

Stuck in the back seat



WALK THIS WAY Jens Stoltenberg, Norway's prime minister, and José Manuel Barroso, the European Commission president, in Brussels. EC

Norway may be closely tied to the EU, but that does not mean that it reaps as many benefits as some people imagine, writes Sebastian Remøy

Norway's special arrangements with the EU, enabling among other things access to the internal market, have spared it being drawn deeply into parts of the European project that are in crisis or are less than popular - such as the single currency and the Common Fisheries Policy. Eurosceptics everywhere might devour the contents of "Outside and inside" to see how they could get a similar deal for their country.

Why, then, should Norway have any concerns over the relationship? Why should it not just keep on cherry-picking? Foreign Minister Jonas Gahr Støre summed it up at the launch of the report last week. Incorporating three-quarters of the EU's laws and policies does not mean that Norway is three-quarters an EU member state, he said. The country does not have three-quarters of a commissioner in the college, nor eight out of the 12 or so MEPs it would be entitled to if it were a full member. Neither does it have three-quarters of a seat in the Council. Norway is practically condemned to comply without any compensating voting rights, and with only limited and diminishing influence in Brussels. This predicament is all the more distressing when it concerns laws that Norway may not like but is constrained to accept anyway.

The report usefully provides a full analysis of this remarkable relationship, with its numerous agreements with the European Union. It pieces together an intricate jigsaw puzzle that provides a picture never before so clearly perceived. The process of mapping the more than 70 agreements that bind Norway to the EU has been "a journey of discovery" for the experts who produced the

study. They admit to being surprised by how extensively Norway's relationship to the EU has developed.

Lack of leadership

On the plus side, Norwegian representatives often make skilful and pragmatic use of opportunities to shape decisions via their non-voting access to EU committees and agencies. But what is at stake is not just Norway's ability to influence the EU's policy proposals. A serious limitation is Norway's inability to lead developments, particularly in areas of vital national interest. In forfeiting a right to assume the presidency of the Council of Ministers, or to appoint a commissioner, or to elect representatives to the European Parliament, Norway has accepted the role of back-seat passenger with no intention of taking a turn at the wheel. Eventually, with more member states climbing aboard, it may not even be the back seat where Norway sits, but in a trailer hitched behind.

An important virtue of the report is that it permits an assessment, for the first time, of the total impact of Norway's EU-originated laws and commitments on the one side, against its choice to forfeit real access to the democratic institutions that generate them on the other. And the most troublesome finding of the study is that very few people in Norway understand the extent of the country's integration with the EU. An informed national debate about Norway's future in Europe can take place only if this changes.

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THE SWISS POSITION

Switzerland faces many of the same challenges as Norway in its relations with the European Union, and - like Norway - it is rethinking its approach.

Unlike Norway, Switzerland is not a member of the European Economic Area (EEA); its voters rejected membership in a divisive referendum in 1992. Since then, any suggestion that the country might be better off if its relations with the EU were put on a solid institutional footing has been political poison. Instead, Switzerland has negotiated a number of bilateral agreements that, taken together, give it practically unhindered access to the EU's internal market.

But in recent years, the EU has become increasingly vocal about the need for precisely the sort of institutional framework that the Swiss have traditionally rejected. The EU wants independent, supranational institutions to scrutinise the interpretation and implementation of the bilateral agreements. "No foreign judges" is one of the most emotive political slogans in Switzerland - but that is precisely what the EU is in effect demanding.

Another burning issue is the adaptation of bilateral agreements to new EU legislation. The EU wants automatic implementation, while Switzerland insists on something it calls "autonomous" implementation, which gives the government the right to reject new laws - in theory.

The EU's increasing insistence on these demands has forced the Swiss government to reassess its options. It has commissioned independent assessments of legal and political scenarios, and one option that has emerged is to use the existing institutions created for the EEA



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and for the European Free Trade Association (EFTA), of which Switzerland is a member.

Another option is the launch of some kind of special judicial body on the Swiss side. But both have the drawback of requiring legal acts, which might have to be put to a referendum. In the current climate, the outcome would be in doubt.

It is now up to Didier Burkhalter, Switzerland's foreign minister since last month, to find a way through the political minefield. A bilateral agreement on energy could serve as a model, in the Swiss analysis. It is one of the areas in which Switzerland appears willing to accept the automatic implementation of new EU law and might agree to the creation of a judicial mechanism. Whether the EU will agree to the piecemeal creation of such mechanisms is unclear.

Toby Vogel

possibility of strengthening Norwegian parliamentary oversight over EU matters.

There have been many attempts to define Norway's relationship with the EU - and few have been flattering: 'fax-democracy', Brussels's 'richest lobbyist', and 'naive' are some

examples. Such descriptions are, moreover, far from inaccurate. Unless events alter the status quo (such as Iceland joining the EU), for the foreseeable future Norway's gas will continue to power Europe, but the EU will continue to drive Norwegian legislation.