



EUROPEAN GOVERNMENT(S)

Executive Politics in Transition?

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Abstract

The paper starts by discussing what I think most students of government hold to be the most characteristic features of development over the last couple of decades; namely ‘agencification’ and fragmentation of national governments. Interestingly, when dealing with the problems such a development might cause for democratic control and agency accountability, one only tends to look at the relationships between agencies and various national stakeholders, in particular ministerial departments. Has a ‘methodological nationalism’ hindered us from seeing the emerging executive centre at the level above, i.e. the European Commission, and the re-coupling of nationally decoupled agencies into a multilevel Union administration? I try to show how the development of the EU, due to its peculiar institutional architecture, takes quite another direction than the intergovernmental cooperation that we have learnt to know so far and thus comes to challenge governments in an unprecedented way. As regards the latter I draw on several case studies in order to illuminate how national agencies in a sense become parts of *two* administrations; a national as well as a Union administration. Lastly, I will deal with motors of change; the various attempts at explaining what I in this paper have seen as major changes over the last couple of decades, before I arrive at the conclusion.

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Introduction

Standard portrayals of modern government tend to focus on the national and sub-national levels of government. The fact that modern governments for quite a long time have been involved in a multitude of international bodies across most policy areas doesn't seem to have changed this perspective profoundly. In this paper, however, I argue that European governments, or more correctly, *parts* of national governments, over the last couple of decades have to some extent become parts of a kind of European government as well. I intend to show that this is due to quite particular institutional developments at both the European and the national level. At the European level it is first and foremost the enhanced autonomy and consolidation of the European Commission which makes the difference: for the first time in the history of international organisations we can speak of a multi-purpose supranational executive with its own political leadership that is able to act relatively independently from national governments and councils of ministers. Being in charge of EU-policy formulation as well as implementation, the Commission needs stable partners at the national level for both purposes. Arguably, those partners might be found among national (regulatory) agencies that during the same period of time have been erected at arm's length from ministerial departments. Thus, the, at the international level, peculiar functional division of labour between the Commission and the Council of Ministers (Union Council) tends to trigger centrifugal forces at the very heart of national governments. Such forces can not be expected to emanate from classic international organisations in which all threads tend to be collected in councils of ministers. In the latter case national regulatory authorities will normally be held accountable to a particular ministry. In the EU case, on the other hand, a kind of dual loyalty, or 'double-hattedness', might be imposed on national agencies in the sense that they have to relate to both national ministries *and* the Commission.

In the next section I will discuss what I think most students of government hold to be the most characteristic features of development over the last couple of decades; namely ‘agencification’ and fragmentation of national governments. Interestingly, when dealing with the problems such a development might cause for democratic control and agency accountability, one only tends to look at the relationships between agencies and various national stakeholders. Has a ‘methodological nationalism’ hindered us from seeing the emerging executive at the level above and the re-coupling of nationally decoupled agencies into multilevel and transnational networks of regulatory bodies? I therefore in the following two sections try to show how the development of the EU takes quite another direction than the intergovernmental cooperation that we have learnt to know so far and thus comes to challenge governments in a peculiar way. As regards the latter I draw on several case studies in order to illuminate how national agencies in a sense become parts of *two* administrations; a national as well as a Union administration. Lastly, I will deal with motors of change; the various attempts at explaining what I in this paper have seen as major changes over the last couple of decades, before I arrive at the conclusion.

Fragmented governments

There are many potential dimensions along which change in governments might possibly be observed. Goetz (2006) proposes to focus on the relationship between the executive and the legislature, between governing parties and the government, between the prime minister, cabinet and ministers, and between executive politicians and ministerial officials. However, he tends to conclude that developmental trends are ambiguous and thus don’t point in any clear direction. Scholars seem to agree, though, that as far as vertical and horizontal specialisation of

the governmental apparatus are concerned, substantial reforms have indeed taken place over the last couple of decades (Pollitt and Bouckaert 2004; Christensen and Lægreid 2006). Along the vertical axis, a clearer separation of politics and execution has been formally installed, for example by ‘hiving-off’ regulatory tasks from ministerial departments to semi-independent agencies, so-called ‘agencification’ (Kickert and Beck Jørgensen 1995). Thus, while the legal framework continues to stem from legislative bodies and the respective ministries, decisions on individual cases are to a considerable extent left to the agency itself and its expertise.

Along the horizontal axis, specialisation has also increased so that a range of ‘single-purpose organisations’ can be observed. While one previously could find rather complex public organisations that, for example, combined the roles of regulator, service provider and infrastructure owner (as in transport and communication), the rule today is that these tasks have been split and assigned to separate bodies, including companies. Both ‘agencification’ and the forming of ‘single-purpose organisations’, belong to the so-called ‘New Public Management’ (NPM) paradigm of public sector reforms. Together with corporatisation, privatisation, dismantling of public monopolies and user/customer orientation they constitute key ingredients of the neo-liberal state. Although NPM elements can be traced in most countries, they tend to be more easily recognisable in Anglo-Saxon countries than in countries on the European continent or in Scandinavia (Christensen and Lægreid 2001). Non-Anglo-Saxon governments tend to reaffirm the role of the state, administrative law, distinctive public services and political accountability. They tend to complement rule-orientation with user orientation and service standards (Pollitt and Bouckaert 2004). One of the founding editors of *West European Politics*, Vincent Wright, published in 1994 a pioneering article (‘Reshaping the state: the implications for public administration’) on the NPM reform agenda in the same journal (Wright 1994).

In general, splitting organisations horizontally – as the creation of ‘single purpose bodies’ are examples of – means to diminish the flow of information between former parts and to move processes of co-ordination and conflict resolution upward in a system, thus making it more likely that higher level leadership gets involved in such processes. Mergers, on the other hand, tend to push such processes downward, thus relieving higher levels of some of their work load but also of their control potential (Egeberg 2003). Splitting organisations vertically – as ‘agencification’ illustrates – also seems to have its clear effects. Officials in central agencies, in contrast to their colleagues in cabinet level departments, exercise their discretion comparatively insulated from ongoing political processes at the cabinet level. They have relatively little contact with the political leadership of the ministry, with other ministerial departments than their ‘own’, and with parliament. They attach most importance to professional and expert considerations, and somewhat less importance to user and client interests. To assign weight to signals from the political leadership of the ministry is their third priority only (Egeberg 2003). Studies that explicitly focus on NPM-related ‘agencification’ seem to confirm that political control is, in general, undermined, although such a loss can some times be partly compensated for by informal contacts between ministers and agencies (Christensen and Lægreid 2006). In ministerial departments, on the other hand, officials give top priority to a ‘steer’ from the minister and, also, to professional concerns. Considerably less attention is paid to signals from user and client groups (Egeberg 2003; Page and Jenkins 2005).

The rationale behind setting up semi-detached national regulatory authorities and other agencies has often been to reduce the amount of political interference in daily decision-making and increase the scope for expert-based judgment (see below). Thus, ‘agencification’ seems to have delivered what many intended to achieve.

Nevertheless, concerns about democratic accountability have been raised: to whom – if anybody – are these bodies accountable (Lodge 2004)? Interestingly, the discussion on principals and responsible political authorities focuses almost entirely on *national* bodies like the ‘reporting ministry’, the ‘parent ministry’, the treasury or the cabinet office (OECD 2002; Talbot 2004; Thatcher 2005; Rhodes 2006), a fact that might reflect the (sub-) discipline’s overall ‘methodological nationalism’.¹ This is somewhat strange since national agencies have increasingly become parts of transnational issue-specific networks of agencies in which the Commission or an EU-level agency constitutes the hub (see below). Governments as such are responsible for implementing EU legislation at the national level but in practice this has often been handed over to agencies that are in charge of policy execution in general. Precisely because these agencies are, as shown, to a considerable extent decoupled from other national bodies vertically as well as horizontally they are exposed to being re-coupled into administrative webs that span national borders and levels of governance (see below).

An important lesson that can be drawn from the public administration literature is that significant reforms quite often trigger new reforms in the opposite direction (Hood and Jackson 1991). For example, subsequent to a period of extensive decentralisation, efforts of centralisation tend to follow. Thus, one has over the last years observed what Christensen and Lægreid (2006) have termed ‘second generation NPM-reforms’ aiming at compensating for some of the deficiencies caused by ‘first generation reforms’, such as reduced political control over agency activities and inadequate coordination across policy areas. However, reforms associated with the so-called ‘joined-up government’ or ‘whole of government’ paradigm do not seem to replace former reforms. Similar to what has often been observed when established arrangements have reached a certain level of ‘stickiness’, new reforms tend to be layered around already existing structures (Thelen 2003).

Thus, one aims at rectifying lack of inter-sector coordination by setting up committees and task forces rather than by horizontal de-specialisation, and at counteracting undermined political control by expanding staff in ministerial departments rather than by 'de-agencification'. Although such compensating ('layered') devices can not be expected to have the same impact on behaviour as more profound changes, studies show that they do have an effect (Egeberg 2003). As a consequence, national authorities might become somewhat less amenable to 'agency capture' by surrounding actors and networks. In other words, how one strikes the balance between the two loyalties or 'hats' (i.e. towards the parent ministry and the Commission) might be affected.

Thus, organisational changes at the national level seem to have affected executive politics significantly. The same might be true as regards such changes at the international level as well. Arguably, classic international governmental organisations (IGOs) do not challenge governments' sovereignty and coherence profoundly. They may increase the capacity for collective problem-solving and rule-making by erecting secretariats, committee structures etc. but could be said to underpin territorial lines of conflict at the international level and, thus, consolidating governments as such (see next section). Otherwise with the establishment of the European Commission: its 'emancipation' from national governments and the Council of Ministers, which has accelerated over the last couple of decades (see below), may challenge governments deeply since the Commission might embody an alternative, competing executive centre (Bartolini 2005). Due to its independent position it triggers peculiar centrifugal forces at the very heart of national governments. From the multilevel governance literature it is already well known that the Commission may forge partnerships with regional governments, partly bypassing national governments (Marks *et al.* 1996; Bauer 2002).

The development of international governmental organisation

Compared to the classic bilateral diplomacy, the kind of multilateral diplomacy instituted by the Vienna Congress 1814-15 comes closer to an international organization in the sense that representatives from more than two countries are exposed to each other simultaneously. However, the Concert of Europe and its Great Power conferences at ministerial as well as ambassadorial level didn't meet on a regular basis and had no permanent location or secretariat attached to it (Schroeder 1994). Although this way of organising European politics didn't challenge the Westphalian order, it nevertheless may have contributed to transforming a system of states into a community of states (Schroeder 1994; Holsti 2004). Accordingly, the Concert decided on the admission of new members to 'Europe' as when it declared that Turkey was entitled to full status in the European system (1856), and when it accepted that Serbia could 'enter the European family' (1878) provided the country recognized religious freedom, described as one of 'the principles which are the basis of social organization in all States of Europe' (Claude 1964: 22).

It was the highly specialised sectoral or functional IGOs established during the second half of the nineteenth century (e.g. the International Telegraphic Union and the Universal Postal Union) that produced inventions like the permanent secretariat with a fixed location, the division of labour between a general conference and an executive council, and regular meetings (Claude 1964). The *basic* principle of organisational specialisation was territory, though. Thus, while the general conference was composed of representatives from all member states, only a few selected governments had a seat in the executive or governing council. As could be expected then, studies of decision-making processes within such

organisations have shown that neither these organisations, notwithstanding their innovative character, challenge seriously the inherited state order. The power distribution and conflict pattern within these organisations seem to reflect very much the power distribution and territorial pattern of conflict found in the wider system (Cox and Jacobson 1973). Nevertheless, since the additional sectoral or functional specialisation of these organisations primarily engages non-diplomats as delegates from national administrations and also tends to partly sustain these officials' original sectoral or functional orientation, transnational coalitions along sectoral or functional lines are plausible within bodies structured in such a manner. Those attending meetings on a regular basis in comparable entities also display a considerable amount of loyalty to the international bodies in which they participate although this loyalty is clearly inferior to their national loyalty (Egeberg *et al.* 2003; Beyers 2005). Moreover, it has been documented that expert-based permanent secretariats contribute significantly to task expansion at the international level and that they also may be able to create transnational coalitions and arenas by linking previously disconnected actors (Cox and Jacobson 1973; Barnett and Finnemore 2004; Trondal *et al.* 2005).

The Hague Conferences of 1899 and 1907 pointed in the direction of permanent location and staff, and thus regularity, also in the so-called 'high-politics' area (Claude 1964). However, it was not until the establishment of the League of Nations (1919) that what had already been achieved organisationally in the sectoral or functional field became realised in the security domain. Its founders approved the basic principles of the Westphalian order; they accepted the independent sovereign state as the basic entity and the great powers as the predominant actors. However, in the 'high-politics' area the League also represented a considerable proportion of organisational innovation: for the first time a central structure consisting of a general conference, a council and a secretariat with a fixed location

had been created. According to Claude (1964: 175), 'nothing essentially new has been added by the multi-lateralization and regularization of diplomacy until the secretariat is introduced; this is the innovation that transforms the series of conferences into an organization'. In addition, the role of the Council president, the permanent missions of the member states in Geneva and numerous specialised committees in several sectoral and functional policy fields added a new dimension to the older forms of diplomacy (Steiner 2005). A study of the role of the presidency in a comparable setting shows that the presidency's brokerage efforts can help governments avoid negotiation failure due to its privileged access to information about state preferences and its procedural control, although these resources are not only used for collective gain but also for pursuing national interests (Tallberg 2004). Research on the EU-Council's Committee of Permanent Representatives (COREPER) unveils how the member states' resident ambassadors complement their pre-established national identities with collective, EU identities (Lewis 2005).

While the founders of the League of Nations had accepted Europe as the central core of the world political system, the establishment of the United Nations (1945) clearly signalled a more global orientation. However, in organisational terms the United Nations could mainly be described as a moderately revised version of the League. It reformed somewhat the arrangement for collective security, for example by conferring upon the secretary general a more political role as regards policy formulation and developed further the network of intergovernmental, specialised organisations, however, without launching real innovations (Claude 1964). Neither other post-WWII organisations, like the Organization for European Economic Cooperation (OEEC) (1948), NATO (1949) or the Council of Europe (1949) deviated in their set-up from the territorially based decision structure inherited

from the past, although the two last ones incorporated consultative, indirectly elected parliamentary assemblies.

Arguably, significant organisational innovation did not take place before the establishment of the European Coal and Steel Community (ECSC) in 1952, predecessor of the EU. For the first time, a state-like institutional system at the international level could be identified, consisting of an executive body organised *separately* from the council of ministers and with its own political leadership (the High Authority), two legislative bodies (the Council and the Assembly) and a Court of Justice. Thus, the four key institutions of today's EU, namely the European Commission, the Union Council, the European Parliament (EP) and the European Court of Justice (ECJ), were already operating from 1952 on, although in a nascent form. Equally important as regards the system's innovative character is the fact that individual core institutions have been structured on a non-territorial basis. Only the Council reflects in its composition and functioning parts of the legacy from the classical international organisation: contestation follows for the most part territorial lines although considerable attention is also devoted to systemic, sectoral and functional concerns (Egeberg *et al.* 2003; Thomson *et al.* 2004; Lewis 2005).

The European Commission: a new executive centre

Autonomisation vs. territorialisation

From its inception, the Commission was meant to be able to act independently of national governments. Since one of its main tasks was to take care of the *common* European interest – as it could be derived from the treaties – an autonomous and

impartial role in the policy process might be legitimised. This construction seems to parallel to some extent the executive's role in the French republican state tradition (Elgie 2003:149). The Commission's independence was clearly expressed in its formal structure, which forbids commissioners as well as officials from taking instructions from outside the organisation. To stress this, the first president of the High Authority, Jean Monnet, originally wanted a College of only five members – simply to underline the fact that commissioners were not to represent particular countries (Duchêne 1994:240). The Commission has on several occasions, most recently in its proposal to the Convention on the future of Europe, emphasized the need for an independent and impartial body whose mission should be to serve the *general* interest of the Unionⁱⁱ.

However, from the very start, it became fairly clear that running the Commission was indeed a balancing act between autonomy and dependence on the member states (Christiansen 1997; Lequesne 2000). From the point of view of the member states, a Commission with potential to become a genuine political actor and entrepreneur could not be allowed to act solely according to its own will, even if this will were defined as the community interest. The appointment procedure of the college – according to which member states nominate 'their' commissioner – and the national quota system – according to which the recruitment of officials should reflect the population size of the member countries – can be seen in this light. Member states' strong reluctance to give up their 'representation' in the College, as demonstrated during the Convention on the future of Europe, clearly illustrates this pointⁱⁱⁱ. Seen from the inside, a Commission that adopted an increasingly complex political agenda couldn't rely entirely on legitimacy derived from pursuing the common good in an impartial way. Additional legitimacy could be provided by co-opting key affected parties such as national administrations, for example by including them in policy preparatory committees.

Thus, from the beginning, there have been organisational components that have underpinned autonomisation while others have supported territorialisation. Studies seem to indicate that commissioners, although more or less sensitive to the concerns of their country of origin, can not in general be seen as representatives of 'their' governments (Nugent 2001:115; Egeberg 2006). The same can be said of Commission officials: although they may serve as points of access for their compatriots (Michelmann 1978), and their attitudes on broad issues like capitalism and supranationalism may be linked to their nationality (Hooghe 2001), their actual behaviour is probably best accounted for by considering their bureaucratic role (Nugent 2001; Egeberg 2006). This seems to hold even for 'national experts' who are seconded from their governments to serve at the Commission for a limited number of years (Trondal 2006). Consistent with this, an overwhelming majority of national officials participating in Commission and Council committees considers Commission officials to act mainly independently of particular national interests (Egeberg *et al.* 2003).

Moreover, there is reason to believe that the Commission has gained *more* autonomy from national governments over time, at the political as well as the administrative level. Concerning the College level, the Amsterdam Treaty assigned somewhat more leeway to the Commission President-elect as regards the selection of commissioners, and this leeway has been widened in the Constitutional Treaty. After Amsterdam the president also acquired the final say in how portfolios are allocated and even the right to reshuffle the team during the Commission's five-year term of office by redistributing dossiers, thus making it difficult to attach particular national flags to particular directorates general. Also, the president is authorised to dismiss individual commissioners. The Prodi Commission, furthermore, made *cabinets* more multi-national in composition^{iv}. This has probably

changed the role of entities previously portrayed as national enclaves (Michelmann 1978), or as being apparently sensitive to national interests (Spence 1994:107-108; Cini 1996:111-115).

Developmental trends and reform efforts pertaining to the services over the years all point in the same direction: territorial components in the organization have continuously been weakened. In previous decades the community administration had to rely heavily on national civil servants on short-term contracts (Coombes 1970), while currently a large majority are employed on a permanent basis (Page 1997). While the Commission is supposed to maintain a broad geographical balance, nationality has been declared no longer be the determinant in appointing a new person to a specific post^v. A long-term trend seems to be that the Commission services have gradually enhanced their control of recruitment and appointment decisions (Peterson 1971). New procedures for appointing top officials seem so far to have contributed further to actually reducing the amount of interference by governments or Commissioners in such processes (Egeberg 2006).

Sectorisation

Organisational devices such as the increased discretionary power conferred upon the president, the required multi-national staffing of *cabinets*, more permanent administrative posts, as well as new rules of procedure for appointment of senior officials seem to have enhanced the actual autonomy of the Commission at the expense of national governments. However, while territorialisation has lost ground to autonomisation, sectorisation may simultaneously have challenged the autonomisation process. Since the Commission divides its work primarily according to the purpose or sector principle, it attracts in turn similarly structured societal interest groups (Kohler-Koch 1997). These organisations find clearer points of access to such structures than they would to structures arranged according to

geography. At the same time, policy-makers in a sectorised bureaucracy may come to see co-optation or involvement of societal groups within their issue area as a route to legitimisation of policy proposals (Andersen and Eliassen 2001). According to the Commission's white paper on governance, 'with better involvement comes greater responsibility'^{vi}. Thus, understandably, the Commission has in fact encouraged the formation of EU-level interest organisations (Mazey and Richardson 1996).

While sectorisation, like territorialisation, may threaten institutional autonomy, sectorisation displaces territorialisation. The Commission might (in theory) have been organised primarily by territory so that each of the directorates general (DGs) corresponded to a particular member state. Each geographically-based DG could have been composed of officials seconded from the national administration of the country served by that particular DG. Each commissioner might have been in charge of the DG that was to serve the country from which he or she had been nominated. However, things are in fact arranged quite differently. Although there certainly are, as mentioned, some territorial components in the structure of the Commission, most are non-territorial: the division of labour among DGs reflects different sectors or functions rather than geographical areas. Most posts are permanent and filled – according to merit, with a view to geographical balance – by the Commission services themselves. Units and *cabinets* are staffed multi-nationally to avoid national clusters or enclaves. On this basis it makes sense that empirical studies portray decision-making at the Commission as more often politics among sectoral portfolios (or DGs) than politics between nation-states (Coombes 1970:203; Cram 1994; Cini 2000; Hooghe 2000; Mörtz 2000; Egeberg 2006).

Party politicisation

It has been argued above that the Commission, at the political as well as the administrative level, has, over time, enhanced its autonomy in important respects in relation to national governments. One could, however, similarly assert that the College of commissioners has become more dependent on the European Parliament (EP). From the very inception of the ECSC, as forerunner of the EP the Assembly had the power to dismiss the whole of the College, though not individual commissioners. The Maastricht Treaty codified the right of the EP to be consulted before the president of the Commission could be appointed and also that the College shall be subject to a vote of approval by the EP. In 1999 the EP adopted as a resolution a report by its Committee on Institutional Affairs advocating a stronger link between the results of the European election and the nomination of the College of commissioners and its programme for the parliamentary term. The Constitutional Treaty largely supported this resolution by stating that the European Council, when proposing its candidate for president of the Commission, should take into account the elections to the European Parliament. According to the Constitution, the candidate would be *elected* by the EP, not only 'approved' (Article I-26). While it remains to be seen whether the Constitution materialises fully, as shown, some small steps towards a parliamentary system have already been taken. And in searching for a candidate to succeed Prodi as commission president, the actors seemed to behave *as if* the parliamentary principle had already come into force. In fact, a candidate who was not anchored in the winning party group seemed to be out of the question. Since the incoming president has been empowered to allocate the portfolios, he or she might assign dossiers which he or she considers particularly important to commissioners belonging to the same political wing, thus giving the College a more consistent ideological profile. Moreover, there are indications of an increasingly stronger role for the European-level political parties in the process of selecting the person for the

commission presidency. Barroso had been a vice-president of the European Peoples Party, the biggest group in the EP, and was this party's candidate for the presidency (Ludlow 2004; Johansson 2005). It's probably too early to draw a firm conclusion as regards the robustness of this practice, however, it might indicate that the role of the nominating body, the European Council, could become more similar to the role of the monarch as regards the nomination of the prime minister in a parliamentary democracy.

Highly compatible with a development in a more parliamentary direction is also the growing proportion of genuine politicians rather than technocrats in the College so that the former have become completely dominant. Commissioners are also more often political heavyweights with experience as former ministers, often at a senior level (MacMullen 2000). The fact that commissioners participate at their respective European political party meetings might be interpreted as a significant expression of the relevance of their partisan role^{vii}. Party politicisation would threaten autonomisation processes at the Commission. However, as with sectorisation, party politicisation would displace territorialisation: it would bring to the fore ideological lines of conflict and cooperation rather than politics among nations. It may represent an alternative route to legitimisation of the institution and its policy proposals.

Demarcating the administrative level from the political one

Self-management of the services

From an organization theory point of view, one way of handling the tensions associated with the Commission's development is to separate more clearly the

political and administrative levels. Autonomisation of the services could be justified on the grounds that they should be capable of impartially implementing, or monitoring the implementation of, common policies, and of providing reliable knowledge and ‘Europeanised’ policy expertise for the College of Commissioners. The College, on the other hand, obviously a genuine political body, could derive its legitimacy from being accountable to external bodies such as the directly elected EP or, as the Commission has proposed, to the EP as well as to the European Council^{viii}.

In fact, an emerging dual structure could be discerned at an early stage of the Commission’s history. Monnet himself seems to have preferred a small, informal and integrated Commission (Duchêne 1994:240). However, after his departure, a larger gap opened between the High Authority’s college and its officials than he had planned. For example, the growing difference between the two echelons as regards recruitment patterns pointed in such a direction (MacMullen 2000). And as we have seen, the services themselves gradually gained more control over their appointment processes, a feature indicating a more British or Scandinavian type of administration compared to the continental ones from which it had originated. Thus, while politicisation of civil service careers seems to have increased in most Western countries in the early twenty-first century (Rouban 2003:316), the opposite trend has been observed at the Commission. Moreover, the Prodi Commission spelled out how *cabinets*’ ‘policy creep’ should be stopped. They should be down-sized and multi-nationally composed. They are to assist commissioners in particular in policy areas outside their portfolios, but should avoid interfering in departmental management^{ix}.

Agencification at the EU level

During the 1990s a range of new EU-level agencies were established. The main function of some of these, such as the European Environment Agency, is to gather information in order to support EU policy-making and implementation across the Union. Others are entrusted with the responsibility to prepare decisions to be made by the Commission, as is the case for the European Agency for the Evaluation of Medicinal Products. Others are assigned implementation tasks such as assisting the Commission in the management of EU programmes. In highly specialised areas such as trademarks or plant variety rights, or more recently aviation safety, such agencies come close to independent regulatory authorities since they are empowered to issue binding individual decisions (Dehousse 2002).

The arguments behind EU-level agencification are remarkably similar to those that have been advanced in relation to the establishment of agencies at the national level. Commission overload seems to be one important reason for delegation. Another is to ensure continuity and impartiality as regards (individual) regulatory decisions by organising such decision-making in bodies at arm's length from the respective ministries (Majone 1996; Everson *et al.* 1999). An increasingly party politicised Commission could make such reforms even more topical (Majone 2002).

In many respects most agencies are clearly connected to the Commission: they work closely with the Commission, the Commission may have the organisational or budgetary responsibility for the agency and agency directors are usually appointed on a proposal from the Commission (Everson *et al.* 1999; Almer and Rotkirch 2004). As might be expected, though, given the character of the areas concerned, the European Defence Agency (for the development of defence capabilities) is supposed to work under Council authority and the police

cooperation unit 'Europol' has to operate under 'European laws' (Constitutional Treaty, Article III-276). However, most agencies can be perceived as being situated somewhere between the Commission and the Council. Typically, there is a strong representation by the member states and a more limited representation by the Commission in the composition of supervisory boards (Almer and Rotkirch 2004: 58). Since some agencies may be seen as partly a functional alternative to comitology (Dehousse 1997) this 'double-headedness' makes sense: it reflects the legislator's willingness to sit in and monitor delegated law-making activities. More generally, the 'in-between status' mirrors a non-parliamentarian, 'power-separated' polity. As in the US, agencies are part of the power struggle between executive and legislative branches (Shapiro 1997). Since the legislator cannot hold executive politicians fully accountable, it is instead eager to have some direct influence over regulatory agencies. A parliamentarised EU would not solve this problem since the other legislative chamber, the Council, would not be part of such an arrangement.

A multilevel Union executive?

From the Commission's point of view, having to rely on national governments for implementation of EU policies makes community policies vulnerable to distortion. Studies show that implementing through national governments exposes common policies to considerable influence from national politics and administrative traditions (Goetz 2000; Heritier *et al.* 2001; Knill 2001; Olsen 2003; Sverdrup 2006a; Olsen 2007). In order to push standardisation of administrative practices across countries a bit further, some directives have contained specific requirements as to how national agencies should be set up (such as in the fields of communication and transport), with the underlying assumption of a close relationship between structure and actual implementation behaviour. Clearly, policy harmonisation would increase further if the Commission could run its own agencies at the national level. This is, however,

entirely unrealistic and not even an objective for the Commission, which rather prefers to focus on policy development^x. As an alternative to Commission-run agencies, the idea has been launched of a networked administrative system, according to which the Commission could partly 'dispose of' national agencies organised at arm's length from ministerial departments^{xi}.

There are studies within five different policy fields which explicitly aim at examining the extent to which national agencies act in a 'double-hatted' manner. In all of these – the competition area (Støle 2006; Barbieri 2006), telecom sector (Nørgård 2006), food safety area (Ugland and Veggeland 2006), environmental field (Martens 2006; Barbieri 2006) and statistical area (Sverdrup 2006b) – national agencies simultaneously constitute parts of national governments while also being involved in European networks in which the Commission or a EU-level agency often makes up the hub. Several observations are consistent across policy sectors: most typically, that as integral parts of national governments, national agencies assist their respective ministries at Council and comitology meetings. In these settings there is usually no doubt about who is the leader of the delegation or who is entitled to and in fact does instruct those attending; it is the ministry. Also, when EU directives are to be transposed into national legislation, national agencies often do much of the preparatory work, with which they are familiar from other legislative processes. Here again they seem to be relatively attentive to what the ministry wants. On all these occasions, though, it is the agencies that possess most of the necessary expertise.

When it comes to putting the transposed legislation into practice, however, the role of national agencies seems to shift remarkably. At this stage they may operate in close cooperation with their respective directorates in the Commission and their respective 'sister agencies' in other member states, often through networks. This

means that national agencies may end up having to defend decisions that are in conflict with the intentions of their own governments. For example, while the Swedish government supported the attempted merger of Volvo and Scania, and even lobbied for its acceptance in Brussels, the Swedish competition authority advised against the merger (Støle 2006). Such clashes of course also occur at the national level quite independently of the EU; they are inherently linked to fragmented governments. What is probably new is that the national agency, in a way, acts on behalf of a *second* master or centre, or at least on behalf of a transnational network of agencies in which the EU executive may constitute a node. The Commission may itself have initiated the creation of such a network, as in the telecom sector (Nørgård 2006) or in the education area (Gornitzka 2007). However, the EU executive has also successfully linked into existing networks that may have been relatively independent (Eberlein and Grande 2005: 101-2) but for which it has gradually taken over the coordinating functions, as seems to be the case for the implementation network of pollution authorities (Martens 2006). Like national ministries, the Commission might be perceived by national experts as a potential threat to their independence (Ugland and Veggeland 2006). In addition to playing a crucial role at the implementation stage, agency networks may also contribute in the policy formulation phase at the Commission. The case studies above show that ministries are usually informed about network activities. However, they tend to abstain from steering network activities, for example by appointing and instructing participants. Interestingly, there are indications that such interference is deemed inappropriate, at least by the agency personnel themselves.

Motors of change

We have so far dealt with new forms of executive organisation at the national as well as the international level and, from an organisation theory perspective,

considered how these forms might have changed important elements of executive politics. Thus, it has been shown how agencification (vertical specialisation) and the establishment of 'single-purpose organisations' (horizontal specialisation) affect power relations between executive politicians and experts, the weight assigned to various concerns and considerations in decision processes and the degree of actual coordination among policy areas. As regards the Commission, we have seen how organisational devices, like its sectorally and functionally divided structure, probably have enhanced its actual autonomy from national governments and the Council by partly displacing territorial politics in the Commission. The peculiar institutional architecture of the EU, characterised *inter alia* by a separate executive body, then triggers centrifugal forces at the very heart of national governments, forces that cannot be expected to occur from classic IGOs. Thus, we see the contours of new patterns of executive politics also across levels of governance and national borders in which the Commission, EU-level agencies and national agencies may to some extent circumvent ministerial departments and act relatively consistently within various policy fields as a kind of Union administration.

But how do these assumed organisational prerequisites for new patterns of executive politics themselves come about? How do we account for the fragmentation of governments and the formation of a new executive centre at the European level? As regards the former, the literature lists a range of explanatory factors without making a clear ranking among them. Agencification, which may simultaneously imply horizontal splits of formerly integrated bodies into, e.g., regulators, service providers and infrastructure owners, has been seen as the result of such various things as deliberate design, institutional fashion and isomorphism, institutional traditions and path dependence, and contingent events (Thatcher 2002; Christensen and Lægreid 2006). As an example of the design perspective, principal-agent analysts have been explaining politicians' delegation of powers to

non-majoritarian institutions in terms of insulation from political pressures, thus aiming at enhancing so-called ‘credible commitment’ as well as efficiency by allowing experts to exercise a considerable degree of discretion. Another purpose may be to shift blame onto an agency for unpopular decisions (Thatcher and Stone Sweet 2002; Coen and Thatcher 2005).

However, in order to come to grips with the timing and pace of government reforms we have to look beyond principal-agent analysis. Why did the reforms we are focusing on spread almost worldwide since the 1980s and not twenty years before? And, why were some governments reluctant reformers while others were vanguards? An answer to the first question is that this particular wave of organisational reforms probably has to be understood in the context of post-Keynesianism and neo-liberalism, the *Zeitgeist* (Majone 1996). The ideology’s organisational expression was New Public Management (NPM) which rapidly became institutionalised in the sense that its prescriptions were deemed legitimate almost regardless of variation in local needs (Meyer and Rowan 1977; Wright 1994). An answer to the second question is that national institutional traditions constrain both reformers’ scope of action and environmental impacts (Olsen 2007). Thus, as said, NPM reforms have not been implemented to the same degree in countries in which administrative cultures are less compatible with the reform ideas (Pollitt and Bouckaert 2004; Christensen and Lægreid 2006).

How, then, do we account for the formation of a new executive centre at the European level? Taking as our point of departure the chronologically ordered empirical examples in the section ‘The development of international governmental organisation’, the apparent ‘stickiness’ of the intergovernmental model is indeed a striking observation. The territorially based decision structure certainly seems to be *the* institutionalised model for organising politics at the international level. Since the

first steps in the direction of a more regularised multilateral diplomacy happened in the wake of the Vienna Congress 1814–15, the model has survived until this day and seems indispensable and ubiquitous in all government arrangements at the international level (Schiavone 2005). In the EU, the classic model is of course primarily reflected in the set-up of the Council; probably the most important legislative body of the Union, a body that also has executive functions within the area of a common foreign and security policy. Thus, the fact that the Council has an intergovernmental structure somewhat similar to the second legislative chamber (the *Bundesrat*) of the Federal Republic of Germany does not mean that the EU has copied the Germans' rather peculiar arrangement. Rather, it signals the institutional robustness of the classic model and the inherent path dependence as regards organising politics at the international level.

The second striking lesson that might be drawn from a simple chronology of organisational forms is that although there obviously is an enduring intergovernmental core, there nevertheless seems to have been taking place a continuous expansion and refinement of structures. Over time they have become more subtle and complex, perhaps endowed with more capacity for order and problem solving. Such developments may be interpreted as organisational learning processes which are *inter alia* mirrored in the growth of secretariats, buildings, procedures, role differentiation and committee systems.

Finally, the third remarkable observation is that some changes seem to have more the character of leaps or innovations than of incremental changes. According to historical institutionalists, critical junctures at which existing institutional arrangements may be placed on new paths or trajectories are often attributed to big, exogenous shocks such as war or economic crisis (Ikenberry 1998; Pierson 2004; Olsen 2007). Under such circumstances, 'steep learning' may take place and actors

may come to accept solutions they wouldn't otherwise accept. Thus, the Westphalian order can be seen as an innovative response at that time to the shock caused by the Thirty Years War. In the same vein, the Napoleonic Wars may have constituted a catalyst for the qualitative changes that followed the Vienna Congress (Schroeder 1996). Moreover, the First World War may have been a prerequisite for shifting track to a considerable extent as regards international security organisation (Steiner 2005). Finally, the new catastrophe in the years 1939–45 may have opened the door for the most radical reform of international organisation seen so far. However, as shown, organisational innovations do not seem to replace existing arrangements; they are rather *layered* around existing bodies (Thelen 2003). Moreover, shocks do not necessarily lead to innovation: the UN, OEEC, NATO and the Council of Europe all inherited the territorially based structure at their core. So it is quite possible that the peculiar design of the EU and its predecessors has to be attributed to the *entrepreneurship* of Jean Monnet, adviser to the French foreign minister Schuman. Monnet had, among several things, been a deputy secretary general of the League of Nations and was highly convinced that politics at the international level had to be organised differently from the intergovernmental model which he saw as belonging to 'the old order' (Duchêne 1994: 241). Entrepreneurs provide skills beyond what follows from their organisational roles. On the other hand, without a relevant organisational platform and a window of opportunity such skills may never be translated into action.

Conclusion

I have argued in this paper that there are indications of significant changes in patterns of executive politics in Europe over the last couple of decades. Most importantly, European governments, or more correctly, *parts* of national governments, seem to some extent to have become parts of a kind of European

government as well. Case studies within various policy fields have unveiled the ‘double-hattedness’ of national (regulatory) agencies: on the one hand they continue to serve national ministries, but on the other hand they take part in the formulation and implementation of EU policies in close cooperation with the European Commission or EU-level agencies, with relative independence from their respective ministerial departments. Needless to say, in the latter role they may have to defend positions not necessarily shared by their respective governments.

It has been argued that there are two major institutional prerequisites for this new pattern of executive politics across levels of governance and national borders to emerge; one at the European level and one at the national level. As regards the European level, it seems clear that the centrifugal forces present at the very heart of national governments cannot stem from classic IGOs. These forces occur due to the actual ‘emancipation’ of the Commission as a new executive centre outside the Council. Through organisational reforms it has become more similar to national governments both in terms of structure and functioning. While having become more independent of national governments it has at the same time involved interest groups and, increasingly, strengthened its ties with the European Parliament so that we might speak of a kind of pre-parliamentarian system at the EU-level. The establishment of the Commission’s predecessor, the High Authority, represented a genuine innovation as regards the organisation of executive politics at the international level. To explain this establishment mainly as governments’ (‘principals’) delegation of powers to a supranational body (‘agent’) seems somewhat incomplete. Probably, this innovation cannot be properly understood without taking into account the accumulated experiences of passed generations, including repeated fatal systemic breakdowns, over a very long period of time.

However, a new executive centre at the European level doesn't in itself result in the new patterns of executive politics across levels that have been focused on in this paper. After all, the original 'EU model' is based on 'indirect administration' which means that it should be a clear division of labour between the two levels: policies made at the EU level are (for the most part) to be implemented by national governments which enjoy a kind of 'administrative sovereignty'. Therefore, an additional institutional prerequisite for the new patterns of multilevel executive politics to evolve is fragmented national governments. It is precisely when national agencies are vertically as well as horizontally decoupled that they are open for being re-coupled into new administrative configurations. Thus, the erection of semi-detached agencies and 'single purpose bodies', which enjoy considerable autonomy also in practice, has provided the necessary administrative infrastructure for the reconfiguration to take place. The motor of change in this case is also multifaceted, however, behind organisational reforms neo-liberal ideology seems to have played a crucial role, at least at an initial stage.

We started by contending that standard portrayals of modern government still tend to focus on the national and sub-national levels of government. And, we asked if a kind of 'methodological nationalism' has hindered us from seeing the new emerging executive centre at the level above and the re-coupling of nationally decoupled agencies into a new multilevel Union administration. Drawing on insights from the study of international relations, and in particular from EU studies, may help to fill this gap. On the other hand, students of EU politics and governance may learn from students of comparative government and public administration that things they tend to consider as given and stable, as for instance the existence of semi-independent national regulators (or regional governments), are much less so. The logic of public reform is that reforms often, after a while, trigger reforms in the opposite direction. As shown in this paper, organisational

measures aiming at compensating for deficiencies caused by 'first generation NPM reforms' are under their way. So-called 'joined-up government' or 'whole of government' reforms might, if zealously implemented, change some of the conditions under which the new multilevel administrative order has developed.

Notes

i An important exception to this 'methodological nationalism' is Hayward and Menon (2003) in which 'governing Europe' clearly is a multilevel phenomenon.

ii Cf., European Governance. A White Paper, COM (2001) 428 final, p. 8, and For the European Union. Peace, Freedom and Solidarity. Communication of the Commission on the Institutional Architecture, COM (2002) 728 final, p. 18.

iii Cf., for example, European Voice 14-20 Nov. 2002, and 22-28 May 2003-08-18.

iv European Voice 22-28 July 1999.

v Press statement by Vice President Neil Kinnock, 29 September 1999.

vi European Governance..., p. 15.

vii At least, this is the case for social democratic commissioners. Source: Espen Barth Eide, member of the presidency of the Party of European Socialists (PES).

viii For the European Union..., p. 18.

ix European Voice, 22-28 July, 1999.

x Externalization of the Management of Community Programmes – including presentation of a framework regulation for a new type of executive agency (COM (2000) 788 final).

xi Externalization..., p. 6.

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