



Who are the experts? The informational basis of EU decision- making

Åse Gornitzka and Ulf Sverdrup

*Working Paper
No. 14, June 2008*

Working Papers can be downloaded from the ARENA homepage:

<http://www.arena.uio.no>

Abstract

Who provides the European Union with information? Are these sources of information biased? Who are excluded and who are included? What can the informational bias tell us about decision making in the European Union? The paper examines patterns of participation in the large and organized expert group system under the European Commission. We explore competing propositions about the character of the Commission's information system with reference to different theoretical conceptions of the role of information in decision-making. We separate between three kinds of information providers: the scientific community, societal actors and governmental officials. The empirical section of the paper builds upon a quantitative analysis of a new data set covering all of the European Commission expert groups (N=1237). Our analysis reveals that although scientists, and various interest groups, industries and NGOs play an important role in providing information to the European Commission, the informational foundation is strongly biased towards officials from the national administrations. We argue that these distinct patterns of participation increase the ability of the Commission to anticipate reactions to its proposals and initiatives.

Introduction

Who provides the European Union with information?¹ Who are excluded and who are included? This paper examines some basic propositions regarding the informational foundation of European Union (EU) decision making. By the term information, we mean the communication or reception of knowledge or intelligence. Information is a precondition for governance and decision-making. However, information is rarely neutral or “innocent”, since it structures the definition of problems, solutions and causal understandings. In a multi-level inter-institutional system, like the EU, access to information, as well as the access to arenas for supplying and receiving information, is closely related to the distribution of powers and influence.

This paper examines primarily the informational foundation of the European Commission (Commission).¹ In many policy areas, the Commission has been given an exclusive right of initiative which empowers and requires it to make proposals on the matters contained in the Treaties.² In addition, the Commission holds considerable responsibilities when it comes to monitoring policy developments, as well as overseeing implementation of legislation. The issue of informational basis is therefore central to the discussions on the autonomy and agenda setting role of the Commission. Two issues are at the centre. On the one hand, the Commission is dependent upon relevant and timely substantial information in order to develop sound and effective political and legal initiatives in numerous areas, some of which are highly technical posing high demands on the level of expert knowledge. Although the Commission holds considerable in-house expertise, it also often makes use of external expertise. On the other hand, information is important for identifying the range of possible and acceptable political initiatives and solutions in the inter-institutional system like the EU. Information on the preferences and positions of the member states, societal actors as well as academic expertise, who are all actors likely to be veto players or dissidents, is likely to be important for the Commission in calibrating its proposals. Consultations and involvement of relevant actors is also important for building legitimacy for Commission proposals.

Since it is costly for the Commission to develop policy proposals, and since reputational costs can be high if the initial proposals of the Commission are rejected or are stirring protests among member states, societal actors or the

¹ Acknowledgement: Thanks to Johan P. Olsen, Morten Egeberg Jeffrey Checkel and the participants at the ARENA seminar, and the ECPR Workshop in Rennes, 11-15 April 2008, for helpful comments and to Eskil Le Bryun Goldeng for assistance on the data analysis related to Figure 2.

scientific community, we assume that the Commission, in general, will be reluctant to make proposals that are unlikely to be supported at a later stage in the EU decision making process. Information is thus critical for both problem-solving and conflict resolution. It follows from this that the informational basis for the European Commission, both when acting as an agenda-setter and a policy manager, is important out of both substantial and tactical concerns, and that the issue of informational bias is important for both the legitimacy and effectiveness of the Commission in particular, and the European Union in general.

Research shows that the Commission anticipates future reactions. For instance, when political issues are salient, the Commission tends to promote proposals that can be supported as a compromise between the member states and the European parliament (König, 2008; Pollack, 1997). Although there is a rich literature on the agenda-setting role of the Commission, and the likelihood for proposals to be accepted by the Council and the European parliament, the literature has paid much less attention to the mechanisms and processes that precedes formal legal initiatives, and the processes that increases the anticipating capacity of the Commission in both preparing legal initiatives, but also in more general policy preparation as well as in management and evaluations of EU policies (Tsebelis and Yatağan, 2002). In some sense, the 'pre-proposal' stage in EU policy-making is treated as a black box in the literature.

Our analysis answers the call for returning to some of the basic questions in European governance, that is, who governs and who has access to decision making (Olsen, 2008a). It does so by examining the access of participants to the Commission expert groups. Are the sources biased, if so, in what way and why?³ Moreover, we ask what the informational bias can tell us about decision making in the European Union. There are of course numerous formal and informal sources of information in any politico-administrative system, ranging from statistics, scientific journals, media reports, initiatives made by political leaders, parties and other EU institutions, as well as the more informal exchanges of information and gossip that often takes place in meetings, lunches or at bars. Both in the political and scholarly debate we find claims that the informational basis in the EU is biased towards either scientists (Joerges and Neyer, 1997), or industries and societal actors (Green Cowles, 1995; Mazey and Richardson, 2001), or national governments (Moravcsik, 1998; Pollack, 1997; Thomson, 2008).

This paper makes no attempt to cover the wide range of informational sources but focuses instead on a particular organized information system, namely the

expert groups in the Commission. Over time, an extensive system for expert consultation and involvement has emerged in the EU. Expert groups bring together different actors with different views, experiences and preferences on a wide range of issues in order to affect the making, monitoring and implementation of European policies. Although the number of committees changes as new tasks are created and completed, there were 1237 such committees in the beginning of 2007, making it the largest organized information system in the EU. Social actors also recognize expert groups as an important policy venue, for instance, business associations target the European Commission working level most frequently in their efforts to influence EU decision making (Eising, 2007; Kriesi, Tresch, and Jochum, 2007).

In this paper we present an empirical analysis of the patterns of participation in all Commission expert groups. Based upon our quantitative analysis, we argue that although scientists, and various interest groups, industries and NGOs play an important role in providing information in the EU, the informational foundation in the Commission is strongly biased towards officials from public administrations and in particular from the national ministries. We argue that a high degree of national governmental involvement at the early stage, although involving the risk for the Commission to be captured by the member states, provides information of what could be desirable, and politically, economically and technically feasible. The involvement of officials from national governments provides early warning and creates an informational advantage for the Commission, which might increase its ability to anticipate reactions to future proposals, and thereby reduce the level of conflict in the larger inter-institutional policy process. The heavy involvement of national officials also contributes to administrative integration across levels of governance and to the creation of a European administrative space.

The paper proceeds as follows: First, we develop three competing ideas about the character of the Commission information system; we do so with reference to different theoretical conceptions of European governance as well as to different general notions about the role of information and informational systems in decision-making. In section two, we give a brief presentation of what an expert group is, our data set, and discuss some methodological issues. In section three, we provide an empirical analysis of the general pattern of participation in the expert groups and show how participatory patterns in the expert groups vary between different parts of the Commission. In the fourth section, we examine the various configurations of participants, that is, the combinations of different sets of actors that are involved in the expert groups. In the concluding section, we offer some explanations regarding why we

observe this distinct pattern, and we make some remarks related to what these patterns tell us about governance in an inter-institutional system like the EU.

Types of information providers in the Commission

In the following we outline three types of information provision in EU policy making, one emphasising participation by scientific expertise, one emphasising participation by societal interests, and one emphasising national governmental involvement. Each of these three types points to key attributes of the Commission and they articulate different principles of organization and governance. These types are grounded in different basic assumptions about what bolsters the autonomy and authority of the Commission as an agenda setter and policy manager, and they provide different answers as to *who* the relevant providers of information are, and what the underlying rationale is for structuring the informational basis of Commission decision making.⁴ All of these actors possesses resources, responsibilities, knowledge, information and experiences that EU policy makers is dependent upon. At the same time these actors might “hurt the system”, either as formal veto players or as social reference groups or institutional environments that might impact on the legitimacy and effectiveness of decision making.

Scientific expertise type:

According to this type we expect that expert groups are composed primarily by scientific experts. The underlying rationality of this view is that a bureaucracy is organized to house and foster specialized expertise. The claim to autonomy and influence in a political system is intricately linked to its ability to present itself as neutral, grounding its acts and actions on updated and specialized information. The administration is seen as deriving its legitimacy from principles of enlightened, knowledge-based government (Olsen, 2008b). Being seen by other actors and institutions as incompetent, unprofessional and uninformed is then anathema. Yet, also bureaucracies are acting within the limitations of bounded rationality and with limited resources. Bureaucratic organisations have limited resources as repositories of knowledge and for gathering and processing new specialised information by themselves. Hence we would expect them to seek their informational partners in the institutions that embody the of neutral professional-technical expertise more than any other, i.e. the scientific-academic community that represent the ultimate long-term specialization of knowledge. Expertise is then understood as scientific information produced and validated through the scientific method that ensures impartial information into the policy making process.

Research shows that international organizations are influential when they draw on independent expert sources to provide information that is scarce and valuable to the member states (Barnett and Finnemore, 2004; Martin and Simmons, 1998). Also from such a perspective activation, we expect that scientific expertise will be a dominant feature in the policy preparation of the Commission. Scientific expertise has the added attraction as source of information because it transcends the bias of information imbued with national interests. The links that the Commission as a bureaucracy can forge with outside expertise can lift it above “partisan and national squabbles” and accentuate its independence and authority derived from its technical-professional competence. This can allow it to stand outside the bonds of member states interests. As part of governance beyond and between nation-states, international organizations often establish formal and informal channels for scientific input to the policy process at the international level (Andresen, 2000; Haas, Williams, and Babai, 1977; Miller, 2007; Underdal, 2008). The role of science is also central to the idea that epistemic communities shape the interests and ideas pursued through international organisations (Haas, 1990). Epistemic communities have played a significant role in the history of European integration (Cross, 2006). It is also argued that EU policies that are geared more and more towards exploiting and nurturing scientific knowledge and technical expertise (Jasanoff, 2005), and that increasing role of scientific arguments especially under conditions of “technical” uncertainty have furthered the role of expertise (Radaelli, 1999).

Because national governments are represented in the Council, and societal interests might be seen as having formal and informal ties to different representative channels, like for instance the European Parliament, we would expect the technical scientific expertise to be strongly represented in the Commission’s expert groups. Drawing on scientists as the main information providers would thus underline and legitimise the Commission’s autonomous basis for action, independent of national, societal and partisan interest that is the informational basis of other EU institutions.

The Society type

According to this type, we expect that the expert groups are composed primarily by different societal actors and interests. A Society type posit a direct relationship between societal actors and public administration. There are different views on this relationship. One is based on the idea that societal interests and affected parties have a legitimate right to be heard and have their views incorporated into policy-making. Authority and legitimacy of a bureaucracy is

derived from its ability to channel and mediate diverse political forces coming from diverse interest groups. A second interpretation, is linked to resource dependency made famous by Rokkan's (1966) identification of the corporate channel. The two are in a mutual relationship - administrators need the information and support from such groups for making and defending their policies in their relationship with other political institutions, and such groups can use these organised links to further their interest and perspectives on policy issues (Peters, 1995). At the national level, a web of consultative bodies ensures the representation of affected parties in policy making (Christiansen and Rommetvedt, 1999; Rokkan, 1966; Rommetvedt, 2005), institutionalised in an elaborated system of "committee rule" (Johansson, 1992). The stable organised interaction and functional coalitions between organised interests and highly sectorized administrative system is one of the constitutive elements of a *segmented state* (Egeberg, Olsen, and Sætren, 1978; Olsen, 1983). In such a perspective, societal actors compete for access in order to give information to, make claims on, and put pressure upon governmental policy makers, and by doing so, they also provide links between citizens and governments (Olsen, 1983).

Applied to the European governance system, we expect to see patterns of national consultative arrangements reproduced at the European level (Streeck and Schmitter, 1996). Interest groups have adjusted to the multi-arena policy-making at the European level in a variety of sectors (Richardson, 2000), as new venues for interest promotion have opened up. The Commission as the European executive are access points for business organisations and European social partners and other NGOs that voice specific interests. The Commission's rationale for devising its information system according to a Society type would be manifold. The Commission's civil servants would be particularly interested in cultivating a relationship to business groups and organised interests as providers of factual information in complex policy areas and of information about grass root preferences (Broscheid and Coen, 2007; Coen, 1997), and interest groups carry information that are access goods in their interaction with the Commission (Bouwen, 2004). Some groups might also transcend national interest and promote coordinated European policies. Interest groups are sometimes sources of information of technical-factual knowledge and information about the preferences of societal actors, and as a source of legitimacy of its proposals. Constructing stable and manageable relationships with interest group would be important for a bureaucracy seeking to secure a stable environment and to enhance the its political effectiveness towards other EU institutions (Mazey and Richardson, 2001).

Government type

According to the Government type we assume that officials from national administrations will be the main participants in the expert groups. There are two interpretations of the government type, one indicating member state capture of the Commission and one indicating administrative co-operation and integration. The first interpretation emphasises the interest and ability of national governments to influence, monitor and control the expert groups of the Commission. They do so by penetrating the expert group system and thereby increase their role in EU agenda setting. From this perspective we would expect the Commissions legal provisions as well as the wider political and institutional environment to affect its informational behaviour. A government dominated information system would score high on legitimacy towards its member states, but low in terms of being an independent informational basis for autonomous action.

In the alternative interpretation, the Commission is seen as inviting national governments into the decision making process in order to increase information as well as to promote administrative integration. Through these exchanges the Commission can get to know more about member states' interests, events, perspectives and experiences than any single member state can now about one another. National administrations hold firsthand knowledge of local differences and practical issues involved in developing or changing policies. Moreover, since the Commission is dependent upon the member states administrations for implementing policies, the Commission is interested in developing and promoting administrative infrastructures and networks that can serve to facilitate administrative interaction and integration (Egeberg, 2006). High degree of involvement of national officials in the expert groups, can thus be seen as a model for the Commission to develop a structured and organized connection with national administrations and thereby also perforating national administrations.

Interaction between national officials could also lead to the development of ownership to proposals, and it might even contribute to officials "going native" (Beyers, 2005; Checkel, 2003, 2005; Egeberg, 1999; Hooghe, 2005; Lewis, 2005).⁵ Although identities might not change, we might assume that the an organized information system represent a shared processing and interpretation of information and thus affect the identification of a common set of beliefs about the main problems and the causal mechanisms at work in a policy area (Radaelli, 2003). We should also note that the label "expert group", signifies both "expertise" and an organized, collective "group" activity. Hence we can expect that the collective and organized efforts differ in substance,

procedure and impact, from individual or isolated information activities. The organized structure forms the basis for group dynamics and exchanges, learning, socialisation, deliberations, negotiations, diffusion, perhaps even group thinking. We will not here go into these important internal group dynamics, but we treat the organized group activity as a source for mobilizing and creating informational bias, as well as promoting administrative integration across levels of governance.

In practice, we could expect that expert groups could appear as different kinds of combinations of these three types. If the expert groups are composed by a huge variety of actors from different levels of governance and representatives from a combination of public, private and academic organizations and institutions, we might even consider it as a multi-level, multi-actor system, where the authority relies on reflecting the interests and ideas of multiple actors (Eising and Kohler-Koch, 1999). Such a system would be "*multivocal*", in which actors that voice particular societal and economic interests are only one of many information providers in a mixed type. By the similar token it would be *multi-level*, hence not privileging a priori information from one governance level over another. A mixed type would breach with conception that information is hierarchically structured and managed by seeing them as embedded in self-organising networks (Schout and Jordan, 2005). Finally, participation is perhaps also seen as more open (Olsen, 2007), loosely organised around issue networks rather than around closed policy segments or established epistemic communities (Richardson, 2000).

Expert groups, data and methods

Before turning to the findings, let us say a few words about what an expert group is. Formally, an expert group is a consultative entity comprising experts advising the Commission in the preparation of legislative proposals and policy initiatives as well as in its tasks of monitoring and coordination or cooperation with the member states. Expert groups are established by the Commission. It may be created in two different ways, either by a Decision or other legal act establishing the group (formal group), or by a specific Directorate General (DG) with the agreement of the Secretariat-General (informal group). The majority of existing expert groups are created by the latter method. If it is a formal group, the tasks and functions are often specified in a formal act, such as legislative proposal, preparatory work, communications, White or Green Papers from the Commission, etc. Expert groups can be either permanent or temporary, and they are run by the DGs most implicated with the relevant

field. However, since the expert groups' task is to assist the Commission as a whole, they might coordinate their activities with several DGs.

The Commission has considerable discretion when it comes to appointing members of the groups, and the composition of a group might vary depending on the type and scope of expertise sought. According to the general guidelines, "knowledge brought to the Commission should not only be excellent from a scientific view point, it also needs to be in phase with practical legal, social, economic and environmental considerations".⁶ Members are appointed as representatives of a public authority (national, regional or local) or of civil society or as interested parties; or in a personal capacity, in which case they advise the Commission independently from any outside instructions. The participating experts are unpaid but their expenses are reimbursed by the Commission. In most cases, the Commission chairs the meetings, and it usually provides for the secretariat functions.

Prior to the publication of the White paper on European governance there were few, if any, explicit or principled reasoning in the Commission regarding the use of expertise. The use of expert groups were primarily linked to sector concerns, and different institutional habits and traditions played an important role in the different DGs. Regulation of the expert group system was seen primarily as a by-product of budgetary concerns, since the Commission covered the travel costs for the experts. The White paper on Governance was the first attempt to establish general principles that should guide the use of experts, and it highlighted in particular the principles of accountability, plurality and integrity when collecting and using expert advice (European Commission, 2001). The White paper emphasized the importance of better involvement of the general public and societal actors, and in particular the involvement of regional and local actors so that knowledge of local conditions could be taken into account when drafting policy proposals. As a follow up, the Commission (2002) published a set of principles and guidelines. These encouraged the DGs to "cast their nets as widely as possible in seeking appropriate expertise", and "(a)s far as possible, fresh ideas and insight should be sought by including individuals outside the department's habitual circle of contacts" (11-12). Interestingly, these documents put particular emphasis on topics primarily fitting with the Scientific type and the Society type, while much less attention is paid to issues related to including officials from the national administrations.

So far we have lacked systematic data on the participants in the expert groups. In order to study the patterns of participation in the expert groups we have created a new data base of the Commission expert groups.⁷ Our data base

provides information on key properties of these groups such as the lead services in the Commission, policy area and composition of the group. It classifies the participants in broad categories (scientists, academics, practitioners, industry, NGOs) but it does not contain information on individuals.⁸ When constructing the data base we have used information from the recently established Commission's register of expert groups. Information was downloaded from the register, coded and entered in our data base in January 2007.⁹

The register is a reliable source of information on the expert groups. Firstly, the register is updated on regularly and it only contains active groups. Secondly, the political significance of the issue of transparency has made the register an important issue in the relationship between the Commission and the European Parliament.¹⁰ The reliability of our data has also been checked through consultations with the Commission unit responsible for the register.

We define the variables as follows: (i) The definition of scientific expertise corresponds to the two types of actors that the register labels "Scientists" and "Academics". (ii) Societal actors are here defined as a category comprised of several sub-groups of actors. The category includes actors listed in the registry under the following labels: "NGOs", "Industries", "Enterprises", "Social partners" (Unions and Employer's associations), "Practitioners" and "Consumers". (iii) The government group of actors comprises what is referred to in the register as "National administrations", "Competent national authorities" (national agencies and authorities at national/federal level outside of national ministries), and "Regional and Local authorities". In addition, (iv) we have coded the participation of experts recruited from "International organizations".

Who participates?

There are two key issues when it comes to patterns of participation in the expert groups. Firstly, who participates? Is it scientific experts, societal actors, governmental officials or is it a combination of all of these? Secondly, we have observed considerable sectoral variation in the Commission regarding its use of expert groups. Some DGs use this mode of consultation much more extensively than others (Gornitzka and Sverdrup, forthcoming; Larsson, 2003). Do we also observe a difference in pattern of participation between different DGs? Are policy areas and segments of the EU administrative system populated by different types of participants?

Table 1 presents the distribution of participants in the expert groups according to the three types. The table shows that governmental actors are the principal actors in the expert groups, providing strong support for the Government type. Four out of five expert groups have participants from national administrative bodies. The most frequently used constellation of participation in the expert groups is the one where national administrative officials only meet other national administrative actors. In fact, if you happen to open a door at any randomly selected expert group meeting, it is about fifty per cent chance that you will find only national officials seated around the table. Less than 20 per cent of the groups have no participation by officials from the national administrations.

Table 1: Participants in Commission expert groups, by category in percent.

		Society				Total % (N)
		No		Yes		
		Scientists		Scientists		
		No	Yes	No	Yes	
Government	No	0,2	5,2	7,4	5,9	18,7 (231)
	Yes	46,6	7,8	12,7	14,2	81,3 (1005)
Total		46,8	12,9	20,1	20,1	100 (1236)

The table also shows that expert groups composed only by societal actors or only by scientists are rarely found. Only 65 groups, or 5,2 per cent, are composed by scientists alone. Based upon these observations, we can conclude that the Scientific type does not get much empirical support. In fact, since the groups that are purely composed by scientists are found in primarily in DG Research and DG Education and Culture we might even suspect that the scientists are here involved more as “affected parties”, rather than in the capacity as independent scientific experts. However, we should note that there are some expert groups that clearly fit with the scientific expertise type, these groups are typically found in DG Environment, DG Health and Consumers (Sanco), DG Information Society and to some extent in DG Employment. This corresponds to some key observations that are made in these policy areas. For instance, it seems to confirm the observations made in the study of environmental international regimes, indicating the strong role of scientific expertise in this policy field. Case studies of EU’s food safety policy, which is an important domain for DG Health and Consumers, also underscores the prominence of scientific expertise in the policy process in this highly contested and risk-ridden policy area (Ugland and Veggeland, 2006).

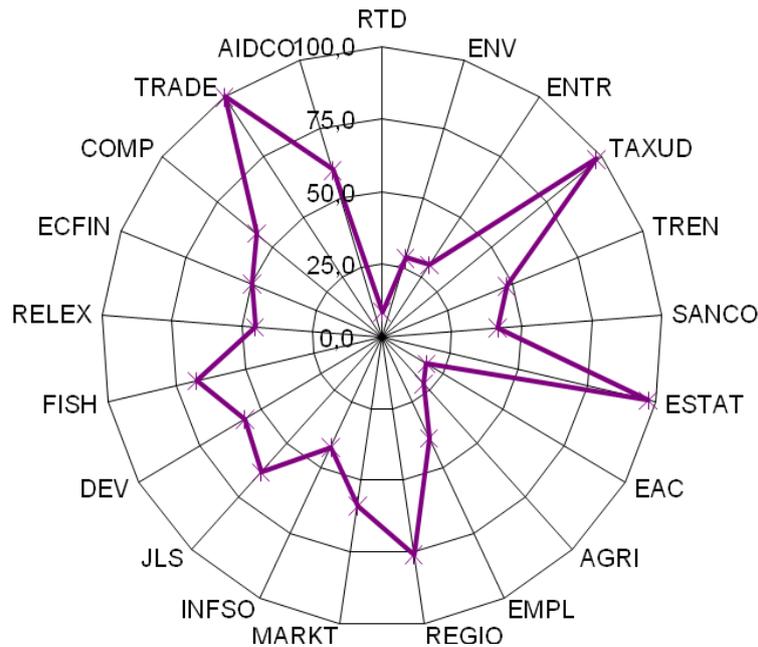
Although few expert groups are exclusively composed by scientific experts, this does not imply that scientific expertise is unimportant in the expert group system. As we see in Table 1, scientists participate in one out of three expert groups, but they do so most often in combination with other actors, and primarily when societal actors are involved and to a lesser extent when national officials are involved. If the expert groups can be seen as distinct forms of 'epistemic communities', these observations indicate that they are not confined to scientists alone in the EU, but rather related to a broader societal knowledge base.

The relative absence of pure scientific groups, and the many mixed compositions, illustrates the thoroughly political and composite nature of EU decision making, and it can be regarded as an attempt by the Commission in some policy areas to build and organize a broad societal, governmental and scientific base for its policies. In this sense, the EU is then perhaps more similar to national political systems than to some international organizations. The pattern of participation in the Commission corresponds well with the observations made in the study of use of scientific information in national level policy making: science is rarely the only source of information that public policy making is founded on (Albæk, 1988, 2004; Gornitzka, 2003; Rich and Oh, 2000), but departs somewhat from what we know from some other international organizations and secretariats (Martin and Simmons, 1998).

Similar to what we see regarding science, we also see that societal actors are still very much involved in the expert group system. Our analysis shows that societal actors are involved in forty per cent of all the expert groups, making this an important feature of the EU informational system. However, only 92, or 7 per cent, of the expert groups are composed only by societal actors, indicating that the Society type also gets limited support as a "pure" model. About one third of the exclusively composed groups are related to the agricultural segment, and a good share of them can be found in DG Enterprise and DG Research. Only four DGs have more than ten committees composed only by societal actors.

Table 1 also shows that the mixed, multi-actor configuration is quite frequently present in the expert groups. 14 per cent of all expert groups are conglomerates where representatives from national officials, scientist and societal actors come together in providing information to the Commission. In DG Education and Culture this mixed mode of participation is the dominant mode of composing expert groups, and this configuration is as frequently used as the pure governmental type in DG Environment, DG External Relations and DG Development.

The prevalence of the Government type in these data merits some special attention. There is a strong variation and segmentation regarding the pattern of participation by officials from national administrations. In Figure 1 we map the ratio of expert groups that are only composed by national officials in the total number of expert groups per DG. This demonstrates the variations in the extent to which this type is the dominant one within different DGs expert group portfolio.



Only DGs with more than five expert groups are included. DGs are ordered clockwise according to the total number of Expert groups they organize, DG Research (most) to DG Aidco (least).

Figure 1: Share of expert groups with only national officials participating, by DG (percent).

Figure 1 maps out a pattern of considerable difference and variation. In some DGs, (Eurostat , DG Taxation and DG Trade), all of the groups are composed purely by officials from the member states. This should not come as a surprise since most of the groups in these fields are related to functions that are typically conducted by national governments, such as developing statistics, settling taxation and customs standards and rules, as well as engaging in revisions of internal and external trading standards and regulations. Although these three DGs are on the extreme side, we see that the national governmental involvement is high in most DGs and in most policy fields. In fact,

approximately half of the DGs have more than 50 per cent of their expert groups composed purely by national officials.

However, the asymmetric figure shows that some DGs still have strikingly different patterns of participation. DG Research, DG Environment, DG Education and Culture DG Agriculture, all have less than 25 of their expert groups composed only by national governmental officials. According to the argument underlying the Government type, this should imply that these are policy areas where the Commission does not primarily seek its legitimacy for their policies within national government. Instead the Commission can draw on an autonomous selection of informants and participants. However, the DGs that do not correspond to the Government type represent diverse types of policy areas.

It seems that the particularly high degree involvement of governmental officials is to some extent related to the legal competence held by the EU in the specific policy field. Involvement of government officials is less likely in areas with exclusive EU competence, and more likely in areas with supporting or complimentary competences. For instance, the primary expertise structure that the DG Agriculture follows the Society type. The figures for DG Agriculture correspond to the idea that the informational basis depends on the legal basis of the Commission; agriculture policy being an area of exclusive competence that have significant resources at its disposal. The abundance of legal and financial resources notwithstanding, this DG does not cater for its own expertise, i.e. the European executive is not self-maintained in its information behavior. Rather, it does suggest that the kind of pattern of participation follows a segmented pattern of participation that has been the traditional hallmark of agricultural policy making in many West-European political systems (Steen, 1988).

The characteristics of the agricultural policy area are not shared by all DGs with limited governmental involvement. The first notable aspect is that the top three users of expert groups (DG Research, DG Environment and DG Enterprise), each having more than 100 expert groups, all have less than 30 percent of their group composed purely by governmental actors. Second, the two "knowledge DGs", DG Education and Culture and DG Research have the lowest share of government participation. In these policy areas, the pattern cannot be interpreted on the basis of the strong legal competence to the Community. Research and Development is typically an area of shared legal competence, and education has traditionally been considered highly nationally sensitive.

Configuration of participants

Another question that is arising from the study of participation is the question of what kind of configurations of participants are most frequently used by the Commission. Who is actually meeting with whom in the expert groups? Is it so that there are certain clusters of participants that are more frequently used than others? If so, what are standard configuration of participation in the Commission expert groups?

Table 2: Participation in Commission expert groups according to type of actor.

	Number of expert groups	% of N (1237)
National Administration	864	69,8
Competent National Authority	422	34,1
Academics/Scientists	412	33,3
Industry/ Enterprise	352	28,5
NGO	207	16,7
Practitioners	157	12,7
Social Partners/ Unions	146	11,8
Regional and Local Administration	100	8,1
Consumers	96	7,8
International Organizations	27	2,2

Table 2 lists the number of expert groups that each of the different types of actors participates in. There are several points to make. First, national administrations are the principal group, and they are involved in seven out of ten of the expert groups. The high degree of national administrative involvement provides additional support for the Government type.

Second, we also find some support for the idea that expert groups are part of policy networks that penetrate deep into the national administrative system and incorporates national agencies. In one out of three expert groups, the participants come from national agencies, making it the second largest group. This observation illustrates the multi-level character of the European Union administration and indicate that national agencies are also involved to a large extent in European governance, and that these agencies might serve different roles and principals (both the national and the European level) (Egeberg, 2006).

A third feature we observe is that representatives from industries and enterprises form a quite large group, participating in around 30 per cent of the expert groups. There has currently been considerable discussion in Europe regarding the role of industry and business interests in influencing EU policy making, and the process of increasing transparency and regulations related to participation. Some has claimed that industrial interest capture large parts of

the expert groups (AlterEU, 2008). Our data shows that the involvement of business interests at the general level is not that prevalent. For instance, business participation is way below the level of governmental involvement and also lower than the degree of participation by academics and scientists. Finally, we observe that representatives from international organizations hardly participate in the Commission expert groups at all. This is somewhat surprising if we take into account that a high share of EU legislation is related to international cooperation and the implementation of international agreements and arrangements.

In our data we separate between 12 different types of actors or participants, and an expert group can thus be composed by a combination of any of these categories of actors. Some groups can have only one set of participants, other two, three, five or up to twelve. It follows from this, that the range of possible combinations or configurations of participants can be high. In order to examine the actor configurations we have analyzed the number and types of configurations that are used by the Commission. We find that Commission expert groups are configured in 231 different ways. But as Figure 2 shows, the distribution of configurations is extremely skewed, and some combinations of expert groups are far more commonly in use than other combinations.

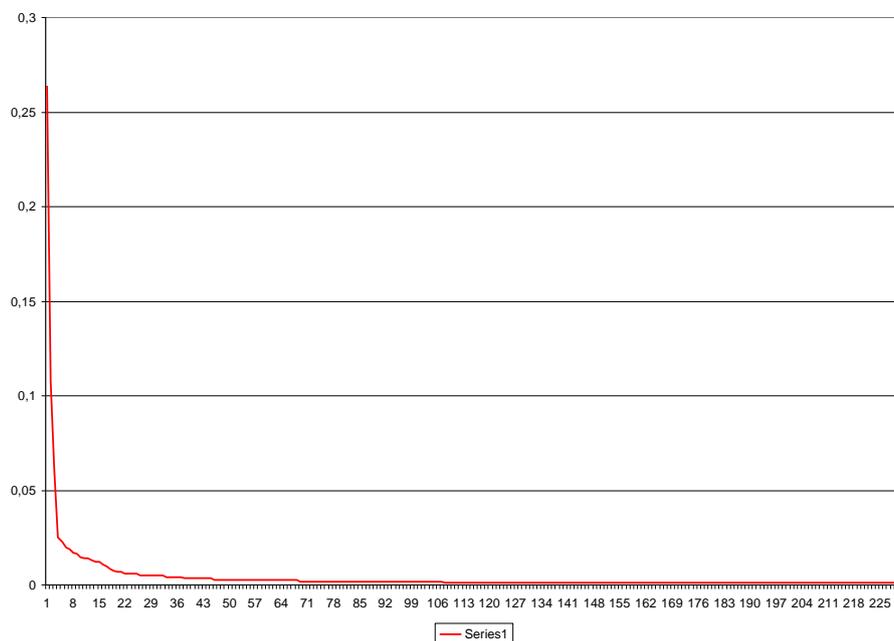


Figure 2: Distribution of types of configurations of participants

Although there is a magnitude of possible forms of configurations, these data clearly shows that the expert group system is not a chaotic system, or a system

The informational basis of EU decision-making

with large and incomprehensible variation. In fact, it is a fairly simple system with some clear, stable and routinized patterns of participations, and it is easy to identify some distinct clusters of participants. The most frequently used configurations of expert groups are: National administrations (26 per cent), National administrations and Competent national authorities (11 per cent), Competent national authorities (6 per cent), Scientists (5 per cent), NGOs, Social partners, Industry and Consumers (3 per cent), Industry (2 per cent), National administration, Competent national authorities and Industry (2 per cent), National administrations and Regional and local governments (2 per cent), National administrations and Science (2 per cent) Science and Industry (1 per cent). In total these ten combinations or configurations of expert groups account for 61 per cent of all the expert groups.

Table 3: Clusters of co-operation, correlations (Pearson's r)

	National Administration	Competent National Authority	Regional and Local Administration	NGO	Social Partners/Unions	Industry/Enterprise	Practicioners	International Organizations	Consumers
Competent National Authority									
Regional and Local Administration									
Local Administration									
NGO									
Social Partners/Unions									
Industry/Enterprise									
Practicioners									
International organizations									
Consumers									
Scientists									
Competent National Authority									
Regional and Local Administration									
Local Administration									
NGO									
Social Partners/Unions									
Industry/Enterprise									
Practicioners									
International organizations									
Consumers									
Scientists									

Note: Pearson's r is calculated by SPSS which calculates the exact correlation regardless of whether the variables are continuous or dichotomous, as is the case here.

** Correlation is significant at the 0.01 level (2-tailed).

* Correlation is significant at the 0.05 level (2-tailed).

In table 3 we examine in more detail how different actor constellations correlate. It suggests that, outside the Government type, a certain degree of heterogeneity comes into play when composing expert groups in the Commission. Participation by some sets of actors triggers participation by others. We observe a significant correlation between the involvement of social partners, unions, industry, NGOs and consumers, indicating that there is a clear element of checks and balances in the system as concerns societal participation.

Conclusions

In this paper, we have showed that the Commission is to a large extent dependent upon, and is supported by a large expert group system for developing, monitoring and implementing European policies. The EU is often regarded as a multi-level system driven by incrementally adding bits and pieces to the functional responsibilities of the Community, resulting in a patch-work policies in a highly segmented and complex system (Christiansen, 1997; Kohler-Koch, 1997). However, our analysis shows even though the information system is vast, including participants from all levels of governance, private and public actors, scientific experts and businesses, we can observe some strikingly regular patterns of participation and composition. Rather than an incomprehensible, complex and chaotic system, we observe some clear elements of an ordered rule. The expert group information system can not be regarded merely as a technical or scientific problem solving instrument, but it must also be regarded as a system for resolving political conflicts and for building legitimacy for EU policy making. The connotation of "expert" group represent both a mode for including a wide set of actors at an early stage around an agenda, a set of standards and some shared goals, however, it is also a mode of ordering, that is, both including and excluding, the access of participants.

Our new data clearly demonstrates that officials from the national governments are the principal actors in the expert group system. Approximately half of the expert groups are composed only by officials from national administrations. In fact, the European level is to some extent inseparable from the national governments, making it part of a larger Union administration and a European administrative space. The expert group system acts as a channel and filter for national administrative information into the EU system, and vice versa. In short, there is a predominance of the Government type. It follows from these findings, that in order to understand European

level developments we therefore need to pay more attention to the national level.

However, we have also shown that the DGs are differently embedded in society both in terms of scope and type of actors that are activated in their information system. We find modest empirical support for the other types. The Scientific type rarely appears as a “pure” form, as one could observe in many international organizations. Scientists and academics are frequently involved in the EU, but they do so in combination with other actors. This mode of scientific involvement is not unique to the EU, but found in most national administrations. The Society type also appears rarely as a “pure” form. The same goes for these actors as for the scientists. Societal actors are frequently involved, but typically they are engaged in co-operation with national officials or with scientists. Industry and enterprises, for instance, are not dominating actors in this system, although they might dominate in other informational channels. We have also observed that when societal interests are involved, the composition of the groups are fairly heterogeneous, indicating that participation by some groups appear together with its significant other (Unions- Industry, Consumers-Enterprises). The Multi-actor configuration, including three sets of participants, is found in 14 per cent of the expert groups, indicating that the expert group system is a site for multi-level governance. These groups involve a wide range of public and private, governmental and non-governmental, civil society, scientific and economic interests.

There are several factors than can explain these patterns, and we have already pointed to the need for legitimacy and the balanced involvement of societal actors, as well as the need for the Commission to have a sound scientific basis for its policies. It seems that high degree of involvement of governmental officials is to some extent related to the legal competence held by the EU in the specific policy field. The high degree of governmental involvement might also be attributed to the issue of optimal group size, and effectiveness in the working of the group. With the enlargement of the EU the inclusion of officials from national administration will indirectly make it more difficult to include representatives of other groups. If governmental actors are needed as a minimum requirement in order to secure legitimacy and competence, enlargement has probably contributed to drive out other actors. It is also likely that limited creativity by the Commission in picking experts can contribute to create a selection bias.

Our study suggests that the Commission is more than an appendix, or just the aggregate of member states’ will. The Commission information processing

capacity is greater than of any single national administration, i.e. the Commission as a supranational bureaucracy can know more about member states' interests, events, perspectives, experiences than any single member state can know about one another. In fact, high degree of governmental involvement in expert groups is likely to foster administrative integration and increase the degree of continuity in the EU policy making process and thereby also contribute to reduce the level of inter-institutional conflicts. It follows from this, that the informational independence of the Commission might be constrained by the biased composition of the expert group system, but this patterns of participation might nevertheless increase the likelihood for conflict resolution rather escalation when it comes to drafting and implementation of policies.

References

- Albæk, E. (1988) *Fra sandhed til information: evalueringsforskning i USA før og nu*, København: Akademisk Forlag.
- (2004) *Eksperter kan være gode nok, men-: om fagkundskabens politiske vilkår i dansk demokrati*, Århus: Aarhus Universitetsforlag.
- AlterEU (2008) *Secrecy and corporate dominance - A study on the composition and transparency of European Commission Expert Groups*, Brussels: AlterEU.
- Andresen, S. (2000) *Science and politics in international environmental regimes: between integrity and involvement*, Manchester: Manchester University Press.
- Barnett, M. N., and M. Finnemore (2004) *Rules for the world: international organizations in global politics*, Ithaca, N.Y.: Cornell University Press.
- Beyers, J. (2005) 'Multiple Embeddedness and Socialization in Europe: The Case of Council Officials', *International Organization* 59 (4): 899-936.
- Beyers, J. and G. Dierickx (1998) The working groups of the Council of the European Union: Supranational or intergovernmental negotiations? *Journal of Common Market Studies* 36 (3): 289-317.
- Bouwen, P. (2004) 'The logic of access to the European Parliament: Business lobbying in the committee on economic and monetary affairs', *Journal of Common Market Studies* 42 (3): 473-496.
- Broscheid, A. and D. Coen (2007) 'Lobbying activity and fora creation in the EU: empirically exploring the nature of the policy good', *Journal of European Public Policy* 14 (3): 346-365.
- Checkel, J. T. (2003) 'Going native' in Europe? Theorizing social interaction in European institutions', *Comparative Political Studies* 36 (1-2): 209-231.
- (2005) 'International Institutions and Socialization in Europe: Introduction and Framework', *International Organization* 59 (4): 801-826.
- Christiansen, P. M. and H. Rommetvedt (1999) 'From corporatism to lobbyism? Parliaments, executives, and organized interests in Denmark and Norway', *Scandinavian Political Studies* 22 (3): 195-220.

Åse Gornitzka and Ulf Sverdrup

- Christiansen, T. (1997) 'Tensions of European governance: Politicized bureaucracy and multiple accountability in the European Commission', *Journal of European Public Policy* 4 (1): 73-90.
- Coen, D. (1997) 'The evolution of the large firm as a political actor in the European Union', *Journal of European Public Policy* 4 (1): 91-108.
- Cross, M. K. Davis (2006) *The European Diplomatic Corps: Diplomats and International Cooperation from Westphalia to Maastricht*, London: Palgrave.
- Egeberg, M. (1999) 'Transcending intergovernmentalism? Identity and role perceptions of national officials in EU decision-making', *Journal of European Public Policy*, 6 (3): 456 - 474.
- (ed.) (2006) *Multilevel Union Administration - The transformation of Executive Politics in Europe*, London: Palgrave.
- Egeberg, M., Olsen, J. P. and H. Sætren (1978) 'Organisasjonssamfunnet og den segmenterte stat', in J. P. Olsen (ed.) *Politisk organisering*, Bergen: Universitetsforlaget.
- Egeberg, M., Schaefer, G. F. and Trondal, J. (2003) 'The many faces of EU committee governance', *West European Politics* 26 (3): 19-40.
- Eising, R. (2007) 'Institutional context, organizational resources and strategic choices', *European Union Politics* 8 (3): 329-362.
- Eising, R. and B. Kohler-Koch (1999) 'Governance in the European Union: A Comparative Assessment', in B. Kohler-Koch and R. Eising (eds) *The Transformation of Governance in the European Union*, London: Routledge.
- European Commission (2001) *European Governance - A White Paper* (Vol. Com (2001) 428), Brussels.
- (2002) 'Improving the knowledge base for better policies', Communication from the Commission on the collection and use of expertise by the Commission: Principles and guidelines COM(2002) 713 final, Brussels.
- Fouilleux, E., J. de Maillard and A. Smith (2005) 'Technical or political? The working groups of the EU Council of Ministers', *Journal of European Public Policy*, 12 (4): 609-623.
- Gornitzka, Å. (2003) *Science, clients, and the state: a study of scientific knowledge production and use*, Enschede: CHEPS.

- Gornitzka, Å. and U. Sverdrup (forthcoming) 'Who Consults? The Configuration of Expert Groups in the European Union', forthcoming, *West European Politics* 31 (4).
- Green Cowles, M. (1995) 'Setting the agenda for a New Europe: The ERT and EC 1992', *Journal of Common Market Studies* 33 (4): 501-526.
- Hooghe, L. (2005) 'Several Roads Lead to International Norms, but Few Via International Socialization: A Case Study of the European Commission', *International Organization* 59 (4): 861-898.
- Häge, F. M. (2007) 'Committee Decision-making in the Council of the European Union', *European Union Politics* 8 (3): 299-328.
- Haas, E. B. (1990) *When Knowledge is Power. Three Models of Change in International Organizations*, Berkeley: University of California Press.
- Haas, E. B., M. P. Williams and D. Babai (1977) *Scientists and world order: the uses of technical knowledge in international organizations*, Berkeley: University of California Press.
- Jasanoff, S. (2005). *Designs on Nature - Science and Democracy in Europe and the United States*. Princeton: Princeton University Press.
- Joerges, C. and J. Neyer (1997). Transforming strategic interaction into deliberative problem-solving: European comitology in the foodstuffs sector *Journal of European Public Policy*, 4(1), 609-625.
- Johansson, J. (1992) *Det statliga kommittéväsendet: kunskap, kontroll, konsensus*. Stockholm: J. Johansson.
- Kohler-Koch, B. (1997) Organized Interests in the EC and the European Parliament. *European Integration online Papers (EIoP)*, 1(9), 1-14.
- Kriesi, H., A. Tresch and M. Jochum (2007) 'Going public in the European Union - Action repertoires of Western European collective political actors', *Comparative Political Studies* 40 (1): 48-73.
- König, T. (2008) 'Why do Veto Players waste their Time? Proposal Power and Legislative Oversight in the Decision making Process of the European Union', *Paper presented at the ECPR Joint Sessions*, Rennes.
- Larsson, T. (2003) *Precooking in the European Union - The World of Expert Groups* (No. Ds 2003:16), Stockholm.

- Lewis, J. (2005) 'The Janus Face of Brussels: Socialization and Everyday Decision Making in the European Union', *International Organization* 59 (4): 937-971.
- Martin, L. L. and B. A. Simmons (1998) 'Theories and empirical studies of international institutions', *International Organization* 52 (4): 729-757.
- Mazey, S. and J. Richardson (2001) 'Institutionalizing Promiscuity: Commission-Interest Group Relations in the European Union', in A. Stone Sweet, W. Sandholtz and N. Fligstein (eds) *The Institutionalization of Europe*, Oxford: Oxford University Press.
- Miller, C. A. (2007) 'Democratization, international knowledge institutions, and global governance', *Governance- an International Journal of Policy and Administration* 20 (2): 325-357.
- Moravcsik, A. (1998) *The Choice for Europe – Social Purpose & State Power from Messina to Maastricht*, Ithaca: Cornell University Press.
- Olsen, J. P. (1983) *Organized democracy: political institutions in a welfare state : the case of Norway*, Bergen: Universitetsforlaget.
- (2007) *Europe in Search of Political Order. An institutional perspective on unity/diversity, citizens/their helpers, democratic design/historical drift, and the co-existence of orders*, Oxford: Oxford University Press.
- (2008a) 'EU Governance: Where do we go from here?', in B. Kohler-Koch and F. Larat (eds) *European Multi-level Governance: Contrasting Images in National Research*, Cheltenham: Edward Elgar Publishing (forthcoming).
- (2008b) 'The Ups and Downs of Bureaucratic Organization', *Annual Review of Political Science* 11: 13-37.
- Peters, G. B. (1995) *The politics of bureaucracy*, New York: Longman Publishers USA.
- Pollack, M. A. (1997) 'Delegation, agency, and agenda-setting in the European Community', *International Organization* 51 (1): 99-134.
- (2003) 'Control mechanism or deliberative democracy? Two images of comitology', *Comparative Political Studies* 36 (1-2): 125-155.
- Quaglia, L., F. De Francesco and C. M. Radaelli (2008) 'Committee governance and socialization in the European Union', *Journal of European Public Policy*, 15 (1): 155-166.

- Radaelli, C. M. (1999) 'The public policy of the European Union: whither politics of expertise?', *Journal of European Public Policy* 6 (5): 757-774.
- (2003) *The Open Method of Coordination: A new governance architecture for the European Union?*, Stockholm: Swedish Institute for European Policy Studies.
- Rich, R. F. and C. H. Oh (2000) 'Rationality and use of information in policy decisions - A search for alternatives', *Science Communication* 22 (2): 173-211.
- Richardson, J. (2000) 'Government, interest groups and policy change', *Political Studies* 48 (5): 1006-1025.
- Rokkan, S. (1966) 'Norway: Numerical democracy and corporate pluralism', in R. A. Dahl (ed.) *Political oppositions in Western democracies*, New Haven: Yale University Press.
- Rommetvedt, H. (2005) 'Norway: Resources count, but votes decide? From neo-corporatist representation to neo-pluralist parliamentarism', *West European Politics* 28 (4): 740-763.
- Schattschneider, E. E. (1975) *The Semisovereign people. A Realist View of Democracy in America*, Hindsdale Il.: Dryden Press.
- Schout, A. and A. Jordan (2005) 'Coordinated European governance: Self-organizing or centrally steered?', *Public Administration* 83 (1): 201-220.
- Steen, A. (1988) *Landbruket, Staten og Sosialdemokratene. En komparativ studie av interessekonflikter i landbrukspolitikken i Norge, Sverige og England 1945-1985*, Oslo: Universitetsforlaget.
- Streeck, W. and P. C. Schmitter (1996) 'Interest Groups in the European Union', in G. A. Kourvetaris and A. Moschonas (eds) *The Impact of European Integration: Political, Sociological, and Economic Changes*, Westport, Conn.: Praeger.
- Thomson, R. (2008) 'National actors in international organizations - The case of the European Commission', *Comparative Political Studies* 41 (2): 169-192.
- Trondal, J. and F. Veggeland (2003) 'Access, Voice and Loyalty: The representation of domestic civil servants in EU committees', *Journal of European Public Policy* 10 (1): 59-77.

Åse Gornitzka and Ulf Sverdrup

Tsebelis, G. and X. Yataganas (2002) 'Veto players and decision-making in the EU after Nice: Policy stability and bureaucratic/judicial discretion', *Journal of Common Market Studies* 40 (2): 283-307.

Ugland, T. and F. Veggeland (2006) 'The European Commission and the Integration of Food Safety Policies across Levels', in M. Egeberg (ed.) *Multilevel Union Administration: The Transformation of Executive Politics in Europe*, Houndmills: Palgrave Macmillan.

Underdal, A. (2008) The Organizational Infrastructure of International Environmental Regimes, in U. Sverdrup and J. Trondal (eds) *The Organizational Dimension of Politics*, Oslo: Fagbokforlaget.

¹ For studies of Committees in the Council, see Beyers and Dierickx (1998), Pollack (2003), Fouilleux et al. (2005), and Häge (2007).

² The Commission holds an exclusive right of initiative in Community policies, whereas in the fields of Common Foreign and Security policy it may make proposals, while it has no such rights in the field of Justice and Home Affairs.

³ When we use the concept of informational bias, we do not imply that there is an underlying distribution that is fair or balanced, but instead we follow Schattschneider (1975) who argues that any group that is organized has some kind of political or ideational bias, because organization is itself a mobilization of bias in preparation for action.

⁴ The actual activities and dynamics within these groups, or the relative influence of the advice provided by the expert groups on policy making and implementation, are important issues but is not our focus.

⁵ The potential effects of European co-operation and institutional structures on the loyalties, identities, and role orientations of national political and administrative élites, is still unanswered (Quaglia, De Francesco, and Radaelli, 2008). Some findings indicate that community experience has led national officials to adopt a more 'European' orientation than they had before, and that national administrators may shift their loyalty from a national to a supranational level, although other findings shows that identities and loyalties only marginally changes (Egeberg, Schaefer, and Trondal, 2003; Trondal and Veggeland, 2003).

⁶ <http://ec.europa.eu/transparency/regexpert/faq/faq.cfm?aide=2>

⁷ The data base will be available to others at the time of publication

⁸ We assume that there is a link between institutional affiliation, and the type of expertise and information they represent, for instance, actors from scientific institutions are counted as "scientists", actors from national ministries are counted as "national administration", We are well aware that such distinctions may in practice be blurred, as when researchers come from large industries, or top scientific experts are hold office in national governments.

⁹ It does not cover all expert groups and committees that are linked to the Commission. The following broad categories of entities are not included in our data base: 1) independent experts charged with assisting the Commission in the implementation of R&D framework programmes; 2) Sectoral and cross-industry social dialogue committees, whose work is particularly aimed at the conclusion of agreements implemented by the Council. There were about 70 such committees in 2004; 3) Comitology committees (about 250 committees in 2004). 4) Joint entities arising from international agreements (170 joint entities in 2004).

See: <http://ec.europa.eu/transparency/regexpert/faq/faq.cfm?aide=2>

¹⁰ According to 'Framework Agreement on relations between the European parliament and the Commission' (art 16) "The Commission shall inform Parliament of the list of its expert groups set up in order to assist the Commission in the exercise of its right of initiative. That list shall be updated on a regular basis and made public." See full agreement here: http://ec.europa.eu/dgs/secretariat_general/relations/relations_other/docs/framework_agreement_ep-ec_en.pdf