

# Trade unions' ability to prevent liberalisation

Examining when trade unions can prevent liberalisation in  
the context of the European Union

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# Abstract

Research on trade unions ability to influence EU policies has mainly addressed the issues trade unions faces internally such as cultural, linguistic and ideological differences. This thesis extends the research on trade unions ability to influence EU policies by analysing what external factors that has to be present if trade unions shall be able to prevent liberalisation in the context of the European Union. In doing so, the thesis looks at what external factors that were present for the trade unions in the port service directive, the Bolkestein directive and the postal service directive and thus can determine when trade unions can prevent liberalisation. By using three variables from political opportunity structure, this thesis concludes that if trade unions shall be able to prevent liberalisation, trade unions must be allied with actors within the EU elites and there has to be a disagreement within the EU elites.

*Key words:* political opportunity structure, trade unions, EU policies, liberalisation, social movement theory

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## Abbreviations

ETUC	European Trade Union Confederation
ETF	European Transport Federation
EPP-ED	European People's Party
PES	Party of European Socialists
ALDE	Alliance of Liberals and Democrats for Europe
Greens/EFA	The Greens - European Free Alliance
GUE-NGL	European United Left - Nordic Green Left
NGOs	Non-governmental organisations
EU	European Union
ELDR	European Liberal Democrat and Reform Party Group

# 1 Introduction

*'We have been in an era for thirty years – and in the Commission since Jacques Delors – during which economic liberalism has been the dominant philosophy'*. These words come from the then secretary-general of the European Trade Union Confederation (ETUC) John Monks (Euractiv 2008a). John Monks further proclaimed that the ETUC would make sure that the economic liberal agenda would end and that Europe is going towards a social model with more regulation and more social activity, something ETUC would make sure would happen (ibid.).

What is the economic liberalism that has been the dominant philosophy in the EU for the last thirty years? In 1985, with the Internal Market programme the liberalisation of national market leading towards free movement of goods, capital, people and services started. It has been argued that being a new discourse for the European Union with economic liberalism and competitiveness. Thus, the European Union play a decisive role in the process of liberalisation (Keune et al 2008: 16) Since then, the European Union have introduced directives with the aim to liberalise markets that are at some occasions highly monopolised. Markets such as, telecommunication, transport, electricity, gas and postal services are all markets that have faced liberalisation through directives from the European Union with the goal to create a single market (Keune et al 2008: 16ff).

Why would trade unions try to prevent liberalisation? Since trade unions represent their workers and trade unions are openly opposed liberalism trade unions must see liberalisation as a threat to the workers they represent. The public sector in Europe has faced challenges due to the pressure on opening up several public sectors to private sector providers. The introduction of an enhanced market orientation would lead to lowered wages, worse working conditions and would benefit individuals with sufficient skills. On the other hand, liberalisation would affect those whose skills are in surplus negatively with competitive pressure. This would further lead to increased differentiation in wage and working conditions in working groups. This would be beneficial for highly skilled workers over the low skilled workers (Keune et al 2008: 21). Moreover, it has been argued from trade unions that liberalisation would also affect their members in regard of collective bargaining (Statement by European Transport Federation Congress). These are the main argument trade unions make on

the issue of liberalisation. Thus, according to the trade unions, liberalisation is a threat towards the workers they represent.

Compared to other continents, Europe is a continent with trade unions that has a strong national position and in comparison, with other global regions, trade union cooperation is well developed and institutionalized (Larsson 2017: 53) But since the introduction of the single market in the European Union, the trade unions have faced considerable challenges in the European Union. Trade unions have been overshadowed by business interests and non-governmental organizations (NGOs) and are more excluded in the persuasion networks of the EU parliamentarians and the EU bureaucrats compared to other interest. And in regard to lobbying EU institutions, trade unions have been said to much less influence compared to other business organisations (Beyers & Kerremans 2007: 285). Based on this, trade unions are generally considered to be disadvantaged when it comes to influence the policy outcome in the context of the European (Larsson 2015: 103).

But even though there is an existing disadvantaged for the trade unions compared to other business organisation in influencing the policy outcome of legislation from the European Union, there do exist examples where trade unions have succeeded with their goal in preventing liberalisation. European trade unions have succeeded with their goal to prevent EU legislation to the extent where EU legislation has been rejected. There are examples where trade unions opposed EU legislation that were aimed to liberalise a market and succeeded with their goal and the EU legislation was rejected. Trade unions succeeded even though according to previous research, trade unions had a disadvantage compared to business organisation to influence policies on the European union level (Beyers & Kerremans 2007: 285).

Mainly, previous research on trade unions ability to influence policies on the European level have focused on the internal struggles transnational trade unions may face, such as cultural, linguistic and ideological differences. The general assumption and focus has been that the internal struggle transnational trade unions face is the obstacle for transnational trade unions to influence EU policies (Gajewska 2008: 108). However, there is a political context outside the trade unions internal organisation that affect the possibility for trade unions to prevent liberalisation. A lot have been said on trade unions ability to work transnationally, yet a lot have still been under researched. The main focus on trade unions who are working on the

European level have been on the internal struggle that may determine whether trade unions shall be able to influence policies from the European Union or not (ibid). While this research has been made, research the external factors that may determine whether trade unions will be able to influence EU policies or not has been overshadowed in the previous research.

By looking at the external factors to determine if trade unions will be able to prevent liberalisation or not, the focus will be on the political context, political system, political environment the trade unions are working in, instead of the internal struggle the trade unions may face.

Trade unions that are representing their workers on a European level will fight against liberalisation for the causes that has been presented in this chapter. However, under what circumstances will they be able to succeed in preventing liberalisation? As many markets has been liberalised through directives, there are also examples where the liberalisation has failed and the directive has either been rejected or amended to the extent that the liberalisation failed, even though the directive was implemented. Both the Port Service Directive and the Bolkestein Directive aimed to liberalise a certain market, however, both failed to do so. Port Service Directive was rejected and the Bolkestein Directive was heavily amended.

Naturally, the trade unions proclaimed victory in both cases and argued that they succeeded in preventing liberalisation (Press Release by ETUC, 2006). However, as they also opposed the Postal Service Directive (Statement by ETUC, 2007) that aimed and succeeded in liberalising the postal service market, it is of interest to look into what external factors that determined why trade unions succeeded in the cases of the Port Service Directive and the Bolkestein Directive, but not in the Postal Service Directive.

Due to the nature of the trade unions working on the European level, a lot of empathise has been on the internal factors that may cause problems for them to succeed with their goals. However, trade unions that are representing their workers on the European level is also working in a political context that is quite different compared to trade unions working on the national level. However, even though there exist differences on the political context trade unions working at the European level operate in, the research on the external factors that may determine whether trade unions will be able to succeed with their goals have been overshadowed by the focus on the internal factors.

It is therefore of interest to discover under what conditions and circumstances that come together and occurs to make trade unions able to prevent liberalisations.

## 1.1 Aim and research question

This study sets out to study under which circumstances trade unions are able to prevent liberalisations within the context of the European Union. To be able to study this, the thesis will use three different directives which all were aimed to liberalise a certain market. The outcome of these three directives are well known, but the aim of this thesis is not to study the outcome, rather the aim of the thesis is to study how come the trade unions succeeded or failed with their goals in the specific cases.

*Under what external circumstances can trade unions in the European Union succeed with their goal in preventing liberalisation?*

As indicated in the introduction, the research question will be answered by studying three different directives, the Port Service Directive, the Bolkestein Directive and the Postal Service Directive. The Port Service Directive and the Bolkestein Directive was supposed to liberalise the port sector market and the service market. However, the liberalisation failed. The Postal Service Directive however succeeded with its aim and liberalised the postal service market.

## 1.2 Paper outline

The following chapter, chapter 2, consist reviews of the existing literature there is in the academia on the topic of this thesis, that is trade unions ability to prevent liberalization in the European Union. Furthermore, in chapter 3, the theoretical framework is introduced and outlined how political opportunity structure theory is being used in this study and which variables that will be applied on the material. The chapter after that, chapter 4, is explaining the methodological part of the study and how the study will be conducted. It also brings up the methodological problems the thesis will face and also its research limitations. Chapter 5 consist of a brief overview and background of the three directives that is being used in this thesis. This is followed by Chapter 6, the empirical findings of the thesis and it is here the external factors will be investigated in each directive. Chapter 7 consist of a discussion about the empirical findings. The thesis ends with a conclusion.



## 2 Previous research and relevance of the study.

This thesis has its focus on trade unions ability to affect the policy making in the context of the European Union and has an aim to fill a gap in the academic research with its unique methodology and theory. However, research has previously been made on the topic of social movement's ability to affect policies and trade unions ability to influence politics. Thus, before going any further, to briefly revisit the previously research that has been made in the academia by giving a few examples and by doing so clarify what gap this study will fill in the academic research.

Scholars have also addressed the channels the trade union has to influence the policy making in the European union. '*Trade Union Channels for Influencing European Union Policies*' by Bengt Larsson analyses what channels trade unions in Europe use when trying to influence European Union (EU) policies. The study compares and contrast trade unions to look into to what degree the trade unions cooperate with different actors to influence EU policies. The findings in the study shows that the so called national route is the channel that is most common for trade unions to use to influence EU policies. Bengt Larsson's study also shows that there exist important differences between different trade unions based on what industrial relations regime the trade union has. This has an impact whether the trade unions choose to use the national route or the Brussel route. Moreover, Bengt Larsson has made another study, '*Obstacles to transnational trade union cooperation in Europe—results from a European survey*' in 2015. In the study, Bengt Larsson conducted a survey to see which obstacles the European trade union faced to be able to cooperate with each other. The findings of Bengt Larsson's study are that factors such as cultural, ideological, religious and language differences between European trade unions were not seen as an obstacle for cooperation between trade union in Europe. Furthermore, the obstacle the European Trade Union Confederation (ETUC) faced were not, according to Bengt Larsson's study of internal nature such as internal differences between members, cultural differences and ideological differences. More importantly is the trade union leaders' personal network and relationships

Another study is Andreas Bieler's study '*Labour, New Social Movements, and the Resistance to Neoliberal Restructuring in Europe*'. The study aims to analyse the trade union and social movement interaction in defence of public sector, and its campaign for an amendment of the new public procurement directives from 2000 to 2003. Andreas Bieler's study examined to

what extent the campaign was able to change and influence the directives and counter neoliberal restructuring as well as what the possibilities but also limits of trade union and social movement cooperation are. The findings from Andreas Bieler's study is that the impact the trade union and the social movement had on the directives were limited. However, the findings from the study is also that a coalition, a coalition between European trade unions and non-governmental organisations, can be successful in influencing specific directives, due to the success the coalition had when it comes to its relations to the European parliament.

Peter Turnbull (2010) argued that, trade unions must have strong internal national organisations and domestic mobilisation in able to work on the European level. However, Peter Turnbull furthermore argued that strong and well-organised trade unions still have a hard time to work on an international level. Coalitions within and beyond the labour movement is of importance for trade unions to exercise effective international action. In contrast to Peter Turnbull study, this thesis will use three cases and solely look into the external factors that determine on whether trade unions will prevent liberalisation or not. And all external factors will come vertically, that means that the external factors come from the EU elites, and no other NGO's and other social actors within the social movement.

These examples are all previous research that has been made on trade union influence on EU policies. And looking at these examples, it is clear what gap this study will fill in the academic research. As Bengt Larsson's study "*Trade Union Channels for Influencing European Union Policies*" analysed the internal differences between different trade union to determine which channel the trade union would use to influence EU policies. This means that Bengt Larsson's study put emphasize on the internal factors to understand which channel the trade union will use. This study is doing the opposite, it will analyse the circumstances and the external context to see when trade unions are able to influence EU policies.

Andreas Bieler did also study the influence trade union together with NGO's can have on EU policies. However, the study examined whether the social movement had any influence at the EU policies at all. The aim of this thesis is not to examining if trade unions have had influence or not. This thesis is using three different directives that will work as cases and more importantly we do know the result of these directives. The result of the directives used in this thesis is not the primarily focus, this thesis will analyse under what circumstances and context the trade unions were able to succeed with their goal, that is to prevent liberalization.

However, in Gary Marks and Doug McAdam's study *On Relationship of Political Opportunities to the Form of Collective Action: The Case of the European Union*, Marks and McAdam are looking at the effect the European integration has on the forms and dynamic of the activity exercised by the social movements. Marks and McAdam is doing this by using political opportunity structure. However, as Marks and McAdam is looking into what European integration is affecting the forms and dynamics of collective action made by social movement, this study is solely looking at how trade unions can prevent liberalisation. Thus, this study has no intention in analysing how the dynamic and forms of action made by social movements has changed due to European integration. The aim of this study is only to look into when trade unions can prevent liberalisation and what external factors that has to be present.

Thus, why is this study needed when much has been said about the trade unions ability to influence EU policies. The literature on trade union's ability to work and influence on a European level shows argues that the diversity in terms of internal forms, identities, cultures and the lack of common language are all obstacles for trade unions to work on a European level (Gajewska, 2008). Moreover, the literature has also emphasised on coalition-building and what route the trade unions use to influence EU polices (Bieler 2011, Larsson 2015).

But what makes this study unique? There are several factors that distinguish this study from previous research on this topic and there are several things that this study will contribute to the academic research that the previous research has overlooked. The most obvious factor that distinguish this study from many of the previous studies is the focus on external factors. Reviewing the literature on trade unions work on the European level, the focus on the internal factors that would determine if trade unions would succeed with their goal or not.

However, as has been presented in this chapter, there has also been research on external factors. Building coalitions has been important for trade unions if they shall succeed with influencing according to Andreas Bieler's and Peter Turnbull's findings. However, the coalitions and allies the trade unions built up in Andreas Bieler's study was on a horizontal level, that is with other social movement groups. Also, Peter Turnbull looked at trade unions coalition-building with other actors within the social movement. This study, as will be explain

further in the theoretical section, is focusing on allies and coalitions vertically. Therefore, this study will not take in coalitions and allies between trade unions and other within the social movement, rather between trade unions and actors within the EU elites. Furthermore, compared to Bengt Larsson's study on which route trade unions use when trying to influence EU policies, this study has no focus on the national route, rather just focus on trade unions ability to influence EU policies directly towards the EU elites. Thus, this study is explicitly focusing on external factors in relations to the EU elites and nothing else.

The trade unions ability to influence EU policies connected to external factors has been overlooked in the previous research on the topic, especially external factors in regard of the vertical dimension between the EU elites and the trade unions. A lot has been said on the issue of cultural, linguistic and ideological difference as reasons why trade unions may or may not succeed to work on the European level and succeed with their goal. However, little has been said about the external factors from the EU elites that may have an impact on the trade unions ability to succeed with their goals or not.

By focusing on external factors instead of the internal factors, and by focusing on the vertical dimension between trade unions and the EU elites and not on the horizontal dimension between trade unions and other groups within the social movement or the broad social movement, this study will be unique and will add knowledge in the academic research.

Therefore, reviewing the academic research on the subject of trade unions ability to influence EU policies, the lack of analysing the vertical external factors to see when trade unions are able to succeed is astounding. With its focus to analyse the external factors and to look at the process instead of the result, this thesis will be a unique study and will fill a gap that to this day is empty and is needed to be filled.

### 3 Theoretical approach

Social movement theorists have been arguing and debating with each other and there may be a long withstanding disagreement within the social movement field on how social movement theory should be used and viewed.

According to resource mobilization approach argues that it is the internal factors of a trade union that determines whether a social movement will have the ability to succeed with their goals. It means that trade unions that has a good and strong internal organisation and are united has a better chance to succeed with their goal to prevent liberalisation compared to trade unions that have a weak internal organisation and are disunited within the trade union. Thus, variables from the research mobilisation focuses on the internal organisation structures. Research has found that social movements that are more centralised and more bureaucratised have better opportunity to succeed with their goals. In other words, the greater resources, bureaucratisation, professionalization, centralisation, the greater is the chance for trade unions to be able to succeed with their goals to prevent liberalization, according to resource mobilization theorists (Jenkins, 1983).

Yet, resource mobilization theory has been criticised by political opportunity structure theorists. The criticism is simply that political opportunity structure theorists argues that it is the external factors that determines whether a social movement will succeed with their goals or not. Thus, instead of variables that derives from the internal structure of a social movement, the variables from political opportunity structure derives from the political environment under which the social movement is working in. In other words, the trade unions ability to succeed is determined by external factors such as the openness of the system, the political context and the political environment the trade union has to work within. Thus, political opportunity structure scholars focus on external factors and the reason why a social movement, for example trade unions, succeed or fail with their goals depends not on internal factors. Rather it depends on political factors outside the social movement's control. Thus, according to political opportunity structure, trade unions ability to influence policy making in the European Union is based on external factors. In simple words, Political Opportunity Structure is that exogenous factors enhance or inhibit prospect for trade unions to influence policies (Meyer & Minkoff: 2004).

Considering the aim of this thesis is to analyse under which circumstances trade unions are able to prevent liberalization from the European Union, the political opportunity structure is the theory that is the most appropriate for this thesis. Since the goal of the trade unions were to prevent liberalization from directives that was introduced by the European commission and was about to be legislated through the European Union, it is of this thesis' interest to determine under which external factors that had an impact on whether the trade unions would succeed or fail with their goals.

### 3.1 Political opportunity structure

The first study that was done with explicitly Political Opportunity Structure theory was Eisinger when he studied why certain cities in the United States of America had problems with extensive riots and other cities did not. In explaining this Eisinger focused on the institutional access and governmental openness as explanation to what level of riot each city had. Moreover, political opportunity structure theory was used in the 1970's as tool to understand the reason why social movements arise at certain places (Giugni 2009: 362). However, a division was merged after the 1970's within the scholars within the political opportunity structure. One group of scholars emphasised the opening of windows that would encourage groups to carry out activities, such as demonstrations, protests and join or create social movements group. Thus, this group of scholars (e.g McAdam and Tarrow) looked more in the opportunities for action. In the other group of political opportunity structure theorists, the focus is on the stable aspects of the structures in the political context. Thus, among this group of scholars (e.g Kitschelt and Kriesi) the structures have a central stage (ibid).

The political opportunity structure theorists who empathize the structural political setting are focusing on external factors such as the political environment, political openness and the party system on why social movements will succeed or not (Goldstone 1980, Kitschelt, 1986). Thus, it is the structural political setting of the EU that is determining if trade unions will succeed with their goals or not. The trade unions are trying to influence EU policies and prevent the liberalisation in the political environment of the EU, and therefore accordingly to the political structure theory, it is this that determine if trade unions will succeed or not.

The reason why this study will not focus on the ideas of the first group of political opportunity structure theorist is basically because of the fact that the study is not analysing on why trade unions are able to carry out demonstrations or protest or other activities. This study is analysing when trade unions are able to succeed with their goals to prevent liberalisation. Thus, the aim of this study is not on what “windows” that has to be open for trade unions to be able to organise activities. The aim is to determine when trade unions are able to prevent liberalisation. Furthermore, Marks and Adam (1999), who belongs to the group who are in the first group of political opportunity structure have analysed the relationship between political opportunities and the dynamic of collective actions and mobilisation by social movements in the context of the EU.

Thus, from this theory, a model has been created for this study where three variables will be used to see what determines when trade unions are able to prevent liberalisation in the context European Union. The model and variables that is used in this study is influenced by several scholars in the political opportunity structure theory and many variables overlaps with different theorists.

Brockett (1991), Kriesi (1992), Rucht(1996) and Tarrow (1994) all highlights that the openness in the political system is vital for social movements to succeed. Already in 1973 Eisinger analysed the affect the openness of political system had on the creation of riots in the United States. As has been explained, this study is not analysing the social movements ability to mobilise and execute collective actions. However, the possibility to influence policies in formal meetings still shall be included in this study to see if it affects the trade unions ability to prevent liberalisation.

Furthermore, Brockett, Rucht, Tarrow all emphasise the need of conflicts within the elite-groups for social movement to succeed. Thus, in order for trade unions succeed, this study has to analyse whether there are disagreements within the European Commission, the European Parliament and the Council of the European Union. Both between the institutions and between different actors within the institutions.

Brocket, Rucht and Tarrow all highlights the need for social movements to have allies in the elite-groups. That means it's vital for trade unions to have actors within the European Parliament or the Council of the European Union to succeed with their goal to prevent

liberalisation. In contrast to previous research, these allies are within the EU elites, and not allies within the social movement.

The first variable that will be asked to the material is whether a dialogue between the EU elites and trade unions has been established. Variable two and three, whether there is a disagreement between the EU elites and if the trade unions have any allies in the political elite and if they share the same goal are two variables that are emphasizing the informal structure of power relations.

By taking the variables from political opportunity structure theory, it is expected that some of the three variables will match with the three directives that all were aimed to liberalise a certain market. And by doing this, this study will be able to determine which of the variables that needs to be present if the trade unions shall succeed with their goal.

### 3.1.1 Variables Selection

#### **Political Opportunity Structure**

Dialogue between trade unions and EU elites

Disagreement within the EU elites

Allies between trade unions and actors within the EU elites

The first variable, whether there is a dialogue between the EU elites and the trade unions. This variable is present if the EU elites have meetings and are able to establish a dialogue. The European Commission invites the trade unions and have a dialogue or if the trade unions are able to establish dialogues with representatives from the European Parliament. Moreover, in the case of dialogues between the trade unions and the Council of European Union the dialogue is between trade unions and some representative from any of the national governments of the member states due to the nature of the Council of the European Union.

If there is a disagreement within the EU elites, it means that certain actors within the EU elites do not share the same position on the issue of liberalisation. The disagreement within each decision-making institution shall be between member states in the Council of the European



Union or between political groups in the European Parliament. In the case of the European Commission it shall be between different commissioner.

If the trade unions have any allies within the EU elites, it means that the position and the campaign the trade unions are running are supported by an actor within the EU elites. Thus, there are a mutual respect from the actor within the EU elites and the trade unions both in terms of the liberalisation and the public support for the trade unions campaign. The trade unions get help from inside the EU elites and thus a coalition merge between trade unions and actors within the EU elites.

By using these variables from Political Opportunity Structure theory this study will be able to determine what external factors that has to be present for sake of the trade unions ability to succeed with their goals. In contrast to previous research on the matter of trade unions ability to succeed with their goals in Europe, the previous research has mainly focused on the internal structures and factors such as linguistic, ideological, cultural differences have been emphasised whether trade unions at a European level can work together. However, as can be seen in the previous research chapter, study by Andreas Bieler concluded that trade unions ability to succeed to influence EU policies between 2000-2003 were better if the trade unions formed allies and coalitions with other actors in the social movement, such as NGO's. In this study, the trade union's allies with actors within the EU elites will be analysed and hopefully be able to determine if coalitions between actors within the EU elites and trade unions is an external factor that is important if the trade unions shall succeed. Thus, both Andreas Bieler's study and this study is looking into the effects of allies and coalition-building has for the trade unions. However, the main difference is that in this study, the allies and coalitions is a vertical matter, that is vertically between actors within the three EU institutions used in this study, but in Andreas Bieler's study the coalitions is on a horizontal level, between trade unions and actors within the social movements.

## 4 Methodology

Since the aim of this thesis is to analyse under which external conditions and circumstances trade unions are able to prevent liberalization in the context of the European Union, this thesis will carry out a qualitative comparison of three directives which were aimed to liberalise a specific market, but where two of the directives failed to be implemented and thus liberalisation failed to be implemented. Hence, the outcome the three directives are already known and the outcome of two of the cases are similar to each other, while one of them have a different outcome compared to the other two. The three directives that will be used as cases in this thesis to analyse under which circumstances trade unions were able to prevent liberalisation are the Port Service Directive, the Bolkestein Directive and the Postal Service Directive. The aim of all three directives was to liberalise a specific market, the port sector market, the service market and the postal service market.

Rather than carrying out an extensive study on one case, which can be argued of being to one dimensional and of overstating certain variables, this thesis uses three cases to reduce the risk of over-emphasize variables and when using three cases, the findings are less fragile and it adds a degree of confidence to the findings to have more than one case. Furthermore, to even more improve the findings, this thesis aims to use one case that is diametrically different in the outcome. Thus, three cases will be used, two cases that have similar outcomes, namely liberalisation were not implemented. The third case, the third Postal Service Directive, were also aimed to liberalise a market, but in contrast to the other two cases this directive succeeded with its goal and the market was liberalized. By doing this, the thesis' findings are more durable and less fragile that it would have been with just two cases with similar outcomes.

Methodologically, the main challenges this thesis will face is assessing causality and reaching generalizable conclusion. But the method is useful in this thesis due to the aim of the study is to investigate why trade unions were able to prevent the liberalization in both directives by analysing variables from Political opportunity structure theory. To reduce the methodologically problems the thesis will add one case which outcome is the opposite of the other cases, to make the findings of this thesis stronger. The three directives will be compared in order to identify the corresponding variable which may in turn be a part of the explanation why the trade unions succeeded in preventing the liberalizations.

The thesis tests if political opportunity structure can explain the outcome – European trade unions could prevent two liberalization directives - by analysing the cases through the variables formulated based on the theory.

#### 4.1 Case selection

Three different directives are about to be analysed in this thesis. Two of those cases, the Port Service Directive and the Bolkestein Directive, were both two directives that were introduced with the aim to liberalise the port service market and the service market. However, the aim of both directives failed and the liberalization of the two specific markets were prevented.

According to the trade unions, this was a victory for them (Press Release by ETUC 2007).

The Port Service Directive did not only fail to be implemented ones, but was rejected twice, and the Bolkestein Directive was implemented, but was adjusted to the extent that the demand from the European trade unions were reached. Thus, the trade unions succeeded with their goals to prevent the liberalization. Going back to the aim of this thesis, to analyse under which external circumstances the trade unions are able to prevent liberalization in the European Union, these two directives works as good cases to be able to get an answer to that.

However, as has been discussed in the methodology section of this thesis, the Postal Service Directive will also be compared in the thesis to make the findings of the thesis more robust.

In the Postal Service Directive, the aim was to liberalize the postal service market to the European trade unions dissatisfaction. Despite the launching of campaigns from the European trade unions to prevent the directive, the directive was implemented with the result of the liberalisation of the market and the trade unions failed with their goal to prevent it. Thus, the result of this directive is contrary to the Port Service directive and the Bolkestein directive, the liberalisation of the postal service market succeeded. Therefore, this directive is used as a case to be compared to the other two cases and to see which variables that will be matched.

## 4.2 Operationalization

The variables used in this study comes from the political structure theory presented in chapter 3. These three variables will be used and asked to the empirical material to be able to find the empirical findings and to see which variables that explain whether trade unions succeed to prevent liberalization or not. The three variables presented are; (i) *'Is there an established dialogue between the trade unions and the EU elites?'* (ii) *'Are there disagreements within the EU elites?'* (iii) *'Do the trade unions have any allies in the EU elite and do they share the same goal?'*. That leads to the question, how does one know when these variables are present or not?

Each of these variables are asked to the empirical material to be able to determine whether the variable is present or not. The variables will be operationalized as follows:

- Dialogue and between EU elites and trade unions: This variable is present if there exist institutionalized talks between trade unions and the EU elites. EU elites in this context means some of the institutions; European Commission, European Parliament or Council of European Union. If a dialogue is established, the variable is present.
- Disagreement within the EU elites: This variable is present if there do exist a disagreement within the EU elites, that means if there is a disagreement between the European Commission, European Parliament or Council of European Union.
- Allies between trade unions and EU elites: Trade unions have any allies in the EU elites, that is in the European Parliament, European Commission or the Council of European Union. And if they have any allies, they have to share the same goal. If trade unions have allies among the EU elites and share the same goal, the variable is present.

However, how define each variable? What is a dialogue between trade unions and the EU elites, disagreement within the EU elites and allies between trade unions and EU elites?

Gary Marks and Doug McAdam (1999) argue that the European Commission is an institution that is far more open to dialogue and inputs than national government, partially because the European Commission lacks the competence to independently collect information about the

impact the proposed legislation would have. (Marks & McAdam 1999: 105) However, as previous research has concluded, trade unions had a disadvantage compared to business organisation to influence policies on the European union level. Thus, dialogues with trade unions may not be prioritized, and trade unions may be excluded in benefit for business interest.

Thus, to be able to determine whether the variables are present or not, a certain question have to be asked to the empirical material. An analytical framework has to be created to be able to do that.

- **Dialogue between EU elites and trade unions:** *Is there any established meetings and dialogue between the representatives of the trade unions and the European Commission, European Parliament and the European Council? Are trade unions also included in the dialogue and not excluded in the benefit for other business organisation?*
- **Disagreement within the EU elites:** *Are there any disagreement within the decision-making institutions in the European Union on the matter of the directive That is, the European Commission, the European Parliament or European Council? Is the disagreement between any of the major political groups in the European Parliament or any of the major member states in the Council of the European Union?*
- **Allies between trade unions and EU elites:** *Do the trade unions have any allies in the European Commission, European Parliament or the European Council on the matter of the directive? Do they share the same goal? And are they from any of the major political groups in the European Parliament?*

These questions will be asked to the empirical material do determine whether a variable is present or not. And by doing this, the study will be able to answer which external circumstances that has to be present for the trade unions to succeed with their goals.

Therefore, if variable 1 is present (*dialogue between the EU elites and the trade unions*), frequently talks between trade unions and the EU elites shall be present, and the trade unions shall have possibilities to have inputs on the proposed directive and not be excluded while business organisation who are friendly to liberalisation is included. Due to the nature of the

Council of the European Union, the dialogue shall be with governmental representatives from the member states.

Variable 2 (*disagreement within the EU elites*) is a variable that is present if there is major disagreement within the EU elites about the policy, that is in this study whether liberalisation should take place or not. In order for the variable to be present, there has to be disagreement within both the European Parliament and the Council of the European Union. That is because the European Parliament is a political institution with ideological conflicts. Thus, there will always be disagreement since for ideological reasons, small political groups in the European Parliament will always oppose liberalisation. Between 1999 to 2009, the EPP-ED, PES and the ELDR, who turned into ALDE in 2004, were the three major political groups in the European Parliament (Guyomarch 2007: 162). The three political groups represent conservatives and Christian democrats, social democrats and liberals. Therefore, the disagreement has to be between or within the major political groups in the European Parliament.

Variable 3 (*trade unions allies within the EU elites*), is present if trade unions are able to find actors that are friendly towards the trade unions campaign and their effort to prevent liberalisation. Thus, actors in the European Parliament and the members in the Council of the European Union has to both support the trade unions goal to prevent the liberalisation and then also support their campaign. Also in the case of variable 3, allies in both the European Parliament and the Council of the European Union has to be present in order for the variable to be present and it has to allies from any of the major political groups, just like in variable 2.

### 4.3 Empirical material

The empirical material that is used in this study are mainly press releases, statements, and articles. Press releases and statements are mainly from the three different trade unions that are representing their workers on the European level. Both from the trade unions such as European Trade Union Confederation (ETUC), but also from smaller professional trade unions, such as the European Transport Federation and Uni global group. Articles are mainly from Euractiv, but also from Euobserver.

The empirical material is analysed through the variables taken from the Political Opportunity

Structure theory presented in the previous subchapter. Thus, the questions presented in the previous chapter has to be asked to the empirical material presented in this chapter to determine whether the variable is present or not.

#### 4.4 What to expect?

This thesis aims to analyse the trade unions ability to influence policies from the European Union and empirically test the variables from the political structure theory. Three variables explaining whether trade unions will succeed with their goals to prevent liberalization from the European union has merged from the literature on political opportunity structure theory: (i) Is there a established dialogue between the trade unions and the elites in the European Union (ii) are there a disagreement within the EU elites? (iii) do trade unions have any allies in the EU elites? And if so, do the trade unions and EU elites share the same goal?

The thesis will test this by comparing all three directives to see which variables will match which directive. For instance, if variable (ii) will match both the Port Service directive and the Bolkestein directive, but not the Postal Service Directive, this would lead to the conclusion that variable (ii) is important to understand whether the trade unions will be able to succeed with their goals to prevent directives that has an aim to liberalize a market.

On the contrary, if variable (ii) would match the Port Service Directive, but not the Bolkestein Directive, but instead match with the Postal Service Directive, this would lead to the conclusion that variable (ii) is not an important variable to determine if the trade unions are able to influence directives that has the aim to liberalise a market.

## 5 Background to empirical context

### 5.1 Port Service Directive.

In 2001, the commission proposed the Port directive with the aim of opening up the port service market and creating common rules for competition between European ports and between the suppliers of port services within single ports. By doing this, the freedom to provide services in the internal market for maritime transport and also the efficiency would increase in inefficient ports, according to the European Commission. One objective of the first proposal was to increase the competition and establish the freedom of companies to operate and employees to work anywhere in the European market (Leiren 2014: 160). The other objective was to increase the transparency of port finances, thus prevent distortion of competition due to state aid. In the first proposal of the Port Service directive, the costumers of the port services and the ship-owners were supporting the proposal to liberalize the market since it would reduce their cost and increase the efficiency. Groups who supported the supported the liberalization of the port service market had lobby groups that was well organized and had contact with the European Commission on a daily basis. However, the European trade unions opposed the liberalization and even though the objection from trade unions, the European commission refused to exclude some of the more controversial points in the proposal. It ended with the proposal failed to go through the European Parliament and was voted down. This was sensational due to the fact that it was merely the third time in ten years that the European Parliament rejected a directive when an agreement had been reached in conciliation (ibid)

The second proposal was launched less than a year after the first proposal that failed to be implemented. The second proposal was similar to the first proposal that was rejected, however, new elements was introduced in the second proposal. The new elements included reinforcement of social concerns, that is for example stricter and mandatory authorizations with shorter maximum durations. Due to the fact that the first proposal was only rejected by a small margin of 20 votes and that the member states had approved an amended version in the first proposal, the European Commission saw the second proposal as close to be approved. Thus, the European Commission never opened up any consultations with the industry and the European Commission never saw any demands for assessment even tough controversial points in the proposed directives still was there. This led to a politicisation and resulted in that



the shipping industries that was proponent of the first proposal and proponent of liberalize the market, now joined the trade unions and was against to implement the second proposal. The former proponents of the first proposal criticized the European Commission for failing to reach consensus and build bridges between proponents and opponents of liberalization of the port service market. (Lieren 2014: 158ff) The second proposal was later rejected in the European parliament with 520 votes against the proposal and 120 in favour.

## 5.2 The Bolkestein Directive

Directive 2006/123/EC on services in the internal market, also known as the Bolkestein directive, is one of the most publicised and controversial legislative processes that the European Union has ever proposed. The aim of the Bolkestein directive was to break down the barriers to interstate service provision and establishment, and therefore create growth in the service sector (Chalmers et al 2014: 842). There are three aspects of the Bolkestein directive. First, the directive regulates the administrative and bureaucratic procedures relevant to services and establishment, secondly the directive elaborates the scope of the rights to provide and receive services and to establish in another Member State. Thirdly and lastly, it contains harmonisation provisions allowing and requiring states to exchange the information necessary for an effective regulation of service providers.

The proposed original directive was a very controversial proposal within certain groups and was immediately met by resistance among trade unions. This led to the European Economic and Social Committee (EESC) launched an opinion which stated that far-reaching suggestion about amendment of the proposal. The adopted text that was heavily amended, states that the Bolkestein directive does not affect labour laws and that employment and working conditions. Moreover, the Bolkestein directive that was implemented explicitly does not impact on the right to negotiate, conclude and enforce collective agreements. Also, it does not affect the right to strike and to take industrial action. Lastly, removing the country of origin principle and excluding services of general interest and temporary agency work from the scope of the directive were important issues for the trade unions who opposed the original proposal.

Thus, the Directive 2006/123/EC, also known as the Bolkestein Directive, was implemented. However, it was heavily amended from its original proposal and the European Trade Union Confederation (ETUC) released a press release claiming victory due to the fact that the directive that was subsequently implemented was heavily amended, thus, the trade unions had

succeeded with their goals to prevent liberalization that would go against the trade union and its members interest.

### 5.3 The Postal Service Directive

Directive 2008/6/EC, the Postal Service Directive, was an amendment to the first Post Service Directive and was proposed by the European Commission in 2006. According to the first Postal Service Directive, introduced in 1997, member states were had to reduce the postal monopoly to mail items weighting under 350 grams and less or if the mail item cost five time less than the basic tariff. In the second Postal Service Directive, introduced in 2002, the monopoly area was further reduced to handle items that weighed less than 100 grams and costed less than three times the basic tariff. Moreover, the second Postal Service Directive also included a time plan for full elimination of the monopoly and a full liberalization of the Postal Service sector. However, this was postponed due to criticism from the member states (Hermann 2013: 33).

However, the third Postal Service Directive, adopted in 2008, included a time-plan for a total elimination of monopoly in the Postal Service sector. By 2011, all remaining postal services monopolies were required to be eliminated, except eleven member states that received a two-years extension to 2013 (Morton 2014: 4). The liberalization of the postal service market faced criticism from European trade unions, both ETUC and UNI Europa. UNI Europa, who represent Europe's trade unions in the postal sector, argued that a full market opening will only worsen the already downward employment trend in the postal sector. Also, the ETUC criticized the third postal service directive using the same arguments as UNI Europa and argued that since the beginning of the liberalization and the phasing out of the monopoly, hundreds of thousands of jobs have been lost. Furthermore, the full liberalization of the postal service market would create an unstable employment, poor pay and bad working conditions (Statement by ETUC: 2007)

However, even though the criticism the third Postal Service Directive faced, the directive was implemented and the trade unions failed with their goals to prevent the liberalisation.

## 6 Empirical Findings

### 6.1 Port Service Directive

#### 6.1.1 V1: Dialogue between EU elites and trade unions

In the case of the Port Service Directive, a directive that was proposed twice, the dialogue between trade unions and European Commission were not optimal for those who wanted to see a dialogue between the commission and the trade unions.

Starting with the European Commission and their dialogue with trade unions, it is suggested that, in the first proposal, the trade unions neither had any dialogue or could participate in events where they could raise their concern and include their point of view on the matter of the liberalisation of the port service market. The trade unions lacked a dialogue with the European Commission and thus lacked to have inputs of the proposal. Furthermore, in the second proposal of the Port Service Directive, the European Commission continued to exclude trade unions in having a dialogue with them. Even though the criticism the first proposal received from the European Transport Federation, an international trade union who represent dock-workers across Europe, for not taking their inputs and worries about what the liberalisation would lead to, the European Commission did not include the trade unions in talks. Thus, the second try to push the liberalisation of the port service market did not lead to any consultations with the trade unions nor did any new impact assessments was introduced (Leiren 2014: 158ff).

However, the port worker's section of the European Transport Worker Federation (ETF), the trade union who is organising dockworkers did not emphasise the need to seek dialogue with any of the EU elites as much as other wanted. Rather they excluded the dialogue with the European Commission and instead organised Europe-wide strikes in the port sector. This was criticised by other trade union organisations such as ETUC and the leader of ETUC, John Monks, argued that the ITF would have been beneficial of a dialogue with some of the EU decision-making institution (Euobserver 2003). However, the ETF did indeed had talks and meetings with actors within the EU elites, despite the minor conflict within the trade union movement on the issue of what to emphasise.

The dialogue between the appointed rapporteur from the European Parliament, Georg Jarzembowski, and the European Transport Worker Federation was frosty and the ETF accused Georg Jarzembowski for being inflexible and argued that it was too difficult to establish a meaningful dialogue with the German MEP from Hamburg. However, the ETF had meetings with all the political groups in the European Parliament to raise their concern and have their views expressed. Furthermore, the trade unions did also invite all MEPs to an information meeting to discuss the issues (Penella 2013: 27ff).

It can be concluded that the ETF had meetings and expressed their views in the European Parliament to all political groups, but they lacked a meaningful dialogue with the rapporteur Georg Jarzembowski. And in regard to the European Commission the trade unions lacked possibility to have a dialogue regarding their social concerns as the Port Service Directive would according to the trade unions lead to. Thus, it can be concluded that the trade unions lacked dialogue with the EU elites, as the trade unions did not establish a dialogue with the European Commission.

#### 6.1.2 V2: Disagreement within the EU elites

Within the EU elites in the case of the Port Service Directive it can be seen that there was some disagreement within the decision-making institutions. In regard of the European Commission it was Loyola de Palacio who served as commissioner for energy and transport from 1999 to 2004. Thus, it was she who proposed the Port Service Directive and pushed for it the first time. However, her succeeded Jacques Barrot were much more uncertain to push the directive forward than the commissioner he preceded. Thus, the second time the directive was proposed in was the new commissioner who pushed for it. Thus, there was a gap in their enthusiasm to propose the legislation and made the agreement over the Port Service Directive from the European Commission complex due to the personal transformation in the institution. Some of the reasons why there was a gap on their enthusiasm to push the liberalisation was that Jacques Barrot, the new commissioner, noticed problems with the port sector in the Mediterranean compared to other ports located in the European Union. Another reason was France rejection of the EU constitution that was seen as a rejection of excessive economic liberalism.

In the European Parliament, the issue of liberalisation in the port service market was a polarized subject. The first time the European Commission tried to push the

liberalisation through, the European Parliament was almost divided in half. In the European Parliament, MEPs from the Socialist group, the United Left group and the Green group opposed the liberalisation of the port service market. On the other hand, Christian democrats and the liberals wanted to see the liberalisation to be implemented. The day the European Parliament voted down the Port Service Directive, the German MEP, as well as a Christian democrat, Georg Jarzembowski, was surprised over the turnout, and argued that beforehand it looked like the liberalisation would pass the European Parliament with a narrow majority (EUobserver 2003b). Note that this division in the European Parliament was after the European Parliament had agreed to a compromise regarding some of the more controversial parts of the liberalisation. Nevertheless, with 20 more votes than the pro-liberalisation side, the directives did not even pass the European Parliament.

The second attempt from the European Commission to push the liberalization in 2006 the European Parliament was divided. The transport committee in the European Parliament was so divided on the issue, leaving the committee unable to amend the commission's proposal. The disagreement within the transport committee in the European Parliament led to the result that the proposal was introduced in the European Parliament without any amendments and thus the proposal was untouched by the committee and went to be voted by the MEP as such (EURactiv 2006a). The consequences of the disagreement within the Transport Committee in the European Parliament was that Georg Jarzembowski was lonely in the European Parliament in his fight to push the liberalisation through the European Parliament. The vote in the European Parliament on the second try for the Port Service Directive was not as thrilling as the first one. The second attempt to liberalise the port service sector was voted down by a large majority.

Among the representatives in the Council of the European Union there also were some disagreement of the first proposal from the European Commission. All delegations in the Council of the European Union had some reservation, however Denmark and the United Kingdom raised more reservation than other delegations. Disagreement between the Council of the European Union and the European Commission and within the Council of European Union was not solely about specific parts of the proposal. The Dutch delegation in the Council of the European Union

raised criticism regarding the need of the directive. The Netherlands questioned the whole idea of the directive and they were not lonely with that criticism. Also, Germany and Belgium joined the position of the Netherlands. Therefore, important member states were against the whole existence of the Port Service Directive and criticised the need of a directive regarding the port service market. However, some member states supported the liberalisation. Mainly Mediterranean countries and the new members of the EU supported the liberalisation (Pallis & Tsiotsis 2008: 22))

It can be concluded that, in the case of the Port Service Directive, that there were a lot of disagreement both within institutions and between the three decision-making institutions. In the first try to push the directive, the disagreement in the European Parliament were present. Almost half of the MEPs in the European Parliament supported the European Commission and its eager to implement the liberalisation, while the other half opposed the European Commission and the liberalisation. Also in the second proposal of the directive there were some disagreement, especially in the Transport Committee. However, in the second try it was with a vast majority that the directive was rejected in the European parliament. During the proposals of the Port Service Directive the European Commission changed their personal. This led to a situation where the second commissioner had another approach to the directive than the first commissioner. The eager to push for liberalisation was not as big the second time as the first time. Moreover, in the Council of the European Union some of the member states argued against some parts of the directive, while the Netherlands, Germany and Belgium criticised the whole idea of a directive in this sector. Thus, there was a lot of disagreement both within the institutions and between the institutions.

### 6.1.3 V3: Allies between trade unions and EU elites

The regional Flemish Minister of Transport, officially supported the trade unions and their positions on the issue of social right and employment rights and furthermore assured the ETF that they Belgian government would never support any directive that would lead to worse labour conditions and social dumping. This was later reaffirmed by the other regional Flemish Minister of Mobility and the federal Minister of Labour Policy. The Belgian government would never support a directive that would lead to that (Deschouwer & Jans 2007: 169). Furthermore, it has been later discovered that the trade unions had other allies within the member states in the Council of the European Union and that some member states secretly

supported the trade unions in their fight against the liberalisation even though they gave assent in the Council of the European Union (Leiren 2014: 475)

Moreover, in the European Parliament the trade union could find other allies that supported their cause to prevent the liberalisation. Even liberal MEP assured the trade unions that they shared the same goal in regard of the social concerns the trade unions had if the liberalisation would succeed. Furthermore, several MEP that supported the trade union and their fight against the liberalisation pushed the trade union to publicly raise the social pressure. The MEPs did not see any other way to make their point in the European Parliament unless the trade unions started to push the social pressure. The protest that the ETF organised in 2003 was supported by several members of the European Parliament that had issued many amendments on the text of the Port Service Directive (Deschouwer & Jans 2007: 170).

Thus, the trade unions had allies that shared the same goal as the trade unions had, and the allies in the European Parliament not only supported the campaign the ETF pursued, but also cooperated with the trade unions and helped the trade unions with input on what the trade unions had to do to help the MEP to achieve their goal in the European Parliament. Also in the Council of the European Union the trade unions had allies that shared the same goal as the trade unions.

## 6.2 Bolkestein Directive

### 6.2.1 V1: Dialogue between EU elites and trade unions

In the case of the Bolkestein directive, the ETUC had talks with the Commission early in the process of the introduction of the proposal. The generally secretary of ETUC, John Monks, held meetings with the Commissioner of the internal market and service Charlie McCreevy. The meetings began in the first month of Charlie McCreevy's tenure until the last days of the process. Thus, the trade unions had frequently meetings with the European Commission. Moreover, ETUC succeeded to establish contacts and dialogues with the President of the commission, José Manuel Barroso, the commissioner for Employment, Social Affairs and Equal opportunities Vladimir Spidla and also with the Vice-president and the commissioner for Enterprise and industry Gunter Verheugen (Dølvik & Ødegård 2012: 77)

Furthermore, the ETUC and John Monks held meetings with the then president of the Council of European Union Jean-Claude Juncker from Luxembourg. The ETUC did not only had meetings and held dialogues with the president of Council of European Union, but also with the then French president Jacques Chirac. Furthermore, ETUC also had meetings and dialogues with Guy Verhofstadt the prime minister of Belgium and Gerard Schröder, chancellor of Germany (Parks 2015: 85).

Also in the European Parliament, the ETUC had meetings and a dialogue with some of the MEP's. These MEP were from the Socialist faction in the European Parliament. In the Internal Market Committee and the Employment Committee the trade unions through ETUC had a close dialogue with MEP's from both the conservatives and socialists and ETUC (Dølvik & Ødegård 2012: 76).

This shows that the trade unions had frequently meetings and a frequent dialogue with all three institutions in the decision-making process. In the Commission, the ETUC held meetings with the commissioner in charge of the directive, Charlie McCreevy who back then was commissioner in charge of the internal market and services. The ETUC also succeeded to establish dialogue with other commissioners in the European Commission. In the Council of European Union, ETUC once again had meetings and dialogue with not only the president of the European Union but also other members, such as France. In the European parliament, the ETUC held meetings and had a dialogue with MEP's from the Socialist faction of the European Parliament. Thus, it can be strongly concluded that the trade unions, through ETUC, succeeded to establish meetings and dialogue between the trade unions and the EU elites. This is evidence that the variable *a dialogue between the trade unions and the EU elites* do exist in the case of the Bolkestein Directive.

### 6.2.2 V2: Disagreement within the EU elites

In the case of the Bolkestein Directive, the disagreement within the EU elites, that is the EU Commission, the European Parliament and the Council of Europe is highly notable. Already in January 2005, the then new floating Council President Jean-Claude Juncker expressed his scepticism of the proposal that the European Commission had proposed (Dølvik & Ødegård 2012: 77). This scepticism was shared among others in the Council of European Union such as France and Germany. In February 2005, the French president Jacques Chirac voiced



concerns over the Bolkestein directive due to fear of the directive to lead to social dumping. Furthermore, the French president demanded the whole Bolkestein Directive to be overhauled (Euractiv 2005a). Moreover, the German counterpart Gerard Schröder agreed with France and Jacques Chirac and voiced his concern about social dumping would be the consequences if the Bolkestein Directive would be implemented and the liberalizations would succeed (Deutsche Welle 2005). In addition, Sweden, Denmark and Belgium were in the anti-liberalisation group.

Yet, even though there was a strong coalition in the council of Europe that was negative in regard of the proposed directive, there was a counterpart that was more enthusiastic about the directive and the liberalizations that it would lead to. If France led the coalition that was against the liberalization the proposal would lead to, the United Kingdom led the coalition that wanted to push the Bolkestein through and implement it. Tony Blair, back then prime minister of United Kingdom, was also the one who succeeded Luxembourg Jean-Claude Juncker as the floating president of Council of European Union. Before the presidency, the Blair government announced that during the United Kingdom's presidency of the Council of European Union, the Bolkestein directive would be pressed ahead, despite the criticism of other members of council of the European Union (The Guardian 2005). Securing the Bolkestein Directive proposal was one of the main objectives the United Kingdom had during their presidency of Council of European Union (Bulmer 2008: 607) Moreover, in the coalition that was positively affirmed to implement the Bolkestein Directive and its liberalization was newer member states from central- and eastern Europe (Copeland 20014: 64).

Furthermore, in the European Parliament, the disagreement was also present. And the disagreement within the European Parliament were not only based on party lines. In the two committees that were involved and responsible for labour law issues, the Internal Market Committee and the Employment Committee, diverged strongly from each other.

One of the most controversial parts of the Bolkestein directive was the Country of origin-principle. The purpose of the country of origin-principle was that cross-border service providers would mainly be subject to the laws of their home country and thus not obey the laws that the service provider works in. This was for MEP's in the European People's Party Group (EPP-ED) a strong argument for the Bolkestein Directive and was strongly in favour of the country of origin-principle. However, the other big group in the European Parliament,

People of European Socialists (PES), was of a different opinion and strongly opposed the country of origin-principle that would according to the MEP's in PES lead to social dumping. The disagreement within the European Parliament was so considerable that the first vote that took place in the Internal Market Committee in November 2005 lacked sufficiently broad support, which implied that the negotiations had to continue further until the plenary vote. It was still the country of origin-principle that was the main reason for the disagreement within the European parliament.

However, it was not only disagreement based on which political group in the European Parliament one was in, it also had a geographical dimension. MEP's in the EPP-ED group, especially from France and Germany, were more sceptical to implement the Bolkestein Directive without any amendments.

The Bolkestein directive proposal was proposed by the Dutch EU-commissioner Frederik Bolkestein, who was responsible for Internal market and Services. However, Frederik Bolkestein proposed the directive in 2004, the same year he left the European Commission and was succeeded by Charlie McCreevy from Ireland. Charlie McCreevy had another approach in contrast to Frederik Bolkestein, and was more pragmatic and had less commitment to the proposition than Frederik Bolkestein who actually proposed the directive. Already in February 2005, the new Commissioner Charlie McCreevy publicly acknowledge that the directive that was introduced by his predecessor would not going to be able to be implemented and thus needed to be amended. It took only months from the proposal of Bolkestein Directive to the situation where the commission acknowledged that it had to be amended (Dølvik & Ødegård 2012: 77). For example, the succeeded commissioner McCreevy argued that the country of origin-principle had to be changed unlike Frederik Bolkestein did. Thus, the Commission had a whole other approach to the Bolkestein directive in 2005, then they had in 2004 when it was first introduced.

This proves that the variable of *disagreement within EU elites* were present in the case of Bolkestein Directive. In the Council of European Union, the disagreement led to two coalitions, one that was led by France and backed up by mainly Germany, Belgium, Luxembourg, Sweden and Denmark which criticized the Bolkestein Directive and its liberalization. And on the other side there was a coalition that wanted to see liberalization and wanted the directive to be implemented, a coalition

led by the United Kingdom and backed up by countries from central- and eastern Europe. In the European parliament, there was a divided by the political groups, but there was also, albeit to a certain extent, a geographical dimension where some MEP's disagreed with their political group. When it comes to the European Commission, the institution who introduced the directive to start with, the turnover of commissioner led to a situation where the new commissioner, Charlie McCreevy proclaimed that the first proposal would not be implemented and was far more pragmatic than the commissioner that introduced the directive in the first place. Therefore, the variable *disagreement within the EU elites* was indeed present in the case of the Bolkestein directive.

### 6.2.3 V3: Allies between trade unions and EU elites

As can be seen in the previous subchapter, the disagreement within the European Parliament was mainly based on which political group the MEP had. However, the trade unions had some allies within the political group that officially was supportive of the Bolkestein directive and the country of origin-principle. Central participants from mainly Germany and France that back then were members of the European Parliament had close links with the trade union, despite their political group in the European Parliament. Furthermore, the ETUC also had official allies in the European parliament. The European Socialist group, the Group of the Greens/EFA and the Group of European United Left and Nordic Left were all mobilizing in support of the ETUC (ETUC press release 2007). These political group pointed out ETUC as allies and proclaimed that they, the political groups, shared the same vision and goals as ETUC on the matter of the Bolkestein Directive.

Pierre Jonckeer, Vice-president of the Greens/EFA said *'The Greens hope to see the ETUC petition receive wide support from Europe's workers and citizens. We are committed to contributing to its success'* and Jacques Delors proclaimed at the congress of the Party of the European Parliament that *'the Socialist Party must be present in this battle, where the future of our society is at stake'* (*ibid*).

Thus, it has been shown that the trade unions had allies not only among left-winged MEPs, but also some of the more right-winged MEP mainly from Germany and France. Furthermore, several groups in the European Parliament officially supported the trade unions and their

cause. Thus, it can be concluded that the trade unions had allies within the European Parliament.

In the Council of the European Union, trade unions were able to create a coalition with allies that shared the same goal as ETUC. Among the member states that shared the goal and helped ETUC to achieve the goals was the national governments of France, Germany, Austria, Belgium, Denmark and Sweden (Copeland 2014: 55). The campaign the ETUC exercised in amending the Bolkestein Directive with arguments that it would lead to social dumping and job losses was backed by these member states. Thus, ETUC was not only able to find allies in the European Parliament, ETUC could also find allies that shared the same goal as them among the member states.

## 6.3 Postal Service Directive

### 6.3.1 V1: Dialogue between EU elites and trade unions

UNI Post and Logistics Global Union in Europe, who is a sector of the Uni Global Union that is a trade union that represent workers in several work sectors, did have some dialogue with the European Commission. The UNI Post and Logistics Global Union organized workshops where representatives from the DG Internal Market attended and where trade unions and the European Commission shared their views of the Postal Service Directive and could discuss some of the issues of the Postal Service Directive. However, the trade union expressed concern over the lack of social consideration the European Commission had in regard of the liberalization of the postal service market (UNI Global Union 2008 Open Letter). However, before Charlie McCreevy, the then commissioner of the internal market and services, proposed the new Postal Service Directive he attended a conference with five pro-liberalisation operators in Europe (Euractiv 2006b).

Furthermore, the UNI Post and Logistics Global Union expressed dissatisfaction for the lack of dialogue between trade unions and the European commission. The lack of taking in the social dimension of a liberalization on the postal service market into consideration when proposing this directive was, according to UNI Post and Logistics Global Union, a weakness for the European Commission. UNI Post and Logistics Global Union urged the DG Internal Markets to include more social consideration into their working group and to have a dialogue

on the issue of the social affects a liberalization would have for the workers in the postal sector. Thus, the dialogue existed between them, even though UNI Post and Logistics Global Union criticised the European Commission because of the exclusion of social consideration (UNI Global Union 2008 Open Letter).

### 6.3.2 V2: Disagreement within the EU elites

On the matter if there existed a disagreement within the decision-making institutions in the European Union on the matter of the liberalization of the postal service, the question is of another nature than the two previously directives due to the disagreement within the EU elites was not about liberalisation.

In the Council of the European Union, the both presidencies in 2007, Germany and Portugal, agreed upon the liberalization. However, the process was slow during the German presidency, but accelerated in the Portuguese presidency. One of the reasons was that, according to individuals inside the Council of the European Union, the Commission was not supportive enough in moving the process along. However, the main reason for the slow process was the several member states within the Council of the European Union were not convinced on one of the major issues, the issue regarding the final date by when the postal market should be liberalized (Leiren 2014: 338) One of the member states in the council of European union that did oppose to have a final date on when the postal market had to be liberalized was Poland, due to the concern over the fact that Poland had inefficient public postal operators. However, this is not evidence that the disagreement concerned on whether the market should be liberalized or not. Countries such as France, Italy, Spain, Greece, Belgium, Hungary and Poland were afraid that a too rapid liberalization would destroy their public operators. These member states had issues with the Commission's deadline for full liberalisation and these member states argued to extend the deadline for full liberalization until 2011 or even 2013. Still, it was only of technical matter on when the liberalization would take place, rather than if liberalization would take place (Euractiv 2007a)

The compromise to extend the deadline for full liberalization from 2009 that was the initially idea from the European Commission, to 2011 or for some member states 2013 was backed up by the three major political groups in the European Parliament and was already approved by the European Parliament's transport committee. The European Parliament's Socialist group welcomed the Parliament's vote and argued that the compromise protected employment

conditions (EURactiv 2008). Also, EPP-ED was happy with the compromise reached and MEP Markus Ferber who were rapporteur in the European Parliament argued that the compromise took all member states interest into consideration and in an interview argued that the new compromise *'helps avoid protected monopolists to act as cannibals in liberalised markets* (Euractiv 2007a)'. Thus, the three major political groups in the European Parliament agreed with each other that the third postal directive took all member states interest in consideration and that employment protection was indeed taking in consideration. However, the trade unions were not happy even though the compromise had been reached and they were not lonely.

In the European Parliament, there were other of the smaller political groups that were sceptical about the liberalization of the postal market. The GUE-NGL group, that is the European United Left-Nordic Green Left argued that liberalization the third Postal Directive would lead to, led to a step back in regard of workers and their rights. *'We remain firmly against this liberalisation, which is bad for workers and bad for consumers'* MEP Erik Meijer from the GUE-NGL argued. Furthermore, the Greens in the European Parliament was also against the liberalization the third postal directive would cause would lead to. The Greens argued that the employment and social standards would decline with the liberalization and used previously liberalization as evidence for their claim (Euractiv 2008). Thus, GUE-NGL and the greens who criticized and urged the directive to be withdrawn due to the liberalisation the directive would lead to. Yet, the main political groups in the European Parliament, that is EPP, PES and ALDE agreed on the compromise and the transport committee in the European Parliament had already agreed upon the compromise before the directive was up for the vote. Thus, the opposition from the GUE-NGL group and the Green group did not matter for the implementation of the directive.

In the European Commission, there were no disagreement within the institutions, only the fact that the commissioner wanted the full liberalization to be completed in 2009 and not 2011 or 2013 that was ultimately the case (Leiren 2014: 338).

In conclusion, the liberalisation was broadly backed. In the Council of the European Union, the disagreement was not whether the liberalization would happen or not, rather the discussion was which year the liberalization of the postal market should be accomplished. In the compromise that merged, which would extend the deadline for full liberalisation from

2009 to 2011 and 2013 was widely supported from the three major political groups in the European Parliament and only opposed by the two smaller groups, namely the greens/EFA and the GUE-NGL. Thus, the division that did exist were not mainly about the liberalisation itself, rather it was a question of how and when (Leiren 2014: 340). There was no disagreement within the EU elites on the issue of the liberalisation and thus the variable *disagreement within the EU elites* is not present in the cast of the Postal Service Directive.

### 6.3.3 V3: Allies between trade unions and EU elites.

In the case of the Postal Service Directive the ETUC officially opposed and loudly protested the liberalisation of the postal service market. The UNI Europa Postal which specifically represent the Europe's trade unions in the postal sector argued that a full market opening will worsen employment trend in the sector. Postal workers union in several member states of the European Union protested and strike against the liberalisation of the postal service sector (Statement by ETUC 2007).

Among the EU decision-making institutions, the united left in the European Parliament officially endorsed the ETUC campaign to prevent the liberalization of the postal service market and supported their aim. The GUE-NGL both officially endorsed the trade unions views on the liberalisation and their activities to prevent the liberalisation. The United Left also participated in the trade unions activities such as in the demonstration and the strikes against the liberalization that the postal service would lead to. Thus, the United Left both officially supported and participated in the activities organized by the European trade unions in several member states (GUE-NGL, 2013).

In regard of the Green/EFA who also opposed the liberalization of the postal service market and thus opposed the postal service directive, the Green/EFA did not officially support the trade unions and their campaign to prevent the liberalization of the postal service market, neither did the Green/EFA participate in the trade unions activities to demonstrate against the liberalization. Thus, there are a difference between the Green/EFA and the GUE-NGL. Both political groups were against the liberalisation of the postal service market, but only one of the political group actually allied themselves with the trade unions in their effort to prevent the liberalization.

As previous subchapter presented, in the Council of the European Union there were no actual disagreement of the liberalisation itself. Thus, the trade unions did not have any allies in the Council who neither endorsed their campaign nor did participate in the trade unions activities to stop the liberalization.

In conclusion, it can be said that the trade unions in Europe who opposed the liberalisation of the postal service market did not have many allies in their effort to prevent the liberalisation. The United Left in the European Parliament was the only political group in the European Parliament that allied themselves with the trade unions, where the greens/EFA did not officially allied themselves with the trade unions, even though the Greens/EFA also wanted to prevent the liberalisation the Postal Service Directive would lead to.



## 7 Discussion

Because of the methodology used in this study, the cases that is used do not match of any other variable than the ones that determines the outcome. Therefore, this study has compared three cases and what determine whether trade unions succeed or not with preventing liberalisation is when the variables match between the Port Service Directive the Bolkestein Directive and not with the Postal Service Directive. And as can be seen in the empirical findings, this thesis has found common variables present in the two directives where the trade unions succeeded in preventing liberalisation.

The empirical findings suggest that in order for trade unions to succeed with their goals in preventing liberalisation, there has to be a disagreement between and within the EU elites and have allies that shares the same goal as the trade unions within the EU elites.

	Variable (i)	Variable (ii)	Variable (iii)
Port Service Directive	No	Yes	Yes
Bolkestein Directive	Yes	Yes	Yes
Postal Service Directive	No	No	No

Variable one, (*dialogue between EU elites and trade unions*) appears to be present in the case of Bolkestein Directive. However, both in the Port Service Directive and the Postal Service Directive a dialogue between trade unions and the EU elites lacked. When the Bolkestein Directive was introduced, the European Trade Union confederation frequently had meetings with Charlie McCreevy and the European Commission. Also, the ETUC succeeded to establish with several MEP's in the European Parliament, but also member states, such as Luxembourg and France. However, In the Port Service Directive, the European Transport Worker Federation did not establish a dialogue with the European Commission and thus did not have a channel where the trade union could have inputs and raise their concern directly with the European Commission. Furthermore, the dialogue with the rapporteur from the European Parliament were frosty and the trade union could not establish a dialogue with the rapporteur. The outcome of the Bolkestein Directive and the Port Service Directive was the same, liberalisation was prevented. However, in the Bolkestein Directive the trade unions succeeded to establish a dialogue with the EU elites. In the Port Service Directive, the trade

unions failed to do so. Thus, variable one, dialogue between the EU elites and trade unions is not a factor that needs to be present if the trade unions shall succeed.

Variable two, (*disagreement within the EU elites*) was a variable that was present in the Bolkestein Directive and the Port Service Directive. However, in the Postal Service Directive, the variable was not present. Thus, the variable was present in two of the directives that failed to liberalise a market and in the directive, that was implemented the variable was not present. In the case of disagreement within the EU elites and the Postal Service Directive, there were a broad agreement that the liberalisation should take place on the postal market. Therefore, disagreement within EU elites is a circumstance that has to be present for trade unions to succeed with their goal to prevent liberalisation.

Variable three (*trade unions allies within the EU elites*), was present in the both the Bolkestein Directive and the Port Service Directive. In the Port Service Directive, the ETF had both allies among the member states and the European Parliament, just as the ETUC had in the case of Bolkestein Directive. However, in the Postal Service Directive, the UNI Post and Logistics Global Union did not have any allies in the EU elites, just support from a small political group in the European Parliament. Therefore, the trade unions have to have allies within the EU elites to be able to prevent liberalisation.

As Andreas Bieler's previous research on trade unions ability to influence EU policies, his study came to the conclusion that trade unions that built coalitions with other NGO's and interest group found had better chances to influence EU policies. While in Andreas Bieler's study, the coalition was horizontal, while this study looked into the allies and coalition vertically, that is between EU elites down to trade unions. However, both this study's empirical findings and the findings of Andreas Bieler's study were that coalition is helpful for trade unions to succeed with their goal to influence EU policies. Thus, both findings from previous research and findings from this study shows that trade unions need to find allies and form coalitions between other actors within the social movement and with actors within the EU elites to be able to work and succeed with their goals in influencing EU policies.

Thus, this study add knowledge regarding the need for trade unions to find allies and coalitions, not only with NGO and other social movements, but within the EU elites. Based on this study, trade unions cannot be alone, but has to find allies. Andreas Bieler also concluded

that trade unions ability to influence EU policies was better with allies. Furthermore, Peter Turnbull (2010) came to the conclusion that for trade unions to act on an international level, the trade unions have to find other actors as allies and form coalitions with them. This further reinforce the claim that trade unions are not able to fight liberalisation themselves. Trade unions need allies to be able to prevent liberalisation in the context of the European Union.

If connecting the empirical findings and the result of this study to other studies that has been done on trade unions ability to influence EU policies, it is easy to contrast it to some of the studies that analysed the internal factors of success or failure for trade unions at the European level. Bengt Larsson studies on trade unions ability to work on a European level are solely focused on the internal struggles the European trade union movement faces. According to this study, what matters for trade unions ability to success with their goals to influence EU policies are that it has to be disagreement within the EU elites, and also that the trade unions have allies in the EU elites. Thus, this thesis stands in strong contrast compared to the previous studies made with their focus on the internal factors as what determines whether trade unions will be able to work on the European level.

As can be seen in the empirical findings, dialogue between trade unions and EU elites is not vital for trade unions to prevent liberalisation. However, is there an alternative explanation why the port service directive could be prevented without dialogue? One explanation may be that dock-workers and workers in the port service market have a better conditions due to the power dock-workers and workers in the port service market have. Dock-workers and workers in the port service market control the influx of products and the ports are vital for the single market and for the European Union to continue to exercise trade with other continents. Thus, could one explanation be that dock-workers have more power others and therefore can prevent liberalisation without dialogue with the EU elites? Is there a sectoral difference between dock-workers, collar workers and postal workers? In the study *Transnational trade union action in Europe - the significance of national and sectoral industrial relations* from 2014 Bengt Larsson concluded that there do exist a sectoral difference in the level of participation in European trade union action. For example, trade unions organising workers in the service sector are least engaged and most sceptical in actions such as demonstrations, bans and strikes. However, the Bengt Larsson's study did not consider the different conditions between the sectors the trade unions are organising. The aim of this study is to analyse what external factors that has to be present in order for trade unions to succeed in preventing

liberalisation and thus has not included eventual sectoral differences. But when analysing the empirical findings of this study, it might have opened up questions for future research.

Trade unions ability to work on the European level have been mainly been analysed through looking at the internal factors, such as cultural, ideological and linguistic differences and the external factors have been overlooked in the academia. However, as has been discussed in this thesis, the studies that has focused on the external factors that has been made on trade unions ability to work in the context of the European Union has not focused on policy outcomes. The focus has instead been on the opportunities for trade unions to exercise collective action. Marks and McAdam (1999) study did use political opportunity structure theory, however, only to see what European integration did to the dynamic of the action of the social movements.

It is interesting to note that in both cases where the directives aimed to liberalise a market, but failed to do so, the European Commission went through a turnover in regard of the commissioner. In the case of the Port Service Directive, it was first introduced by Loyola De Palacio, then commissioner for Energy and Transport. However, it was her successor, Jacques Barrot, who pushed for the implementation once again. Same thing with the Bolkestein Directive, Frederik Bolkestein drafted the Bolkestein Directive in 2004, however it was his successor Charlie McCreevy who had to push to implement the directive and Charlie McCreevy did not start to work with the Bolkestein Directive until 2005. However, in the case of Postal Service Directive who liberalised the postal service market, it was Charlie McCreevy who introduced the directive and it was Charlie McCreevy who had to push for implementation.

As the empirical findings of this thesis concluded, disagreement within the EU elites and allies in the EU elites are vital for the trade unions if they want to prevent liberalisation. However, there other external factors that could have an impact on trade unions ability to prevent liberalisation or not that this study did not took into account. This thesis has added knowledge on when trade unions are able to influence EU policies, however this could be further studied with other factors.

Examples of further research has already been raised in this chapter, however there may be other ways to analyse the external factors that will affect the trade unions ability to work in

the context of the European Union. As ETUC among other trade unions at the European level remain sceptical in regard of liberalisation and continue to oppose liberalisation from the European Union, as the ETUC proclaimed in their action programme (ETUC action programme 2015-2019), the empirical findings of this thesis indicate that trade unions are not able to fight liberalisation on their own, but has to have help from actors within the EU elites. Both in terms of allies within the EU elites and there also needs to be a disagreement within the EU elites. Trade unions trying to prevent liberalisation without allies or with external help will not, according to this thesis findings, be able to succeed in doing that. However, as new directives with aims to liberalise a specific market within the European Union shall come research on this topic will be actualised.

## 8 Conclusion

This study aimed to investigate under what external circumstances had to be present if trade unions would succeed with their goal in preventing liberalisation. Despite trade unions are openly oppose liberalisation and despite their effort in preventing liberalisation, reviewing the previous research on trade unions working in the context of the EU one can see that it lacks research when it comes to the external factors that determine whether trade unions will be able to prevent liberalisation or not.

In able to investigate what the external circumstances that had to be present for the trade unions to succeed in preventing the liberalisation, three directives have been compared. Variables from the political opportunity structure has been used to see what external factors that was present when trade unions succeeded to prevent liberalisation and not. Dialogue between the trade unions and the EU elites, disagreement within the EU elites and allies within the EU elites were the external factors used in this thesis to determine what external factors that has to be present if trade unions shall be able to prevent liberalisation.

The main focus on trade unions ability to influence the EU policies has been on the internal struggle trade unions on a European level may face and only a few studies has been made on the issue of external factors that may have an impact on trade unions work in the context of the European Union. Hopefully, this study has filled a gap in the research, with its focus on solely external factors on trade unions ability to influence EU policies in opposing directives that are aiming to liberalise a market.

Ultimately, the empirical findings of this study showed that if the trade unions shall succeed with their goal in preventing liberalisation from the European Union, the trade unions have to have allies within the EU elites and also there has to be disagreement within the EU elites. The empirical findings are based disagreement within the EU elites and trade unions allies within the EU elites was present in t both directives that liberalisation was prevented, but not on the directive that succeeded to liberalise the postal market.

The empirical findings of this study also prove what previous research has shown on allies and coalitions, However, as previous research focused on allies between trade unions and other within the social movements such as other interest group and non-governmental

organisations, this study has its focus on allies within the EU elites, which obviously is different than having allies within the social movements.

Furthermore, the empirical findings of this study show that established dialogues between trade unions and the EU elites is not vital for the trade unions to succeed with their goal to prevent liberalisation. As the trade unions were able to establish dialogues with the EU elites in the case of Bolkestein Directive, but not in the Port Service Directive. Neither in the Postal Service Directive the trade unions established any dialogue with the EU elites. Therefore, it can be concluded in this thesis that even if the trade unions have a dialogue with the EU elites, it does not consequently lead to the trade unions will succeed with their goal. There are other factors that are vital for trade unions to prevent liberalisation instead of dialogues between the trade unions and the EU elites.

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