ welfare regime following Esping-Andersen’s typology (1990). Although, the welfare system underwent a crisis during the 1990s, it can still, in a comparative perspective, be seen as a country with high public expenditure resting on universalism and de-commodification of social rights where the state plays a central role in carrying out active market-correcting policies.

2.4.2 Introducing the OMC in Sweden

The introduction of the OMC/SPSI was received with skepticism as public officials as well as NGOs largely regarded its policy-content as incongruous with the principles of Swedish welfare (Halleröd 2003: 6). Thus, the OMC/SPSI have had a very marginal impact where the Ministry of Social Affairs, which is responsible for the drafting of the NSR, has been less enthusiastic about including European guidelines as yardsticks in the domestic policy orientation. Instead the NSR largely reflects domestic policy goals. However, for social NGOS, as Jacobsson and Johansson (2009) argues, the OMC/SPSI has functioned as a clear lever. In their view, the method was an ‘important catalyst’ mobilizing a loosely coordinated network, called the Network Against Exclusion (Nätverket Mot Utanförskap - henceforth NMU), consisting of a range of social organizations. The NMU, according to the authors, used the OMC to pressure public officials in the process of inclusion where organizations with a clear link to the EU, such as the European Anti Poverty Network (EAPN), played a significant role in informing other organizations about the participatory dimension of the OMC even before public officials had knowledge about the process. Subsequently, in 2003, the government established a ‘Committee of Users’ (Brukardelegationen – henceforth CU) - a regularly consultative forum between public officials and social NGOs. The CU accommodates 12 delegates from different social NGOs, one respective representative from the Swedish Association of Regions and County Councils (SKL) and the Ministry of Social Affairs as well as one public official from the Swedish Board of Health and Welfare. The Committee does not include the social partners, which is due to their limited interest in the process being mainly occupied with issues of employment. Thus, in Jacobsson and Johansson’s view, the OMC/SPSI has indirectly contributed to new patterns of institutionalized cooperation and consultation (186 ff.).
2.5 Analytical assumptions and why perceptions matter

The above (see 2.1-2.3) given theoretical framework will be used in the analysis and discussion of the results. However, to provide a general overview of the political structure in which the OMC/SPSI operates I have constructed a figure (see below).

![Figure 2.5 The OMC/SPSI, policy processes and domestic mediators](https://example.com/figure.png)


While the figure does not clarify the aspects of the OMC’s legitimacy or effectiveness, it does say something about the possible ways in which the method makes it way into the domestic arena. Thus, by emphasizing the complex interrelation between *EU processes, domestic politics* and *other domestic or non-EU processes* (i.e. the ‘two-level’ dimension and the ways in which other endogenous and exogenous may influence this ‘game’ of uploading and downloading) and the ways in which *domestic mediators* may/may not appropriate the method either by themselves or together (i.e. either through the CU or in a group outside this domain) creating different forms of influence in the domestic arena. While the limits of this figure is, as in the case of the figure above (see figure 2.1), that it neither elucidates the ways in which unexpected consequences of the ‘two-level’ game may affect subsequent influence nor accurately explain the complex interactions between actors in the multi-level polity (i.e. *top-down*), it may serve as a comprehensive model in which to overview the OMC/SPSI-process in Sweden.

### 2.5.1 Why perceptions matter

The OMC/SPSI has largely gone unnoticed in the public debate where the Committee can be seen as one of the few manifestations of the method in Sweden. Thus, since the OMC/SPSI largely
depends on this semi-formal governance practice, the ways in which its members perceive, enact and make sense of the process (Horvath 2009) is decisive for the potential of the OMC/SPSI as a policy-instrument, both concerning legitimacy and effectiveness. Consequently, this study is limited to the focus of Committee member’s perceptions of the OMC/SPSI. While perceptions can tell us something about the potentials of the OMC, the thesis does not suggest that the process solely depend on actor’s perceptions. Other endogenous and exogenous factors should also be seen as contributing to the dynamics of this complex process. However, as both legitimacy and effectiveness, especially due to the process non-coercive character, is heavily dependent on actors behavior, perceptions is interesting to study since it may orient the ways in which they make sense and subsequently enact in relation to the OMC.

3. METHOD

3.1 Research design and choice of respondents

According to the aim of this study a qualitative approach was chosen to explore the perceptions of the respondents (Kvale 1997; Esaiasson et al. 2007: 284 ff.). Hence, fifteen semi-structured interviews were conducted with twelve different respondents during the period between March and June 2010. The first selection of actors/representatives was based on their centrality in relation to the OMC process at the domestic level. Since there are only a few public officials handling the OMC/SPSI-process in Sweden these interviewees could be distinguished rather easily through websites and public documents. One official chairing the discussions in the CU was very helpful and sent both contact details to all NGOs in the Committee as well as meeting-minutes. Maximal variation (Esaiason 2007: 291) was given naturally through the Committee of Users (CU) since they are elected on the basis of their specific area in the social fields. Thus, the organizations ranged from large established, and sometimes international, umbrella organizations with extensive funding from either the government or the EU to smaller domestically based organizations with fewer resources and often a more specific agenda. While the first attempt finding members of the CU was rather uncomplicated, the case concerning NGOs outside the CU was rather intricate. While the NMU had some available documents containing contact details these tended to have a rather short ‘best before’ date since the rotation of people in the NGOs (as I discovered) were rather high. Furthermore, since the NMU is, as a respondent stated, is ‘a network in its true meaning’, finding out who to talk to and which person(s) who had anything to say about the OMC was a rather daunting task. Thus, some interviewees were contacted by e-mailing/calling the central office (in
the case the organization had one) whereby I was redirected to the person(s) involved/knowledgeable with the OMC. Although all the organizations who responded were more than helpful with providing interviewees, the search for the ‘right’ person was rather time-consuming often taking several telephone calls/e-mails where I more often than not ended up without an interview. However, when the search was successful, an appointment for the interview was set up and an e-mail with question themes sent to the interviewee in advance. Over thirty NGOs were contacted. Five organizations declined responding that they knew too little about the process to be able to contribute to the study. Eleven respondents accepted the request and were interviewed by telephone. One respondent were interviewed in person. The remaining organizations did not respond. One explanation to this rather low degree of response, as noted above, could be seen as related to the generally low interest/knowledge in/about the OMC. The length of the interviews varied between half an hour to one hour. Some interviewees were contacted twice. This was so since I recognized that I had to complement some of my earlier interviews with further queries as my own knowledge and understanding of the dynamics of the OMC in Sweden increased. Notes were taken during the interviews, which were subsequently transcribed.

3.2 Analysis and caveats

The analysis process was informed by content analysis (Krippendorff 2004). After conducting eleven interviews, the material was read through as a whole several times to grasp the different aspects emphasized by the different respondents. The next step was to identify similarities and differences in statements. Subsequently meaning units were identified and at first organized according six broad themes; 1) Legitimacy 2) Participation 3) Deliberation 4) Effectiveness 5) Learning 6) Usage. In the next step, the themes were categorized under the study’s theoretical framework and focus, i.e. legitimacy and effectiveness. This was a demanding process were the meaning units were sorted and re-sorted several times. As I discovered, the category ‘effectiveness’ contained statements which in many cases were correlating with a rationalist or constructivist standpoint.

One problematic caveat, which I wish to address before engaging in the results, is that when using content analysis the researcher is given a very central role in constructing and interpreting the data (Krippendorff 2004). The researcher tends to become a ‘torchbearer’ in the complex dynamics of the phenomenon of the study. Furthermore, in this study, information about the OMC/SPSI has been scarce. Thus, any manifestation has been of interest where, as I explained above, deriving
information sometimes has been a true ‘hunt’. This has entailed an intricate balance between narrowness and distance in the interpretation process. The point of argument is that the interviewees with little or nothing to say about the OMC constitutes as much of a result as those with more familiarity and experience of the method. Related to this has been the difficulty to interpret which role one should give the OMC and potential effects in the domestic arena. The influence of the OMC is not tangible in the Durkhemian sense as ‘social facts’. Rather it is constituted through highly complex, and often socially dependent processes where other factors may well play a crucial role in the possible outcome. Thus, a challenge has been to constantly put the OMC in perspective to other potentially parallel processes to be able to make sense of the method’s possible effects.

4. RESULTS
The perceptions expressed by the different respondents mirror a polysemous image of the OMC/SPSI in Sweden. Although the method is generally seen as a rather illegitimate and ineffective instrument of interest only to a few, several statements also indicate ways in which it does matter. Perceptions expressed have been categorized into two broad dimensions; legitimacy and effectiveness. Legitimacy largely relates to actor’s receptiveness of the method as well as actor’s experience participating in the CU and the drafting of the NSR, i.e. do organizations participate in the drafting process in an active or passive way? How much political effort is invested in the report? Should discussions in the CU be characterized as deliberate or as mere bargaining?

The second dimension, effectiveness, relate to actors’ perceptions and experience with the OMC as a political instrument enhancing learning processes, i.e. does the OMC have any effect on policy discourses or policy outcomes, either implicitly or explicitly? Effectiveness also relates to the ways in which actors ‘make use’, or not, of the process translating it into political action (Jacquot & Woll 2003, 2010). Thus, the questions highlighted by effectiveness is both whether the OMC offer resources, strategic or cognitive, which enhance/legitimize political action to destabilize existing power structures enabling actors to reinvent their role in the political game and how actors perceive these processes. Which actors that are able/unable or are interested/uninterested of making use of the OMC and why this is so? Perceptions of the OMC’s effectiveness correspond with the dichotomy between rationalists and constructivists found in the Europeanization literature and has therefore been categorized into these two dimensions.

As a final caveat it is important to note that the two categories, legitimacy and effectiveness, should
not be seen as exclusive but rather as interactive and occasionally overlapping. The usefulness of separating the terms lay both in the way different aspects of the OMC process are emphasized as well as in the way the material becomes more comprehensible.

4.1 Legitimacy

The perceptions of legitimacy of the OMC/SPSI among the respondents interviewed, both governmental and non-governmental, is low or very low. The process seems to be of interest to a few public officials and NGOs and the method have largely gone unnoticed in public debates. An issue of concern among both officials and NGOs is the low degree of transparency at EU-level where a majority perceives guidelines and requirements coming from Brussels as illegitimate. Thus, while the idea of stakeholder participation enjoys support, guidelines, monitoring and bi-annual reporting through the NSR is not a matter of priority for the CU. Public officials express least confidence in the method. Larger organizations with a European or international profile are more receptive of the OMC and generally express a more positive attitude concerning opportunities attached to the method. However, several respondents perceive the method as ‘toothless’, unable to initiate any change in policy outcomes and few organizations perceived the method as more than leverage for participation. Moreover, statements from NGOs also indicated somewhat of a changed attitude toward the method. Thus, during the OMC’s first years of existence, much expectation was invested in the method, especially among NGOs, seeing it as a potential leverage for stakeholder participation. However, as time has caught up with the method, actors involved seem to have recognized the obstacles encumbering the OMC’s theoretical promises where several interviewees conceived it as cheap talk. As one NGO-representative explains: ‘Some saw the OMC as the invention of the wheel when it was introduced, rather than a continuation of other strategies to fight different social problems’. Another NGO-respondent clearly expressed a growing lack of confidence in the method: ‘The expectations of the OMC were grand, but people have been disillusioned... People were positive about the initiative and thought it would change something. Now, people are critical that nothing happens’. Thus, while many NGOs were (and still are) positive about the idea of participation, the lack of output or available resources associated with the method seem to have dampened much of the early enthusiasm. Furthermore, while the majority of NGOs included in the CU generally expressed a positive view on their own participation, few associated the CU’s work with the OMC. As one respondent explained: ‘Few organizations even know what the OMC really is. The OMC is only used as a label. It is comfortable for the government to use these organizations to provide data to the NSR but also because it looks good to
Another NGO representative furthermore expressed concerns about the OMC’s undemocratic character since the national parliament is not included in the process: ‘The method does not have any democratic legitimacy. If anything is to happen, the parliament have to be engaged, something which does not seem probable in the near future’. A public official saw the OMC as a mere construction created by the EU and clearly underlined the national character of social policy. The CU’s work on social policy, the official explained, neither considered EU-guidelines nor foreign NSRs in its discussions: ‘Had it been agricultural policy, the EU would have been much more present. Now we are talking about social policy which is a national concern. The Committee of Users is a good way to handle the OMC, where the organizations can help with the Strategy Report’.

Perceptions concerning participation in the CU and the drafting of the NSR differ widely according to actors and time. Public officials perceive the CU as a forum for communication and exchanging ideas giving input and legitimacy to decisions. NGOs generally see the CU as a way of channeling the interests of their constituency to policy-makers. Although a majority of NGOs regard their participation in the CU as meaningful, few seem to associate the work in the committee with the OMC or EU-politics at all. Both public officials and NGOs state that the CU seldom or never considers the EU in policy discussions. While the OMC seem to have had a legitimizing effect on the idea of participation, the CU is now seen as predominantly occupied with (sub-)national politics. As a public official explains: ‘There was a direct connection between the OMC and the inauguration of the User Committee and a wish to fulfill the goals of the method... Now the User Committee works as an agency of consultation giving information and input to policy-makers’.

Attitudes among NGOs toward the CU seem to have changed over time where several statements indicate a more mutual understanding between all actors involved. However, although the majority of organizations consider the atmosphere in the CU as deliberate stating that discussions are open and, for the most part, mutually considerate, some perceive discussions as more or less ‘constrained’ where large organizations and officials dominate discussions. One NGO respondent saw the CU as a mere continuation of partisan politics in which, according to the respondent, many organizations pursued their own political agenda rather than engaging in constructive discussions. Several NGO respondents also point to the CU’s hierarchical power structure where the government largely controls both the agenda as well as access to financial resources. Although an appendix produced by the Network Against Exclusion is attached to the NSR, NGOs are not included in the actual drafting of the report. As one NGO respondent puts it: ‘The government want results and
outsources rather than listens to the organizations. The NSR is like a window for the EU to make us (Sweden) look like ‘good Europeans’. It is a product of the government and does not reflect the views of the organizations or the parliament’. On the other hand, many NGO respondents (including the latter one) underline the value of the CU where access and building relations with policy-makers are seen as important. For a conclusion of actors’ perceptions of the OMC/SPSI’s legitimacy see the figure below. Statements have been categorized in plus (+) and minus (-) indicating the attitude toward the OMC/SPSI concerning legitimacy.

<table>
<thead>
<tr>
<th>Stakeholder’s perceptions of legitimacy</th>
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<tbody>
<tr>
<td><strong>-</strong></td>
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<tr>
<td>OMC/SPSI at EU-level non-transparent–guidelines and recommendations not perceived as legitimate. Thus, ‘external pressure’ not taken seriously</td>
</tr>
<tr>
<td>Social policy perceived as a matter of national concern – not an issue for EU scrutiny</td>
</tr>
<tr>
<td>National parliament not consulted – OMC is non-democratic</td>
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<tr>
<td>Participation in discussion does not mean participation in policy-making</td>
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<tr>
<td>Inclusion of actors only windowdressing to appear as ‘good europeans’</td>
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<tr>
<td>Lack of policy ’output’ – OMC ’toothless’</td>
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<tr>
<td>Partisan politics in UC – bargaining rather than deliberation</td>
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<tr>
<td>OMC/SPSI of concern to a few political- and NGO elites – ’surface integration’</td>
</tr>
<tr>
<td><strong>+</strong></td>
</tr>
<tr>
<td>Participation institutionalized in semi-formal governance mode – actors meet regularly</td>
</tr>
<tr>
<td>Discussions in CU are open and deliberate and officials listen</td>
</tr>
<tr>
<td>Discussion valuable for NGOs – opportunity for trust building</td>
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</tbody>
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**Figure 4.1 Actor’s perceptions of legitimacy**

### 4.2 Effectiveness

According to a majority of respondents, the OMC/SPSI do not enhance policy learning in the form of explicit policy outcomes. Social policy is generally, according to the larger part of both governmental and non-governmental respondents, not seen as an issue to be exposed to extensive EU scrutiny where many express a wary attitude toward the idea of policy learning such as embodied in the OMC, i.e. through benchmarking and best practice. As one respondent explained: ‘The OMC started out as a ’name and shame’ process, but no one wanted to have it that way. It became a world championship, which, in my opinion, was not very effective… Although I think the
idea of cooperation is good, no one seems to look beyond their own policies’. Public officials do not experience much ‘adaptational pressure’ stemming from the OMC and the fact that the CU does not consider foreign NSRs and, as mentioned above, neither prioritizes the domestic drafting process could be seen as an expression of the marginal role of the process. Furthermore, the NSR, which until 2006 was referred to as the National Action Plan, is not an ex ante document on future social policy ambitions reflecting EU-guidelines but rather an ex post report on national initiatives. As a public official explains: ‘The NSR is not a “progressive” document. It is drafted every other year and reflects, as you can see, much of the same objectives as the (Swedish) budget’. Furthermore the official explained: ‘If we “learn” something, it is generally through our neighbors Denmark, Norway or Finland and not through the OMC’.

However, several NGOs expressed a feeling of an increased presence of EU-politics in the domestic social policy discussion. Conferences, workshops, the EU’s year against poverty and exclusion (2010) and Sweden’s chairmanship (2009) were seen as important opportunities to demonstrate the importance of their own organization, to infuse traditional policy discourses with new perspectives as well as to spread knowledge about the idea of participation among other NGOs. For example, one NGO respondent meant that the discussion surrounding the actual definition of the term ‘active inclusion’ at the Roundtable discussions in November 2009 in many ways forced both organizations and public officials to ajar established preferences and consider new perspectives and strategies to reduce exclusion. Furthermore, while some NGOs perceived the EU’s year against poverty and exclusion as mere window-dressing, providing little additional resources for their work, some meant that the initiative also had an effect on the rhetorical tone of political elites: ‘Suddenly, Maria Larsson13 talks about the importance of cooperation. We did not have that kind of talk a couple of years ago’. Another NGO respondent confirmed this perception adding that the year against exclusion in many ways pressured officials to show their commitment to reduce poverty thus incrementally binding them to further cooperation in the future: ‘Official statements and reports bind up politicians in different ways. This can be used (by organizations) to pressure the government to include actors and so on’. Another NGO respondent saw the Swedish chairmanship as a breakthrough concerning the relation with the government: ‘The government needed the organizations during the chairmanship and acknowledged the organizations in a different way than before’.

13 Minister of Eldercare
According to respondents, the ‘political usage’ offered by the OMC in Sweden mainly seems to be apprehended by NGOs through the idea of participation where the method has been used as a leverage for the NMU arguing for inclusion. Important to note, when discussing the political usage of the OMC, is that perceptions differ widely among organizations. For example, while some tended to see the OMC as having a clear effect on the developments leading to the establishment of NMU and the subsequent establishment of the CU, others saw the method as having a relative or insignificant importance highlighting other endogenous factors. As a respondent explained: ‘The Network Against Exclusion was not created out of a vacuum of EU-perspective but rather as a forum for domestic social NGOs... few organizations even knew about the OMC in 2000’.

Regarding the CU, three NGOs stated that the OMC was of important strategic use when pressuring the government to be included in policy discussions. In general larger organizations with a clear EU/international link expressed greater knowledge about the OMC as well as a more confident attitude toward the possibilities of using the method to realize stakeholder participation. Domestically based and, in general, smaller organizations either did not have much to say about the OMC or saw few possibilities in materializing the OMC into political action. As a respondent from a nationally based NGO replied to the question of what use one could make of the OMC: ‘I have heard about it (OMC)... I know about the participation element and all, but apart from that I really do not see what we (the organization) can do with it’. One explanation to the low degree of usage, according to the respondents, is the lack of financial resources associated with the method. The link between the OMC/SPSI and the European Social Fund, according to one respondent, was too weak in comparison with the EES: ‘There are no real financial resources associated with the OMC (meaning OMC/SPSI). It is rather uninteresting for organizations in their struggle to survive financially’. The few financial resources associated with the OMC where organizations with ‘big muscles’ (as one respondent expressed it) are predominant. Thus, the method did not in any significant way affect the hierarchical inter-relation between NGOs. For a conclusion of actors’ perceptions of the OMC/SPSI’s effectiveness see figure below. To outline a general picture, statements have been categorized in a rationalist-constructivist divide.
<table>
<thead>
<tr>
<th>Stakeholder’s perceptions of effectiveness</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rationalist</strong></td>
</tr>
<tr>
<td>Little or no strategic resources involved in OMC/SPSI– link with ESF weak</td>
</tr>
<tr>
<td>‘Differential empowerment’ of actors – larger organizations predominant. Thus, OMC do not enhance power redistribution</td>
</tr>
<tr>
<td>No clear link between OMC/SPSI and ‘learning’ – other channels more important</td>
</tr>
<tr>
<td><strong>Constructivist</strong></td>
</tr>
<tr>
<td>‘Leverage effect’ for actor participation</td>
</tr>
<tr>
<td>‘Creative appropriation’ by actors legitimizing claims and preferences</td>
</tr>
<tr>
<td>Defining new terms at roundtable – possible ‘framing’ of policy-discussions. ‘Irritate’ policy-makers established belief systems</td>
</tr>
<tr>
<td>European umbrella organizations possible ‘norm entrepreneur’ – open for future influence</td>
</tr>
<tr>
<td>Individuals in CU chair position at EU-level as well as domestic level – ‘infuse’ domestic debates with new discourses and lead to increased ‘presence’ of EU politics</td>
</tr>
</tbody>
</table>

**Figure 4.2 Actor’s perceptions of effectiveness**
5. CONCLUDING DISCUSSION

The main findings of this study indicate that the OMC/SPSI scores rather low concerning both legitimacy and effectiveness. The OMC/SPSI’s lack of legitimacy is reflected through its low degree of institutional integration which seem to be restricted to ‘surface integration’, of interest to a few officials and a handful of NGOs. Furthermore, the OMC plays a very marginal role in the day-to-day work of the majority of both NGOs and public officials where the process seems to have been de-coupled from national policy-making. While NGOs are included in policy discussions and granted to attach an appendix to the NSR they are not involved in the actual drafting process. The fact that the CU does not consider foreign NSRs or European guidelines in their discussions, that few NGOs associate the work in the CU with the OMC and that officials explicitly stated that the method did not orient discussions also indicates a low degree legitimacy. This lack of integration of the process may be explained by seven interrelated reasons: 1) the lack of transparency at the EU-level makes guidelines and targets appear illegitimate 2) the non-coercive character creates a perceived absence of external pressure 3) the perception that social policy is not an issue for EU-scrutiny furthermore makes the concept of the OMC/SPSI illegitimate in the domestic arena 4) the OMC/SPSI is perceived as selective and not in line with Swedish welfare principles making other channels of learning more relevant 5) the vagueness of guidelines and targets seem to make actors perceive the method’s added value in policy discussions as limited 6) the lack of resources associated with the method makes it uninteresting for NGOs perceiving the social dimension as insincere 7) the national parliament is not consulted making actors perceive the process as secularized in national politics.

The lack of legitimacy also affects its effectiveness. Although some actors do state that new terms, such as ‘active inclusion’ have occurred, extensive learning does not seem to be enhanced by the OMC/SPSI. Instead other channels are emphasized as more important. Since the CU does not consider foreign NSRs and do not seem to have been established as a European ‘mirror’ for policy-makers but rather a sounding board for domestic state and non-state actors, mutual learning may be restricted to an intra-domestic exercise. While the clearest influence of the method in Sweden can be characterized as a ‘leverage effect’ where actors through appropriation of the OMC could legitimize their preferences and claim inclusion in policy discussions, it does not seem able to attain
more political ground than that (thus far?) — something which is reflected through the dampened enthusiasm among NGOs. Indeed, the actual ‘cost’ of including actors is rather low since organizations are not granted any mandate in policy-making. Although actor participation indicates a form of influence of the OMC one could question the actual role of the method in this development since devolution in Sweden has been underway since the 1990s. Parallel process, such as an agreement between civil society, the regions and county councils and the government established in 2008 also indicates that this is a wider societal transformation of governance not necessarily to be associated with the OMC. Furthermore, the OMC/SPSI does not seem to affect the inter-hierarchical relation between NGOs where larger organizations are still predominant and where resource distribution is differential. The lack of resources does little to invigorate smaller organizations where a majority of NGOs expressed either a lack of interest or knowledge about the method. Thus, the ‘political usage’ offered by the method seems restricted to leverage for participation. However, the results also indicate ways in which the OMC matters in the domestic arena and indeed, depending on the ‘lense’ applied when studying the OMC, the role of the method may be seen as divergent. Thus, the increased ‘presence’ of EU-politics may infuse discussions where new concepts and policy discourses may implicitly frame policy-makers belief systems and thus lead to incremental adjustments according to a European paradigm. The fact that some of the delegates in the CU chair positions in both the domestic arena as well as at EU-level could furthermore reduce the perceived distance between European and national policy-makers where some organizations may assume the role of ‘norm entrepreneurs’ which could open for further influence. The work in the CU is generally perceived as positive in which actors express a mutual trust which, over time, may lead to increased intra-domestic learning and where influence might shine through the ‘gates’ of the state. However such assertions is bound to be tentative and as statements indicate, the attitude toward OMC/SPSI has actually become less enthusiastic which implies a rather uncertain future for the method in Sweden.

Furthermore, the results of this study also cast some doubts on the usefulness of existing Europeanization theories. While the ‘goodness of fit’ thesis is helpful in understanding the ways in which influence may make its way into the domestic arena, its explanatory virtues may be limited in the case of the OMC/SPSI. For example, the ‘ideational misfit’ between the OMC/SPSI and Swedish welfare principles of universalism may be characterized as medium or high where policy-makers perceive it as selective. This would imply high external pressure and some form of adjustment. However, officials do not seem to experience any extensive pressure to conform and none of the respondents indicated any policy adjustments related to the OMC. While this may be
due to actors failure to register implicit adjustments while being ‘in the moment’, the point is that while the ‘goodness of fit’ thesis assumes that influence is either one-way or, through its refinements, at least reciprocal, it becomes misleading in the case of the social OMC because Member States have too many ‘veto points’ to make this balance unequal. Since the EU lack (or have a vague) treaty-base in these areas of social policy and since these areas are par excellence associated with high resource (fiscal) redistribution and electoral sensitivity, Member States are likely to manipulate or weaken the process to avoid external pressure. Thus, the process is highly dependent on Member States political will which implies that the ‘goodness of fit’ may not matter since domestic acceptance is low and authority over EU pressures high. Thus, existing theories of Europeanization should, as a ‘softer’ approaches to European integration emerges, be complemented where the domestic arena to a larger extent is put in the spotlight.

Furthermore, the results also point to a wider problematic with the OMC/SPSI where one, as voices propagating to make the process ‘stronger’ becomes louder, could question the idea of a social OMC as contra-productive, in as sense, placing governments in a ‘bad Nash-equilibrium’, which in the long run only hurts the credibility of the EU itself. Indeed, as this study indicates, attitudes toward the OMC/SPSI have been dampened where the early enthusiasm seem to have been replaced by a form of perception of the EU’s campaign for a ‘Social Europe’ as cheap talk. Furthermore, by stirring up too much political friction, the ‘two-level’ game between the EU and Member States may avert attention from the actual problem (i.e. that European states are in a continuous state of fiscal austerity) which would only result in a waste of time and resources. On the other hand, the uncertainty of ‘uploading/downloading’ and the mere presence of a social OMC may put social issues on the agenda thus highlighting the consequences of negative integration. The OMC/SPSI is a dynamic process, still in its infancy, and over time it may lead to a further reorientation of social policies. However, even if the OMC/SPSI may be effective subtly infusing national welfare paradigms, policy-makers should be cautious about its potential outcomes as well as its way of framing social issues. Indeed, if the process is made stronger it could potentially undermine the national power balance between administrations and the parliament. Since the experimentalism of the OMC, at this time, does not include national parliaments this would raise serious questions about accountability. Furthermore, as has been pointed out, the OMC has thus far been rather underconceptualized where the notion of the process as an ‘unidentified political object’ prevails. Scholars know too little about what type of policy outcomes may be enhanced by the OMC since it has been around for such a short period of time. Elaborating public policy is a political exercise and, as has been pointed out, the way in which the OMC as an instrument and as a social technology of
knowledge may tie up policy discourses to the EU’s economically oriented agenda may make alternative explanations illegitimate - making the method far from neutral. It is thus important that scholars are not blinded by the asserted novelty of the process since it, as pointed out above, to a large degree rests on ‘old’ tools. Thus, equaling ‘new’ modes of governance with democracy and deliberation is quite misleading since dropped down in political reality its theoretical virtues may play out differently. However, important to note, this should neither be seen as true for all OMCs nor for the OMC/SPSI in all European countries. The OMC may, as have been shown in other countries, indeed lift important issues to the agenda causing both procedural and substantive shifts where policy-makers experience the process as improving domestic social policy. Thus, conclusions in this study are limited to the OMC/SPSI in Sweden and should not be seen as indicating the end of the OMC’s political career. Too much political capital is invested in the method at this point, and the OMC will most probably prevail where attitudes toward the process may alter. However, in the further study of the OMC, it is important that the complexity of the OMC as a political instrument is recognized where scholars should identify the role of underlying competing ideas and conceptions in the construction of ‘Social Europe’ before assuming that this process actually reflects a genuine or consistent image of the ‘social’.

5.1 Questions for further research of the OMC in action
As have been indicated in this thesis, the empirical map of the OMC in action is far from fully explored and scholars need to develop reliable methodologies and variables through which the ‘nature’ of the method can be understood. Considering that the OMC in many ways rely on political will rather than judicial coercion, a closer study of actor-interactions on both EU and national level is crucial in furthering the understanding of the method. Sociology is somewhat of a latecomer in the OMC research but can contribute with valuable insights to the ways in which the method affects or is affected by different actors in the European multi-level polity. Kassim and Le Galès’ (2010) ‘instrument approach’ (which is a development of Lascoumes and Les Galès’ (2007) article (see above)) is one interesting example which can be useful in exploring the ways in which the OMC, as an instrument, may affect domestic power structures. Indeed, as the authors argue: “approaching the EU through an analysis of how instruments are chosen, how they develop and how they are operationalised poses new questions and promises to shed new light on old debates about EU decision-making, policy change and the interaction between the actors involved in EU policy. The resources mobilised in the use of instruments, the conflicts that they provoke in their design and
deployment, as well as the effectiveness of their implementation and enforcement, and their consequences, institutional, administrative, territorial and distributive, are all potentially significant objects of study to which an instruments-centred approach may add greatly to existing knowledge and understanding” (p.2).

Furthermore, national studies of the OMC should to a larger extent focus on the regional application since, as in the case of Sweden, much of the actual social policy action is administered locally. Thus, differing local constellations (both meaning the representation of domestic political party’s and their relation to NGOs as well as their interest in the EU14) may create diverse opportunities/constraints for the method’s operationalization and influence. Another important aspect for the future for the research on the OMC is to investigate how institutionalization at EU – level may affect the method’s legitimacy and effectiveness at national level. The EES, which have a clearer treaty base, more funding associated with it and thus a rather high institutionalization at EU- level, has been more successful and to a larger degree integrated/accommodated by Member States while the OMC/SPSI shows a lower degree of actor receptivity. Thus, studying this relation may tell us something about what ‘ingredients’ that results in a more or less successful recipe for an OMC.

Finally, while the research of the OMC continues to grow it is important that scholars apply methodological strategies that rightfully portrays the possible effects of the OMC. Zeitlin (2009: 215 ff.) present three useful research strategies which may be used to overcome some of the methodological challenges in the study of the OMC: 1) contextualized process tracing whereby the practical influence of the OMC is assessed alongside a range of other factors in a national, sectoral and temporal context 2) triangulation of interview material within and between studies in order to offset bias and multiply points of observation 3) systematic comparison between findings across national case studies, policy domains and time periods to be able to trace general tendencies and dimensions of variation. In the future research of the OMC these methodological dimensions seem, in my view, to be crucial in order to truthfully color the empirical map of the OMC in action and to further explore the complexities of soft governance in European integration.

14 Berg & Lindahl (2007), for example, have showed, in their study of Swedish regions and county councils, that the activity toward the EU-level differ widely around the country.
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Appendix 1 - Interview guide NGOs

- In your organization’s view, what links do you see between the OMC and the possibilities of political action in Sweden?

- If any, how may you make use of the OMC in the domestic arena?

- If none, why is that so?

- In your organization’s view, what is the ‘goal’ of your participation in the Committee of Users?

- How would you describe the ‘atmosphere’ in the Committee of Users? Are you able to make yourself heard in relation to policy-makers and officials?

- Can you give any example of a policy outcome which is directly/indirectly linked to the work in the Committee of Users?

- In your organization’s view, is there a consensus about how to organize social issues in the Committee of Users?

- In your view, how much does the OMC or other EU-issues appear in the Committee of Users?

- Since the start of your participation in the Committee of Users, has the work changed in any way, i.e. have new forms of cooperation, discussions or problem-solving mechanisms occurred?

- In your view, is the work in the Committee of users going in any specific direction?
Appendix 2 – Interview guide public officials

-In your view, what links do you see between the OMC and the inauguration of the Committee of Users?
- What role does EU-policies/processes play in your day-to-day work?
- If any, can you explain how?
- If none, can you explain how?
- What is the ‘goal’ with the Committee of Users?
- What role does the Network Against Exclusion play in: 1) Swedish social policy 2) The Committee of Users?
- What is the ‘added value’ of including NGOs in policy-discussions?
- Can you give any example of a policy outcome directly/indirectly linked to the work of the Committee of Users?
- How would you describe the ‘atmosphere’ in the Committee of Users?
- Is there any examples of new terms, perspectives ideas in the discussion of anti-poverty policies which have been introduced since the introduction of the: 1) OMC 2) The Committee of Users?

- In your view, how much does the OMC or other EU-issues appear in the Committee of Users?
- Since the inauguration of the the Committee of Users, has the work changed in any way, i.e. have new forms of cooperation, discussions or problem-solving mechanisms occurred?
- In your view, is the work in the Committee of users going in any specific direction?
APPENDIX 3 - SWEDISH SUMMARY


Avslutningsvis argumenteras för en fortsatt diskussion och utveckling av metodologiska tillvägagångssätt vilka kan kartlägga OMC legitimitet och effektivitet. Forskningen kring metoden är i akut behov av tillförre synliga variabler och metoder för att vidare fylla den empiriska lucka som
idag existerar inom forskningen. Sociologi pekas ut som ett viktigt perspektiv vilket kan bidra med nya insikter inom forskningsfältet. Forskningens fokus borde också i framtiden i större utsträckning fokusera på regioner och kommuners förhållande till processen för att undersöka huruvida metodens inflytande sträcker sig längre än till ett fåtal statliga tjänstemän och organisationer.