

The European Parliament and the politicisation of the European space – the case of the two port packages

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Research on the modes of government of the European Union (EU) often place emphasis on the depoliticisation of issues and internal interactions, perceived to be a response to the weak political and democratic legitimacy of its institutions, particularly the European Commission. ‘Technicisation’ of European issues and depoliticisation refer to institutional practices based on the mobilisation of expertise as alternatives to insufficient political resources required to make ‘social choices’. In an institutional space that was historically built on unity rather than conflict, it is also a form of ‘denationalisation’ enabling a permanent, if sometimes precarious, compromise in internal political exchanges. According to the literature, this depoliticisation is linked to the sectorised nature of the European space, its weak cognitive unification, its multilevel and multi-polar structure, the resulting dilution of power relations and the weakness of intersectoral arenas (Hooghe, Marks, 2001; Smith, 2004) as well as its elitist nature (Costa, Magnette, 2007). Finally, this depoliticisation affects specialised knowledge, practices and representations (Abélès, Bellier 1996) which pervade institutional roles and marks a common feature of European careers (Georgakakis, 2002).

However, these generally admitted characteristics of EU governance are not completely satisfactory. Indeed, it is not so much depoliticisation that characterises the European space as the constant tensions between politicisation and depoliticisation, between ‘technical’ sequences and more political ones, between compromise and conflict. These tensions are

linked to the structures of the institutional space, the competing forms of legitimacy on which it is based, the various interests involved and the different types of resources mobilised. Focusing the analysis of the EU solely on depoliticisation processes, as much of the literature does, raises several important practical and epistemological issues. It could lead us to take at face value the actors' discourse on their practices and to forget that discourse and practice emphasizing depoliticisation are part and parcel of political strategies, in a permanent quest for power (Robert, 2001). We might also neglect one of the key features of this space: the intense inter-institutional competition that characterises it and the importance of conflicts of legitimacy. From this point of view, the strengthening of the European Parliament and the increasing integration of parliamentary actors in European policy-making constitute one of the essential transformations in recent years (Costa, 2001 ; Judge, Earnshaw, 2003) given that the professionalisation of parliamentarians integrates new political resources into the European space (Beauvallet, 2007). Finally, while the importance of experts and expertise are essential, one should not underestimate the weight and the effects of the mobilisation - whether by institutional actors or others - of more directly political registers of action (Balme, Chabanet, Wright, 2002; Michel, 2006). In other words, not only are there increasingly diverse actors who influence decision-making, but there are also new repertoires of action: Euro-demonstrations, strikes and coordinated boycotts of companies, etc. In return, these transformations also influence institutional practice and roles. Thus, it seems difficult to continue to assume that MEPs can be considered more as "technocrats" than "politicians" (Wessels, 1998)

Europe therefore does not only produce 'consensus' and 'compromise'. It also generates conflict and is constructed through conflict. Although some research explicitly focuses on this dimension (Marks, Steenbergen, 2004), it nonetheless remains marginal in European Studies. Actor-centred political sociology could provide some tools for re-examining the conflicting

aspects of European processes and their effects. Within this framework, the EU is perceived less as a 'system' (Hix, 1999) than as a partially autonomous space shaped by particular forms of interaction (Kauppi, 2005) within which actors compete to acquire more or less specific resources in order to preserve or to transform existing balances of power. Although unequally endowed with resources, they nevertheless gravitate around the same stakes and share a common belief in the importance of the specific issues of this field (Bourdieu, 1979). In this regard, conflict is seen less as the manifestation of a problematic externality (resistances *to* Europe as a problem to be resolved) than an integral part of the internal dynamics of the entire European political space¹. Those tensions define the properties as well as the characteristics of the unification processes.

Although explicit and visible political and social conflicts remain the exception in the dynamics of the EU, their very existence can shed new light on the entire process. This chapter will focus on politicisation and sequences of mobilization through the analysis of two successive directives on the liberalisation of port services, referred to as 'Port Package' (1 and 2) rejected respectively in November 2003 (third reading) and January 2006 (first reading) following strong trade union mobilisation and a series of parliamentary 'battles'. This institutional outcome (negative vote and political mobilisations) is quite exceptional but reveals to a large extent the structural consequences of the transformations mentioned above.

The rejection of these directives followed the alliance between trade unions and some MEPs against the Commission, the Council and the initial parliamentary majority that gradually emerged in a specific political and media context. This led to a new round of

¹ By political space we mean 'all the power relations existing in a given institutional order, and whose effect is to preserve and modify this order and the relationships between all persons who can use it' (Lagroye, 1997, p.132).

negotiations in which trade unions, which were originally marginalised, became more involved. Under the influence of various mobilisations, the politicisation of port directives thus helped transform the existing balance of power and transformed not only the definition of the political ‘problem’ in question but also the institutional agenda (Cobb et Elder, 1972; Kingdom, 1984) and, at least partially, the cognitive frames used to treat this ‘problem’ (Berger & Luckmann, 1966; Hall, 1993). While this problematique was initially constructed by the Commission within the classic perspective of liberalisation and the ‘necessary’ competition in port services, the final and massive rejection of the directive reflects, on the contrary, the increasing salience of competing narratives. At the end of the sequence, issues such as the fight against social dumping and security occupied a more central place in the definition of the ‘problem’ than was initially the case.

The outcome of the port directives shows first and foremost how non-institutional and non-economic actors, who are generally considered as ‘losers’ in European processes, were able to acquire specific political resources (those required for European politics) to such an extent that they were able to change, at least temporarily, their position in the political game. This case also illustrates the internal logics of the European Parliament itself. Far from being a unified actor, it must on the contrary be considered as an arena from which attempts to change the inherent balance of power in the entire European space originate. It appears as a ‘resonance chamber’ of sorts, amplifying conflicts which criss-cross European government, where rival visions and ‘narratives’ of social, economic and political reality clash more openly than in other institutional arenas (Sabatier & Schlager, 2000, p.222). Finally, although this situation is less about rendering the routine functioning of Europe than brief but politicised ‘moments’, the increasing number of such events feed a sedimentation processes

which affect both the definition of institutional roles and the general functioning of the EU, i.e. its characteristic field structures and rules².

After presenting the directives and their provisions (I), we shall proceed to study the way in which the framework on which they were based was redefined by political mobilization in a propitious context (II), before finally studying the shift of the parliamentary debates and internal logics (III).

The origin of the port directives: liberalisation and competition as ‘ideological matrixes’

Nothing in terms of procedure or content of the two port packages predisposed them to their strange fate. In 1997, the European Commission issued a Green Paper on port infrastructures seeking to ‘launch a debate on the efficiency of ports and maritime infrastructure, their integration into the multimodal trans-European network and the application of competition rules to this sector’³. The Commission underscored the fact that competition between European ports was heightened as a result of the liberalisation of the internal market, technological advances and the development of trans-European transport networks. Henceforth, ‘a Community framework is needed to ensure the principle of free and fair competition’. Although ports had long been considered mainly as services of general interest, ‘the trend has now moved towards considering ports as commercial entities which

² This research draws from several years of work on the European Parliament and on a series of specific interviews with Commission officials, elected representatives, parliamentary staff, journalists, trade unionists as well as from documentary sources.

³ Green Paper, December 10 1997, on ports and maritime infrastructures (COM/97/678), not available on the Internet. See the Port Infrastructure: Green Paper, <http://europa.eu/scadplus/leg/en/lvb/l24163.htm>

must recover their costs from port users who benefit directly from their infrastructures'. Thus, as far as port services were concerned, '...treaty rules, notably in the area of competition, should therefore be applied more systematically. This is consistent with (...) the modernisation and efficiency of the sector, given structural developments in world-wide competition'.

These orientations were confirmed by the 'Lisbon Strategy' adopted by the European Council in 2000. The latter has widely been interpreted as an incentive for accelerated liberalisation, especially in the area of transportation. Thus, the White Paper on transport issued in 2001 underlined the need for a European policy on sea and river transportation, where the EC identified a certain number of structural bottlenecks⁴. Given that ports are subject to multiple types of regulation, it emphasised the need 'to make new and clearer rules in the areas of piloting, handling, stevedoring, etc.'

The European Parliament received a set of documents titled 'the Port Package' in 2001. The central document was the directive on the liberalisation of port services⁵, based on the conclusions of the Green Paper and the results of consultations that the Commission held with actors of the sector in 1999 and 2000. The main goal of this text was 'to establish a Community framework ensuring (...) access to the port services market in application of the Treaty rules (...)'⁶. The essential principles of the directive were therefore based on the obligation for States to ensure unrestricted access to port services (piloting, mooring, handling, warehousing, etc.) In this framework, the liberalisation of these services involved

⁴ White Paper, European transport policy for 2010 : time to decide (COS/2001/2281).

⁵ COD/2001/0047: Port services: access to market and financing seaports.

⁶ COD/2002/0047 : 13/02/2001 - Commission/Council : initial legislative document, <http://www.europarl.europa.eu/oeil/>

the recognition of the 'self-assistance' principle, i.e. giving ship-owners the option to exercise themselves, through either ground or onboard crews, some of the activities which had until then been carried out in many ports by professionals holding a monopoly on their services, such as pilots, coasting-pilots, stevedores, etc.

As far as the European Commission was concerned, the directive submitted to the European Parliament in early 2001 stigmatised the lack of competitiveness as a problem to be solved: the inadequate development of the port sector compared to other modes of transport despite the clear advantages of sea transport (such as low pollution emissions and energy inputs per ton); the low levels of private investments required for development; the unfavourable position of the sector in terms of inter-modal competition and the internal market; regional imbalances at the European level (concentration of activity in Northern ports to the detriment of Southern ports); the fragmentation and complexity of the regulations on European ports (private ports, public ports, etc.); the lack of transparency in terms of billing services and public finance management, which contributed to distort competition *between* ports. In addition to this definition of the problem, the texts proposed a series of solutions to resolve these shortcomings. The principle of a 'necessary' liberalisation and competition of port services was thus firmly asserted. Most port services were therefore reclassified as 'commercial' services, as competition was deemed necessary to ensure the development of the sector (by encouraging investments), regional rebalancing (to the benefit of Southern ports), increased competitiveness of European ports and sea transport in general.

Supported by ship-owners and port authorities, the directive was therefore based on a process that is characteristic of the politico-administrative activity of the EC, summed up by Nicolas Jakbo: the market as a 'normative ideal', 'development space', 'common horizon' and 'ultimate objective' (Jakbo, 2001). This directive is a typical example of the linking of a sectoral system of reference to a general cognitive framework. This case illustrates how the

market, liberalisation and competition constitute both ideological matrixes and practical resources for action: they are substitutes to the absence of financial resources and thus authorize political action and also help actors to decode and explain complex and diverse social and economic realities⁷.

When first presented to the European Parliament in February 2001, the Commission's proposal did not attract the kind of opposition that would later emerge. Within the Regional Politics and Transport Committee of the European Parliament, the report on the directive proposal was attributed to G. Jarzembowski, a German member of the European People's Party – European Democrats (EPP- ED) and expert on the processes of liberalisation in transports in Europe. Another German, W. Piecyk (European Socialist Party – ESP) was appointed shadow-rapporteur. Although he would later spearhead opposition to the second port package, he initially supported the amendment to the directive proposed by the rapporteur during the first reading. Without putting into question the ideological matrix of the text, the amendment nevertheless introduced significant safeguards, namely the right of States to restrict access to the port services market (to ensure security and economic efficiency), the exclusion of piloting services from the scope of the directive, and the right given to States to limit the benefits of self-assistance to ships under the flag of a Member State. Although

⁷ A member of the ports unit of DG Transport who contributed to the directive explained: 'personally, as a European citizen, I cannot understand why ports should be the only sector of economic activity in Europe without a framework directive for applying the treaty. I just don't get it'. (Interview, Brussels, January 2007). Commissioner Palacio said: 'As far as I am concerned, I believe that in principle it is better to bank on healthy competition than on a monopoly situation. It is basically a matter of ideology (...): things work better when there is competition' (Parliamentary debate, March 10 2003).

proposals made by the major party groups differed considerably from the initial proposals, they remained within the ideological matrix defined in the directive, which was based on open competition, especially through the recognition of self-handling. The ESP however seemed to be divided along a north-south line, owing to the different situations of European ports. While the rapporteur and shadow-rapporteur, both German, were in favour of a compromise between the EPP-DE and ESP based on the rapporteur's proposal, a majority within the Greek, Spanish, Italian and French delegations opposed the idea, thus taking the same position as the European United Left (EUL). The text was adopted with a slim majority at the Committee level but managed to secure a large majority in the plenary session (292-223 with 32 abstentions) on November 14, 2001.

During the second reading, there were fewer internal divisions within the ranks of the ESP thanks to a more political approach (stronger condemnation of the breach of public services or security) leading to fewer differences at the national level between Northern and Southern delegations.⁸ The Socialists agreed upon very firm positions aimed at limiting the liberalisation of port services (exclusion of pilots, coasting-pilots and freight handlers from the scope of the directive).⁹ The ESP supported the compromise amendments: a significant reduction in the scope of self-assistance (limited recourse to seagoing personnel, exclusion of

⁸ In spite of their heterogeneity, the unity and identity of political groups in the European Parliament above all meet political convergences (the Right-Left axis) rather than considerations linked to pro-integrationist or Euro-sceptic postures. Hence, the politicisation of the problem to which they are confronted is a classic strategy for crisis resolution (Hix, Lord, 1997).

⁹ See for example the words of Piecyk during the second reading, which were clearly more determined than his position two years earlier. (Parliamentary debate, March 10, 2003.)

piloting). In the final committee vote, 39 voted in favour of the directive while 10 voted against. This reflects both the narrowing cleavages within the ESP and the reconstruction of a EPP-ESP compromise on a more critical stance towards the text proposed by the Commission.

If this modified version of the text was adopted by a large majority during the second reading, it was at the cost of greater inter-institutional distortions between the European Parliament, on one side, and the Commission and Council, on the other. More directly, it reflects the opposition between the rapporteur (who both had to keep compromising with an increasingly combative shadow-rapporteur and to maintain the newfound unity of his group on this issue), part of the EPP group (advocating a strong liberalisation), and the Commissioner in charge of the case. From November 2002, the reciprocal stances and perceptions of the issue began consequently to change as result of a set of factors whose combined effects we shall now analyze, and which heralded the rejections that were to follow in November 2003 and January 2006.

The conditions of the redefinition of the ‘port services’ problem.

The politicisation of the ‘port services’ problem – i.e. the redefinition of the framework and political game on related issues, entailed the (inter)action of several categories of actors from different arenas. The mobilisation of dockers’ unions gradually merged with the initial mobilisation of a fraction of MEPs (the EUL MEPs and some from the ESP). This merging process coincided with a relatively open political climate linked to the increasing visibility of anti-liberal movements, and the catastrophic sinking of *Erika* and *Prestige*, the rejection of the European Constitutional Treaty and the debate around the Bolkestein directive. This provided a window of opportunity (Kingdon, 1984) which trade union and political actors would fully

exploit in order to obtain substantial changes in the balance of power in their respective arenas.

Opening of the political and media context

It is in a somewhat particular context that the trade union mobilisation on one hand and the mobilisation of some left-wing MEPs on the other conspired to cause a shift in the ESP's position, the politicisation of the 'port services' problem and the final rejection of the two texts (in November 2003 and January 2006). Several factors provided significant media visibility to the issues raised both by trade unions and political actors, thereby giving them considerable credit.

First, one can cite the increasing visibility of the alter-globalisation movements in various national spaces. The 1999 Seattle protests announced the emergence of themes which would become ever more important. This mobilisation reached its peak in May 2005 with the rejection of the ECT. While summits were accompanied by counter-summits, alter-globalists had new accesses to the parliamentary arena, such as the newly created 'Capital tax, fiscal systems and globalization' (Tobin Tax) intergroup and other mobilisations around these issues. It was also in this context that national politicians and journalists became increasingly sensitive to European issues. In some countries, particularly in France, debates on the ratification of the ECT were superimposed on debates over the 'Bolkestein' directive and EU enlargement to the East.

The influence of this sociopolitical and media context would be enormous in terms of the attention given to trade union mobilisation and the gradual re-qualification of the 'port services' problem, which became the rallying point for protests from fringe political parties in the European Parliament. They aggressively reinvested 'anti-liberal' themes in the directives on port services among others. Sustained by the smaller groups, the rhetoric inspired by new anti-liberal postures would also lead to frequent internal quarrels within the ESP, whose

dominant political orientations depended mainly on the joint management agreements with the EPP-ED and on their support to Socialist commissioners.

Following the Erika catastrophe (December 12 1999) and especially the sinking of the Prestige (which occurred during a parliamentary debate on November 13, 2002), the second contextual element surrounding the 'port package' case was the increased visibility of maritime security. The port services directives would gradually be redefined as being in contradiction with this new emphasis on safety. Records of parliamentary debates clearly show the superposition of two forms of risk associated with the liberalisation process (security and social), representing structuring principles of European and national public spaces. As a result, the number of references associated with these risks clearly increased between the first and the second reading, and even more during the third reading and the discussion on the second port package starting in 2005.

Of course, this context did not in itself mechanically produce a redefinition of the problems placed on the European agenda. Nevertheless, there was an opening of the intra- and inter-institutional political games during which a group of political and trade union actors used to capitalise resources, transform the balances of power, and integrate institutional arenas where these actors had been until then marginal.

Reactions and trade union strategies

Faced with the Commission project, trade unions opposed to the port directive found themselves in a relatively classic position of inferiority within the EU as early as 1997 (Gobin, 1998). Although they were consulted, they could neither thwart the Commission's projects – the latter benefited from the support of shipping and logistics companies – nor turn them to their advantage. It was therefore entirely in their interest to resort to the new

institutional arena represented by the European Parliament in order to reassert themselves in the negotiations on relevant legislative measures (Mazey, Richardson, 2002).

It was only after 2002, during the second reading by the parliamentary Committee, that trade union organisations actually started mobilising, to a large extent on a national basis (Belgium, Netherlands and Germany in particular). By playing on several registers, these organisations gradually led various actions both at the local level (with local and national authorities and actors) and at the European level, by trying to highlight the multinational nature of the mobilisations (common days of action in Brussels during parliamentary debates, European coordination of local and national actions, campaigns aimed towards the Commission, etc). The European Transport Workers' Federation (ETF) played an essential coordinating role.

The actions aimed at MEPs between 2002 and 2006 were first and foremost based on the mobilisation of expertise which, in the European Parliament and elsewhere, is the most legitimate form of participation. The trade unions thus insisted on the professionalism of port workers (*'Leave it to the professionals, it's our work'*)¹⁰; questioned the technical knowledge of the Commission by denouncing its ideological bend (*'this approach is marked by the seal of dogmatism (...) which shows a lack of adequate knowledge of the port industry (...)'*) and supplied alternative assessments of the situation and problem definitions. The dockers' unions and ETF fuelled a controversy centred on numbers, arguing that the estimates of the International Transport Worker's Federation demonstrated, contrary to the discourse of the Commission, that European ports were the most competitive in the world and that economic performance would be compromised rather than furthered if the Commission proposals

¹⁰ References from the dossier 'Stop Ports Package 2' sent by ETF to all MEPs just before the vote in plenary session on January 18, 2006.

succeeded. This type of register matched the usual modes of action used by interest groups in their interactions with European institutions: it is based on the mobilisation of qualified staff well integrated into the Brussels microcosm. But the repertoires of action mobilised by trade unions were multiple and included means which are relatively unusual at the European level, such as petitions, strikes, street demonstrations, coordinated blockages of port facilities and confrontations with police, etc. Thus both at the European and national levels, trade union action reactivated classic practices which were progressively redefined as European. These mobilisations reached a climax in 2006 during the big dockworkers demonstration in Strasbourg. However, parliamentary records show that right from the second reading, exchanges among MEPs were directly influenced by highly publicised demonstrations. They made frequent references to the demonstrations, either to condemn the ‘violence’ or, on the contrary, to support the protesters.¹¹ Similarly, the petitions submitted by trade unions with great pomp were relayed in the European Parliament by the opponents of the directive.¹²

The trade union action towards MEPs combined expertise, militancy and political marketing¹³ through the development and maintenance of informal contacts with MEPs or their parliamentary assistants, participation in hearings, the fostering of territorial links through localized action, or the organisation of demonstrations and European rallies during parliamentary debates. These actions took place over relatively long periods of time and by

¹¹ See for example the declarations of Piecyk (ESP), Ainardi (EUL), Vermeer (Liberals), on March 10 and November 18 2003.

¹² See for example the contributions of Markov (EUL) and Lancker (ESP) on November 18 2003.

¹³ An ETF employee told us that the organisation had enlisted the services of marketing companies to design their poster.

trial and error, which enabled these relative newcomers to the European arena to learn the ropes of effective advocacy. This entailed understanding how the institutions work concretely in terms of spotting key players, identifying potential allies; being able to speak to representatives from different countries, conceiving ‘admissible’ arguments in this space; ensuring integration of the issue into the pertinent spatial and temporal coordinates; being able to generalise (or Europeanise) the perspectives of workers in national frameworks, etc. They therefore had to acquire a ‘practical sense’ of European games and accumulate the necessary resources to gain influence. Only gradually were these organisations able to place themselves at the centre of exchanges, thus compelling MEPs to position themselves in relation to them – to oblige them to some extent to “choose their side”. Unions were thus able to partially redefine the terms of the debate in terms of their own understanding of the problem.

Nevertheless, trade union practices are not uniform. Each organisation follows a specific path, depending on its initial resources, capacity for mobilisation, strategies or its degree of integration in European circles. From nothing, some unions such as those of coaster-pilots had a real ‘on the job’ learning experience of the means and conditions of access to the European Parliament, thus gradually acquiring the resources required to influence negotiations at this level.¹⁴ The example of coaster-pilots thus shows how representatives of a minor profession ‘learned Europe’ through the mobilisations that followed the port directives. Inversely, other organisations, such as the dockworkers, show how existing resources and the practical

¹⁴ The parliamentary assistant of an ESP parliamentarian made the following remark about them: ‘when the first directive was issued, they did not know the legislative procedures of the European Parliament. Subsequently, they proposed amendments. They were very organised (...). Through the port directive, an insignificant profession gained access to the European Parliament and really understood how the system worked’..

mastery of European games were mobilised and developed in the framework of a large-scale mobilisation. Although the unions' own strength is essential to understand the success of their mobilisation, ETF's role is equally important, not only for the mobilisations but also for the coordination of various organisations, as well as the neutralisation of national divergences. It is thus the specific European resources of the European federation that were the key element.

National divergences were glossed over by emphasizing a strong sectoral identity and politicisation displayed in street demonstrations, for example. ETF was able to mobilise and deploy a real 'international coordination of intelligence' on which its representative insisted during the interview¹⁵. ETF members (especially the 'ports and docks' section) mobilized technical know-how and accumulated experience, as well as the practical know-how of the organisation including the organisation's 'contacts' and collective 'address book', especially

¹⁵ 'It functioned around a coordinating committee emanating from the 'ports and docks' section. It was open to all members depending on their interests, with clearly identified interfaces, which relays information down to workers who are able to mobilise on the ground. It also played the important role of secretariat coordinating action in agreement with the section (...). Brussels decides which actions to take in coordination with the various affiliates. Our action was mainly successful because we proceeded from the principle that each organisation must act within its own means (...) if it is decided to suspend unloading in the port of Antwerp, the port of Rotterdam must do the same in solidarity. Otherwise, all ships are immediately rerouted, thus concentrating all activity on Rotterdam (...) our action will then have very strong impact with obvious financial and economic repercussions.' Interview, January 2007.

with MEPs¹⁶, the harnessing of technical and linguistic expertise of professionals recruited by ETF, the knowledge of Community procedures, etc.

Interestingly, the case of the dockers shows that socialisation to European institutions through intense participation and consultation organised by the Commission. It does not necessarily imply an ideological convergence with the dominant paradigms of the Commission, nor does it necessarily create a ‘transnational ideological machinery’ by which ‘European trade unionism functions as guarantor of the docility of dominated groups in the face of a social regression process impossible to implement on a state-by-state basis’ (Pernot, 1998). European socialisation provides the adequate resources for trade union and political action in a European framework, both in terms of know-how and interpersonal skills. In other words, the typically European resources acquired by ETF with the European Commission in a nascent state of relations can be turned, under certain conditions, against the latter. Resources only become efficient when they are repositioned by union representatives in a cleaved space, enrol potential allies and find an echo in a more favourable political and ideological climate.

In this case, ETF no longer functions simply as a social partner to the Commission and as a transmission belt from the top (European) to the bottom (workers). On the contrary, it functions as an *entrepreneur* of European mobilisation that can contribute, together with certain MEPs, to reshape European political agendas.

For its affiliated national trade union organisations, ETF also functions as a supplier of European political resources. In return, this perspective allows the ETF to reintroduce itself

¹⁶ These contacts, which also represent political resources, are particularly important in the recruiting procedures of ETF personnel based in Brussels. For example the head of the ‘ports and docks’ department is the former parliamentary assistant to a French ESP MEP.

and its affiliated organizations into negotiation processes based on new power relations.¹⁷ From this point of view, the case of the port directives created a new awareness of the capacities of action and reaction to the Commission's projects for the trade unions as well as for their partners and opponents. These logics of learning and awareness are evident in the seminars and training workshops organised by ETF representatives within the European Conference of Trade Unions to explain and learn from the conditions that made the success of the mobilisation possible¹⁸. Hence, beyond short-term success of mobilization, one can identify a sedimentation of successful repertoires, a gradual redefinition of roles and, more generally, a transformation of the rules of the game within the entire European political space¹⁹.

¹⁷ Following the rejection of the second port package, the European Commission re-opened consultations for port sector actors in which trade union federations played a more central role than in 1999-2000.

¹⁸ The coordinator for the "ports and docks" section thus participated in training programs within the Economic and Social Council where he presented a paper titled: 'Towards a progressive balance of power in Europe: workers' mobilisation against the liberalisation of port services'.

¹⁹ Concerning the Euro-Strikes that followed the closure of the Renault plant in Vilvorde, Lefebure and Lagneau noted that 'politico-media crystallisation can only be considered for what it is – a moment. (...). On the other hand, there are lessons to be learned when a political process is triggered by a sporadic event through interpellation: the European public space should not be seen as a structure but as transformation of political action' (Lefebure, Lagneau, 2002, p.526.)

Parliamentary mobilisations and structures of political games in the European Parliament

Trade union mobilisations were not sufficient by themselves to overturn the Commission projects. As it turned out, these mobilisations produced concrete effects only through the mediation of MEPs and thanks to several elements: the existence of a context of high media visibility, the emergence of new political issues, and a set of actors in the parliamentary space who were ready to relay those issues, to give them credit and take advantage of their brokerage. The case of the port directives exemplifies the logics of European Parliament internal games and their consequences on political bargaining structures characteristic of the entire EU.

Although the routine functioning of the European Parliament works less along bipolar lines than on the basis of permanent give and take between political groups, the parliamentary space remains divided along several fractures, one of which is the divide between ‘mainstream’ block – EPP-ED and ESP with the liberal group – and the ‘fringe’ block made up of groups often referred to as ‘small’, such as the EUL, the Greens, sovereigntists and the unregistered. The latter contest the institutional routines and a political game built around the dominant EPP-ESP pair.

While the dominant groups seek to stabilise internal relations in order to guarantee their role and the compromises on which they are based, the ‘small’ groups are more predisposed to conflict through a politicisation of issues. When there is right-left polarisation, the position of both the greens and the EUL is notably reinforced. Apart from the fact that for them this politicisation is a way of ‘existing’ in the face of the duopoly, more “political” modes of exercising the function also correspond to the dispositions and postures of the MEPs who compose these groups, both subjectively (their conception of political and representative action) and objectively. Coming more often from a political, trade unions and associative

militancy than from the socially and politically dominant circles, their resources are mainly 'militant' and 'political'.

For the same reasons, many left-wing MEPs, and particularly those of the EUL are known for constantly seeking external sociopolitical support, likely to help rebalance unfavourable power relations, to set up, or replenish a stock of resources that can be mobilised in future struggles. Thus EUL MEPs (as well as the different actors associated with these groups, staff and officials) permanently seek to position themselves as institutional relays of the 'social movement' to which they refer endlessly. Numerous actors and organisations, while being marginalized in the Commission, led consultations on legislative projects are more than ready to respond positively to such overtures coming from a section of the MEPs. Facilitated by permanent contacts with social movements, the EUL has adopted a 'spokesperson' posture taking numerous but characteristic forms: circulation of strategic information about the activity of European institutions; advice on successful political action within the EU; drawing up points of view and amendments either in Committee or in plenary sessions; invitation to hearings of groups and committees, etc. In fact, MEPs are as much recipients for external demands for access to the European scene as actors who contribute to build demand and generate it through various practices aimed at encouraging mobilisations which they can then capitalize on in interactions with other groups within the European parliament.

For reasons linked to their position within the European Parliament, their conception of political action and their trajectories or resources, EUL MEPs provide an explicit example of the possibility of alternative postures to the dominant figures of expertise and diplomatic repertoires. Further politicisation is therefore in the interest of these parliamentarians in order to move their (political and militant) resources towards the centre of the parliamentary stage. From this perspective, the 1999-2004 legislature was a somewhat exceptional moment with the breakthrough of 'small lists' and the arrival of new MEPs, combined with the greater

visibility of anti-liberal protests. Of course, given that boundaries between political groups are not hermetic, characteristically EUL postures are also to be found in other groups, particularly within the ESP where trade union mobilisations have good chances of finding ready sympathisers. The activation of the networks created in the framework of 'trade union coordination' takes a whole new dimension here.

These political postures are found especially within a section of the French Socialist Party, who were confronted with the breakthrough of far-left parties and environmentalists in 1999, as well as the relative success of alter-globalist mobilisations and anti-liberals (Agrikoliansky, Filleule, Mayer, 2005). The dispersion of the left-wing votes had favoured Prime Minister Lionel Jospin's defeat at the first round of the presidential elections of 2002, thus rekindling the internal rivalries over leadership and strategic choices. Faced with a subsequent leadership crisis, many in the Socialist party, notably in the minority fringes, were tempted to adopt part of the alter-globalist rhetoric. Harlem Désir for example co-founded the 'Tobin Tax' inter-group of the European Parliament, while Laurent Fabius supported the 'no' vote in the referendum on the ECT. This approach is all easier to adopt for MEPs given the relatively peripheral position occupied by the European Parliament in the French political space which thus makes such stances less risky. Dependent on a context of strong trade union and far-left mobilisation, the port directives and their successive readings therefore constituted opportunities to put in practice the strategies of repositioning adopted partially by the French Socialist Party – strategies which reached their apogee a few months later with several party leaders calling for the rejection of the ECT²⁰.

²⁰ French Socialist parliamentarians were particularly virulent in the European Parliament. Thus Savary (ESP) denounced the 'social piracy' that the directive encouraged and the 'infernal price and salary-lowering machine' that the 'dockers saw coming' (Parliamentary

Rejection of the text and requalification of the port directives

It is mainly this new-found readiness to serve as institutional relays for the social protests of left-wing MEPs, trade unions would take attempt to 'penetrate' the parliamentary arena, make their voice heard and try to win over MEPs of various groups, especially those of the ESP, which eventually united around the principle of supporting the demands made by trade unions representing all categories of port workers (stevedores, pilots, coasting-pilots, etc.). Trade union demands thus moved from the margins to the centre of the parliamentary debate, making it finally possible to redefine the problem and reject the directives. Relations in the European Parliament were very tense during the third reading due to the increased politicisation of the issue and the growing mobilisation of the entire left. Records of parliamentary proceedings give evidence of the hardening of positions, with the European Socialists crossing converting to positions represented initially only by the EUL. While support for reform did not really weaken among conservatives and liberals, the technical nature and the reconciliatory tone of the first reading paved the way for clearly more belligerent pronouncements centred on the condemnation of social dumping, defense of working conditions or even the safety of persons and property.

The conciliation between the European Parliament and the Council succeeded only with a one-vote-margin, given that EPP-ED and ESP could not agree on a final position vis-à-vis the Council and the Commission. The latter stuck to their initial positions and to the more criticized dispositions (pilots and coasting-pilots remaining in the scope of the text as well as the principle of self-assistance, including for ground personnel). The EPP-ED wanted to see the draft text passed at all cost. However the rapporteur managed to reach a compromise with

debates, March 10, 2003). Of course, political pressure linked to the context was all the more intense for parliamentarians originating from port areas.

members of the Council, but at the price of compromising the ties that linked them to the ESP in the European Parliament. As such, the rapporteur was accused by his socialist partners of sacrificing parliamentary interests for those of the Council and the Commission²¹, which are rival institutions. The politicisation of the issue therefore compromised the duopoly between EPP and ESP difficult, thus making the results of the plenary vote less predictable. The EUL and the Greens hardened their positions even more when the text was sent to the plenary session.

The compromise text was finally rejected by 22 votes on November 20, 2003. The conservatives and liberals remained massively attached to the directive despite the defection of a section of their block. On the other hand, most ESP delegations as well as the shadow-rapporteur finally rallied to the initial opposition of the EUL, a section of the Greens and the Socialists. The politicisation of the issue led to a situation of great uncertainty within the European Parliament. The political games became fluid, thus resulting in more or less spectacular repositioning, later accentuated by the activation of inter-institutional competitions after the deposition of the second port package.

Encouraged firstly by the slim majority of the first rejection and secondly by the victory of the conservatives and liberals in the 2004 European elections, Commissioner de Palacio reintroduced a new text into the legislative circuit which was very similar to the previous one. Despite a more favourable majority in the European Parliament, the reframing of the issue proved to be durable. Indeed, this new proposal quickly raised unanimous opposition, with rejection of self-assistance, fears about the risk of social dumping and security issues proving to be more central than market liberalisation and efficiency in the framing of the problem. When consulted, the Commissions for the Internal Market and Social Affairs recommended

²¹ See for example the contributions of Collado (ESP) or Blak (EUL) on November 18, 2003.

the rejection of the text. There was so much uncertainty at the committee level that the rapporteur failed to have the whole text passed although he managed to push through various compromise amendments.

The opponents of the text mobilised one last argument during the plenary session: denial of democracy. They contended that the re-introduction of a text that had been rejected a few months earlier²² constituted an act of contempt for the European Parliament. Although the version presented in the plenary session was the Commission's original text, there was a complete turn-around – it was massively rejected by 532 votes to 120. The text had lost all support both from the left and the right. Where 'healthy competition' was initially considered an essential component of the problem, it was now workers' conditions and the security of which they appear to be the guarantors which emerged as the key factors.²³

Conclusion

The case of the port directives illustrates how, far from being dysfunctional, conflict is both a product of European processes and a contributing force to their dynamics. It is through

²² During the plenary debate, Savary (ESP) stated for example: "It is a denial of democracy. The Commission must not be encouraged to reproduce the same texts each time Parliament votes against and fails to listen." (Parliamentary debate, January 18, 2006).

²³ Following this fiasco Community administration opened renewed consultations in which trade unions, especially ETF, appeared to be more closely involved. Through the TRUST program financed by the European Commission, the "ports and docks" section of ETF adopted a more enterprising posture, encouraging its affiliates to take the initiative again and offer the Commission, ship-owners and port authorities a general vision of the entire ports sector.

the analysis of the shifting configurations of actors and organizations that we have sought to understand its logics and effects.

Although the case of the port directives was undoubtedly a relatively short political sequence dependent on the contextual opening of political and media spaces, as well as the increasing number of these conflicting configurations. The occasional success of social mobilisations may favour more sustainable processes of learning and problem redefinition through sedimentation, both within the parliamentary space and within political, associative and trade union organisations. In the former, the typically political and representative nature of the function is asserted, whereas in the latter, renewed attempts at self-assertion in European games are gradually being reorganised.. In the case at hand, the mobilisation of ‘Eurocritical’ discourses targeted against the Commission paradoxically served as a strategy for legitimising and strengthening the positions held by trade union organisations (especially ETF and its agents) or even by some MEPs. This mobilisation also contributed, through the socialising effects of conflict, to spread the belief that both the EU and the European Parliament are essential spaces for action and practice of political power.

Of course, it is difficult to anticipate the content of this power owing to the nature of European political games, the ever shifting nature of alliances and repositioning in a multi-level setting where differentiated, if not contradictory, logics of action intertwine. Nevertheless, it is still true that these ‘experiences’ and ‘moments’ of transactions between parliamentary actors and non-institutional actors. In spite of the temporary nature of ‘European moments’ they facilitate more far-reaching and sustainable structural transformations that underpin the unpredictable creation of a European public space.

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