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# Acting Like a Jolly Joker or Increasing Democratic Legitimacy? The Role and Influence of European Semester Officers

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#### Introduction

The economic, financial and sovereign-debt crisis in the European Union (EU) had a deteriorating effect on the legitimacy of the European project. Many citizens judge EU legitimacy on its output effectiveness, and the same assessment criteria were applied during the crisis. As a consequence, we see a rise of exclusive nationalist identification after the crisis (Polyakova and Fligstein 2016:65), whereas the ''losers'' of the Great Recession end up showing lower support for the EU (Gomez 2015). After almost three decades of intense and lively academic debate on the nature of EU's democratic deficit, a crisis-ridden EU is now urged more than ever before to cloak the EU polity with broad legitimacy (Piattoni 2015:3).

In 2011, a new system of coordinating socio-economic policies in the EU was implemented – the European Semester. It would work as an overarching monitoring architecture for early warning on economic instabilities, coordination of policy reforms and assessment of progress. It did not take long before first criticisms of the new structure were thrown to challenge the democratic legitimacy of the new governance architecture. As a reaction, a number of legitimacy-seeking tools were introduced – amongst many other things, so-called European Semester officers (ESOs) were sent to Member States to bring the European Semester closer to domestic actors. This paper seeks to answer the question to what extent and how do ESOs enhance the democratic (throughput) legitimacy of the European Commission and the European Semester in general. Applying a sender-receiver model, the paper is the first attempt to conceptualize and empirically test the role of ESOs in the European Semester governance system.

In so doing, I conduct a thematic analysis to tease out relevant themes that would unravel ESOs' role-perceptions. For the purpose of this paper, 22 interviews were conducted with ESOs from 22 Member States. The finding paint a mixed picture. On the one hand, there is evidence suggesting that ESOs contribute highly to European Commission's throughput legitimacy during the European Semester cycle in that they, to some extent, foster ownership over EU-proposed reforms. They explain the reasoning behind Commission's analysis, assessment and recommendations, and engage in argumentative discussions with a broad range of stakeholders. Despite this apparent success, ESOs are more limited in transmitting stakeholders' messages upstream in the preparatory phases of the Semester, before the crucial documents are passed. In that regard, ESOs are at best valuable assets to the Commission in ringing the bell on potentially harmful tone and language of Semester throughputs. However, ESOs turn to be rarely in the position to enrich the substance or set the agenda of the Commission on suggestion by stakeholders.

The paper is structured as follows. The first section summarizes key characteristics of the European Semester governance architecture and what role the European Commission plays. Democratic legitimacy issues of the European Semester are discussed in section two. Section three develops a sender-receiver model of the European Semester and theorizes on the role of European Semester officers. Following a short note on the methodology, the paper presents the findings. The final section concludes, explains the implications of the study and points to directions for future research.

### 1. The European Commission in the European Semester

Facing a severe financial crisis that grew into a full-fledged economic recession and sovereign debt crisis, European leaders were anxious to cushion the negative effects of the crisis on, first, the Economic and Monetary Union (EMU), and then on the EU economy as a whole (Verdun 2015:223-4). Both heads of states and governments and the European Commission looked for governance innovations that would streamline efforts to curtail spill-over effects on European economies. Consequently, as Amy Verdun (2015) notes from a historical institutionalist perspective, the post-crisis economic architecture was largely layered onto existing EU arrangements and institutions (as based on Treaty provisions and the Stability and Growth Pact legislation). First, the European Commission managed to strategically frame the Europe 2020 growth strategy, which now replaces the Lisbon strategy, as the EU's 'exit strategy' from the crisis (Copeland and James 2014:11). Second, the EU, among other crisis-

management tools, passed a series of acts, better known as the Six-pack and Two-pack regulations that increased the Commission's authority over budgetary and macroeconomic monitoring (Savage and Verdun 2016:101). Moreover, reforms that were enacted tightened the punitive aspect of economic governance, both in the framework of the Stability and Growth Pact and the newly deployed Macroeconomic Imbalance Procedure (Martínez-Yáñez 2016:529).

This paper puts under scrutiny one of the key governance innovations introduced in 2010 as part of the broader Six-pack – the European Semester. It is an annual cycle of socio-economic surveillance which streamlines existing coordination efforts, such as the Europe 2020 agenda, the Stability and Growth Pact, the Macroeconomic Imbalance Procedure and the Euro Plus Pact into one coherent process. Effectively, it monitors the implementation of (fiscal) rules and guidelines of all these coordination mechanisms, some of which rely more on soft coordination (Euro Plus Pact and Europe 2020), whereas other combine soft and hard (law) tools (the Stability and Growth Pact and the Macroeconomic Imbalance Procedure) (Bekker and Klosse 2014:8). Structurally, the European Semester builds on the contours of previous policy coordination methods (i.e. the Open Method of Coordination) used in a variety of policy fields (i.e. in employment coordination) – it starts by outlining the following year's economic priorities in the so-called Annual Growth Survey. The Commission then analyzes fiscal and socio-economic developments in Member States, including progress towards area-specific guidelines and recommendations of the previous year (Country Report). The Country Reports are followed by governments' submitting their National Reform Programs describing effort that have been or will be made to meet EU-targets, rules and recommendations. These are assessed and followed by the creation of country-specific recommendations, drafted by the European Commission, approved by the Council and endorsed by the European Council. The remaining six months of the yearly cycle are reserved for putting words into practices by implementing policies on the ground ("National Semester") before the cycle repeats.

There is wide consensus that the economic governance reform strengthened the Commission's ability to monitor, assess and enforce socio-economic developments in Member States (Martínez-Yáñez 2016: 541; Nugent and Rhinard 2016: 1209; Savage and Verdun 2016: 101; Zeitlin and Vanhercke 2014:55). According to Dehousse (2016:29), DG Economic and Finance Affairs has been lobbying for years to introduce a more structured economic governance framework that would monitor Member States' commitment to comply with reform agendas and rule-based provisions agreed within the governance framework. The new economic governance structure was not without its critics who questioned its democratic

legitimacy (see next section). This paper will focus on the role the European Semester Officers play in mitigating these concerns. They are Commission's economic staff send to Member States to be the 'eyes and ears' of the European Semester on the ground – experts from which it is expected to feed the European Semester country teams in various DGs with country-specific analysis, insights from the ground and stakeholder sentiments.

### 2. The European Semester and its democratic legitimacy

Clearly defining the democratic deficit<sup>1</sup> of the European Union is not an easy task. The assessment whether the EU suffers from a democratic deficit would ultimately hinge upon the commentators understanding of democracy, the territorial level from which the analysis posits the question (national, supranational, global) and the way one sees the "nature of the beast" (Fossum and Pollak 2015: 30). Differences in regard to these three dimensions reflect the degree of disagreement on the relevant assessment criteria. A practical analytical tool for studying the democratic legitimacy of the EU has been developed by V. Schmidt (2013). Building on previous research done by F. Scharpf and systems theory, she distinguished between three criteria on which the democratic legitimacy of the EU can be assessed: input legitimacy, throughput legitimacy and output legitimacy. Input legitimacy would be judged upon the ability of the decision-making system to equally take into account, through the majoritarian mechanisms of representative democracy, the interests of the citizens-voters. Output legitimacy reflects the capacity to bring about effective problem-solving outcomes. However, of particular interest for this paper is the notion of throughput legitimacy which concentrates on the quality of the governance processes. Throughput is evaluated on the basis of mechanisms such as efficacy, accountability, transparency, inclusiveness and openness of the governance process to civil society (Schmidt 2013:5). From a constructivist understanding, throughput legitimacy would generally require the existence of opportunities for open interactions and deliberation, as well as the possibility to participate in decision-making processes on an equal footing. It is through the democratic legitimacy of the governance architecture that the EU creates the condition for effective outputs and with it - output legitimacy (Piattoni 2015:5). This paper proposes to look at throughput legitimacy of the European Semester as linked to the dimensions of accountability and inclusiveness

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<sup>&</sup>lt;sup>1</sup> For a brief overview of the debate on democratic deficit in the EU, see: Occhipinti (2014).

(participation). These two dimensions have the highest capacity to capture and elucidate the quality of the European Semester throughput – pertaining both to ex-post processes after relevant European Semester outputs are delivered such as the Country Report and Country Specific Recommendations (accountability), and ex-ante periods of consultation (inclusiveness/participation). However, the European Semester is particularly difficult to assess due to the fragmentation of political responsibility between levels and type of decisions that they make (Crum and Curtin 2015). The European Commission would issue both EU-wide decisions such as in the Annual Growth Survey, and country-specific decisions like the CSRs. The EU governments, on the other hand, have to report on policy progress and future initiatives in their National Reform Programmes and Stability and Convergence Programmes.

This paper shall concentrate on the democratic legitimacy of the European Commission and the throughputs it ought to produce during the Semester. In this context, Commission's accountability would be reflected in the degree to which it is held to account by democratic fora with the purpose of justifying its actions and demonstrating adherence to the interests of the citizens (Crum and Curtin 2015). The degree of democratic accountability depends on the ability of the Commission to provide information on the substance of its activities in a transparent manner whilst at the same time communicating the reasoning behind its decisions in public debates and to stakeholders. On the other hand, inclusiveness rests on the ability of stakeholders to participate in the decision-making processes in an equitable manner. Throughput legitimacy in the sense of inclusiveness/participation can effectively be operationalized as the quality of participation that is measured by the lack of primacy of actors and the influence on governance outcomes (Iusmen and Boswell 2017:464).

The European Semester raised a series of concerns regarding the democratic legitimacy of Commission-led procedures. Only a few of them will be briefly observed. The first concern questions the legitimacy of integrating macro-economic, budgetary and social and employment procedures within the European Semester. The strongly-felt primacy of economic objectives over social and employment ones, the gradual absorption of social and employment targets and objectives into the Stability and Growth Pact and the Macroeconomic Imbalance Procedure, and encroachments into national prerogatives on social and employment policy within these legally binding procedures (see: Bekker 2015) provoke backlashes by national governments who see Commission's interventions as a threat to their national sovereignty. Although we witness a socialization of the European Semester in terms of intensified multilateral surveillance in the socio-employment field, new monitoring devices, mutual learning activities in the committees and greater emphasis on social policy in the Annual Growth Survey (Zeitlin

2016; Zeitlin and Vanhercke 2014), calls for more social balance in EU's economic governance come both from academia and practice. The increased bindingness of economic procedures comes at a double cost – Member States raise concerns regarding the legitimacy of such action, and as a consequence willingness to comply and ownership over reforms are lower, thus diminishing the implementation record of country-specific recommendations (Zuleeg 2015:8; Hallerberg et al. 2012:2). Another issue is the allegedly poor accountability and low inclusiveness in the drafting of country-specific recommendations. Interviews conducted by Coman and Ponjaert (2016) would indicate that Member States have only limited power to deflect Commission's angle on a recommendation in the Council. Under the revised procedure, the Council now has to offer written reasoning why it decides to alter a Commission's recommendations (so called ''comply or explain rule''). Moreover, the same authors challenge the experimentalist expectation that advisory committees have a genuine chance of modifying Commission's proposals. It would seem, according to this view, that EMCO's and SPC's throughput involvement is in Commission's eyes nothing more than window-dressing. A third and also common argument against the democratic deficit of the European Semester is the asymmetric contribution of national parliaments and the European Parliaments to European Semester publications. Advocates of a stronger parliamentary oversight over Commission's activities would argue that the European Semester concentrates executive powers in the hands of the Commission which have to be democratically controlled and accounted for (Van der Brink 2016). The fact that many of the decisions in the European Semester are country-specific requires an exchange of views between EU institutions and national institutions (ibid.). A final concern is stakeholder participation which is necessary "to ensure broader social acceptance of reforms' (Zeitlin and Vanhercke 2014:65). The degree to which civil society actors (incl. social partners) have contributed to both EU-led and national processes in the Semester is unsatisfactory. Although official Commission documents increasingly include references to the importance of consulting stakeholders (Annual Growth Survey, Integrated Guidelines), civil society actors are still dissatisfied with how smart, sustainable and inclusive the Semester is – all to the detriment of social legitimacy (see: Semester Alliance by EAPN).

Signals of (potential) democratic deficit within the new economic governance architecture did not necessarily fall on deaf ears in the Commission. First, the new circumstance in which the Commission ought to monitor, analyze and evaluate a broad range of domestic policies in the Semester caused some changes in the organizational structure of the different DGs – they increasingly rely on the expertise and country-specific knowledge of desk officers who form Country Teams (Savage and Verdun 2016). They are in constant with the Member States,

exchange information and meet bilaterally in so-called sectoral Fact-finding missions. This process helps mitigate potential resistance to EU initiatives. The Country Team will know exactly what goes and what not. Hence, in most cases the Commission will act on the principle of "anticipated reactions" – recommendations will rarely contradict the will of the member state so as not to antagonize domestic leaders (Dunlop and Radaelli 2016:120). The bilateral exchanges should make sure the CSRs are "sufficiently precise as regards policy outcomes but not overly prescriptive as regards policy measures so as to leave sufficient space for social dialogue and, more generally for national ownership" (Coman and Ponjaert 2016:48). As some have previously noted, this new dynamic impacts on the interinstitutional relations between Commission and the Council (and its committees) by reducing the relevance of peer pressure (ibid.). Second, as regards the scrutiny of the European Semester, the European Parliament interacts with the Commission and the Council within the so-called Economic Dialogue procedure. EP committees can invite the President of the Council, the Commission, the ECB or the Eurogroup to discuss European Semester issues. In addition, the adoption of the AGS or CSRs is discussed in the EP, but in both cases the EP has no substantive influence or voting right on processes (Crum and Curtin 2015:84). Still, it enables MEPs to debate and reflect on the process. On the other hand, there is no direct link between the Commission and national parliaments. However, with the Juncker Commission, Commissioners became explicitly instructed to visit Member States and engage in dialogue with parliamentary committees to discuss European Semester documents. Further procedural changes happened under the Juncker Commission in an attempt to "revamp the European Semester" (European Commission 2015a). Concerned about prospects of having productive bilateral and multilateral dialogue on Country Reports and CSRs and genuine stakeholder involvement, the Commission streamlined the Semester to create more time for dialogue. It urged Member States to include social partners in the preparation of NRPs, but also promised to consult European social partners itself. As Zeitlin (2016:1089) notes, these changes were aimed at increasing the national ownership of the reform initiatives. Last, but not least, the Commission advocated for the creation of new organizational policy tools such as the European Fiscal Board (EFB), Structural Reform Support Service (SRSS) and National Competitiveness Boards (NCBs) with the task to "foster sustained economic convergence, and to increase ownership of the necessary reforms at the national level" (European Commission 2015b). Whereas it is an empirical question to what extent these new tools of independent and impartial assessment of national economies contribute to the democratic legitimacy of the Semester, this paper looks into a tool that was deployed in parallel with establishing the European Semester in 2011 – namely the

European Semester officers (ESOs). In an attempt to ''gradually establish a deeper and more permanent dialogue with the Member State'' (European Commission 2015a), the Commission pledged to send economic experts to Representations of the European Commission to all Member States in order to increase the Commission's surveillance capacity. This paper asks the question to what extent and how ESOs increase the democratic legitimacy of the European Semester. The following section theorizes about ESOs' role within the Semester.

# 3. Theorizing about the role of European Semester officers

ESOs are European Commission employees deployed to Member States to act as a bridgehead in the multi-level governance process of the European Semester. As said, the primary purpose of their secondment was to add weight to the Commission's capacity to conduct surveillance activities, assess policies, gather country-specific intelligence and increase the compliance record on European Semester initiatives. They are a soft tool, unlike rule-based instruments. ESOs fit well to the agenda to improve ownership over reforms and to narrow down the implementation gaps domestically (Coman and Ponjaert 2016:42). They come to the Representations of the European Commission from different DGs and mostly have economic policy background. Although beyond the scope of this paper, it is worth noting that ESOs contribute to a gradual transformation of the classical "consumer-oriented" diplomacy (Bruter 1999) of the Commission Representation. Usually, a general perception of a Representation's main functions included communication activities (mostly promoting EU initiatives or awareness raising through events) directed towards non-institutional local actors such as the NGO sector, media, general public or social partners. The Commission had, for the first time, an economic analyst on the ground who was capable of providing first-hand economic and political intelligence to its EU base. ESOs are either nationals of the country to which they are sent to or speak the language of the host country fluently. This increases their capacity to capture the local developments and context which might otherwise go missing in the Commission' assessment of the economic situation in a Member State.

ESOs are intermediaries that link (at least) two levels in the European Semester process – the European Commission on the one hand, and (sub-)national actors, both institutional and non-institutional on the other. Their work practically involves a two-way communication process of transmitting information upwards and downwards. They form a buffer between the

two and help facilitate communication processes. Drawing from the political communication literature, the relationship between the European Commission and the domestic tier, and the role that ESOs play in this relationship can be conceptualized *via* a sender-receiver model<sup>2</sup> (Berlo 1960; Schramm 1954). Two types of exchanges of resources can be distinguished which in turn explain the relationship between a sender and a receiver. In the first model (Table 1), the European Commission acts as a sender of information and seeks to exchange the information for throughput legitimacy granted by national authorities and stakeholders. This happens when the main ''commodities'' of the European Semester are published – the Annual Growth Survey, Country Reports and most importantly the CSRs. The Commission sends a clear message to national authorities and other stakeholders on the annual priorities of the Commission, the problems in the national economy it identified and specific recommendations which address domestic policy challenges. Since information provision lies at the heart of democratic accountability, the Commission publicly announces these documents and engages in discussion with Member States on the implementation of recommendations. Member States can supply the Commission with throughput legitimacy if they find themselves capable of holding the Commission accountable in the process of co-ordinating domestic action. Furthermore, the level of throughput legitimacy granted by domestic actors will depend on the quality of debating and communicating EU requests domestically. This is where ESOs' role is important. They ought to facilitate the discussion on policy proposals, engage in explaining the reasoning behind Commission's requests and attempt to persuade domestic stakeholders of the importance to pursue a reform agenda. This objective can be pursued either in bilateral or multilateral fora, but the ultimate goal is to convince the relevant decision-makers and stakeholders of the importance to act. The Commission has an interest in avoiding the perception of imposing measures, but wishes to build domestic alliances and increase the ownership of the proposed policies. ESOs ought to make Commission's requests amenable to the decision-makers, but also to the general public so as not to provoke backlashes against the Commission. ESOs are expected to contribute to EU's communicative discourses by way of deliberating and demystifying European Semester's substantive impact both in public and consultative for as a means of preempting blame-shifting on the EU or public dissatisfaction (Schmidt 2004).

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<sup>&</sup>lt;sup>2</sup> The theoretical framework used in this paper benefitted highly from another, somewhat different application of the sender-receiver model in a study on the influence of consultative committees in the EU (see Panke et al. 2015).

**Proposition 1**: The greater ESOs' ability to argue persuasively and communicate clearly the throughput of the European Semester to national stakeholders, the higher the Commission's throughput legitimacy.

**Table 1.** Sender-Receiver model in the European Semester (model 1)

Sender	Interlocutor/Liaison (mechanism)	Receiver	
European Commission	European Semester Officer	Member State level	
Information provision	Persuasion/Argumentation	Throughput Legitimacy	

Unlike model 1, which outlined a top-down, ex-post process in which the information flow starts only after the European Semester throughputs have been passed, model 2 (Table 2) reflects a bottom-up, ex-ante relationship between the domestic level and the European Commission in the preparatory phases of the European Semester. In this model, the roles are reversed – national (non-)institutional actors act as senders (suppliers), and the Commission is on the receiving side. The Member State level has an interest in giving a voice to the European Semester throughputs so as to reflect their views, policy concerns and solutions, but also domestic agendas which they seek to upload to the EU-level. In so doing, national actors – both institutional and non-institutional may seeks to minimize potential adjustment costs or build leverage from above. The level of inclusiveness of actors in this process and the influence that they manage to exert on Semester throughputs will determine to what extent they assign throughput legitimacy to the European Commission. On the receiving side, the European Commission may want to increase stakeholder participation with the prospect of being rewarded by greater legitimacy and conflict minimization resulting from a sense of ownership over reforms that is built on behalf of national stakeholders. ESOs fit into the picture by providing a conducive setting for stakeholder inclusion. Their ability to activate the ''listening mode" and foster active participation is key, because their position of being on the ground gives them a comparative advantage compared to Brussels. From a stakeholder perspective, their work will be assessed based on how successful they are in transmitting their views to the European Commission, which in turn, depends on the Commission's responsiveness in the throughput documents. The paper now proceeds in empirically testing these assumptions.

**Proposition 2**: The greater ESO's ability to involve and consult a wide range of interest groups, and to transmit their concerns to the Commission, the higher the throughput legitimacy of the latter.

**Table 2.** Sender-Receiver model in the European Semester (model 2)

Sender	Interlocutor (mechanism)	Receiver
Member State level	European Semester Officer	European Commission
Throughput legitimacy	Active participation	Influence (Ownership)

### 4. Methodology

This paper pursues to answer the question to what extent and how ESOs increase the democratic legitimacy of the Commission using the qualitative method of thematic analysis (Braun and Clarke 2006). The exploratory nature of this investigation warrants the use of thematic analysis as it is considered to be a flexible ''method for identifying, analyzing and reporting patterns (themes) within data'' that provides a ''rich and detailed, yet complex, account of data'' (ibid. 78-9). Led by the theoretical expectations proposed in the previous section, the thematic analysis builds on interviews with ESOs to identify themes relevant for investigating ESOs role in fostering throughput legitimacy in the European Semester.

The sample consists of 22 data items (interviews) collected in the period between May 2016 and February 2017 using a telephone technique of conducting semi-structured interviews (see Appendix 1). A few observations about the interviews are due at this point. First, conducting interviews *via* phone requires careful consideration due to absence of direct personal contact. Hence, interviewees were assured that they would remain anonymous and that no country specificities would be revealed because of the relatively simple traceability of individual ESOs. Second, the interviews were conducted with individual ESOs from 22 Member States. In one case, a group interview was carried out with 2 ESOs from the same Member State. Member States that were excluded from the sample include Greece, Bulgaria, United Kingdom, Sweden, Luxemburg and Romania despite repeated reminders. Greece was not taken into consideration because no ESO was operating in that country in the period of conducting interviews. This is due to the fact that, formally, program (bailout) countries do not participate in the European Semester proceedings. The main benefit of this large sample of covered Member States is that it creates confidence about cross-case generalizability of the findings. However, one obvious

caveat is in place. The findings should be interpreted with caution since only the perspective of ESOs was taken into account, which raises a valid criticism of mono-perspectivity in this paper. Since the data corpus is fairly homogenous, I interpret the results with a grain of salt and consider the findings to reflect only the perspective, experiences and meanings of ESOs only. Their perceptions might not fully mirror the reality.

Data analysis was conducted in a computer-assisted qualitative data analysis software (CAQDAS) package NVivo 11 Pro. As follows, themes were identified at the manifest level (Boyatzis 1998:6) as the research takes on a realist view and assumes a "unidirectional relationship" between language, meaning and experience of ESOs (Braun and Clarke 2006:85) as opposed to a constructivist perspective. Relevant themes were coded partly deductively (theory-driven) and partly inductively (data-driven). First, ESOs reflection on the different types and scope of activities that they cover in their daily work were extracted and coded inductively. Second, for testing ESOs ability to argue persuasively and communicate clearly the throughput of the European Semester to national stakeholders (Proposition 1), respondents were asked whether they think their work contributed to greater acceptance of the Semester output and to reflect on their presence in the media. Two indicators (codes) captured their responses – level of publicity and ownership creation. Although not a perfect indicator, publicity indicates ESOs' capacity for communicative discourse as posited by V. Schmidt. The assumption is that, if regularly present in the media, the higher the chances to add a European perspective to the debate, as a counterbalance to the predominantly national lenses through which European policies are filtered in national media (Polyakova and Fligstein 2016:64). Third, ESO's ability to involve and consult a wide range of interest groups, and to transmit their concerns to the Commission (Proposition 2) was operationalized as "quality of participation' in European Semester governance (Iusmen and Boswell 2017), measured (coded) as 1. inclusiveness / equality of actors; 2. consideration of stakeholders' inputs; and 3. effect on throughput contents. The following section presents the results.

## 5. Findings

ESOs' scope of activities

ESOs indeed perceive themselves to be the bridgehead in a two-way communication channel – on the one hand they need to reach out to the Member State level with EU messages,

and on the other hand need to listen to the concerns of stakeholders and inform the Commission on their views (ESO 2; ESO17; ESO19). They are formally part of the DG Communication, but the Memorandum of Understanding (MoU) that they sign makes them accountable to DG ECFIN and SECGEN as well. They form part of the Country Teams led by SECGEN which in turn consist of desk officers in almost every DG in the Commission. Country Team members are responsible for monitoring European Semester issues in an individual Member State. Despite being Country Team members, ESOs were instructed to act independently from the respective Representation of the Commission to which they were seconded. In practice, however, the relationship between the Head of Representation, other Departments and the ESO depends on the personality of the Head of Representation (ESO7).

The type of activity performed by ESOs can by and large be categorized as either substantive or procedural. On the substantive side, ESOs predominantly conduct policy monitoring, lite policy analysis and policy reporting back to the Country Team members, the College of Commissioners or other DGs, depending on who makes the intelligence request. They feed the Commission with country-specific policy developments which are of pertinence to the European Semester processes. Usually the ESO covers portfolios of their expertise (if there is more than one ESO in the country), but very often they need to cover all Semester policies. They regard this task to be extremely time-consuming and intensive. However, most concerns arise from the fact that the majority of respondents seem to be involved in monitoring the political developments and reporting back to Brussels. They increasingly take over the tasks of traditional political officers and attaches: "I can fully subscribe to the description that ESOs are more of an attache nowadays." (ESO6). This development is not so surprising given the importance that political climate plays in implementing reforms. Moreover, depending on the sentiment towards the EU, the Commission might be willing to reconsider proposals which might be too politically sensitive at a certain time. Another substantive task is meeting various stakeholders - either in the function of explaining and promoting European Semester throughputs (the Country Report, CSRs) or to listen to their take on policy reforms, the state of art and suggestions. One ESO explains the purpose of this activity: "Commission is trying to get an objective overview of the situation." (ESO20). In relation to stakeholder consultations, ESOs receive requests from DGs to promote policy initiatives (i.e. the European Pillar of Social Rights), organize European Semester events to discuss proposed recommendations after a relevant document is out or in regard to the 10 Political Priorities of the Juncker Commission. Astonishingly, all ESOs without exception have noted a radical shift in the scope of activity they have to cover following the inauguration of the Juncker

Commission. Some ESOs noted that, even though they predominantly ought to work on European Semester items, today almost a third of their time is spent in promoting Juncker's political priorities — most notably the Investment Plan. This shift in focus reflects President Juncker's pledge to be a political Commission (Dinan 2016) by pushing strong on those policy initiatives that his team regards to be of high priority. In doing so, Juncker likes to think of the Commission not as a technocratic body but a political one. He prefers 'not to dictate what countries have to do' but 'you have to listen to countries. You have to understand what is happening in different countries.' (as cited in: Dinan 2016:108). This would explain why increased emphasis is put on political monitoring.

On the procedural side, ESOs are involved in regular reporting, briefing and coordination activities. The MoU prescribes weekly reporting obligations to the Country Team. Many of the ESOs comply by this formal obligation, but there are periods with less activity, and hence less frequent reporting on Semester developments. As regards coordination activities, ESOs meet twice a year to discuss common concerns and to coordinate work. Great importance is cast on these events as even Commissioners attend these meetings (ESO5). Next, they are largely involved in coordinating sectoral fact finding missions. They prepare the visits, sometimes set the agenda (ESO18) but generally make sure to liaise between Commission officials on the one hand, and national authorities and stakeholders on the other. Their role in that regard is therefore mostly administrative – to make sure the right people meet and exchange information on Semester issues. ESOs and the Representation became central contact points for the country visits as opposed to previous instances where the Commission was in charge of organizing these events (ESO3). The same is true for the newly initiated Citizens Dialogue – an initiative by President Juncker which urges Commissioners to become politically active in Member States. On a more general note, the liaison function of ESOs concerns efforts to mediate between Brussels and the domestic level – from exchanging contacts to acting as a "telephone center" and "jolly joker" in charge of building bridges between the two tiers (ESO11). Finally, ESOs conduct briefings to Commissioners during visits, but also feed the Head of Representation with intelligence for public appearances. Rarely do ESOs feature in media themselves, but a large majority of them feeds economic journalists with backgrounds on European Semester issues off record.

With such a large scope and type of activities, it is no surprise ESOs find it difficult to swallow the amount of workload that is required from them. It is mostly the administrative-logistical work that makes them struggle – "organizing catering, inviting people, calculating costs, would they prefer schnitzel for lunch or something else?" (ESO10). Besides, the new

policy dynamics initiated by the Political Priorities is taking its toll on ESOs. The biggest problem seems to be that they are not provided with sufficient support. Only some ESOs have assistants, others do everything themselves – from buying liquor for the Commissioner to arranging a 5-star hotel – to be a bit cynical.

# Seeking throughput legitimacy through accountability

A great deal of ESOs' work concentrates on creating ownership over European Semester processes, both from top-down and bottom-up. In the top-down process, ESOs engage in argumentative action with national authorities and various stakeholders (NGOs, social partners, think tanks, academia, private sector) in order to explain the nitty-gritty of European Semester procedures and to explain to their 'audience' the rationale behind certain policy analysis in the Country Report or recommendations in the CSRs. In general, ESOs agree that their work during the Semester helps create a sense of ownership among national actors or at least makes a difference as compared to periods where there was no ESO in the Member State. The initial contribution was the change of perception about the Commission that was triggered after ESOs joined the Representation. A number of them (ESO19; ESO4; ESO9) emphasize that their daily engagement in explaining and communicating the Semester helps change the negative perception of the Commission as a being "synonymous to fiscal consolidation" (ESO4). Being one of the rational voices in debating economy and raising awareness about policy problems makes 'the involvement of the European Commission now being perceived differently than before..." (ESO9). It is safe to say that ESOs deserve some credit for the gradual elimination of a negative stigma conferred on the Commission.

When it comes to creating ownership over reforms, only one respondents explicitly denied positive impact of the various information providing activities organized by ESOs on ownership. A vast majority of other ESOs is more optimistic about their impact. Outreach activities to local and regional municipalities, sessions on the CSRs with social partners, bilateral meetings with ministry officials and other forms of interaction seem to increase the national ownership of the reform agendas. The effect is at times empowering in the sense that the argumentation and analysis done by the Commission is used as a lever in domestic policy discussions after ESOs disseminate these to stakeholders (ESO14). Many ESOs keep on referring how their explanations and arguments on the rationale and philosophy positively impact on the understanding of what the Commission wants to achieve with a specific policy

proposal. ESOs are helpful in smoothening potential policy controversies (ESO5), to build trust between the EU-level and national stakeholders (ESO2) but also to contribute to the pace of policy change on the ground (ESO4). Once they build stable networks, ESOs can rest assured that their analysis is highly appreciated by the authorities (ESO1). However, one should not overestimate the optimism on the national side. In many cases ESOs report a willingness of national authorities to engage in reforms only when it suits their pre-defined agendas (ESO14) or selectively (ESO16) on ''things that are politically amenable'', but shy away from other initiatives.

Four factors were identified in the qualitative analysis which may indicate which conditions impede ESOs' power of persuasion: agenda proximity, electoral risks and issue salience, government sentiment towards the EU, and the temporal expectations. First, as existing Europeanization literature teaches us, national actors will be more likely to embrace a reform initiative if it is close to their existing activities and agendas (Zartaloudis 2013; Büchs 2007). Second, governments fear electoral losses and thus have little appetite for initiatives which might endanger the prospects or re-election. This problem mostly concerns "unpopular measures' which may trigger negative popular reaction – such as pension reforms, social policy interventions or healthcare issues. Governments are mostly aware of existing problem loads, but decide to postpone structural reforms so as not to intimidate the popular constituency. Third, much depends on how the EU is perceived domestically. Changes in government, for example, from Eurosceptic to pro-European is reported to make a huge difference in how ESOs work was appreciated (ESO5). Finally, the Commission and the national authorities may have different expectations and ideas about the timing of certain reforms, how long it may take for a reform to bring benefits. Sometimes the same CSRs are repeated year after year, when the problem does not seem to be lack of ambition on behalf of the government, but rather divergent expectations on how fast reforms can be rolled out.

It would seem, from what has been said, that ESOs indeed make some difference in how national stakeholders perceive the Commission's intervention into the domestic policy field within the European Semester. Once they have the opportunity to conform their audience with the reasoning behind each proposal, stakeholders become increasingly aware of the policy risks. But how successfully do ESOs engage in communicative discourse with the broader public audience? An instant answer would be – poorly. ESOs are what they are, expert staff of the Commission, and not political stars. As reported by a dozen of ESOs, their publicity is low and their intensity of media presence is either low or they do not appear in the media at all. Their capacity to engage with a broader audience on TV, radio or newspapers is inhibited by

the strict rules and instructions prohibiting public appearance without clearance. They are restricted in their efforts to communicate European Semester issues to the public due to the Commission's restrictive media policy. It is either the Heads of Representation or the Press Officers who make public appearances. Research by Ellinas and Suleiman (2008) and Kassim et al. (2013) is helpful in that they depict the Commission as "rigidly hierarchical" and "too bound by rules". However, experiences vary from Member State to Member States. There are instances where ESOs are quite active either on social media or in classical media, and evaluate their media performance quite positively. As one ESO noted: "The general public knows us well now. We need to be good salesmen." (ESO8). Still, it would appear that not all ESOs favor a pro-active approach. Some fear the risk of being drawn into political confrontations (ESO17, ESO19), others feel the need for more training in media stunts (ESO22). Yet again, others see no point in restricting them: "It's a bit bizarre to be sent to countries to communicate, but not being able to communicate to media." (ESO21). Hence, the data paints a mixed picture at best. Evidence adds some weight on ESOs contribution to increasing throughput legitimacy, whereas the capacity for communicative discourse is fairly low at the moment.

### Seeking throughput legitimacy through stakeholder participation

As demonstrated before, one of ESOs' crucial instruments of legitimacy seeking is to include stakeholders in the preparatory phases of European Semester throughputs. Most of the work includes coordinating bilateral meetings between national stakeholders and fact-finding missions and post hoc dissemination of information during the ''National Semester'' (ESO13). It would seem that their ability to transmit information up the hierarchical ladder is indirect, and their influence on the substance of the throughput limited. Nonetheless, many ESOs engage with stakeholders to get inputs and feedback on policy developments, which are then communicated to the Country Teams that are in charge of drafting the Country Reports and CSRs. In that sense, one of the criteria for quality participation is satisfied – ESOs value stakeholder insights highly and give them great consideration. All insights gathered from the ground are reported back to Brussels. The question of whether stakeholders are able to influence the content of the European Semester throughput (Criteria no. 3) still remains. But before answering that question, one needs to assess the inclusiveness and equality of stakeholders. Some establish contacts predominantly with government officials and civil

servants, others focus on social partners and NGOs. Most respondents give consistent arguments for favoring some stakeholders over others. First of all, uneven attention does not capture ESOs tendency to a piecemeal approach to stakeholders. Many of them consult different types of stakeholders in cycles. In the first half of the Semester, some ESOs interact more intensively with national authorities to assess policy progress (ESO7), whereas the second part is reserved for social partners' feedback and else. Others see no point in focusing on institutional actors which anyhow have easy access to Brussels and the Country Team (ESO9; ESO22). As a result, it would not be prudent to accuse ESOs for negligence. On the contrary, most ESOs show great interest in conveying messages to the pen-holders, but the real question remains – do ESOs attempts make any difference?

If we judge upon ESOs impressions on the meat of European Semester throughput, the picture is, once again, blurred. Perceptions are equally split between those who regard (mainly the drafting of CSRs) as beyond their influence, and those who feel that their analysis is reflected in the final versions of the Country Report and the CSRs. Although it would be exaggerated to claim that ESOs draft chapters (this is still a prerogative of other Country Team members), those who see their influence reflected in the Country Report, claim to regularly contribute with comments on the analytical part of the reports. Their opinions are usually "taken on board" (ESO19; ESO21). A number of ESOs had an agenda-setting power in the sense that, on the one hand, they managed to include issues and topics in the Country Report that would have otherwise been excluded (ESO5), and on the other, that they were able to convince the Country Team leader not to include a certain issue for which he believed it might antagonize the country (ESO9). One interviewee put it this way: "I have been fighting with the Country Team to include VET and labor shortages in the Country Report...they were reluctant, but they nevertheless included it." (ESO5). Whether or not they can influence the substance, sometimes depends on the dynamics in the Country Team leader and how open they are to their inputs (ESO14; ESO16; ESO20). Moving from substance to wording, a majority of ESOs confirm their influence on the language, phrasing, tone and wording in the Country Report. They would regularly point to controversial language which might cause domestic uproar. This finding confirms that having an economic expert on the ground, who (usually) speaks the home country language, feels the stakeholders' sentiment and monitors the sociopolitical circumstances is a highly beneficial tool of avoiding blame-shifting on Brussels for unpopular and controversial proposals. It adds weight to the claims that the Commission is increasingly acting as a strategic entrepreneur that is "reluctant to endorse... initiatives that stand little immediate chance of success' (Hodson 2013). This is further corroborated by the

recent trend of giving national authorities the possibility to have a look at the Country Report before publication.

Turning to the CSRs, a widely-held impression amongst ESOs is that the drafting of recommendations is still a "black-box" beyond their sphere of influence: "What comes out is completely out of the scope of my awareness' (ESO6). The only time that ESOs may comment on the CSRs, if at all, is in the 1<sup>st</sup> version of the document. Only two ESOs claimed to have managed to change the wording of the CSRs, but most ESOs fear the day of their publication because at times they get surprised by what they see. They generally see it as a more political process where SECGEN reportedly has high autonomy to decide what goes and what not, based on the political instruction of the College of Commissioners. One ESO compared the situation now and before: "We are involved in the first drafting, but later it goes to SECGEN and we are cut out. It has become more closed with the Juncker Commission because the process has become more political. It is a real black-box for us. This was not the case before, until 2015." (ESO21). These findings demonstrate how an empowered, and politically-instructed SECGEN takes the lead in the drafting process (together with DG ECFIN). SECGEN is not only crucial for the internal co-ordination in the Commission, but it also carries out the political agenda of the President's cabinet – becoming "almost an extension of the President's cabinet and enforcer of his agenda" (Peterson 2017:352). Regardless of that, other observers point to the fact that in the black-box of passing CSRs, Member States have a crucial say in formulating the common position in the Council (whole packages are agreed under a single vote) so that in the end the CSRs rarely go beyond domestic priorities (Copeland and ter Haar 2013:32). This sub-section hopefully added nuance to the rather unclear meaning of what makes the Commission "political" under the Juncker administration. ESOs confirmed that Juncker is increasingly willing to pursue both political and technical dialogue with national authorities on matters of the European Semester. In an attempt to wash away the image of a technocratic institution, the Commission is trying to avoid uniform application of rules and tailors the recommendations to local circumstances. This flexibility has already been noticed in the Commission's reluctance to interpret the SGP and macro-economic imbalances rules sensu stricto. In turn, the Commission is dedicated to remaining rhetorically committed to the strict application of budgetary and macroeconomic rules, whilst at the same time acting differently and assuring maximum flexibility in their implementation (Schmidt 2016).

#### 6. Conclusion

The intention of this paper was to shed new light on the throughput legitimacy of the European Semester. The focus was on the European Semester officers – Commission staff with expertise in economic policy which were deployed to Representations of the Commission to Member States. This is the first, exploratory attempt to theorize and empirically study ESOs. Using a sender-receiver model, two potential pathways for the increased throughput legitimacy via ESOs were identified. One was top-down in which ESOs are supposed to transmit and communicate Semester throughputs to national stakeholders to demonstrate accountability. The other was bottom-up in which ESOs facilitate stakeholder participation in the preparatory stages of the Semester throughput so to enhance the inclusiveness and create ownership. The findings do not give a conclusive answer to the question to what extent ESOs contribute to greater throughput legitimacy of the Commission. On the one hand, ESOs' presence on the ground proved immensely helpful in fostering a sense of domestic ownership, building bridges and alliances between national stakeholders and the Commission and providing valuable intelligence on the policy-politics-polity state of art in the country. On the other hand, their work becomes increasingly scattered. They juggle between policy analysis, non-European Semester agendas, reporting, event organization, liaising and catering on a daily basis. This has become burdensome both physically and mentally for them. Furthermore, they are mostly left without substantive influence on the "meat" of the documents that are prepared during the Semester. They do influence the choice of words and constructions in the Country Reports, however this serves the purposes of a political Commission, not the stakeholders who wish to be assured their voice is heard.

The implications for policy of this research are threefold. First, ESOs as a procedural organizational tool are an example of how soft governance can increase the legitimacy of external intervention in a country. This finding is pertinent even beyond the European Semester as is goes to show that mechanisms of impartial persuasion and social pressure can make the government and stakeholders amenable to requests – which subsequently results in additional legitimacy of the EU (cf. Schlipphak and Treib 2017; Sedelmeier 2017). Second, ESOs' role makes the case for the institutionalization of network governance between domestic actors and Commission officials. From the perspective of the Commission, it would be wise to formalize stakeholder involvement. A higher profile of these meetings, greater publicity and inclusiveness would contribute to a positive image of the Commission in the eyes of both the

NGO sector and social partners. Building coalitions from below might prevent blame being shifted to Brussels as the Commission would have domestic allies debunking such attempts. Third, the Commission should seriously rethink the way human resources of ESOs are employed on the ground. More easily accessible assistance to all ESOs who request help on the one hand, and more flexibility and autonomy in appearing on the record in media on the other, would already significantly improve ESOs' effectiveness.

This research aspires to prompt interest for new and promising research agendas. For instance, research could investigate the modernization of Representations of the Commission and how their functional diversification influences policy transfer, public perceptions of the Commission and Commission's involvement in domestic policy-making. This paper has demonstrated on a clear example how Representations outgrew strictly communicative functions and now perform substantive political and policy analysis. Another interesting direction would be to study multi-level administrative networks created within the European Semester. As demonstrated, fact-finding missions create networks between Country Teams and civil servants. There is some reason to believe that desk officers in the Commission contribute to faster policy development domestically as their power to monitor and assess policy increases.

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# Appendix 1

 Table 3. Interviewee coding and information

	Interview duration		Deployment
	(min.)		
ESO1	50	3 February 2017	December 2012
ESO2	30	2 February 2017	June 2014 (approx.)
ESO3	20	11 May 2016	October 2015
ESO4	47	10 February 2017	October 2016
ESO5	40	6 February 2017	May 2014
ESO6	26	7 February 2017	September 2014
ESO7	50	17 February 2017	February 2013
ESO8	35	9 February 2017	December 2013
ESO9	37	21 February 2017	January 2014
ESO10	46	16 February 2017	October 2014
ESO11	50	12 May 2016	January 2013
ESO12	26	8 February 2017	August 2014
ESO13	30	14 February 2017	August 2014
ESO14	45	3 February 2017	January 2014
ESO15	22	7 February 2017	March 2013 (approx.)
ESO16	25	2 February 2017	April 2014
ESO17*	44	7 February 2017	June 2013 (approx.)
ESO18	20	6 February 2017	November 2011
ESO19	35	6 February 2017	June 2014
ESO20	65	13 February 2017	June 2015
ESO21	41	13 February 2017	September 2013
ESO22	30	6 February 2017	September 2014
Average	37	-	

<sup>\*</sup> Group interview with two ESOs from the same country