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## Austria's European Policy and its Coordination and Decision-making System at the Turn of the 21st Century<sup>12</sup>

*Martin Jeřábek*

**Abstract:** *The study describes Austria's relationship to the EU and the processes the country underwent in the past thirteen years as an EU member state. Due to its EU accession Austria went through a process of Europeanization. This paper analyses the top-down and bottom-up effects of this process. The author begins by asking to what extent Europeanization had an impact on the coordination mechanisms of Austrian politics, in particular, the executive and the legislative, and the specific features of the Austrian political system: federalism and corporatism. The analysis shows that the adaptation of institutions to EU model significantly affected Austrian politics. The second part of the paper analyses the bottom-up effects, how domestic political processes influenced the Austrian European policy. Despite the strong Europeanization of Austria's domestic institutions the research found some problem junctures in the relationship between Austria and the EU. This included the issue of the coalition government that was formed with the participation of the FPÖ in 2000 and the sanctions other EU member states placed on Austria as a response. Another case occurred when Austria threatened to veto EU eastern expansion in 2001. On the basis of these two cases it was found that despite the adaptation of domestic institutions, domestic politics can still have a strong effect on European relations. However, the long-term trend in Austrian European policy indicates that the relationship between strong institutional adaptation and the country's positive pro-European policy is primarily harmonious.*

**Keywords:** *Austria, political system, European policy, coordination system, European Union, federalism and the EU, corporatism*

### Introduction

Austria has been a member of the European Union for over a decade now. Austria's official request for full membership in the EC<sup>13</sup> did not come until 17 July 1989. It was preceded by a domestic political debate over the advantages and disadvantages of membership in the EC, against the background of the changes that were occurring in the East-West relationship and intensifying European integration.

<sup>12</sup> This article was not proof-read by the Politics in Central Europe. The autor holds the full responsibility for the language quality of the article.

<sup>13</sup> ECSC, EEC and EUROATOM.

Austria feared the negative economic impact of remaining permanently outside the EC common market, a project that the EC tabled in 1985. Austria wanted to belong to the European economic area and the EC, but politically it continued to insist on maintaining its neutrality.<sup>14</sup> The referendum on the Constitutional Act on the Accession of Austria to the EU was held on 12 June 1994 and it was the first mandatory referendum in the country's history.<sup>15</sup> The majority of Austrian voters expressed their agreement (66.58 % voted for membership, 33.4 % voted against) with joining the European Union.<sup>16</sup>

Austria joined the EU at the same time as Finland and Sweden as part of what was called the northern expansion on 1 January 1995. Austria implemented the principles of the Maastricht Treaty<sup>17</sup>, became part of the Schengen area, and along with the other eleven member states adopted the Euro as its currency on 1 January 1999. Austria experienced strong economic growth after the Second World War, ranking it among the economically advanced EU states and the countries that are net payers into the EU budget.

The study aims to analyse the ongoing process of the "Europeanization"<sup>18</sup> of Austria's domestic political institutions following Austria's accession to the EU. Robert Ladrech understands Europeanization as an "incremental process reorienting the direction and shape of politics to the degree that EC political and economic dynamic become part of the organisational logic of national politics and policy-making" (Ladrech 1994: 69). This top-down dynamic and the impact of European integration on the national institutions of Austria will be examined in the first part of this study. Our assumption is that Austria, a small Central European state, is highly Europeanized, despite its relatively late accession to the EU, is highly Europeanised, and we will attempt here to verify/falsify this assumption. Our analysis focuses especially on the main political subjects involved in the country's integration policy and the decision-making system of the executive and legislative authorities and of

<sup>14</sup> For a legal analysis of "accession to the EC with the exception of neutrality", see Hummer (1996: 25, 28-38).

<sup>15</sup> The necessary constitutional changes assumed the nature of overall changes to the Federal Constitution of the Republic of Austria, and according to Art. 44 Par. 3 of the Austrian Constitution (Bundes-Verfassungsgesetz) (B.-VG.) these must be submitted to a referendum. The Austrian Constitution document that even includes parts of treaties and statutes that are classified as constitutional (e.g. a State Treaty). For the purpose of this paper the abbreviated title of the Austrian Constitution will be used (see Klokočka, Wagnerová 2004: 419-508).

<sup>16</sup> Conditional on the participation of 82.4 % of Austrian voters.

<sup>17</sup> Austria committed itself to the principles of the Maastricht Treaty. While preserving its neutrality, the Austrian government also managed to maintain strong environmental protections (especially in connection with the use of nuclear energy), was granted transitional periods in relation to freight transit, and maintained regulations in the area of agricultural policy, for more see Itzlinger (1996: 52).

<sup>18</sup> For more on the use of the term "Europeanization" in contemporary literature, see Dančák, Fiala and Hloušek (2005: 11).

the Federal States and it also looks at the constitutional requirements for Austria's membership in the European Union.

The top-down dynamic is an important dimension of integration, but the bottom-up dynamic is no less significant. We believe that the relationship between the EU and member state (in our case Austria) institutions is a two-way interaction (for more see Hussein 2005: 287). In the relationship between the EU and Austria, the impact of European structures on Austria's domestic policy is just one side of the coin. The other side is Austria's policy towards the European Union. Another objective of our analysis is therefore to find out how Austria has engaged as an influential actor in the EU and how Austrian policy has been applied within the European Union.

In order to examine these questions we analyse three cases. The first case study is devoted to Austria's EU Presidency, which it first held in the second half of 1998 and then again in 2006. The second study deals with the critical juncture in Austria's relationships with the other EU member states. A critical period occurred after the controversial "black-blue" coalition government was set up in February 2000, formed by the Austrian People's Party (ÖVP) and Haider's populist right-wing Freedom Party (FPÖ). In protest, fourteen EU countries invoked sanctions against Austria, which remained in effect until 12 September of that year. The third case study relates to the important challenge that Austria's European policy faced when the EU began the process of eastern enlargement.

The Europeanization of Austria's domestic decision-making system (the top-down dynamic)

There are several bases for the system of decision-making and coordination that lies behind Austria's European policy and it is possible to distinguish between internal and external factors of the Europeanization of Austria. Internal factors refer to the features and the institutional structure of the political system of Austria and also to some specific characteristics of Austrian politics: the federal structure of the country, social partnerships, corporatism and the consensual orientation of political and official elites that, despite weakening ties, persisted in the "grand coalition" of the SPÖ and the ÖVP (Morass 1996: 35).

In addition to these internal factors, the formation of decision-making mechanisms has been influenced by the external circumstances of Austria's accession to the EU. Austria joined the EU at a time when integration was already well advanced, especially in terms of the common economic and political life of member states. Consequently, it was not possible to integrate the Austrian system of government by sectors on the basis of selected areas of integration, and instead the integrative capacity of the entire system had to be developed at once. This gave rise also to a need to coordinate everything, from the individual steps taken to the country's unified political line towards the European Union. The deepening integration that the Maastricht Treaty set

in motion meant that even Austria was increasingly confronted with the question of democratic legitimacy. Austria was able to draw on the example of Germany, which as part of constitutional amendments after 1990 introduced stronger institutional checks on *Europapolitik* on the part of the national parliament and the Federal States.

### The powers of the executive in EU affairs

There are two centres of executive power in Austria – the federal government and the President. The government is usually a coalition of parties and is only rarely formed by just one party. The government (*Ministerrat*) acts as a collective body and comprises the Chancellor (the head of government), the Vice-Chancellor, ministers, and state secretaries. The executive bodies in each of the Federal States are headed by a state governor (*Landeshauptmann*). The President of Austria is elected to office for a six-year term and derives his legitimacy from direct elections. The President's role is largely ceremonial. Presidential acts are countersigned by the Chancellor or the relevant minister. The President wields the formal powers of naming the government and at the government's recommendation dissolving the National Council, but the parliamentary nature of the political system is respected. Heinz Fischer is currently the President of the Austrian Republic.

The executive authority occupied a central role in the decision-making process pertaining to EU affairs. From the outset, the individual ministries of the Austrian system of government were at the forefront of the process (Pelinka 2003: 527). Representation of the Austrian state in talks in the EU Council of Ministers (Council of the European Union) was regarded as the responsibility of the relevant minister, reserving the alternative possibility for that minister to be represented by another minister or by a state secretary from another ministry.<sup>19</sup> The task of coordinating the country's European policy is divided between the Office of the Chancellor and the Foreign Ministry. These two institutions also directly and jointly take part in preparing the agenda for the European Council or the Intergovernmental Conference. In the period of the "grand coalition", this cooperation corresponded well with the coalition policy of tandem responsibility, where the Chancellor was responsible for the overall coordination of government policy (and for representing Austria at meetings of the European Council), and the Foreign Ministry participated in meetings of the General Affairs Council (Morass 1996: 36).

In June 1994 a dispute over competences occurred in connection with who was to represent Austria at a top gathering of government heads at a meeting of the

<sup>19</sup> From the start there has been a problem with assigning matters dealt with at the EU Council to the relevant minister. The division of specialisations in the EU did not thematically match the division of competences of among individual Austrian ministries. Therefore, the ministry that is to lead the negotiations is regularly designated in advance.

European Council in Corfu, where an Austrian representative was to sign the EU Accession Treaty. Although previous Austrian presidents had not attempted to play an independent role in foreign policy, President Thomas Klestil (1992–2004) insisted on taking part in this European summit, thereby following in the footsteps of the French president. It was his intention to act on the right of the president to represent the state abroad, which is stipulated in Art. 65 of the Austrian Constitution. However, Chancellor Franz Vranitzky asserted the authority of his position in this dispute as the official who determines the country's foreign policy. The Austrian president acknowledged the Chancellor's legal arguments that representation in EU politics is not the same thing as representation of the state abroad as defined in Art. 65 of the Constitution and withdrew from participating in other top meetings of the European Council in Essen and in Madrid (Pelinka 2003: 524).

### **The role of parliament in decision-making**

Legislative power in Austria is vested in the two-chamber Parliament, which is dominated by the directly elected National Council (*Nationalrat*), while the Federal Council (*Bundesrat*) represents the interests of the federal states (nine states, including Vienna). The upper chamber – the Federal Council – plays a much weaker role in the legislative process. Usually it just has the right to use a suspensive veto, and it has the right of absolute veto only in the case of constitutional bills and bills directly pertaining to the powers of the Federal States. Members of the Federal Council are elected indirectly by members of the representative bodies of the individual Federal States. The Constitution gives a full description (catalogue) of which legislative areas remain in the competence of the state and which fall within the scope of legislative powers of the elected Federal State legislatures.

In comparison with other EU countries, where European policy has a strong executive character, the Austrian National Council exercises considerable authority over affairs connected with the EU. Members of the government are required without delay to inform the National Council and the Federal Council (more details on the Federal Council in the section on Austrian federalism) about all proposals within the European Union and in doing so provide Parliament with the opportunity to formulate a position on issues. Thanks to the active role it has played in establishing Austria's position in the EU, parliament is able to assume co-responsibility for Austria's European policy. A constitutional amendment introduced before Austria joined the EU gave the National Council extensive rights to intervene in the decisions of the government in matters pertaining to the EU.<sup>20</sup> Article 23e of the Austrian Constitution obliges members of the government who discuss and vote in the

<sup>20</sup> Art. 23e, 23f of the Austrian Constitution.

European Union to adhere to the position of the National Council (lower chamber). A member of government can deviate from the National Council's position "only for essential reasons of foreign and integration policy" (Art. 23e, Par. 2 of the Austrian Constitution). In this case the given member is required to submit a report on the reasons that led him or her to deviate from the official position of the National Council. A similar mechanism functions for decisions of the government in matters pertaining to the foreign and security policy of the EU and in areas of cooperation in issues of the justice and interior.

The National Council monitors the steps of the national government in the EU Council through the Executive Committee (*Hauptausschuss*). This permanent parliamentary committee regularly reviews European legislation. However, it selects for itself which topics it intends to focus its attention on. The agenda for the committee (which usually meets once every two weeks) is compiled by the "preparatory committee", made up of representatives from every parliamentary group (Morass 1996: 38).

The participation of parliament in government decision-making relating to EU issues allows opposition parties in the National Council an opportunity to monitor decisions. It was primarily the opposition parties (Greens) who demanded that the constitutional reform in 1994 incorporate guarantees for the substantial participation of parliament in the decision-making process. The opposition therefore possesses the potential to effectively influence the government's position. In terms of the nature of democratic government in the EU, it warrants praise that every position Austria adopts in the EU Council can potentially be traced right back through to the parliamentary level. This accords the decisions of the Austrian government a democratic legitimacy. However, the practical impact of parliamentary checks on the government in EU affairs is small (Falkner – Laffan 2005: 219). Since joining the EU the National Council has issued only several dozen binding opinions. The problem is that the role of parliament in decision-making slows the process of formulating a definitive political opinion. The cumbersome process of communication between the relevant minister and the Executive Committee has often been criticised. It is difficult for ministers to maintain any continuous consultation with the Executive Committee in the final stage of negotiations in the EU Council.

### **Austrian federalism and municipalities in EU affairs – the position of the Federal States**

Austria is a federal republic. The key principles of its political system are laid out in the Federal Constitution of 1920, which remains in effect to date in the amended form adopted in 1929. In Austria (like in Germany), the Federal States possess an independent identity not derived from the federation. The state's federal character

stems from the relatively autonomous legislative function of the Federal States (Walter – Mayer 1996: 70). The Federal States participate in creating the laws of the federation through the Federal Council (*Bundesrat*), and in executive action through the Federal Administration. Since the 1970s the federal principle has been asserted with increasing rigour. A constitutional amendment from 1984 expanded the powers of the Federal Council. An important feature of the Austrian federal state is the fact that it is the interests of political parties rather than the interests of the Federal States that are of decisive relevance (Weber 1996: 52).

Judicial power is exclusively within the jurisdiction of the Austrian Republic, not the Federal States. In the sphere of public administration the highest judicial instance is the Administrative Court. The Constitutional Court (*Verfassungsgerichtshof*) reviews the constitutionality of laws, and it deals with disputes between the Federal States or between the Federal States and the federal government. The absence of any independent judicial power at the individual state level and the fact that the Federal Council occupies a weak position in the legislative process seem to confirm the theory that Austria is something like a unitary federal state, or in other words, Austrian federalism is weak (Říchová 2002: 131-162).

When Austria joined the EU there was no significant strengthening of federalism, which the Federal States had hoped for from membership. By strengthening their powers in relation to the national political system they had hoped to compensate for the eventual decline of their own influence in the EU's system of "multi-level governance" (MLG) that would result from the primarily executive nature of the formulation of European policy in individual member states.

A constitutional amendment in 1992 established only the principles for the participation of the Federal States in decisions on affairs connected with the EU. The Constitution obliges the national government to inform the States (*Bundesländer*) about proposals relating to the EU and to ensure that the Federal States are able to co-decide on matters that fall under the legislative authority of the Federal States or concern their interests. The Federal States must agree unanimously on an opinion and opinion is binding for the national government in negotiations in Brussels (Art. 23d, Par. 2 Austrian Constitution). The government can only deviate from that opinion if it is necessary for foreign policy reasons or for reasons of political integration. At the practical level, the above rules do not make the participation of the Federal States easy. The need for the consensus of all the Federal States only rarely leads to a united opinion being carried (Falkner – Laffan 2005: 220). Moreover, owing frequently to different interests, the Federal States are unable to react flexibly to EU proposals.

The Federal States can moreover participate directly in talks in the European Union. If any legislative proposal within the EU relates to a matter that falls under

the legislative authority of the Federal States, the federal government can transfer participation in talks in the EU Council to a representative selected by the Federal States.<sup>21</sup> However, practical instances of this practice since Austria joined the EU have illustrated the government's effort to make it difficult for the Federal States to personally take part in joint delegations (Weber 1996: 54). Another method of involving the Federal States is through the person of a joint delegate of the Federal States within the diplomatic structure of Austria's Permanent Representation to the EU (*Ständige Vertretung*).

The activities of so-called *Eurobüros*, which were set up by the individual Federal States after Austria joined the EU, are evidence of the fact that the Federal States do not feel that they are adequately represented by the government in Brussels. Alongside these information centres of the Federal States in Brussels, representatives of the States are among the participants in the EU's Committee of the Regions, which is made up of members of local and regional bodies, including Federal State governors and even representatives of the Associations of Cities and Municipalities (*Städte- und Gemeindebund*). Representatives of the Federal States have from the outset of Austria's membership in the EU been very active in the Committee of the Regions and have promoted development of the Union in the direction of a Europe of regions. A prime example of this trend is the cross-border cooperation of the Italian regions of Bolzano and Trento (Southern Tyrol) and the Austrian Federal State of Tyrol.

Austrian municipalities are able to participate in EU affairs at the European (Committee of the Regions) and national levels (Council for Issues of Austrian Integration Policy).<sup>22</sup> They do so through the Austrian Association of Cities and the Austrian Association of Municipalities (Art. 115 of the Austrian Constitution).<sup>23</sup> The Austrian Association of Municipalities became a member of the Council of European Municipalities and Regions (CEMR) at the very start of European integration in the 1950s.<sup>24</sup> The Association selects three delegates out of the twelve Austrian members as representatives in the Committee of the Regions. The rule that applies in the relationship between the centre and local administration is that whenever a particular European bill affects "the sphere of autonomous authority of the municipalities" or municipal interests, the national government is required to inform the municipalities

<sup>21</sup> Art. 23d, Par. 3 of the Austrian Constitution.

<sup>22</sup> In Czech literature, Miroslava Pitrová's master thesis (which she successfully defended at the Faculty of Philosophy and Arts at West Czech University in Pilsen in 2006) is devoted to the subject of Austrian communal politics.

<sup>23</sup> [Http://www.sbg.ac.at/pol/regionastudies/dokumente/d-gemeinde/d-gemeinden-2stell.htm#a](http://www.sbg.ac.at/pol/regionastudies/dokumente/d-gemeinde/d-gemeinden-2stell.htm#a). (3 August 2007)

<sup>24</sup> In 1993 the Council of European Municipalities and Regions joined up with the IULA (International Union of Local Authorities) and became its European branch. This merging of two international municipal interest groups made the Austrian Association of Municipalities automatically a member of the IULA; see <http://www.iula.org>. (2 August 2007)

without delay and provide them with an opportunity to formulate an opinion on it (Art. 23d Par. 1 of the Austrian Constitution). In terms of the administrative structures for drawing on EU Structural Funds, Austria is part of the NUTS II units. Lower Austria, Upper Austria, Styria, and Vienna (each of these Federal States has a population of more than one million) are NUTS II regions, which correspond to the territorial administrative divisions of the Austrian state and to the individual Federal States. The regions and municipalities of Austria each have a share in the funds that are targeted for areas defined under Objective 2 of EU regional policy and they participate in EU programmes such as Interreg III (Pitrová 2006: 56).

### **Political parties in the process of European integration**

The Austrian Constitution documents the legal continuity of the Republic of Austria from its date of origin in 1918 to date. At the start of the Second Republic political parties referred back to the democratic development of the First Republic, interrupted by the establishment of an autocratic regime (1934–38) and subsequently the annexation of Austria to the Third Reich (1938–45). Between the late 1940s and the 1980s the Austrian party system was highly concentrated. At the peak of this trend (1975) 90 % of Austrian voters were voting for one of two large parties: the Austrian People's Party (ÖVP) or the Austrian Socialist Party (SPÖ).<sup>25</sup> A third political party, the Austrian Freedom Party (originally called the Federation of Independents - *VdU*, and renamed the FPÖ in 1956), was much weaker. Thus there was a two-and-a-half party system operating in Austria. When the Greens entered the National Council in 1986 and when preferences for the populist right-wing Freedom Party (FPÖ) began to grow, changes began to emerge in the party system and in the voting behaviour of Austrian voters. The traditional political camps (*Lager*) of labour, represented by the SPÖ<sup>26</sup>, and conservatives, represented by the ÖVP, gradually lost their ability to attract a stable base of voters. However, a fundamental change occurred with the elections to the National Council in October 1999.

Paradoxically, up until the 1980s, the marginal FPÖ was the only party that expressed full support for Austria's integration into the EC. The FPÖ was the first to incorporate the idea that even while maintaining neutrality Austria could still take an active part in the European integration process in their party programme on 1 July 1985 (Hummer 1996: 38). From the mid-1980s the Austrian People's Party also began to profile itself as a "pro-European" party.<sup>27</sup> The Austrian Social-

<sup>25</sup> On the party and electoral system of the Second Austrian Republic and the "cleavages" influencing the voting behaviour of Austrians, see Hloušek (2006: 24-40).

<sup>26</sup> The Austrian Socialist Party (SPÖ) was renamed in 1991 as the Austrian Social Democratic Party.

<sup>27</sup> On the positions of Austrian political parties towards European integration, see Pollak; Slominski (2001).

ist Party was the last to show support for the country joining the EC and only began doing so under the leadership of Franz Vranitzky, Chancellor of the “grand coalition” in 1987–1997.

At the start of the 1990s the FPÖ radically altered its position. In 1991 they began to actively campaign against European integration and during the period of accession talks they tried to win the votes of everyone opposed to the pro-integration policy of the grand coalition. Austria’s preparation for EU accession required the introduction of the most substantial changes to its Constitution since 1929. In order for Austria to be ready to sign the EU Accession Treaty on 24 June 1994, it had to enact major legislation affecting the Constitution. Voting in the National Council (*Nationalrat*), the Federal Council (*Bundesrat*), and the referendum were preceded by an information campaign and discussion of the advantages and disadvantages of Austria’s membership. Although there was a consensus among political elites that Austria should have an opportunity to contribute to decision-making within the European Union, the opposition parties, the Austrian Green Party and Haider’s FPÖ, campaigned against joining the EU. Jörg Haider in particular took advantage of this issue to mobilise voters against the “pro-European” coalition of the Social Democratic Party (SPÖ) and the Austrian People’s Party (ÖVP). The only opposition party to support the government camp was Heide Schmidt’s Liberal Forum (LIF) (Gehler – Kaiser 2002: 316; Greiderer – Pelinka 1996: 145).

In 1994 the Greens as well as the FPÖ voted against joining the EU. But unlike the FPÖ the Green Party, despite its initial reservations towards Austrian membership in the EU, began to support the integration process and Austria’s active participation in it (Hloušek – Sychra 2004: 27). The FPÖ, however, maintained its negative stance towards EU membership, evident, for example, in the (unsuccessful) proposal submitted by the FPÖ functionary Susanne Riess-Passer in 1997 that a referendum be held on adopting or rejecting the Euro as currency.

Austrian politics in 2000–2006 are of interest for the topic of this paper with regard to the effect of party politics on the European policy of a particular state. During this period Austria’s positions on current issues of European integration were more than ever before influenced by party conflicts and the tension between the ruling coalition of the ÖVP and Haider’s FPÖ. Europe’s stances towards Austria were also fundamentally influenced by the participation of the Freedom Party in the government (see above for more on the sanctions against Austria). Particularly in the first term of the coalition and up to the FPÖ’s losses in the early elections held on 24 November 2002, Haider’s Freedom Party endeavoured to orchestrate problems in connection with the EU’s eastern enlargement and deeper European integration and use them for their own short-term political gain. For example, the FPÖ tried to

impose a referendum (January 2002) on the Temelín nuclear power plant and threatened to veto the Czech Republic's accession to the EU (Gehler 2005: 96-98). The Beneš decrees, free movement of labour, and freight transit through the Alp regions of Austria were all topics they raised in direct connection with EU enlargement.

Internal party conflicts and an election loss in the autumn of 2002 (the ÖVP received 42.3 % of the vote, the FPÖ only 10.16 %!) meant that the Freedom Party was no longer able to effectively pursue a negativist EU policy. In the second coalition term (the Schüssel II cabinet) in 2002–2006, the Austrian government set a clear pro-European course and encouraged the successful conclusion of the EU's eastern enlargement and the European Convention negotiations on the draft treaty to establish a constitution for Europe. In the Austrian National Council, members of the ÖVP, in cooperation with the opposition SPÖ and the Green Party, voted in favour of eastern enlargement.

After the victory of the Social Democrats in the 2006 elections, Austria again found itself in the midst of a political turnaround, where the preconditions were even stronger for a “return” to a grand coalition. In 2007 a coalition government was set up and headed by the Social Democratic Chancellor Alfred Gusenbauer.

## **Austrian neo-corporatism and the European Union**

The political system of the Second Austrian Republic has a specific political culture characterised by consensual democracy, backed up by a model of social partnership (*Sozialpartnerschaft*) and coordinated links between interest groups and politics.<sup>28</sup> This method of negotiating over fundamental economic and social issues was primarily advanced during the years of the coalition between the Austrian People's Party and the Socialist Party in 1945/47-1966 and 1986/87-1999/2000. The umbrella bodies of the Austrian Trade Union Federation (*Österreichischer Gewerkschaftsbund, ÖGB*) and the Federation of Austrian Industry (*Vereinigung österreichischer Industrieller, VÖI*), and the economic and agricultural chambers and worker and employee chambers, membership in which is usually mandatory, all create the basis for Austria's neo-corporatism.

Social partnership is an institutionalised form of cooperation and it is a basic feature of corporate relations. The established right of social partners to be involved in the legislative process or to review wage and price policies (*Paritätische Kommission für Lohn- und Preisfragen*) made social partnership an important factor in political decision-making in Austria. The strength of the influence organised interests have had in the political sphere peaked in the 1970s.<sup>29</sup> Despite the gradual decline

<sup>28</sup> Some authors write about the formation of neo-corporative structures (Pelinka 2003: 542; Prisching 2002: 299-320).

<sup>29</sup> In 1973, 51 % of the functionaries in economic unions and economic and working chambers also

in their significance, interest groups were important actors in the accession process, throwing their support behind Austria's EU membership (Tálos – Karlhofer 1996: 69). While supporting Austria's integration into the EU, representatives of interest groups simultaneously strove to acquire for themselves adequate rights to take part in decision-making on European affairs.<sup>30</sup> In the "European agreement" of April 1994, the governing SPÖ and ÖVP committed themselves to ensuring the adequate involvement of the four main interest groups in the domestic political process, in EU committees, and even in the diplomatic representation of the Austrian Republic in Brussels (Tálos – Karlhofer 1996: 70).

The interest group umbrella organisations, the federations, are able to take part in the decision-making process at various levels. Alongside their formal involvement, for example, in the legislative process (*Begutachtungsverfahren*), their informal contacts are traditionally also a source of significant influence. Interest groups cooperate with the ministries (social affairs, the economy, and agriculture) and take part in preparations for meetings of the Committee of Permanent Representatives (*Coreper*), which is the responsibility of the Office of the Chancellor and the Foreign Ministry. Through indirect party contacts they can also have an influence on discussions in the Executive Committee (*Hauptausschuss*) of the National Council.

As Austria was drawn into the EC and began to act as a fully fledged EU member, two processes at two levels were unleashed. In one respect, membership in the EU led at the national level to a reduction in the amount of influence organised interest groups wield, because many of the national affairs that the groups were able to participate in directly prior to Austria's EU membership are regularly addressed at the supranational, European level. Despite the joint and very often consensual approach of the state and interest groups, representatives of the national government are still exclusively regarded as the official representatives of Austria in the committees of the EU (according to EU rules). It is always left to the discretion of the relevant minister whether to invite representatives of other organisations in the social partnership to take part in the meetings of European committees and make them a member of the delegation, but they can only participate as observers and have no negotiating powers (Falkner – Laffan 2005: 221). The position of social partners in the political system also depends heavily on the state of national politics, especially considering the centralising efforts of the centre-right coalition government of the ÖVP and the FPÖ in 2000-2006.

However, in another respect, that is, in terms of the manoeuvring room of interest groups, there has also been a positive side to Austria's gravitation towards the

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<sup>30</sup> held a seat in the National Council; in 1995 the figure was only 19 % of active functionaries. Österreich und die europäische Integration, Stellungnahme der Sozialpartner, 1 March 1989.

EC/EU. At the level of the EC, Austrian interest groups and federations (*ÖGB*, *VÖI*, *Wirtschaftskammer Österreich - WKÖ*) had become members of European organisations even before Austria joined the EU.<sup>31</sup> In these activities they were able to benefit from their monopolistic position in the state in their given branch. In this respect the Austrian model of social partnership is not likely to be exported to the supranational, EU level. Probably the opposite process is to be expected. National corporate structures will increasingly be influenced through organised interest-group lobbying at the European level.

### **Austria as an EU member – from “ideal pupil” to “difficult child” (the bottom-up dynamic)**

In the previous chapters we analysed the impact of the EU on Austrian national political structures and found that the level of Europeanization of Austria is relatively high. Below we will examine whether (and when) Austrian institutions or political leaders have had a significant impact on EU actions or on the actions of the institutions of the other EU member states. Does the Europeanization of the domestic policy of a country like Austria lead it towards becoming a good EU member? How much positive influence did the high level of Europeanization have on the actors in Austrian European diplomacy so that they support “European” solutions in decision-making processes at the level of the EU?

The fact that two-thirds of Austrian voters expressed their support for Austria joining the EU in 1995 put the country in a good starting position. Austria fulfilled all the requirements for becoming an economically and politically successful member of the EU. In the country's thirteen-year history as a member, there have been periods when Austria has genuinely met those expectations (case 1), but there have also critical periods, as will be shown in case 2 and partly also in case 3.

### **Case 1: The Austrian Presidency of the Council of the European Union in 1998 and 2006**

When the Presidency of the EU Council passed to Austria in the second half of 1998 the country demonstrated its capability of assuming responsibility for EU policy. However, despite how well organised and prepared Austria was, some external factors (e.g. the national elections in Germany) had a decisive influence on the timeframe of the Presidency (Schallenberg – Thun-Hohenstein 1999). Nonetheless, Austria proved itself as the presiding country, successfully leading the talks with the

<sup>31</sup> VÖI joined the UNICE (the Union of Industrial and Employers' Confederations of Europe), the WKÖ joined EUROCHAMBERS (Association of European Chambers of Commerce and Industry); the ÖGB was a founding member of the ETUC (European Trade Union Confederation).

first wave of new candidate countries (Poland, Hungary, Estonia, Slovenia, the Czech Republic) and contributing to the introduction of the Euro on 1 January 1999.

In the first half of 2006 Austria again held the EU Presidency, and the atmosphere on this occasion was different than during the 1998 Presidency. By 2006 the EU was focusing on more than just internal problems (employment policy) and its attention was also turned to further expansion (and the question of the future membership of Turkey), security threats, and global issues. During its Presidency Austria conducted itself in a very positive and “European” manner. This Presidency was an inspiration for a small Central European country like the Czech Republic, which will be assuming the EU Presidency in the near future.

## **Case 2: The 1999 Austrian parliamentary elections and sanctions from the “EU14”**

After the first five years of Austria’s membership in the EU, which was accompanied by its active approach to key integration projects, including preparation for the third stage of economic and monetary union, the relationship between Austria and the EU changed dramatically. The reason was internal political developments within Austria.

In the elections to the Austrian National Council on 3 October 1999 the largest number of votes went to the SPÖ (33.15 %), but the FPÖ became the de facto winner of the elections (26.91 %), beating out the ÖVP by just 415 votes (26.91 %), and became the second strongest parliamentary party. The Greens won 7.4 % of the vote (Gehler 2005: 876). The President called on the head of the Social Democratic Party, Viktor Klima, to pursue coalition talks with members of the Austrian People’s Party, and when these fell apart, talks between the ÖVP and FPÖ were next on the agenda. In February 2000 President Thomas Klestil, reluctantly<sup>32</sup>, announced the formation of a “black-blue” coalition government of the ÖVP and the FPÖ, headed by Chancellor Wolfgang Schüssel and Vice-Chancellor Susanne Riess-Passer from the FPÖ.

The other fourteen EU states opposed the participation of the populist right-wing and xenophobic FPÖ in the Austrian government and imposed bilateral “sanctions” for an indefinite term against Austria, which came into effect immediately after the new Austrian government was sworn in on 4 February 2000 (Gehler 2002: 182).

<sup>32</sup> The President did not agree with the participation of the FPÖ in the government, and therefore he did not call on the head of the ÖVP, Schüssel, to form a government. On 2 February 2000, after a coalition agreement was reached between the ÖVP and FPÖ, the proposed list of Cabinet members was submitted to the President, who refused to name some of the ministers, but nonetheless was forced to respect the outcome of the elections and the consequent distribution of mandates in the National Council.

This kind of decisive and rapidly coordinated action taken by member states against one other member state was unprecedented in the history of European integration. It was, however, from the start uncertain whether the fourteen member states had the legal right to agree to the proposal of the Portuguese Presidency on 31 January 2000, which read: “*The governments of the fourteen member states will not support or accept any bilateral official contacts on the political level with an Austrian Government of which the FPÖ is a part; they will not support Austrian candidates for posts in international organisations; Austrian ambassadors in the capitals of EU cities will only be accepted on a technical level.*”<sup>33</sup>

This joint decision of 14 EU states was highly medialized and in the initial months during which it was in effect it resulted in the international isolation of Austria. The fact that the other democratic states were opposed to the participation of a populist right-wing party in the government of another member state was not just the expression of a moral position but also a defence of the EU's common values, as articulated in Art. 6 in the European Union Treaty (Gehler 2002: 187). However, from a legal perspective, Schüssel's government had not actually infringed on any democratic principles, and an especially problematic issue was that sanctions were to apply for an indefinite period. They would only be *de facto* repealed if the “black-blue” Austrian government stepped down. Austria tried to defend itself, but its interpretation of the situation was initially rejected by other states. Controversial was the fact that the “sanctions” were not adopted as a decision of the European Union but “only” its member states. Furthermore, the European Community's founding treaties only explicitly prohibit discrimination on the basis of ethnicity (Falkner – Laffan 2005: 218). The Austrian government's legal position reflected these facts, and the Federal Government based its defence on the argument that the statement of the Portuguese Presidency from 31 January 2000 was an agreement at the level of international law, it lay outside the legal framework of the European Union (it was not a legal document of any EU body), and it was primarily of political significance.

What kind of impact did the sanctions imposed by the other EU states have on domestic policy in Austria? The public threat of sanctions did nothing to deter W. Schüssel in his decision to set up a coalition government with the FPÖ. Future Chancellor Schüssel used the EU protests to his own advantage in the negotiations with the FPÖ over the distribution of ministerial seats in the government. The ÖVP was, for example, able to continue to position itself as the “European party”, as the foreign ministry was headed by Benita Ferrero-Waldner (Gehler 2002: 197). The opposition expressed satisfaction over the sanctions and made plain their disapproval of the government, but the majority of the Austrian population showed

<sup>33</sup> [http://www.mzv.cz/\\_archiv/data\\_dokumenty/dokumenty92000.html](http://www.mzv.cz/_archiv/data_dokumenty/dokumenty92000.html) (5 July 2007)

solidarity with the new cabinet.<sup>34</sup> Thanks to this unexpected confrontation, the Austrian government, which had initially not been very united, pulled together in a sense of solidarity, and even the positions of the Austrian Chancellor and the head of the ÖVP Schüssel were strengthened (Gehler 2005: 891). The full force of these circumstances became evident in the early parliamentary elections held in the autumn of 2002, from which the ÖVP emerged as the strongest party.

After five months of sanctions some member states began to call for normalising relationships with Austria (e.g. Denmark, Finland, Ireland, Italy, and Spain). Austria's policy of quiet diplomacy helped foster this attitude (Gehler 2005: 895). The solution to this stalemate, when even the European public began to feel that the sanctions were counterproductive, was the Report of the "Three Wise Men".<sup>35</sup> This three-member committee recommended ending the sanctions. The justification for the decision was not that the FPÖ in the position of a government party had abandoned its populist statements, but rather fears about a rise in nationalism and negative attitudes towards the EU in Austria (Gehler 2002: 210). Based on this report the sanctions against Austria were terminated unconditionally on 12 September 2000.

### Case 3: Austria and eastern EU enlargement

Debate on some of the more problematic chapters of the EU's eastern enlargement (free movement of labour, energy) culminated in 2001. At that time Austria's position in the EU was still weak from the sanctions against it in the first half of 2000. The government hoped to assert its interests in the issues of Temelín and freight transit, but, with the exception of members of the FPÖ, the Austrian position on eastern enlargement was favourable, though eastern enlargement was one issue where the position of the Austrian government (except for the FPÖ) was at odds with the views of the population. Austrians were for the most part sceptical about admitting the candidate countries from Central and Eastern Europe.

The foreign ministry assigned the former Vice-Chancellor Erhard Busek with the task of coordinating the enlargement policy and launched a targeted information campaign. In the spring of 2001 Austrians were, next to the Fins and the Danes, the most informed about the issues of eastern enlargement. Over 30 % of respondents in a survey answered that they were "very well or well informed" about the EU enlargement (Eurobarometr 55, April/May 2001). However, the problem was the negative stance of the FPÖ, which (including Vice-Chancellor S. Riess-Passer)

<sup>34</sup> The sanctions made a domestic policy issue internal to Austria a European issue. Next to Kurt Waldheim (President 1986-1992), Jörg Haider became the best known Austrian figure outside Austria in Europe and the world.

<sup>35</sup> Martti Ahtisaari (former Finnish president), Jochen Frowein (renowned German lawyer), Marcelino Oreja (former Spanish foreign minister).

wanted to veto the Czech Republic's accession over the unresolved issue of the Temelín nuclear power plant. Despite constructive efforts in support of enlargement on the part of the foreign ministry (run by the ÖVP), from 2001 up to the conclusion of negotiations in Copenhagen in December 2002, Austria was viewed by the European Commission and some member states as a country rather more obstructive than supportive of the enlargement process (Gehler 2005: 867). The situation improved somewhat after the elections in 2002, when a stronger ÖVP was able to set a clear pro-European course. Austria then ratified the accession treaty, which was signed on 16 April 2003.

## **Conclusion**

During its thirteen-year membership in the EU Austria has demonstrated that it is capable of taking part in every kind of integration project as a fully fledged member. It has been careful to ensure that its activities in the European Union have not been at odds with its commitments arising from its position of constitutional neutrality. The way in which its status of neutrality has been interpreted has enabled Austria to take an active part in the Common foreign and security policy of the EU (CFSP) and to support these aspects of integration in discussions of the Convention on the Future of Europe (Gehler 2005: 978).<sup>36</sup> However, Austria continues to regard itself as a state that will not take part in defence and military alliances, and for that reason it did not enter NATO.

At the centre of our analysis was the level of Europeanization of Austrian institutions. We can conclude that its adaptation to EU models was effective. In the domestic coordination of European policy, modifications occurred in relation to the demands of effective membership. No radical changes were made to political decision-making. A system where European affairs are dealt with by the relevant ministry, which is typical of Austrian politics, is still in effect. However, the increase in the powers of the Chancellor compared to the Foreign Ministry shows institutionally how important and complex European policy is. Some actors such as the Federal States expected a more pronounced increase in their powers as a result of Austria's participation in the EU. At the formal level their potential influence indeed increased, but in practical terms they rarely have an influence on national decisions.

Successful periods in Austria's EU membership have included its Presidency in 1998 and 2006 (case 1), the adoption of the Euro as official state currency, and the constructive approach taken by Austrian deputies, for example, during negotiations

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<sup>36</sup> Austrian representatives in the Convention, Hannes Farnleitner (ÖVP) and Herbert Bosch (FPÖ), drew on a proposal from the Italian Presidency and called for including in the European Constitution a clause on the military obligation of other member states to come to the aid of any EU member under attack.

on the European Convention. In these cases the high level of Europeanization corresponded with Austria's positive attitude towards the European affairs and the very positive reflections of Austria in EU institutions and in the other EU member states. Austria's integration policy between 1995 and 2008 shows that even a small member country can become the centre of EU attention, whether in a negative (sanctions) or positive (the Presidency) sense.

In the second part of the study we discussed in detail more problematic issues. Austria's membership in the European Union has also experienced moments of crisis. Austria became even more a target of attention when its relationship with other member states deteriorated after it allowed Jörg Haider's populist right-wing Freedom Party of Austria to take part in forming the government (case 2). The biggest conflict was the sanctions the other member states imposed on Austria in 2000. The impact that crisis had on Austria's European policy was not just a loss of prestige but even a loss of manoeuvring space in the future. Even though relations between Austria and the other member states quickly returned to normal once the sanctions were repealed, the crisis weakened the country's ability to effectively assert its specific national interests within the EU. It also had an impact on actors in domestic policy. On the one hand, public support for European integration decreased and Austrians realized how important national sovereignty is to them.

Also, Austria's policy towards the EU's eastern enlargement (case 3) was a strong reflection of the country's domestic political constellation. This means that the societal adaptation was not as successful as the Europeanization of Austrian state institutions. During the accession talks with eastern candidate countries, the Federal Government of Wolfgang Schüssel displayed a resistance to some aspects of expansion that Austria saw as negative (e.g. the Temelín nuclear power plant in the Czech Republic, free movement of labour from the new candidate countries within the labour market of the EU 15, Alpine transit). In addition to disagreements between Austria and the EU over freight transit through the Austrian Alps, Austria also temporarily threatened to veto eastern enlargement in 2004. The Austrian government's adaptability with regard to EU affairs helped it to defend its position in the EU. However, political trends in domestic politics not only influenced the European policy of the country (case 2), but had a decisive impact on the basic relationship between Austria and other EU member states during the sanctions in 2000. On the other hand, Austria was able to begin looking for new allies in the European Union<sup>37</sup> and given its geographic position it began to make use of the potential that the 2004/2007 eastern expansion into the states of Central and Eastern Europe had

<sup>37</sup> A proposal put forth by the Austrian foreign minister Benita Ferrero-Waldner in 2001 to create a "strategic partnership" between Austria and the Central European states of Poland, the Czech Republic, Hungary, Slovakia, and Slovenia was made towards this end.

to offer. Despite its reserved attitude towards some points in the process, eastern enlargement brought Austria some positive economic impulses and even came to have a stimulating effect on the development of the City of Vienna.

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