Regulatory Agencies and Networks in Europe

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Abstract

The emergence of regulatory agencies is widely considered as the institutional hallmark of the regulatory state and has attracted considerable academic attention. Moreover, research shows that national regulatory agencies are increasingly integrated into transnational regulatory networks. This paper argues that research on regulatory agencies and networks is based on an implicit assumption that regulatory agencies are a distinct 'species' of organisations that can be studied without considering other types of agencies. A key insight is that comparative perspectives including regulatory and executive agencies are important to put regulatory scholarship into context and to flesh out the contribution of regulatory scholarship to advance general knowledge on public administration. The paper illustrates such comparative perspectives by reviewing literature on the formal and actual autonomy of agencies, the effect of transnational networks on national agencies, and multilevel coordination in administrative networks.

Keywords

Introduction

The emergence of regulatory agencies, who are typically labelled as 'independent regulatory agencies' (Gilardi, 2008) or 'non-majoritarian institutions' (Majone, 1997), is widely considered as the institutional hallmark of the regulatory state. The worldwide diffusion of the regulatory agency model, agencies' formal institutional design and actual decision-making behaviour, and agencies' relationship with stakeholders are among the core themes that have attracted considerable academic attention (Christensen and Lægreid, 2007; Gilardi, 2008; Levi-Faur and Jordana, 2004). However, this development is not limited to national boundaries, but also takes place at the European Union (EU) level, where agencies of different kinds, including regulatory agencies, have become an integral part of the institutional landscape (Egeberg and Trondal, 2017). In addition, a growing body of academic research has shown how national regulatory agencies are increasingly integrated into regulatory networks composed of their sister organisations in other countries, EU level agencies, and the European Commission (Bach and Ruffing, 2018; Eberlein and Newman, 2008; Levi-Faur, 2011).

The aim of this paper is not to provide an exhaustive account of the comprehensive literature on regulatory agencies and networks. Instead, the original contribution of this paper is to explore comparative perspectives on regulatory agencies and networks on the one hand, and executive agencies and networks on the other hand. In particular, the paper points out that research on regulatory agencies and networks is based on an implicit assumption that regulatory agencies are a distinct 'species' of organisations that can be studied without considering other types of agencies. The paper suggests that focusing on organisations with distinct tasks is an important and reasonable step in developing a research agenda. However, it argues that comparative perspectives including regulatory and executive agencies are important to put regulatory scholarship into context, and to flesh out the contribution of regulatory scholarship to advancing general knowledge on public administration.

The paper is structured as follows: First, it develops a comparative perspective on regulatory and executive agencies. Second, it addresses the formal and actual autonomy of agencies and reviews empirical studies comparing both agency types. Third, the paper moves on to discuss the effect of regulatory networks on national agencies and multilevel coordination in such networks. The empirical literature on those themes predominantly addresses regulatory agencies and networks, yet the paper also highlights research addressing agencies and networks with executive tasks.

The broader picture: Regulatory and executive agencies compared

This section provides a comparative perspective on regulatory agencies. It starts by comparing typical characteristics of regulatory and executive agencies and outlines similarities and differences between the scholarly literatures on regulatory and executive agencies. Finally, the section discusses avenues for further research comparing

regulatory and executive agencies. There are two distinct 'ideal type models' of agencies in the literature.[1] They differ in terms of (1) the rationale provided by decision makers for agency creation; (2) the assumptions about political control; and (3) the most important dimension of autonomy. Those differences are displayed in table 1. In terms of the rationale for agency creation, the 'practitioner' theory of agencification (Pollitt et al., 2004) suggests that delegation of operational functions to single purpose agencies will result in a more efficient and user-friendly delivery of public services. In contrast, the main rationale for creating regulatory agencies is related to the notion of ensuring credible commitment to policy objectives and the reliance on expert-based decision-making. This is meant to ensure policy stability and to protect regulatory decisions from political influence, highlighting that politicians have time-inconsistent policy preferences (Levy and Spiller, 1994). In addition, especially for former public monopolies, the rationale for agency creation was to separate distinct functions, like regulation, infrastructure and service provision, in order to minimise conflicts of interest for responsible politicians (Christensen and Lægreid, 2007). Overall, regulatory agencies are supposed to ensure efficient policy implementation, based on consistent policy objectives and expert knowledge, whereas executive agencies are expected to result in higher efficiency and customer orientation in the delivery of public services.

Table 1: Ideal types of executive and regulatory agencies

	Executive Agencies	**Regulatory Agencies**
Rationale for agency creation	more efficient services and user orientation	policy stability and expert-based decisions
Political control	performance targets, contracts, and reporting	legal protection from political interference
Autonomy	management autonomy for personnel, finances, organisation	policy autonomy in single case decisions and regulatory standards

When it comes to political control of agencies, some key differences between archetypical executive and regulatory agencies emerge. For executive agencies, a key element of the 'practitioner theory' is that delegation to agencies should increase political control over agencies through the use of explicit performance targets, reporting, and sanctioning (Askim et al., 2019). At the same time, political control is assumed to focus on 'what' the agency is supposed to achieve, rather than focusing on the details of 'how' this is being done. In contrast, for regulatory agencies, there is a fairly clear idea that political control should be constrained, which is evident in the label 'non-majoritarian institutions' (Majone, 2001) and the widespread use of the term 'independence' in re-

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[1] This comparison of archetypical executive and regulatory agencies draws on Bach, T. (2012). Autonomie und Steuerung verselbstständigter Behörden: Management, Regulierung und die Bedeutung formaler Strukturen. *Politische Vierteljahresschrift*, 53(1), 79–97. http://www.jstor.org/stable/24203306

lation to regulatory agencies (Gilardi, 2008). This is also evident in the empirical literature on the independence of regulatory agencies, which uses various measures tapping into different ways of decoupling agency decisions from political decisions. This is for instance done through the use of long term appointment periods for chief executives (stretching at least longer than electoral cycles) or through the use of governing boards overseeing the agency leadership (Gilardi and Maggetti, 2011; Hanretty and Koop, 2012). In short, delegation to (independent) regulatory agencies is understood as a technology for de-politicising administrative decisions.[2]

Finally, a key difference is related to the dimensions of autonomy that are constitutive for each agency type. The executive agency model emphasises different aspects of managerial autonomy, such as personnel management autonomy (Bach et al., 2022). The overall purpose is to free agencies from 'cumbersome' bureaucratic rules and procedures typically used in the public sector to allow them more leeway in directing resources towards an efficient task completion (Talbot, 2004). For regulatory agencies however, the emphasis is on discretion in the application of existing rules, as well as on delegated rulemaking. In other words, the regulatory agency debate has a clear focus on the substance of agency decisions, or what some researchers have labelled 'policy autonomy' (Bach, 2010; Verhoest et al., 2010), whereas the executive agency debate focuses on management autonomy.

This distinction between executive and regulatory agencies is an attempt to flesh out some of the main arguments in the literature concerning their main characteristics. Before elaborating upon (the absence of) comparative perspectives in the research literature, some important commonalities should be highlighted. A fundamental characteristic of both types of agencies is that they are structurally differentiated public organisations and hence operate at some distance from ministries (Thynne, 2004). This is a basic aspect of administrative organisation which has been demonstrated to have tangible effects on administrative behaviour, most importantly through inducing agency employees to give lower priority to political concerns and higher priority to user concerns compared to their ministry colleagues (Egeberg and Trondal, 2018).

Another commonality is that scholarship on executive and regulatory agencies is reform driven. The executive agency literature is primarily couched in the reform discussion surrounding New Public Management (NPM). The regulatory agency discussion emerged primarily in the wake of liberalisation and privatisation reforms. That being said, both executive and regulatory agencies have existed before, yet the recent academic interest in both types of agencies has clearly been reform driven. This commonality is also reflected in the literature, which has for instance highlighted the diffusion of ideas about how to optimally organise the public sector as a major theoretical explanation for the spread of both executive and regulatory agencies (Gandrud, 2013; Levi-Faur, 2005; Pollitt et al., 2001; van Thiel, 2004). The core idea is that politicians

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[2] It is another question whether formal autonomy as a tool for de-politicisation actually works in practice, see for instance Roberts, A. (2010). The Rise and Fall of Discipline: Economic Globalization, Administrative Reform, and the Financial Crisis. *Public Administration Review*, 70(1), 56-63. https://doi.org/10.1111/j.1540-6210.2010.02246.x for a critical assessment.

face uncertainty about how to design public institutions, and therefore adapt organisational models which are perceived as successful. Those models can either be generic, such as 'autonomous agencies with performance contracts' (Pollitt et al., 2001), or they can be sector-specific, such as for example 'integrated financial regulators' (Gandrud, 2013).

The main difference, then, between regulatory and executive agencies, is related to the kinds of activities those organisations perform – the making and enforcement of rules on the one hand, and the provision of public services on the other hand. Such a 'generic' perspective suggests that executive and regulatory agencies are public organisations that differ in the kinds of tasks they are performing. This, in turn, may lead to differences in terms of institutional design (such as how much formal autonomy politicians choose to delegate), as well as in actual behaviour after the formal delegation decision (such as how much and in what ways politicians try to influence their decision-making). In contrast, a 'task' perspective suggests that regulatory or executive tasks are fundamentally different from each other, which warrants the development of distinct analytical perspectives and research agendas. There are examples of both perspectives in the literature, and I will provide some examples below. I argue that the literature on regulatory agencies has been myopic in the sense that it primarily applies a task perspective while disregarding generic perspectives that would involve comparisons across agencies with different tasks.

The literature on regulatory agencies has the agencies' primary function as its starting point, which by definition excludes agencies with other primary functions. There is nothing wrong with this when it comes to understanding the use of regulation as a mode of governing that has obviously become more important over time. However, this analytical focus is less convincing when it comes to the study of regulatory *agencies*. To put it bluntly, regulatory agencies are often considered a 'class of their own' by regulation scholars, simply assuming that they are fundamentally different from agencies with other primary functions. Let me illustrate this point with the example of institutional design. Although the formal design of agencies is influenced by the diffusion of popular reform ideas, there is also good evidence that institutional design follows exiting organisational blueprints (Döhler, 2002; Yesilkagit and Christensen, 2010). To my knowledge, there are no empirical analyses that would apply existing frameworks for measuring formal agency independence (see below) across a broad range of organisations with different tasks. There might be specific institutional design characteristics of regulatory agencies that stand out, and they might be more formally autonomous than executive agencies, but there is no empirical evidence to support such claims. For instance, the emergence of EU regulatory networks has been shown to boost not only actual but also formal autonomy of national agencies (Ruffing, 2014), which may suggest differential trajectories of formal autonomy over time, resulting in a growing divergence of agencies with different tasks. But the empirical evidence to support regulatory agencies' formal autonomy is limited.

In contrast, the generic agency literature takes a broader perspective and considers agency functions as a variable, which often includes regulatory functions, but is not limited to those functions (van Thiel and Yesilkagit, 2014). Hence, whereas generic

agency research often includes agencies with regulatory functions, the same is not true for studies of regulatory agencies. For instance, the COBRA survey which amongst others measured perceived autonomy along multiple dimensions, deliberately included agencies with different functions (Verhoest et al., 2010). As I will elaborate in the next section, this body of research found no clear evidence for regulatory agencies having higher degrees of actual autonomy compared to executive agencies.

There are good reasons to focus research on organisations with specific tasks, such as avoiding theoretical stretching (Carpenter, 2020). Moreover, some research questions are clearly more pertinent for agencies with specific primary functions. For instance, the revolving door phenomenon intuitively appears more problematic for regulatory agencies overseeing businesses with (financial) interests in favourable regulation compared to executive agencies that provide services to individual citizens. Likewise, the consideration of stakeholder consultations is a typical phenomenon for regulatory decision-making, and hence of special relevance to scholars of regulatory agencies (Fink and Ruffing, 2020; Haber and Heims, 2020). This is because regulatory decisions have potentially far-reaching consequences for businesses and citizens.

That being said, there is potential for broader theorising and generalisation in relation to many other themes, where a comparison between regulatory and executive agencies is likely to generate novel insights. This applies to the relationships with elected politicians and political executives (Bach and Wegrich, 2020), which is a central concern in both literatures. Moreover, this also applies to questions of accountability (and responsiveness) towards different types of stakeholders, which are an important concern for all types of agencies. These questions are of central concern in the literature on bureaucratic reputation, which has started to compare reputation management of regulatory and executive agencies (Rimkutė, 2020). In short, there are important novel insights to be gained by overcoming myopic perspectives and comparing executive and regulatory agencies for pertinent research questions. The next paragraph looks at available evidence as to whether regulatory and executive agencies are different in terms of their formal and actual autonomy.

The formal and actual autonomy of agencies

The autonomy of agencies is a core theme in the research literature. As highlighted above, there are different emphases in regulatory and executive agency research concerning what kind of autonomy is most central. Another striking difference between the literatures is the widespread use of the term 'independent' for regulatory agencies, whereas the executive agency literature primarily refers to 'autonomous' agencies. The use of different terminology seems to be related to the abovementioned rationales for delegation to regulatory and executive agencies, which emphasise self-imposed constraints by politicians ('political independence', see Hanretty and Koop (2012)) and fewer constraints in taking managerial decisions ('managerial autonomy'), respectively. In practice, both terms can be considered as synonyms, and this paper uses the term 'autonomy' rather than 'independence' for both types of agencies. An important point though, is that scholars should be careful in using those terms in a general way

to describe agencies, whether regulatory or executive. As illustrated below, writing about 'independent regulatory agencies' suggests that all regulatory agencies are politically independent (the alternative being under hierarchical control by politicians), whereas empirical research clearly demonstrates that agencies display different degrees of independence (or autonomy).

In a general sense, agency autonomy refers to agencies' 'ability to determine their own preferences and to translate those preferences into authoritative actions' (Bach, 2018, p. 171). This definition needs further elaboration. A first feature concerns the relational aspect of autonomy, which in the case of agencies primarily concerns their relationship to political bodies, such as ministries or parliament. In democratic systems, major decisions about policy are outside the realm of administrative decision-making and fall under the responsibility of elected politicians. That being said, agencies are typically delegated discretionary authority to decide on different courses of action; policies differ in how much they restrict administrative discretion, and agencies may be delegated powers to develop policy on their own. This is well known from the U.S. where agency rule-making is a major policymaking activity (Yackee, 2019). The literature on executive agencies primarily focuses on agencies' relationship to formally superior bodies (such as parent ministries) (Pollitt, 2005; Verhoest et al., 2010). The literature on regulatory agencies takes a somewhat broader perspective by including an extensive array of actors which potentially constrain agency autonomy, including government and parliament (Gilardi, 2002) but also 'regulatees' (Maggetti, 2007).

There have been several contributions to the literature aiming to measure the formal autonomy (independence) of regulatory agencies (Gilardi and Maggetti, 2011; Hanretty and Koop, 2012; Jordana et al., 2018). Those measurements typically involve the construction of indices of formal independence based on document analysis or surveys. Other scholars have relied on single measures of formal independence, such as the existence (or absence) of governing boards (Yesilkagit and Christensen, 2010).[3] However, similar exercises in measuring executive agencies' formal autonomy are largely absent, which implies that we do not know whether regulatory agencies are in fact formally more autonomous than executive agencies, or whether they have become more formally autonomous over time. This has mostly been an implicit assumption in the literature, which remains to be empirically tested. The creation or reform of organisations is often done by following institutional blueprints that have been in use in a given context (Döhler, 2002; van Thiel, 2004; Yesilkagit and Christensen, 2010), which suggests that regulatory agencies may be fairly similar to agencies with other functions in terms of formal autonomy. This is particularly relevant if formal autonomy is treated as independent variable to explain actual agency autonomy.

A second aspect relates to different dimensions of autonomy, where scholars differentiate between formal and actual autonomy. In the literature, formal autonomy is primarily understood in terms of various features of agencies' institutional design, which

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[3] This kind of generic indicator – the existence of a board – has the advantage of being a generic structural feature which can travel across space and time. See Egeberg, M., and Trondal, J. (2018). *An organizational approach to public governance*. Oxford University Press. Other indicators based on legal categories, however, may be subject to more contextual variation.

are usually deviations from a standard model of public organisations (clear lines of hierarchical accountability to superior bodies, compliance to general budget rules etc.). These include the existence of governing boards overseeing the agency leadership, restrictions on politicians' formal powers in instructing or overturning agency decisions, or the exemption from budgetary rules, among others (Christensen, 2001). In other words, formal autonomy relates to formal-legal constraints on the exercise of political and administrative control over agencies (Verhoest et al., 2004). This is a top-down perspective on agency autonomy, which implies that an agency's level of autonomy is determined by political decision-makers (Painter and Yee, 2011).

In contrast, a bottom-up perspective focuses on the actual autonomy of agencies, which is understood as the actual decision-making authority with regard to a specific subject matter (Bach, 2014; Maggetti, 2007). This view on autonomy suggests that formal autonomy does not determine an agency's decision-making authority, which crucially depends on the actual use of superior authorities' powers to oversee the agency, as well as on the agency's own efforts in carving out pockets of autonomy (Groenleer, 2014). The actual autonomy of agencies may be further differentiated into managerial autonomy, such as personnel management or financial management autonomy, as well as policy autonomy, which primarily relates to agencies' discretion in policy implementation, but also includes agencies' ability to shape policy development (Bach, 2010; Verhoest et al., 2010). The dimensional nature of agency autonomy implies that agencies may differ in terms of formal and actual autonomy and that agency autonomy may refer to different aspects of agency decisions.

Another important question is whether formal autonomy matters for actual autonomy. After all, different elements of formal autonomy are the 'toolbox' of politicians concerning institutional design, which makes studying this relationship genuinely interesting for understanding the implications of organisational design on actual decision-making (Egeberg and Trondal, 2018). This relationship has been studied for regulatory agencies, generally providing affirmative results, but also highlighting scope conditions and other relevant explanatory factors (Hanretty and Koop, 2013; Maggetti, 2007). In empirical research covering broad samples of agencies (including regulatory and executive functions), results on the relationship between formal autonomy – measured through an organisation's formal-legal status (van Thiel, 2012), the existence of governing boards (Painter and Yee, 2011) or legal restrictions on political interventions (Bach, 2014) – and different measures of actual autonomy, have provided mixed results (Maggetti and Verhoest, 2014).

This literature provides some insights into differences between regulatory and executive agencies in terms of their actual autonomy. The comparison of regulatory and executive agencies has primarily been discussed under the umbrella of the 'agency task' perspective (Bach, 2014; Painter and Yee, 2011; van Thiel and Yesilkagit, 2014). Those studies find either no statistically significant effect of regulation (versus other functions) or negative effects of regulatory functions (compared to other functions) on various dimensions of actual autonomy. That being said, van Thiel and Yesilkagit's 2014 study finds that regulatory agencies report higher degrees of involvement in policy development relative to agencies with other functions, a finding that is confirmed in

another study using the same data but with another set of independent variables (Bach et al., 2015). Overall, this literature questions the notion that regulatory agencies are much different from executive agencies in terms of their actual autonomy. To be clear, much progress has been made in understanding and measuring the formal and actual autonomy of regulatory agencies and limiting samples to agencies with similar tasks is a defendable research strategy. That being said, there are clear limitations concerning the generalisability of findings across a broader universe of public sector organisations and the knowledge foundation for claims about differences between regulatory and executive agencies.

The effect of regulatory networks on national agencies

The empirical literature on regulatory networks has mapped regulatory networks in different policy sectors. It has sought theoretical explanations for the emergence of regulatory networks and has studied the actual functioning of networks in terms of patterns of cooperation between network participants and the exercise of control over regulatory networks by the European Commission. In addition, the various consequences of networks, including their effects on national agencies' autonomy and the harmonisation of policy implementation; as well as normative considerations such as networks' accountability, have been examined (Bach and Ruffing, 2018; Mastenbroek and Martinsen, 2018). The aim of this section is to address the relationship between national agencies and regulatory networks. Networks may operate in close connection, or indeed work as an integral element of EU level agencies, which may also be described as 'networked' organisations (Bach and Ruffing, 2018), and where the line between a network and an agency may be thin in practice (Mastenbroek and Martinsen, 2018). The section highlights selected contributions addressing effects of networks on national regulators, as well as coordination inside networks.

A growing body of scholarship has been studying how national agencies' participation in networks affects their relationship to parent ministries and their authority in policymaking. A core idea underlying this body of literature is that the multilevel nature of EU policy implementation creates a direct connection between the European Commission and national agencies, which become 'double hatted' as they implement both EU and national legislation and serve both their own governments and the European Commission (Egeberg, 2006). Moreover, with the emergence of regulatory networks, the national implementation of EU policy has taken on features of 'networked' implementation in which national agencies act on behalf of EU level agencies and agencies with similar tasks in other countries, resulting in multiple drivers of national agencies' implementation of EU policy (Egeberg and Trondal, 2009). Against the backdrop of those insights, indicating direct connections between national agencies on the one hand and supranational (EU) and transnational (other member states) actors on the other hand, various contributions have highlighted the consequences of this kind of administrative 'Europeanisation' for national agencies, including agencies' formal and actual autonomy.

In terms of institutional design (or formal autonomy), several studies suggest that networks have been important drivers of growing levels of formal autonomy for national regulatory agencies — a key element of institutional design. Ruffing (2014) demonstrates how the German government was pressured into creating a formally independent energy regulator as a result of the formalisation of a network of European energy regulators by the European Commission. In this network, only independent regulatory agencies could participate, hence not creating such an agency would have implied a significant loss of influence on EU regulatory policy. For the telecommunications sector, Mathieu (2016) shows how the European Commission pushed for the creation of national regulatory agencies, which were then integrated in a European regulatory network. Subsequently, this network became increasingly institutionalised and national regulators were granted more formal autonomy. Finally, in a study of networks in finance, energy, telecommunications and competition policy, Maggetti (2014) shows how membership in regulatory networks resulted in a stronger delegation of regulatory powers to (national) agencies. His study points at network effects on the actual substance of national agencies' activities and their formal powers beyond network effects on formal autonomy in a narrow sense, such as legal constraints on hierarchical control over agencies by politicians.

Turning to actual autonomy, several studies suggest that national agencies' participation in regulatory networks increases their autonomy from national ministries (Danielsen and Yesilkagit, 2014). In particular, national agencies have been shown to enjoy a stronger role in policymaking when they are more tightly integrated into regulatory networks (Bach and Ruffing, 2013; Bach et al., 2015). This empowering effect applies to both national and supranational policymaking. As demonstrated by Yesilkagit (2011), regulatory networks may empower national agencies in several ways. He shows how a national regulator was empowered by EU legislation (namely by making consultation with the regulator binding in the legislative process), and how the network provided that national regulator with policy knowledge that eventually resulted in binding national legislation. In terms of supranational policymaking, national agencies are in a favourable position vis-à-vis their parent ministries when interacting at the EU level, where agency representatives learn about other actors' policy preferences. This 'negotiation knowledge' provides agencies with an informational advantage over their parent ministries, which they can exploit to increase their influence on network decisions (Ruffing, 2015).

Multilevel coordination in regulatory networks

There has recently been a growing attention on the actual functioning of networks and on the process of coordination in networks, especially in connection to EU level agencies. A common assumption about networks has been that they are composed of similar bodies (national agencies) and capitalise on representatives with similar expertise as a lubricant of coordination. In addition, the active participation of national agencies in EU networks (and agencies) is typically understood as resulting more or less automatically from their inclusion in network structures. In other words, the existence of (formal) networks in which national agencies are supposed to contribute, is almost

taken as given and not questioned (Mastenbroek and Martinsen, 2018). However, we know from many studies of coordination in national settings that achieving coordination is inherently difficult (Wegrich and Štimac, 2014). Indeed, for organisations, coordinating with others is typically considered a peripheral task which only diverts attention from the organisation's core priorities (Heims, 2019a, 2019b).

There are several insightful case studies which illustrate this point. These studies cover both regulatory agencies and agencies with executive tasks. In a study of EUROPOL (police cooperation) and FRONTEX (border guards), Busuioc (2016) finds that national police authorities are reluctant to share information with their EU counterparts, whereas national border control authorities have a more positive view of FRONTEX. Her core explanation is that information is a key commodity in policing and essential for solving cases, which in turn is a central indicator of performance for police work. When national regulators pass on valuable information to the EU level, they simultaneously lose the possibility to claim credit for successful work. In other words, coordination does not contribute to achieving the national agency's mission. Hence, there are strong incentives to engage in turf protection which ultimately is detrimental to multilevel coordination. For FRONTEX, the situation is different, as national border patrol authorities are tightly integrated into FRONTEX operations, and because successful protection of the EU's outer borders simultaneously contributes to mission achievement for national border patrol authorities.

In another set of case studies, this time focusing on regulatory agencies and EU level agencies' (and DGs') efforts at ensuring regulatory harmonisation, Heims (2017) demonstrates how national food (safety) regulators are favourable towards inspections by the EU Commission (more specifically DG SANTE, formerly FVO), as they can leverage critical reports and recommendations originating from the EU level to exercise stronger control over subnational authorities (regional and local). In contrast, national regulators in maritime safety are far more critical towards the EU's Maritime Safety Agency's efforts in overseeing national authorities, as the EU level body is considered as a mostly unnecessary level in a sector dominated by an international organisation. Here, the EU level agency is considered as unnecessary burden.

These studies provide novel insights into the dynamics taking place inside networks, which may also be used to inform policy makers about the (dis)advantages of some institutional solutions for multilevel cooperation. This direction of research is increasingly important, as national agencies, and in particular regulators, have become more closely integrated into regulatory networks. This is most evident in the three EU level agencies in financial regulation, which were created in the wake of the most recent financial crisis. In those regulators, which have quasi rule-making powers, the core decision-making bodies (boards of supervisors) are composed of the chief executives of national financial regulators in banking, securities, and insurance regulation (Blom-Hansen, 2019). In their decision-making, those representatives are formally independent from national political authorities (Ruffing, 2015). Another example of a tight integration of EU and national regulators can be found in pharmaceutical regulation (market approval of medical drugs), where national regulators specialise in the approval of

specific medicines. This 'resource pooling' (Vestlund, 2017) implies that pharmaceutical regulation is performed in a decentralised way and that national regulators are dependent on others to get their job done. Likewise, Vantaggiato (2019) shows that national energy regulators use informal regulatory networks to compensate for limited resources, allowing them to improve national enforcement practices.

As demonstrated above, the existing literature primarily focuses on coordination inside regulatory networks, yet some studies also include agencies with executive functions, such as EUROPOL and FRONTEX. The literature focuses predominantly on regulatory networks, whereas a recent literature review found a striking absence of studies in several policy areas such as taxation, education and migration, where it is unclear whether there simply are no networks, or whether these simply have not been studied (Mastenbroek and Martinsen, 2018, p. 426). Moreover, these studies typically focus on national agencies and their interactions with either EU level agencies or their national counterparts in other member states. Yet the implementation of EU policy also takes place through horizontal administrative cooperation in policy implementation, as has for instance been shown in a study of different forms of cooperation related to worker mobility (Hartlapp and Heidbreder, 2018). Those forms of cooperation may include expert groups and coordination committees attached to the European Commission, but they also consist of direct interaction between national administrations performing executive functions in the implementation of EU policy.

Conclusion

This paper has addressed regulatory agencies and networks from a comparative perspective, highlighting pertinent analytical perspectives and empirical findings. An important aim of the paper has been to point at comparative insights from those parts of the literature comparing agencies across their main functions. The paper has underscored how systematic comparisons between regulatory and executive agencies (and networks between them) can contribute to advancing our understanding of the design and decision-making of public organisations. This argument leans towards a generic perspective in the study of public organisations, in which regulatory agencies and networks are to be considered as instances of broader phenomena, such as delegation, autonomy, control and accountability of public organisations, as well as more or less formalised coordination among public organisations in a multilevel context. To be sure, there are convincing arguments for the careful selection of comparable cases in order to avoid conceptual stretching (Carpenter, 2020). At the same time, if researchers aim to generalise across a broader range of public organisations, then there is much to be gained from combining insights of existing research and explicit comparisons between (networks of) regulatory and executive agencies.

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