EU-level Agencies:
New executive centre formation
or vehicles for national control?

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Abstract

The jury is still out with respect to whether EU-level agencies act primarily as tools of national governments or not, although parts of the literature as well as the legal framework of EU agencies seem to favour the former interpretation. We argue that EU agencies which might be able to act relatively independently of national governments and the Council, but not necessarily independently from the Commission, would contribute to executive centre formation at the European level, and thus to further transformation of the current political-administrative order. By measuring along several dimensions, we demonstrate that the Commission constitutes by far the most important partner of EU agencies. EU agencies deal (somewhat surprisingly) to a considerable extent with (quasi-) regulatory and politicised issues. When engaging in such areas, national ministries and the Council tend to strengthen their position, however, not to the detriment of the Commission. In addition to the Commission, national agencies make up the closest interlocutors in the daily life of EU agencies, indicating how EU-level agencies become building blocks in a multilevel Union administration, partly by-passing national ministries. We build our analysis on an on-line survey among senior officials in EU agencies.

Acknowledgements

Introduction

One of the interesting research questions as regards European Union (EU) agencies is the extent to which they contribute to transformation of the existing European political-administrative order: do they bring this order further away from the inherited intergovernmental order, or do they, on the contrary, actually contribute to sustaining patterns of this order by being vehicles for nation-state control? Our argument is that EU-level agencies contribute to system transformation to the extent that they are able to act relatively independently of national governments or the (Union) Council. Thus, if one focuses on system transformation in a European context, what matters is the extent to which agencies are in practice autonomous from key components of an intergovernmental order, *not* whether they are autonomous in general. Developing close relationships and dependencies to institutions like the (European) Commission, or the European Parliament (EP) for that sake, might be highly compatible with new executive centre formation at the European level, and thus with order transformation. By 'new executive centre formation at the European level' we mean the establishing of executive bodies that are able to act relatively independently of national governments.

If we take a short look at nascent federal states, like the US in the nineteenth century, at the history of European integration, or at contemporary regional (international) organisations outside Europe, establishing central executive bodies outside the realm of the constituent states seems to have been the "hard case": In the US, a federal executive branch with sufficient action capacity was not in place in Washington before at the end of the nineteenth century, thus long after Congress and the Supreme Court were well established in the city (Skowronek 1982). And Europe had experienced international organisations for about a century before the advent of the Commission. In its early history, the Commission faced challenges of an almost existential character, for example during the 'empty chair crisis' in 1965 (Loth 2007). And none of the hundreds of international organisations has yet a comparable body among its institutions (Schiavone 2008). Thus, it seems to have been politically more feasible to set up parliamentary assemblies and courts of justice at a new centre than executive bodies. The reason for this reluctance among constituent states may be found in the fact that while such assemblies and courts may generate talk and formal decisions, executive bodies, on the other hand, usually entail real action capacity. Thus, the latter may be seen as more threatening and challenging to state power and autonomy.

In this paper, which builds on a (questionnaire) survey among senior officials in 16 EU agencies within what was formerly the first pillar, we show that EU-level agencies are involved in regulatory or 'quasi-regulatory' tasks, not only

in technicalities, data-collection or network facilitating. Although embedded in a complex, institutional environment consisting of other EU bodies, national ministerial departments and national agencies, international organisations as well as interest groups, EU agencies tend to be much closer to the Commission than to any other institution surrounding them. The pivotal role of the Commission in the daily life of EU agencies becomes even more evident within policy areas in which the Commission itself disposes over considerable organisational resources. Moreover, we demonstrate that national agencies are closer interlocutors than ministerial departments, indicating that EU agencies constitute some of the building blocks of a multi-level and integrated Union administration, partly circumventing ministerial departments (Egeberg 2006; Hofmann and Türk 2006; Curtin and Egeberg 2008; Trondal 2010), and particularly so at the implementation stage of the policy process. Finally, we are able to control our findings for the extent to which an issue area is characterised by political debate and attention, and also for if work tasks (function) make a difference. Under politicisation, formal political institutions like the Commission, Council, EP and national ministries seem to increase their influence, however, the Commission keeps its leading role. Also among those managers who are much involved in regulatory tasks the concerns of the Commission are the concerns most emphasised.

We proceed from here by first, in the next section, presenting our hypotheses based in an organisation theory argument. This section is followed by a method part in which we discuss some of the challenges that seem to accompany an elite survey such us this one. Then we give the empirical analysis before we reach the concluding discussion.

Agency behaviour: Expectations from an organisation perspective

The Special Issue on EU-level agencies in the *Journal of European Public Policy* in 1997 (Vol. 4, No. 2) contributed to a quantum leap in the study of EU-level agencies. Since then, however, only a few studies have offered a comprehensive diagnosis of how EU-level agencies operate both as regards intra-institutional affairs and with respect to inter-institutional roles vis-à-vis pre-existing power structures (e.g. Busuioc 2010; Groenleer 2009; Trondal and Jeppesen 2008). Current literature leaves the impression that research on EU-level agencies has so far been very much centred on exploring their formal and legal structures as well as their establishment and reform (Geradin and Petit 2004; Krapohl 2004; Kelemen 2002; Randall 2006; Thatcher and Stone Sweet 2003; Vos 2000). The actual decision-making dynamics that unfold within and around EU-level agencies seem, however, to have received scant scholarly

attention. And, those authors who do focus on the daily life of these bodies, tend to interpret the role of EU-level agencies in the overall EU polity quite differently: On the one hand, agencies are portrayed as tools of national governments and as being under the control of governments (Christensen and Nielsen 2010; Kassim and Menon 2010; Kraphol 2004), or as entities that primarily run networks among national agencies (Dehousse 1997). Thus, governments may have accepted the need for more uniform practising of EU legislation, but in order to achieve this they have devised instruments that remain under their control instead of transferring more power to the Commission. In a later article, Dehousse described EU agencies as subject to *several* political institutions (Council, Commission, EP), arguing that under such circumstances strong agencies at the EU level are rather unlikely (Dehousse 2008). On the other hand, others have found EU agencies to be able to act relatively autonomously, not least in situations in which they may provide valuable expertise (Gehring and Kraphol 2007; Groenleer 2009).

At first glance, the formal structure of EU agencies gives an impression of bodies solidly anchored within the realm of national governments: management boards are in general dominated by member state representatives as regards composition, and agency mandates seem overwhelmingly 'soft' in the sense that they are, with few exceptions, concentrating on information, data gathering and network facilitation (Barbieri and Ongaro 2008; Busuioc 2010; Wonka and Rittberger 2010:745). Arguably, though, a closer look at the organisation may nuance this picture considerably: If we start with the mandate, or tasks, students of organisational decision-making have taught us not to focus solely on formal decisions. The basic units of analysis should not be decisions but rather decision premises. Decisions or choices are conclusions drawn from streams, or 'rivers', of premises (Simon 1965). Thus, providing the premises or informational basis may be as important as making the formal choices. Accordingly, concerning EU agencies' lack of formal regulatory competences, scholars have reminded us not to underestimate the actual role that agencies might play in regulatory affairs due to their role as providers of expertise and information (Majone 1997; Shapiro 1997). An interesting example is the role that EU agencies might play as regards training of national agency personnel in order to make law application more uniform across Europe (Gulbrandsen, forthcoming). Given that international administrations in general seem to be able to expand their tasks at their own initiative (Barnett and Finnemore 2004), and that this also seems to hold for EU agencies (Groenleer 2009), we expect to find somewhat more involvement in regulatory, or 'quasi-regulatory', tasks than formally prescribed. The more emphasis on the latter, the more agencies might be seen as possible components of centre formation.

Let us now turn to the management boards: In terms of composition, they are most typically strongly dominated by member state representatives. However, for the most part directors of national *agencies* in the respective policy fields make up those representatives (Busuioc 2010). Compared to their counterparts in ministerial departments, they are, due to their organisational position at arm's length from ministers, significantly less sensitive to political steering and signals from above. Instead, professional concerns and considerations tend to have the highest priority (Egeberg and Trondal 2009a). It may follow from this that their representational role on management boards is more ambiguous than usually thought. Moreover, one has to take into consideration that their board membership is a highly secondary, part-time activity on top of an already demanding chief executive position. A study shows that they are, in general, relatively ill prepared and little involved in discussions at board meetings (Busuioc and Groenleer forthcoming). Commission board members are often better prepared and informed (Busuioc 2010; Groenleer 2009). In addition, a board meeting's size (up to a 100 participants, including advisors, etc.) and relatively few meetings (about 3-4 meetings a year) make thorough discussions and coordinated opposition in relation to the head of the EU agency rather unlikely. Thus, although EU-agency directors may have limited formal powers, they are in practice not that frequently restrained by their respective boards (Busuioc and Groenleer forthcoming). On this background, we do not expect boards to be dominating actors in the life of agencies. The less dominant they are, and the more important we observe actors like the Commission, EP and transnational interest groups to be, the more EU agencies take part in centre formation.

Contrary to management board members, EU-agency personnel have the EU-level body as their *primary* organisational affiliation. Even if a lot of them are seconded from national administrations and on temporary contracts, it is, on the basis of what we know about comparable organisations, reason to believe that their primary loyalty is to the EU agency (Trondal et al. 2008). Which institutions in the environment can agency decision-makers be expected to feel a certain nearness to? Whose concerns will they pay attention to in particular? Possible expectations might be derived from the way the EU polity is organisationally specialised: According to the sectoral principle, we expect EU agencies to engage primarily with institutions or parts of institutions within their own issue area, e.g. with the relevant directorate general (DG) in the Commission, the relevant EP committee, or national agencies in the same policy sector. Within their own issue area, they can, according to the functional principle, be expected to develop particularly strong relationships with institutions that share their functions; namely bodies in charge of policy implementation and, to a certain extent, those responsible for policy preparation, e.g. the Commission and national agencies. If we then combine

the sectoral and functional principle, and, in addition, take into consideration that EU-agency managers have EU-level institutions as their primary affiliation, our expectation is that the concerns of the Commission will have the highest priority among EU-agency managers (except for their own agency). If this is the case, we interpret such a finding as indicating centre formation. Next, we expect to observe rather close cooperation with parallel national agencies.

The extent to which EU-agency managers assign weight to the concerns of various institutions and regard them as more or less pivotal in the policy process, might be contingent upon several factors. First, the phase of the policy process may make a difference: For example, we expect institutions like the Council and the EP to be more central at the stage of policy formulation than implementation. Moreover, we expect the role of the Commission to be even more important in situations where it has organisational resources partly overlapping EU-agency portfolios. This so-called 'duplication effect' is well documented at the national level between ministerial departments and agencies (Egeberg and Trondal 2009a; 2009b). Finally, one could argue that if topics are really politicised, governments would in the end take centre stage. Thus, we look at whether high level of political attention and debate tend to increase the role of national governments and the Council to the detriment of institutions like the Commission, EP or transnational groups. In the same vein, we investigate whether regulatory or non-regulatory tasks make a difference in this respect.

Data and method

Our study was planned in 2009 as an on-line questionnaire survey among senior officials in what was formerly categorised as 'Community' or 'First Pillar' agencies. Second and Third Pillar agencies were left out due to the ratification of the Lisbon Treaty: this treaty dismantled the so-called pillar structure and we wanted to avoid confusion as regards how to interpret results from agencies that may find themselves in a period of transition. Among the 22 Community agencies (in 2009), 19 were selected for investigation. The three not included were considered less relevant from a policy analysis point of view; e.g. the Translation Centre for the Bodies of the European Union. However, two agencies did not respond to our initial letters (European Network and Information Security Agency and Community Fisheries Control Agency), and one agency was impossible to contact (European Institute for Gender Equality). Thus, we ended up covering 16 agencies.

A formal letter that shortly introduced our project was sent to all agency heads (chief executives) in order to, hopefully, legitimise the project, but also to give them an opportunity to keep their agency outside the project if deemed desirable. In November 2009, about half of the agencies had made staff contact information available on their website. The rest were kindly asked to provide the necessary email-addresses. Three agencies refused to give us the addresses and insisted on distributing themselves a paper version of the questionnaire among relevant personnel. 'Senior officials' were defined as employees occupying positions equivalent to head of unit, or above, in the Commission. On this background, agencies were asked to select the relevant staff members.

There are at least two reasons for focusing on senior officials in our project. First, we expected a considerable proportion of personnel employed in highly specialised bodies such as EU agencies to deal with rather technical issues. By concentrating on the manager group, we hoped to reach people who are relatively more involved in policy-making activities. Second, we believe that institution leaders are becoming increasingly sensitive to the extra work burden that questionnaire studies might cause to their institution. Thus, by significantly narrowing down the sample size, we hoped for more understanding as regards our own study. Moreover, although senior officials make up a relatively limited number of respondents, they, arguably, can be seen as persons who are 'summing up' on behalf of a much larger number of people within their respective portfolios.

The questionnaire was circulated in January 2010 and, after three reminders, we had received 54 responses. All agencies were represented among the respondents, varying between 1 and 7 respondents per agency (mean = 3,4; median = 3). The exact response rate is, unfortunately, impossible to calculate. The reason is that we do not know the universe within those three agencies which refused offering lists of senior officials and their addresses. However, the response rate among those who replied electronically is 45 (see Attachment). Moreover, a fairly low N does not allow of separate analyses of each agency.

Empirical findings

Are EU agencies mainly dealing with technical issues of a non-regulatory nature or do we see a task expansion where EU agencies also deal increasingly with regulatory portfolios? Table 1 shows how EU-level agency managers spend their time on various tasks.

Table 1: EU agencies' <u>tasks</u>, ranked by the amount of time being used by EU-agency managers on the following tasks (per cent reporting 'fairly much' or 'very much')*

	Fairly much or more	*Somewhat*	*Fairly little or less*	*Total*
Information, data, statistics	57	20	22	100 (54)
Agency budget/resource allocation	54	26	20	100 (54)
Facilitating cooperation among national agencies in the field	51	16	33	100 (49)
Personnel policy: recruitment, promotion	46	20	33	100 (54)
Deciding on individual cases	26	14	60	100 (42)
Preparing individual cases for the Commission	22	24	53	100 (45)
Issuing guidelines on national application of EU law	17	7	76	100 (41)
Preparing new/changing EU legislation	15	24	61	100 (46)
Involvement in national agencies' handling of individual cases	10	13	77	100 (39)

Original question: "Concerning your own issue area: how much time is being used on the following tasks:"
* Original scale: Very little/nothing (value 1), fairly little (value 2), somewhat (value 3); fairly much (value 4), very much (value 5).

Studies show that EU-level agencies established in the first wave of agencification were basically stripped of regulatory responsibilities, whereas agencies erected in the EU post 2000 have been increasingly assigned quasi-regulatory functions (Schout forthcoming). Still, information, networking, and internal administrative tasks rank top among current EU agencies. In addition, however, Table 1 reveals that despite focusing heavily on non-regulatory tasks, EU agencies have also experienced task expansion into regulatory or quasi-regulatory areas – such as deciding on individual cases, preparing individual cases for the Commission, issuing guidelines on national application of EU law, and involvement in national agencies' handling of individual cases. Similar observations are done in a survey among national agency heads: their involvement with EU-level agencies clearly points beyond information gathering and exchange. That study also suggests that the role of EU-level agencies in the implementation of EU decisions is not 'only' about formulating guidelines but also about involvement in *individual cases* dealt with by national agencies (Egeberg et al. forthcoming). By combining what can be categorised as regulatory or quasi-regulatory tasks in Table 1 (i.e. deciding

on individual cases, preparing individual cases for the Commission, issuing guidelines on national application of EU law, preparing new/changing EU legislation, and involvement in national agencies' handling of individual cases), we find in fact that as many as *50 per cent* of the senior officials use much of their time on regulatory or quasi-regulatory tasks.

How influential then are the management boards of EU-level agencies in comparative terms? Table 2 shows how senior officials assess the power structures surrounding EU agencies, and does so by comparing these structures as regards policy formulation as well as implementation.

Table 2: Per cent EU-agency managers who perceive the following institutions to be influential (per cent reporting 'fairly much' or 'very much'), when it comes to policy formulation (developing new/changing existing EU policies and legislation), and concerning policy implementation (practising EU policies/applying EU legislation)*

	Policy formulation	*Policy implementation*
Own agency	53	77
The agency's management board	45	51
The Commission DG(s) within own issue area	86	69
Other Commission DGs	34	22
The standing committee of the EP within own issue area	58	15
Council of the European Union	70	24
National agencies	37	61
National ministries	33	50
National interest groups	18	15
European/transnational interest groups	33	23
International governmental organisations	33	23
Mean N	49	49

Original question: "Concerning your own issue area, how influential are the following institutions/actors when it comes to policy formulation (developing new/changing existing EU policies and legislation)" and "when it comes to policy implementation (practicing EU policies/applying EU legislation)?"
* Original scale: Very little/no influence (value 1), fairly little influence (value 2), somewhat (value 3), fairly much influence (value 4), very much influence (value 5).

Table 2 unveils that institutional influence is clearly patterned, as could be predicted, by the EU policy-making cycle. In the policy formulation phase, the 'parent' Commission DG, the standing committee in the EP in the relevant policy area, and the Council, are seen as particularly influential. At the policy implementation stage, by contrast, influence is tilted relatively towards one's own agency and national agencies, although the Commission is considered to be the most powerful institution outside one's own agency also at this stage.

However, it might be the case that respondents tend to assign too much weight to their own organisation: our respondents' assessment is not shared by national agency personnel who rank EU agencies far below national ministries, national agencies and the Commission in terms of influence at the rule application stage (Egeberg and Trondal 2009b: 786; Egeberg et al. forthcoming).

Clearly, management boards do matter in the daily life of EU agencies. But they do not seem to be dominant in any way: our senior officials tend to perceive them as less powerful than the agencies themselves and far less powerful than the external institution seen as most influential in both phases of the policy process, namely the Commission. Now, arguably, even if the Commission is considered as most influential within one's own issue area, this does not necessarily mean that the EU agency as such is not under tight national control. We must remember that the Commission is, most commonly, represented on the management boards, and it is highly likely that the institution considered as the most powerful will make its voice heard at board meetings. As already said above, Commission board members also tend to be better prepared and informed compared to national representatives (Groenleer 2009; Busuioc 2010).

Next, Table 3 reports the contact patterns of EU-agency managers.

Table 3: Distribution of contacts (e.g. meetings, emails, phone calls) of EU- agency managers within their own issue area (per cent reporting 'fairly much' or 'very much')*

The Commission DG(s) within own issue area	70
Other Commission DGs	30
The standing committee in the EP within own issue area	8
The Council	10
National agencies	55
National ministries	21
National interest groups	14
European/transnational interest groups	49
International governmental organisations	34
Mean N	51

Original question: "Concerning your own issue area, how often is it contacts (e.g. meetings, emails, phone calls) with the following institutions?"
* Original scale: Very seldom/no contact (value 1), fairly seldom (value 2), somewhat (value 3), fairly much (value 4), very much (value 5).

Once more the pivotal role of the Commission becomes evident, and in particular the 'parent' DG, in the daily life of EU-level agencies. National

agencies and European (transnational) interest groups constitute key interlocutors. Since the main activities of EU agencies are more on the implementation side than on the policy formulation side, it makes sense that the EP and the Council are less contacted.

Another more direct way to measure the extent to which EU agencies are under the control of national governments or not is to ask EU-agency managers about whose concerns they pay attention to when exercising discretion in their work. The results are shown in Table 4.

Table 4: Per cent EU-agency managers who consider the following concerns/considerations to be important when they exercise discretion in their work (percent reporting 'fairly important' or 'very important')*

The concerns of own agency	94
Professional/expert considerations	78
The concerns of national agencies	39
The concerns of national ministries	41
The concerns of the Council	33
The concerns of the Commission DG(s) within own issue area	77
The concerns of other Commission DGs	33
The concerns of the standing committee in the EP within own issue area	40
The concerns of affected clientele	70
The concerns of my country of origin	0
Mean N	50

Original question: "How important are the following concerns/considerations when you exercise discretion in your work?"
* Original scale: Very little/not important (value 1), fairly unimportant (value 2), somewhat (value 3), fairly important (value 4), very important (value 5).

Table 4 suggests that our senior officials tend to consider the concerns of their own agency as most important when they exercise discretion in their work. On the one hand, this might be seen as not that surprising; on the other hand, however, it may indicate that EU agencies do have their own will and that they are more than mere tools in the hands of governments or other external institutions. Quite consistent with our findings as regards influence assessment and contact patterns (Tables 2 and 3), the key role of the Commission in the institutional environment of EU agencies stands fore once more. Moreover, Table 4 highlights the large proportions of our respondents who assign weight to professional (expert) considerations and the concerns of affected clientele. Not a single manager reports that he or she pays particular attention to the concerns of their country of origin.

As said above, it is well documented at the national level that the sensitivity of agencies towards political signals from (parent) ministerial departments increases the more organisational capacity the department disposes over within the respective issue areas ('organisational duplication'). We want to investigate whether this holds even at the EU level. A fairly high percent (30 percent) of agency managers report that organisational units exist within the Commission that cover their own issue area to a large extent. Thus, we expect a positive relationship between the existence of relevant organisational capacities within the Commission and the actual power of the Commission within various policy fields. Our data support this prediction both regarding the policy formulation phase and the policy implementation phase, although the relationships are not statistically significant. Commission DGs within relevant issue areas of EU agencies tend to be perceived as more influential when organisational duplication exists than when absent (Pearson's r=.09 and .26 respectively). A similar effect, now statistically significant, is observed with respect to agency managers' emphasis on concerns of parent DGs in the Commission (Pearson's r=.40).

So far, our data indicate that EU agencies do not find themselves in an institutional environment which is clearly dominated by national governments. On the contrary, the Commission stands out as more pivotal in the daily life of these agencies. One could argue, however, that such a portrayal might become less accurate as soon as EU agencies embark on less 'trivial' activities: what happens when they start to adopt regulatory or quasi-regulatory tasks rather than mere information gathering and network facilitation? We remember that half of EU-agency managers today use much of their time on regulatory or quasi-regulatory tasks, thus making it possible to investigate whether type of task makes a difference with respect to the pattern we have observed. Table 5 shows that the Council and national ministries are seen as only marginally more influential by those who deal extensively with (quasi-)regulatory tasks than by those who do not deal much with such issues. The management board, as well as the EP, though, seems to play a less significant role in the regulatory field. The Commission apparently upholds its leading position at both stages of the policy process, and EU agencies are seen to strengthen their influence as regards implementation. Table 6 mainly confirms this pattern: EU-agency managers in the regulatory field tend to pay relatively more attention to the concerns of national bodies, however, the concerns of the Commission looms particularly high on our respondents' agenda.

Morten Egeberg and Jarle Trondal

Table 5: Correlations between <u>agency tasks</u>[a] and EU-agency managers' perceptions of institutional <u>influence</u>[b] when it comes to policy formulation and policy implementation (Pearson's r)

	Policy formulation	Policy implementation
Own agency	-.05	.29
The agency's management board	-.24	-.09
The Commission DG(s) within own issue area	.03	.11
The standing committee in the EP within own issue area	-.23	-.44 **
The Council	.09	-.03
National ministries	.04	.11
National agencies	-.08	.15

**) $p \leq 0.01$

a) <u>Regulatory tasks</u> refer to the extent to which agency managers use 'fairly much' or 'very much' time on one or more of the following tasks: Deciding on individual cases, preparing individual cases for the Commission, issuing guidelines on national application of EU law, preparing new/changing EU legislation, and involvement in national agencies' handling of individual cases (see Table 1). This variable is dichotomised as follows: <u>Regulatory tasks</u> combine the following original values: fairly much (value 4), very much (value 5). <u>Non-regulatory tasks</u> combine the following original values: very little (value 1), fairly little (value 2), somewhat (value 3).

b) This variable applies the following five-point scale: very little/not important (value 1), fairly little importance (value 2), somewhat (value 3), fairly important (value 4), very important (value 5).

Table 6: Correlations between <u>agency tasks</u>[a] and EU-agency managers' emphasis on the following <u>concerns/considerations</u>[b] when they exercise discretion in their work (Pearson's r)

The concerns of own agency	-.02
The concerns of national agencies	.19
The concerns of national ministries	.23
The Concerns of the Council	.04
The concerns of the Commission DG(s) within own issue area	.30 *
The concerns of the standing committee in the EP within own issue area	-.18

*) $p \leq 0.05$

a) <u>Regulatory tasks</u> refer to the extent to which agency managers use 'fairly much' or 'very much' time on one or more of the following tasks: Deciding on individual cases, preparing individual cases for the Commission, issuing guidelines on national application of EU law, preparing new/changing EU legislation, and involvement in national agencies' handling of individual cases (see Table 1). This variable is dichotomised as follows. <u>Regulatory tasks</u> combine the following original values: fairly much (value 4), very much (value 5). <u>Non-regulatory tasks</u> combine the following original values: very little (value 1), fairly little (value 2), somewhat (value 3).

b) This variable applies the following five-point scale: very little/not important (value 1), fairly little importance (value 2), somewhat (value 3), fairly important (value 4), very important (value 5).

A similar argument could be advanced as regards potential effects of politicisation: Studies of administrative behaviour at the national level have demonstrated how formally political bodies like ministries tend to strengthen

their grip of 'semi-detached' agencies the more issues are contested and subject to public debate (Egeberg and Trondal 2009a; 2009b). Do we see a parallel in our context? Does politicisation boost the importance of formally political bodies? Do national governments resume control of the policy process under such circumstances? First, Table 7 reveals that EU-level agencies do not primarily work on non-politicised issues. A majority of agency managers in fact report that their issue area is, to a considerable extent, characterised by public debate and political attention.

Table 7: Per cent EU-agency managers reporting own issue area being characterised by public debate and political attention (political salience).

Very much	Fairly much	somewhat	Fairly little	Very little	Total
26	35	17	17	6	100 (54)

Original question: "To what extent is your issue area characterised by public debate and political attention?"

As predicted, Table 8 shows that formally political bodies like the Commission, national ministries, the EP (policy formulation stage) and the Council (policy implementation stage) tend to be perceived as more influential when issues become politicised. This is particularly evident as regards national ministries. However, among these political institutions, the Commission keeps its superior role also when politicisation takes place: 94 percent of those who deal extensively with politicised issues consider the Commission as particularly influential at the policy formulation stage, while 81 percent do the same as regards implementation. Comparable figures as regards the influence of national ministries are 42 percent and 63 percent respectively. Third, this pattern is highly confirmed by Table 9 which shows the relationship between the concerns paid attention to and political salience of issue areas: The concerns of formally political bodies such as ministries, the EP and the Council are significantly more emphasised when issues get contested. The same holds with respect to the Commission, although the relationship is not statistically significant. Still, however, the concerns of the Commission are most highly ranked among EU-agency managers dealing extensively with politicised issues (except for the concerns of the EU agencies themselves): 81 per cent report the concerns of the Commission to be important, 52 per cent mention national ministries, and 41 per cent the Council.

Table 8: Correlations between <u>political salience</u>[a] and EU-agency managers' perception of institutional <u>influence</u>[b] when it comes to policy formulation and policy implementation (Pearson's r)

	Policy formulation	Policy implementation
Own agency	-.08	-.17
The agency's management board	.05	-.15
The Commission DG(s) within own issue area	.19	.18
The standing committee in the EP within own issue area	.10	.01
The Council	-.05	.12
National ministries	.42 **	.52 **
National agencies	-.04	.36 *

*) p ≤ 0.05   **) p ≤ 0.01
a) This variable has the following values: very little (value 1), fairly little (value 2), somewhat (value 3), fairly much (value 4), very much (value 5).
b) This variable applies the following five-point scale: very little/not important (value 1), fairly little importance (value 2), somewhat (value 3), fairly important (value 4), very important (value 5).

Table 9: Correlations between <u>political salience</u>[a] and EU-agency managers emphasis on the following <u>concerns/ considerations</u>[b] when they exercise discretion in their work (Pearson's r)

The concerns of own agency	-.21
Professional/expert concerns	.13
The concerns of national ministries	.49 **
The concerns of national agencies	.17
The concerns of the Commission DG(s) within own issue area	.15
The concerns of the standing committee in the EP within own issue area	.37 *
The concerns of the Council	.33 *

*) p ≤ 0.05   **) p ≤ 0.01
a) This variable has the following values: very little (value 1), fairly little (value 2), somewhat (value 3), fairly much (value 4), very much (value 5).
b) This variable applies the following five-point scale: very little/not important (value 1), fairly little importance (value 2), somewhat (value 3), fairly important (value 4), very important (value 5).

Concluding discussion

We started out asking whether EU-level agencies contribute to transformation of the existing European political-administrative order or not: do they bring this order further away from the inherited intergovernmental order, or do they, on the contrary, actually contribute to sustaining patterns of this order by being vehicles for nation-state control? As pointed out above, the literature so far has provided different answers to this important question. Our argument is that EU-level agencies contribute to system transformation to the extent that they are able to act relatively independently of national governments or the Council. Thus, if one focuses on system transformation in an EU context, what matters is the extent to which agencies are in practice autonomous from key components of an intergovernmental order, *not* whether they are autonomous in general. Developing close relationships and dependencies to institutions like the Commission might be highly compatible with new executive centre formation at the European level, and thus with order transformation.

Our main conclusion is that EU-level agencies find themselves much closer to the Commission than to the Council and national ministries. In that sense they can be said to contribute to additional executive centre formation at the European level, and thus to bringing the existing political-administrative order further away from an intergovernmental order. It is harder to assess the extent to which EU agencies are able to translate their *own* will into practice: On the one hand, EU-agency managers assign much weight to the role of their respective agencies in the policy process, and particularly so as regards the implementation stage. On the other hand, as we have seen, this 'positive' self-assessment is not shared by national agency personnel. Management boards matter in the daily life of EU agencies, but do not at all seem to constitute a dominant component. In terms of composition, boards are dominated by national representatives, however, the institution generally perceived as most powerful, the Commission, is also on the board. The influence of the Commission tends to increase the more organisational resources the parent DG disposes over within the respective fields.

It has been demonstrated that EU agencies' agendas encompass more than information gathering (which, arguably, is not necessarily unimportant in the policy process) and network facilitation: As many as half of the senior officials use much of their time on (quasi-) regulatory tasks. Moreover, *more* than half report that their issue area is much characterised by political debate and political attention. We found that in areas marked by less soft modes of governance and more politicised issues, national ministries in particular tend to strengthen their position, however, not to the detriment of the Commission which also tends to grow in importance. The pattern is rather consistent across

dimensions: nothing indicates that power relationships are dramatically reversed under the given conditions. In fact, the pivotal role of the Commission may have been somewhat underestimated in our analysis since we have only included the 'parent DG' in our discussion. As we have documented, other DGs are not without importance. We have suggested that EU agencies' close relationship to particular Commission DGs might be partly explained by organisational factors at the EU level: both are organised according to the same purpose (sector), the same function (executive) and the same territorial level (EU level). Our study seems to substantiate Groenleer's (2009) findings indicating that EU agencies increasingly tend to relate to particular 'parent DGs' (cf. also Martens 2010). That would imply a kind of 'normalisation' of Commission-agency relationships, in the sense that they become more similar to those observed at the national level between ministerial departments and 'their' respective agencies.[1] Moreover, the fact that European (transnational) interest groups score higher than national interest groups on all dimensions underpins the centre formation thesis.

In addition to the Commission, both the Council and the EP constitute important parts of EU agencies' institutional environment, particularly in the policy formulation phase. However, when it comes to implementation and daily interaction, EU agencies' key interlocutors are primarily the Commission and national agencies. This configuration illuminates how EU-level agencies increasingly make up building blocks of a multilevel and integrated Union administration, partly circumventing ministerial departments (Egeberg 2006; Hofmann and Türk 2006; Trondal 2010). Such organisational forms, which are more conducive to direct implementation, do not, however, seem to replace previous forms built around indirect implementation. Basic components of the intergovernmental, indirect implementation structure, such as ministries, remain key actors, thus showing that qualitatively different orders might co-exist (Olsen 2007), and that the current executive order is indeed an accumulated or compound order (Curtin and Egeberg 2008; Trondal 2010).

However, the system might be even more complex than portrayed so far: it has been observed that EU agencies may adopt the role as executive body also on behalf of global organisations; like ICAO in the area of aviation safety regulation (Chiti 2009). Although not a topic in this paper, our data have shown that international organisations are indeed part of the institutional environment of EU agencies, although not at all to the same extent as e.g. the Commission. Nevertheless, an interesting question for future research could be whether EU-level agencies are becoming 'double-hatted' in the sense that in addition to constituting obvious parts of the EU polity, they also make up parts of global governance structures. We might see a striking parallel to the 'doublehattedness' observed as regards national agencies (Egeberg 2006):

Agencies at both levels relate directly to institutions at a higher level of governance that are, arguably, partly based on another logic of action: While national agencies have an additional hat linked to Community institutions like the Commission and EU agencies, EU agencies may have an additional hat linked to international organisations, bringing governments back in.

Notes

[1] A search on the Commission's website showed that 7 EU agencies were, in Commissioners' job description, said to be under their authority. Some DGs present links to particular EU agencies, and some name *cabinet* members with a special responsibility for particular agencies.

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Attachment

Table X: EU agencies surveyed: number of respondents and response rate

Agency	Respondents (No.)	Response rate (%)
Community Plant Variety Office (CVPO)	4	67
European Food Safety Authority (EFSA)	2	7
European Foundation for the Improvement of Living and Working Conditions (EUROFOUND)	4	33
European Environment Agency (EEA)	1	17
Office for Harmonization in the Internam Market (OHIM)	7	100
European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)	7	87
European Agency for Safety and Health at Work (EU-OSHA)	2	40
European Centre for Disease Prevention and Control (ECDC)	3	50
European Railway Agency (ERA)	4	67
European Chemicals Agency (ECHA)*	2	-
European Maritime Safety Agency (EMSA)*	1	-
European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX)*	3	-
European Medicines Agency (EMA)	4	57
European Centre for the Development of Vocational Training (CEDEFOP)	3	30
European Aviation Safety Agency (EASA)	4	66
Fundamental Rights Agency (FRA)	3	43
Total (all respondents)	54	-
Total (web respondents)	48	45

* Questionnaires were circulated among senior officials by personnel in the agency. The response rate could therefore not be calculated.

Working Papers, ARENA

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