IMAGES OF AGENCY GOVERNANCE IN THE EUROPEAN UNION

Community institutions, autonomous administrative spaces, or multilevel network administrations?

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ABSTRACT

Diagnosis of the transformation of executive governance in Europe must incorporate the diverse dynamics of EU-level agencies. This paper conceptualises theoretically and explores empirically multiple images of governance of EU-level agencies. Based on a rich body of survey (N=265) and interview (N=29) data among three regulatory and four non-regulatory EU level agencies, the paper demonstrates that EU-level agencies primarily combine the roles as autonomous administrative spaces and multilevel network administrations. Hence, EU-level regulatory *and* non-regulatory agencies blend two models of governance. Moreover, the most important role observed among EU-level agencies is indeed as multilevel network administrations. Finally, this paper demonstrates that EU-level non-regulatory agencies score systematically higher on all governance dynamics compared to EU-level regulatory agencies. The role as a multilevel network administrator is thus more central to EU-level non-regulatory agencies, whereas the role as an autonomous administrative space is more paramount among the EU-level regulatory agencies.

Key words: EU-level agencies, autonomy, Community, governance dynamic, network

INTRODUCTION

This paper explores the transformation of executive governance in Europe by unpacking the

diverse dynamics of EU-level agencies. Recent years have witnessed comprehensive reform

efforts of the European Commission (Commission), partly to fill the institutional vacuum

between the Community and the member-state level of government. One constituent

ingredient thereof has been the institution of non-majoritarian European Union (EU)-level

agencies with regulatory and non-regulatory discretionary competences beneath the

Community institutions (Commission 2005). The ambitions of this paper are twofold: First,

the paper conceptualises theoretically the diverse images of *governance* of EU-level agencies.

EU-level agencies are conceptualised (I) as *autonomous administrative spaces* with formal and factual independence vis-à-vis the Community institutions, and finally, (II) as *EU-level Community institutions*, serving as integral parts of the EU institutional apparatus, and (III) as *multilevel network administrations* that serve to integrate webs of domestic and EU-level agencies, ministries, interest organisations, research institutes, and external experts. These conceptual models are hereafter labelled Model I, Model II and Model III and they highlight overlapping, supplementary, co-existing and enduring governance dynamics among EU-level agencies. These dynamics are likely to co-exist, but the mix may change over time (Olsen 2006). Secondly, these models are empirically illuminated by a rich body of survey data (N=265) and interview data (N=29) on civil servants in seven EU-level agencies. These data cover three regulatory agencies (EASA, CVPO, OHIM)[1] and four non-regulatory agencies (OSHA, EUROFOUND, EEA and EMCDDA)[2].[3] The paper demonstrates how European integration happens by 'stealth' through the emerging mosaic of EU-level regulatory and non-regulatory agencies (Majone 2005).

Whereas agencification is an old phenomenon within European government systems (Wettenhall 2005), the 'agency fever' at the EU level is more recent (Kelemen 2002). We can distinguish between three waves of EU agency formation – the first in 1975[4], the second from 1990 to 1999[5], and the third from 2001 to present (2006)[6] (Szapiro 2005). According to the White Paper on Governance (2001: 24), EU-level agencies contribute to technical and sectoral know-how, increased visibility of policy sectors, administrative cost-savings, and strengthening of the abilities of the Commission to focus on core tasks. The creation of EU-level agencies is also one way for the Commission to control the implementation of community regulation, to strengthen the capacities of the Commission to become political secretariats by hiving off technical tasks to semi-autonomous agencies, as well as securing

"expertise, credibility and visibility" (Commission 2005: 3). Still, there is a dearth of research on EU-level agencies in the EU governance literature. Studies of EU-level agencies is foremost centred on analysing agency establishment and reform (Geradin and Petit 2004; Groenleer 2006; Krapolh 2005; Kelemen 2002; Randall 2006; Thatcher and Stone Sweet 2003; Vos 2000). At present, only some few studies offer primary data on the actual decision-making dynamics unfolding within EU-level agencies (e.g. Egeberg 2006; Everson et al. 1999). Diagnosis of the transformation of executive governance in Europe must embrace the diverse dynamics of EU-level agencies.

EU-level agencies are depicted with multiple images in the literature and in official documentation. Whereas a recent Commission White Paper on EU regulatory agencies (2005) pleas for agency autonomy (Model I), the White Paper on Governance (2001) pleas for stronger Commission control on EU-level agencies (Model II). Finally, Egeberg (2006) pictures EU-level agencies as the hub in an emerging multilevel union administration that is characterised by administrative networks, fusion and *engrenage* (Model III). The vast majority of the agency literature is centred on domestic agencies in general and US federal agencies in particular (e.g. Christensen and Lægreid 2006; Pollitt et al. 2004; Thatcher and Stone Sweet 2003; Wilson 1989). Empirical studies of domestic agencies observe unintended consequences of establishing agencies (Thatcher and Stone Sweet 2003), reduced political control (Christensen and Lægreid 2006), increased agency autonomy vis-à-vis the Parliament and partisan politics (Shapiro 1997), and vis-à-vis the ministry level (Döhler 2003). This paper demonstrates that EU-level agencies mainly combine two dynamics of governance by combining the roles as autonomous administrative spaces (Model I), and as multilevel network administrations (Model III). Hence, EU-level regulatory *and* non-regulatory agencies blend two models of governance. Agency dynamics are ultimately determined by how trade-

offs between these models of governance are handled in day-to-day decision-making (Wilson 1989: 327). Images of agency governance are assessed by considering two classes of proxies: organisational proxies and actor-level proxies. Organisational proxies include (i) the financial base of the agency, (ii) the composition of the management board, and (iii) the organisational specialisation of the agency. Actor-level proxies consist of (iv) the decision-making behaviour of the staff, (v) their individual role perceptions, and (vi) the identify conceptions of the incumbents. Hence, agency dynamics are measured partly by the organisational capacities of the agencies and partly by "exploring the beliefs and meanings through which [the officials] construct their world" (Bevir, Rhodes and Weller 2003: 4).

The paper proceeds as follows: The next section unpacks the conceptual models introduced above and applies the organisational and actor-level proxies to this end. Next, the survey and interview data is presented. The empirical analysis is divided into to separate parts. Part one applies the organisational proxies to assess the diverse organisational images of EU-level agencies. Part two utilises the actor-level proxies to analyse actor-level images of EU-level agencies. Finally, the conclusion summarises the main empirical observations and compare these findings with key observations in the EU-level agency literature.

IMAGES OF AGENCY GOVERNANCE: THREE CONCEPTUAL MODELS

Theoretically, the agency literature is strongly informed by rational choice approaches generally and the principal agent perspective in particular, demonstrating how the formal design of agencies may reduce "agency losses" and subsequently "runaway bureaucracy" (Calvert, McCubbins and Weingast 1989; Curtin 2005; Geradin, Munoz and Petit 2005; Thatcher and Stone Sweet 2003). Other theoretical contributions to the agency literature have applied network theory (Eberlein and Grande 2005), institutional perspectives (Pollitt et al.

2004) as well as organisational theory (Egeberg 2006). EU-level agencies are unsettled administrative orders, constantly under scrutiny, reform and counter-reforms (Pollitt et al. 2004: 246). Our endeavour is to unpack enduring governance dynamics that are likely to emerge among EU-level agencies. This section suggests the following three models or images: Model I: EU-level agencies as autonomous administrative spaces; Model II: EU-level agencies as Community institutions; and Model III: EU-level agencies as multilevel network administrations.

Model I: EU-level agencies as autonomous administrative spaces

As seen from the concept of the 'European Regulatory State', EU-level agencies may take on a life of their own by having *de facto* considerable leeway, substituting system unity with institutional diversity (Moran 2002; Stone Sweet and Sandholtz 1998). "Most of the time, integration into a larger organized system competes with the desire for autonomy among the system's components" (Olsen 2005: 4). Decentralisation of responsibility and authority to subordinated agencies is shown to involve a net loss of political control and a net gain of agency autonomy (Christensen and Lægreid 2006; Whitford 2002). The recent Commission White Paper on EU regulatory agencies (2005) pleas for augmenting agency autonomy. Having legal personality, EU-level agencies, notably the regulatory agencies, are seen as trustees with fairly broad mandates and guarantees of independence (Majone 2003). "[T]he Commission cannot give instructions to the agencies or oblige them to withdraw certain decisions" (Szapiro 2005: 4). "A *European* Administrative Space denotes that public administration operates and is managed on the basis of common European principles, rules and regulations uniformly enforced in the relevant territory" (Olsen 2003: 506). Legitimacy to EU-level agencies is conceived as reflecting the formal autonomy of the agencies vis-à-vis the Community institutions, and symbolised by their geographical distance from Brussels.

Debates on agency formation and agency localisation tend to trigger heated discussions among the member-states. The case of EASA is illustrative. The predecessor of EASA was the Joint Aviation Authority (JAA), an intergovernmental institution issuing recommendations to the member-states with regard to aviation safety. JAA was supplemented with a new Community institution with regulatory powers (EASA). It was also decided that EASA should be geographically relocated from Brussels to the current headquarter in Cologne. This decision caused clashes between member-states at the Laeken Summit in December 2001 (Kelemen 2002). Decisions to locate agencies at arms length distance from Brussels intend to symbolise agency autonomy and power vis-à-vis the Community institutions.

"The consequence of creating agencies has been to populate the policy area with actors (agents) who have their own priorities, interpretations and influence" (Wilks and Bartle 2003: 148). Thatcher (2005) reveals that domestic-level agencies maintain large amounts of autonomy vis-à-vis elected politicians. Similarly, studies of European Central Banks shows that institutional autonomy is safeguarded by a scientification of the institutions (Marcussen 2005). Hence, an epistemic logic seems to strengthen institutional autonomy vis-à-vis partisan politics and politico-administrative steering. Finally, comparative studies on international executive institutions shows that subordinated agencies beneath intergovernmental organisations are likely to acquire large amounts of autonomy in day-to-day decision-making (Barnett and Finnemore 2004).

Agency autonomy is likely to be cultivated if, (i) they are financially independent by having own financial revenues; (ii) if they have a management board dominated by own agency staff; (iii) if they have an organisational structure that is incompatible vis-à-vis the Community

bodies thereby strengthening organisational borders between the Community level and the agency level; and (iv, v, vi) if they are dominated by (1) *departmental* and/or (2) *epistemic* governance dynamics. (1) A *departmental governance dynamic* predict agency civil servants to be "neutral, intelligent, generalist professionals who advice ministers" (Richards and Smith 2004: 779). Agency officials are thus expected to evoke classical Weberian civil servant virtues, being party-political neutral, attach identity towards their agency unit and division, and abide to administrative rules and proper procedures (Barnett and Finnemore 2004: 167). This is the Westminster model that sees officials as neutral, permanent and loyal (Richards and Smith 2004: 783). (2) The *epistemic governance dynamic* predicts agency staff to enjoy a great deal of behavioural discretion and being influenced by external professional reference groups (Wilson 1989: 60). They are thus assumed to prepare dossiers, argue and negotiate on the basis of their professional competences and legitimate their authority on neutral competences (Haas 1992). Their decision-making behaviour is expected to be guided by considerations of scientific and professional correctness and the power of the better argument (Eriksen and Fossum 2000). This is the 'Monnet official' who is institutionally independent from any constituencies and a high-flying and mobile technocrat.

Model II: EU-level agencies as Community institutions

EU-level agencies may be pictured as integral components of a larger EU institutional system. Agency autonomy is thus sacrificed for the Union's need for integrated and uniform administration (Olsen 2003). According to this model, the organisational borders between the Community institutions (notably the Commission) and the agency level are blurred, both to the observers and to the decision-makers themselves. According to Hofmann and Turk (2006: 592), EU-level "[a]gencies integrate national and supranational actors into a unitary administrative structure…". Similarly, Everson and Joerges (2006: 529) claims that

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"European agencies are far from being independent instances…[They] remain firmly ensconced within the institutional umbrella of the Commission". In organisational terms EUROSTAT and OLAF is formally integrated into the Commission services, while legally being separate agencies with their own director and management board. Most EU-level agencies, however, are vertically specialised outside the Community bodies. Still, these agencies are likely to lack factual autonomy if: (i) they are financially dependent on the Community, notably by the power of the European Parliament to dis/approve the annual agency budgets; (ii) if EU-level agencies have a management board dominated by community representatives, (iii) if they have a compatible organisational structures vis-à-vis the Community institutions – notably the Commission – that safeguard strong organisational links between the agency and Community bodies; and (iv, v, vi) if the agency staff is dominated by a *supranational* governance dynamic. A Supranational governance dynamic denotes that the agency staff has a "cosmopolitan" loyalty towards the *whole* Community, having a preference for "the common European good", and acting on mandates and instructions issued by the Community politico-administrative leadership (cf. Table 1 beneath).

The White Paper on Governance (2001) appealed for stronger Commission control of EU-level agencies, while also underscoring the limited roles played by such agencies. However, the Commission also appeals to create a delicate balance between agency autonomy and Community control (Commission 2005: 6). During the discussion on the White Paper on Governance, the Commission seemed increasingly reluctant to grant autonomy to EU-level regulatory agencies by suggesting that the management board of such agencies should be equally represented by the Commission and the Council, and that the agency director should be appointed by the Commission (Almer and Rotkirch 2004: 59; Skjerven 2005: 56). The White Paper on Governance (2001) also underscores that agency staff are under the same staff

regulations as ordinary Community Administrators (Commission 2005: 20). Moreover, despite EU-level regulatory agencies are often seen as being more autonomous than non-regulatory agencies, EU regulatory agencies are not "full regulators, but generally operate to assist the Commission in fulfilment of its functions" (Geradin, Munoz and Petit 2005: 71). They are only authorized to make individual decisions based on existing secondary legislation. EU-level regulatory agencies are thus an "instruments of centralization" of regulatory functions from the member-state level to the EU (Community) level. They are regulatory agencies without regulatory powers (Majone 2005: 97).

Model III: EU-level agencies as multilevel network administrations

Model III pictures EU-level agencies as the focal point in an emerging multilevel network administration that spans level of governance. Model III sees EU-level agencies as porous and transparent institutions, penetrated by webs of external actors and institutions. Agency governance is thus disaggregated at their institutional frontiers where seamless webs of actors that challenge agency autonomy (Model I) and Community coherence (Model II) (Rosenau 1997; Slaughter 1998: 15). These networks create institutional links between the agency and external institutions, notably the Commission, industry, non-governmental organisations, universities and research institutions. Agency governance is ultimately about governing webs of formal and informal, stable and unstable, institutionalised and poorly institutionalised networks. "The result is to advance 'experts and enthusiasts'" (Slaughter 2004: 9). The White Paper on Governance (2001: 17) argues that "…the Commission could develop more expansive partnership arrangements". Similarly, Hofmann and Turk (2006: 87) argues that one of the main tasks of EU-level agencies is "the integration of national administrations into [the] operation [of EU-level agencies] to create a unitary form of administration in their respective field of operation". Administrative networks of these kinds may serve the functions

of "information networks", "planning networks" and "enforcement networks" (Hofmann and Turk 2006: 91). Similarly, Eberlein and Grande (2005) conceptualise regulation through EU-level agencies as "transnational regulatory networks". EU-level agencies network to achieve shared expectations and standards across levels of governance, and the EU-level agencies serve as the central node in these networks (Majone 2005: 101).

The multilevel network model is likely to be fostered among EU-level agencies, if (i) the financial base of the agency is multifaceted, combining revenues from the Community, allowances from the member-states, income from the market, and own agency budgets; (ii) if the management board is dominated by external representatives, for example member-state representatives pursuing member-state preferences; (iii) if the organisational structure of the agency is multi-standard, combining multiple horizontal and vertical organisational principles that augment access for external actors and institutions. Agencies that are multiply organised have organisational capacities to incorporate multiple concerns, preferences, actors and institutions in day-to-day decision-making.[7] Finally, (iv, v, vi) the multilevel network model is characterised by the presence of *multiple and differentiated* governance dynamics among the agency staff. The multilevel network model is likely to accommodate a balanced mix of *supranational, departmental and epistemic* governance dynamics among the agency staff.

Table 1 summarises the proxies introduced above to assess the differentiated dynamics of EU-level agencies.

[Table 1 about here]

DATA AND METHODS

The analysis presented below benefits from a rich body of survey and interview data on civil servants in seven EU-level agencies. These data offer observations on the actor-level proxies of Table 1: (iv) decision-making dynamics, (v) role perceptions, and (vi) identities and loyalties among the agency personnel. To systematically compare the multifaceted governance dynamics of EU-level regulatory *and* non-regulatory agencies, we carefully selected three regulatory agencies (EASA, CVPO, OHIM) and four non-regulatory agencies (OSHA, EUROFOUND, EEA and EMCDDA). The survey was conducted as a postal survey to all agency Administrators. The initial sample totalled 697 officials. The survey was conducted during 2005 and 2006 and resulted in a final sample of 265 respondents. After three rounds of reminders the final response rate totals 38 percent. This response rate is somewhat lower than similar surveys in the Commission (e.g. Hooghe 2005). Still, it suffices to illuminate core agency dynamics. However, conclusions are drawn with caution due to the moderate response rate and because only a selected sample of all 25 EU-level agencies are represented in the analysis. The final response rate is satisfactory in EASA, OSHA, CVPO and EUROFOUND, but unsatisfactory in EMCDDA and OHIM (see Table 2). The survey was supplemented by in-depth qualitative interviews in one regulatory agency (EASA: 12 interviews) and in one non-regulatory agency (EEA: 17 interviews). These interviews were conducted during 2005 and 2006 on the basis of a semi-structured interview-guide. The next section is illustrated with direct quotations from transcribed interviews. Finally, to measure the organisational images of EU-level agencies the analysis is supplemented by descriptive data and statistics from all EU-level agencies with regard to (i)t he financial base, (ii) the composition of the management board, and (iii) the organisational specialisation of EU-level agencies.

[Table 2 about here]

THE EMERGING MOSAIC OF EU-LEVEL AGENCIES: EMPIRICAL OBSERVATIONS

Part One: Organisational images of EU-level agencies

This section applies the organisational proxies of Table 1 to assess the dynamics of EU-level agencies: (i) financial base, (ii) composition of the management board, and (iii) organisational specialisation of the agency. The Commission recently presented a comprehensive policy document on EU-level regulatory agencies (Commission 2005). According to this White Paper (p. 9), EU-level agencies should comply with the principles of openness, participation, accountability, effectiveness and coherence. Also, OECD reports have recently underscored agencification – that is, the vertical specialisation of government systems – as models of good governance, however balanced against other concerns such as accountability, transparency and efficiency (Christensen and Lægreid 2004). Yet, there is a dearth of research on whether EU-level agencies in practice adhere to these principles, as well as the factual governance dynamics unfolding within EU-level agencies. EU-level agencies cover multiple policy areas, have differentiated tasks, their organisational and legal status varies, as well as their staffing, linkages to external institutions, degree of institutionalisation, size and formal powers. They are "typified by their diversity" (Szapiro 2005:4). However, despite having varying administrative procedures, most of the present 25 EU-level agencies share some generic organisational features (Groenleer 2006): they are vertically specialised bodies outside the Community bodies, they have limited mandates and formal powers, they are directed by a director, headed by a management board with a majority of member-state representatives, and they are horizontally organised according to the principle of process, however, supplemented by the principles of area (two agencies) and purpose (four agencies). Most EU-level agencies thus have incompatible organisational structures vis-à-vis the Commission. Whereas the

uppermost principle of specialisation of the Commission is *purpose* (sector), the uppermost

principle of specialisation among the 25 EU-level agencies is *process*. According to proxy

number three of Table 1, organisational incompatibilities across levels of government foster

agency autonomy by creating organisational buffers towards the Commission (cf. Model I)

(Trondal 2006).

The combined organisational capacities of EU-level agencies may be assessed by considering

their number and size. At present there are 25 EU-level agencies. These include 18

Community agencies under the "first pillar", three agencies under the "second pillar", three

agencies under the "third pillar", and one executive agency (Source:

http://europa.eu/agencies/index_en.htm). Finally, six agencies are under preparation. Six of

these agencies are granted decision-making powers[8], while the remaining agencies have tasks

such as information, management, data gathering, executive, technical support and

administration. However, the powers of EU-level agencies may not be assessed solely on the

basis of their formal powers. Purely information gathering agencies, such as the EEA, may

have regulatory implications at the Community level. EUROSTAT contributes, for example,

to statistical integration and standardisation in Europe without having regulatory powers

(Sverdrup 2006). In total, EU-level agencies have roughly 3100 statuary staff (mean: 137

officials), and a total annual budget of approximately 530 mill € (budget: 23 mill €). The vast

majority of EU-level agencies is financially dependent on Community revenues. According to

the first organisational proxy of Table 1 (financial base), EU-level agencies serve the role as

Community institutions (cf. Model II). Finally, the average size of the management board of

EU-level agencies is 42 representatives, including an average of 29 member-state

representatives, two Commission representatives, and 13 "other" representatives. "As the

management board takes decisions by a two-third majority vote, Commission and EP

representatives are easily outvoted" by external (member-state) representatives (Kelemen 2002: 201). One chief function of the board is to appoint the director of the agency. The composition of the management board (proxy number two of Table 1) is conducive to EU agencies resembling multilevel network administrations with a strong link to member-state governments (cf. Model III). Due to the strong member-state representation in the agency boards, the Commission has argued that "the boards fail to take sufficient account of the Community interest" (Majone 2005: 95).

The sheer size of EU-level agencies varies tremendously. Whereas EMEA has an annual budget of 110 mill €, ISS has an yearly budget of 3,4 mill €. Moreover, whereas EUROPOL has approximately 500 officials, ENISA has only 8 civil servants. In some cases, the size of the management board even exceeds the number of agency staff. For example, whereas the number of member-state representatives at the OSHA board totals 80, the number of OSHA staff is 53 (Source: http://europa.eu/agencies/index_en.htm). Member-state representation at the agency boards is conducive to external penetration of the management of the agencies (cf. Model III). The next section demonstrates the actual decision-making dynamics that unfold within EU-level agencies.

Part Two: Actor-level images of EU-level agencies

The following analysis applies the actor-level proxies of Table 1 to assess the governance dynamics of EU-level agencies: (iv) decision-making dynamics, (v) role perceptions, and (vi) identities and loyalties among the agency personnel. First, Table 3 reveals the diverse contact patterns evoked by agency staff.

[Table 3 about here]

Table 3 reveals that regulatory and non-regulatory EU-level agencies activate fairly similar contact patterns among agency officials. Officials from both types of agencies put equal emphasis on epistemic and supranational contact patterns. Moreover, Table 3 also shows that officials in the non-regulatory agencies evoke stronger departmental contact patterns than officials in the regulatory agencies. The contact patterns shows the following rank order: Among the regulatory agencies: departmental contacts (mean=49 percent), epistemic contacts (mean=25 percent), and supranational contacts (mean=3 percent). Among the non-regulatory agencies: departmental contacts (mean=64 percent), epistemic contacts (mean=29 percent), and supranational contacts (mean=5 percent). Moreover, the departmental contact patterns reported above are more frequent intra-organisationally than inter-organisationally. This means that officials have more intensive contacts *within* their "own" unit and their "own" agency than *across* units and agencies. We also observe that officials in non-regulatory agencies have more regular contacts towards the director and programme manager level compared to officials in the regulatory agencies. Finally, epistemic contacts are primarily directed towards experts inside their own agency, and less frequently towards external experts. According to one official at EASA, "[o]ur system is technical. We make sure that aircrafts are safe, and there are not so much politics in that". In sum, EU-level agencies can be characterised as autonomous administrative spaces (Model I) by combining departmental and epistemic contact patterns.

Next, Table 4 reveals those considerations deemed most important among EU-level agency personnel.

[Table 4 about here]

Table 4 confirms that officials in EU-level agencies perceive departmental and epistemic considerations as more important than supranational considerations. Secondly, Table 4 reveals that officials in non-regulatory agencies score higher on all three dynamics than officials in the regulatory agencies. The agency personnel rank-order their considerations as follows: Among the regulatory agencies: departmental considerations (mean=76 percent), epistemic considerations (mean=44 percent), and supranational considerations (mean=22 percent). Among the non-regulatory agencies: departmental considerations (mean=92 percent), epistemic considerations (mean=55 percent), and supranational considerations (mean=42 percent). Table 4 reveals that the supranational considerations emphasised by officials in the non-regulatory agencies are primarily directed towards the Commission DGs. This may reflect the fact that whereas 22 percent of officials at the non-regulatory agencies have previous careers in the Commission, only 17 percent of officials in the regulatory agencies have prior Commission careers. Considering the epistemic considerations, Table 4 demonstrates that importance is attached to in-house expertise, and that officials in the non-regulatory agencies put far more emphasis on considerations from universities and research institutions than do officials from the regulatory agencies. In sum, whereas the administrative space model (Model I) fits better the regulatory agencies in this respect, the non-regulatory agencies are more in line with the network administration model (Model III) because *multiple considerations* are activated among the incumbents.

Then, the respondents were presented a series of statements that they were invited to consider.

[Table 5 about here]

Table 5 reveals that the three governance dynamics are equally emphasised. The statements are rank-ordered as follows: In the regulatory agencies: epistemic statements (mean=63 percent), departmental statements (mean=55 percent), and supranational statements (mean=51 percent). In the non-regulatory agencies: epistemic statements (mean=66 percent), supranational statements (mean=61 percent), and departmental statements (mean=60 percent). Hence, Table 5 demonstrates that the network administration model (Model III) is supported. The epistemic dynamic is illustrated in the following quotations:

> According to one official at EASA, "EASA is rifted because the industry needs fast procedures and the agency needs more time" (Source: interview EASA). Furthermore, "[w]e have a set of requirements, and the manufactures have to show compliance to these requirements" (Source: interview EASA). "I have to make sure that the aircraft is safe, that is my task" (Source: interview EASA). One official at EEA claimed that "[m]y approach of working is academic, scientific" (Source: interview EEA). Another EEA official argued that, "I hold on to the idea of having an independent body at the European level for collecting environmental information, because working with the environment is something I really like, and I would like to stay with this for the rest of my life" (Source: interview EEA)

Moreover, Table 5 reveals that the supranational dynamic is stronger among the non-regulatory agencies than among the regulative agencies. Hence, a majority of the officials in the non-regulatory agencies tend to put forward proposals that they think is to the benefit for the EU member-states as a group and/or towards the EU. According to one EEA official, "[y]ou are working for the European Environment Agency, and DG Environment as well, and

you are supposed to support them. I see [DG Environment] a little bit as our superiors"

(Source: interview EEA).

According to one official at EASA, "I feel as I have very little autonomy" (Source:

interview EASA). When confronted with the following question: "Do you feel that

EASA is tightly linked to the Commission?", one EASA official answered: "To be

honest I do not feel that in the work that I do. I feel more that there is a Commission

on the one side and EASA on the other" (Source: interview EASA).

Finally, the departmental dynamic is illustrated by the fact that a large majority of the

respondents strongly agree to the statements "My work is normally co-ordinated within my

own unit", and "I put forward proposals I think is to the benefit of my Agency". The

departmental dynamic is also revealed in the conflict patterns among the personnel.

According to one official at EASA, "there seems to be some kind of competition between

directorates…" (Source: interview EASA). In sum, Table 5 demonstrates that administrative

autonomy (Model I) is surprisingly strong among the non-regulatory agencies compared to

the regulatory agencies.

Next, Table 6 reveals the multiple allegiances deemed important to officials in EU-level

agencies.

[Table 6 about here]

Table 6 confirms that regulatory and non-regulatory agencies activate fairly similar patterns

of actor-level allegiances. The allegiances evoked in Table 6 are rank-ordered as follows:

Among the regulatory agencies: departmental allegiances (mean=85 percent), supranational allegiances (mean=50 percent), and epistemic allegiances (mean=43 percent). Among the non-regulatory agencies: departmental allegiances (mean=92 percent), supranational allegiances (mean=67 percent), and epistemic allegiances (mean=44 percent). In sum, these observations are in accordance with the network administration model (Model III) due to the *multiple* allegiances evoked by the agency personnel. Furthermore, Table 6 also highlights that non-regulatory agencies score higher on all dynamics compared to the regulatory agencies. Moreover, the interviews shows that the loyalties evoked by agency officials are strongly departmental, directed towards own agency and unit.

> According to one EEA official, "[h]ere you have a very intense working program and from the very beginning you start to see yourself as a part of the unit". Another EEA official claims that, "[f]or me the agency is part of my life". Finally, one EEA official argued that, "I feel very loyal to my managing group. I also feel loyalty to my hierarchy, which is the program manager" (Source: interviews EEA).

Actor-level supranationalism among officials in the non-regulatory agencies may partly reflect the fact that these officials have an average seniority of eight years in the agency, whereas officials in the regulatory agencies have an average seniority of only four years. Hence, officials in the non-regulatory agencies have been socialised for longer periods of time within the agency than officials in the regulatory agencies. As argued above, actor-level supranationalism in the non-regulatory agencies may also reflect pre-socialisation processes from their past careers within the Commission. Finally, Table 6 demonstrates that epistemic allegiances are primarily directed towards their own professional and educational background and towards the policy area in which they work. According to one EASA official, "we are a

regulatory agency, and we are not just working for the airlines, we are working for public safety. Nobody likes to get an Airbus or a Boeing on its head" (Source: Interview).

Finally, being embedded into multiple institutions, agency officials may have several representational roles to play. The respondents were asked to evaluate the roles played by *other* agency officials. Table 7 presents how agency officials perceive the representational roles played by other colleagues inside their "own" agency.

[Table 7 about here]

Table 7 confirms that agency officials believe that other colleagues play three sets of representational roles. Officials in the regulatory agencies rank-order these roles as follows: 1) epistemic roles, 2) departmental roles, and 3) supranational roles. The respondents in the non-regulatory agencies rank these roles as follows: 1) supranational and departmental roles, 2) epistemic roles. As observed above, Table 7 also reveals a stronger supranational dynamic among the non-regulatory agencies than among the regulatory agencies. Moreover, Table 7 demonstrates stronger epistemic dynamics among the regulatory agencies compared to the non-regulatory agencies. In sum, Table 7 supports the multilevel network model (Model III) by the fact that agency personnel tend to view their colleagues as playing *multiple* representational roles. However, Table 7 also reveals that agency autonomy seems stronger among the regulatory agencies than among the non-regulative agencies, because (i) the epistemic dynamic is stronger in the regulatory agencies and (ii) the supranational dynamics is stronger among the non-regulatory agencies.

CONCLUSIONS

The Special Issue of *Journal of European Public Policy* in 1997 on EU-level agencies (Vol. 4, No. 2) contributed to a quantum leap in the study of EU-level agencies. Since then, however, only some few studies have offered primary data on the actual governance dynamics of EU-level agencies. A burgeoning literature portrays EU-level agencies as network administrations that contribute to a subsequent europeanisation of domestic agencies (cf. Model III) (Dehousse 1997; Eberlein and Grande 2005; Egeberg 2006). For example, there are strong indications of autonomisation of networking agencies in the case of the Italian antitrust agency (Barberi 2006). Also the EEA is pictured as a networking agency (Schout 1999). The linking up of national agencies to the Commission in unitary states like Sweden (Statskontoret 1997:21) and Denmark (Egeberg 2006) is also indicative of the strength of the multilevel network model. For example, Martens (2006) shows that national environmental agencies increasingly work directly towards the Commission. Martens (2006) also shows that national agency officials who participate in multilevel networks like IMPEL[9] - that integrates national agencies, the Commission and EEA - tend to have large amounts of behavioural discretion at their disposal. Similarly, the Swedish Environmental Agency has intimate contacts with the European Environment Agency (EEA) (Statskontoret 1997:21: 44). Most of these contacts are poorly formalised inside the Swedish administration (Statskontoret 1997:21). The intimate participation of Swedish agencies towards the EU-level agencies is partly coerced and partly optional, accompanying perceptions among Swedish agencies of administrative competition from the various EU-level agencies (Statskontoret 1997:21: 50 Statskontoret 2003:29: 9). The development of network models of administrative governance is portrayed as the development of a 'mega-administration' (Wessels, Maurer and Mittag 2003: 441).

Moreover, as showed in Tables 4 to 7, the supranational dynamic is also observable among EU-level agency officials. "…The Commission has played a key role in [the] establishment

[of EU-level agencies], and has often seemed reluctant to see its children grow up and become truly independent" (Jacobs 2005: 7). The following example is illustrative: "In the case of the Environment Agency [EEA], … the Commission expressed reservations regarding 18 of the 93 project proposals in the agency's first multi-annual work programme. These projects were subsequently excluded" (cf. Model II) (Groenleer 2006: 15).

Finally, the European Food Safety Authority (EFSA) on 26 October 2005 revealed indications of administrative autonomy (cf. Model I). EFSA took an official stand on whether consumers should eat raw eggs and under-cooked poultry meat in the case of bird flu that contradicted the official Commission policy. Whereas the Commission spokesman argued that these products were safe, EFSA warned consumers against eating these products (EUobserver 2005). Another indication of agency autonomy is revealed in the EEA. DG Environment has worried that the information gathering role of the EEA would grow into information analysis and eventually policy evaluation, thus becoming a true competitor to the DG (Jacobs 2005). According to one EEA official, "I think …[the Commission] don't want an agency that provides analysis, just data" (Source: interview EEA). Hence, agency autonomy, even among the non-regulatory EU-level agencies, is noticeable (cf. Model I).

This paper explores the transformation of executive governance in Europe by unpacking the diverse dynamics of EU-level agencies. The data reported above demonstrates that EU-level agencies indeed combine the roles as autonomous administrative spaces (Model I) and as multilevel network administrations (Model III). Moreover, the most important role played by EU-level agencies is as multilevel network administrations (Model III). Hence, EU-level regulatory *and* non-regulatory agencies blend two models or images of governance. Finally, the analysis demonstrates that EU-level non-regulatory agencies score systematically higher

on all governance dynamics compared to EU-level regulatory agencies. Hence, the role as a multilevel network administrator seems more central to the non-regulatory agencies, whereas the role as an autonomous administrative space is more paramount among the regulatory agencies.

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NOTES

[1] The European Aviation Safety Agency (EASA), the Community Plant Variety Office (CVPO), and the Office for Harmonisation in the Internal Market (OHIM).

[2] The European Agency for Safety and Health at Work (OSHA), European Foundation for the Improvement of Living and Working Conditions (Eurofound), the European Environment Agency (EEA), and the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA).

[3] According to the Commission White Paper on EU-level regulatory agencies (2005: 8), regulation refers to the "preparation and adoption of the regulatory framework, preparation and adoption of legislative acts for implementing the regulatory framework, monitoring implementation of the regulatory and legislative framework". Non-regulatory agencies do not have formal decision-making responsibilities. Rather they offer services such as information gathering and analysis, certifications, risk assessments, executive functions, administrative and management, and technical support.

[4] European Centre for the Development of Vocational Training (Cedefop - 1975) and Eurofound (1975)

[5] EEA (1990), European Training Foundation (EFT – 1990), EMCDDA (1993), European Medicines Agency (EMEA – 1993), OHIM (1993), OSHA (1994), CVPO (1994), European Police Office (EUROPOL – 1994), Translation Centre for the Bodies of the European Union (CdT – 1994), European Monitoring Centre on Racism and Xenophobia (EUMC – 1997), and European Agency for Reconstruction (EAR – 1999).

[6] European Union Institute for Security Studies (ISS – 2001), European Union Satellite Centre (EUSC – 2002), European Food Safety Authority (EFSA – 2002), European Judicial Cooperation Unit (EUROJUST – 2002), European Maritime Safety Agency (EMSA – 2003), EASA (2004), European Network and Information Security Agency (ENISA – 2004), European Agency for the Management of Operational Cooperation at the External Borders (FRONTEX - 2004), European Centre for Decease Prevention and Control (ECDC – 2005), European Defence Agency (EDA – 2005), European Research Agency (ERA – 2006).

[7] For example, EUROSTAT is both vertically organised outside the Community institutions as a separate agency while at the same time being vertically integrated into the Commission services.

[8] OHIM, CVPO, EAR, EASA, EDA and EUROPOL.

[9] The European Union Network for the Implementation and Enforcement of Environmental Law.

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Tables

TABLE 1: THE THREE FACES OF EU-LEVEL AGENCIES

Proxies:	*Model I*	*Model II*	*Model II*
(i) Financial base	Own financial revenues	The Community budget	Combined finances from different sources

(ii) Composition of the Management board	Dominated by own agency staff	Dominated by representatives from the Community institutions	Dominated by external representatives, for example member-state representatives
(iii) Organisational specialisation across level of government	Organisational incompatibility vis-à-vis the Commission	Organisational compatibility vis-à-vis the Commission	Multi-standard organisation
(iv) Decision-making dynamics	Departmental and epistemic	Supranational	Multiple: supranational, departmental and epistemic
(v) Role perceptions among the staff	Departmental and epistemic	Supranational	Multiple: supranational, departmental and epistemic
(vi) Identities and loyalties among the staff	Departmental and epistemic	Supranational	Multiple: supranational, departmental and epistemic

TABLE 2: INITIAL AND FINAL SAMPLES AND RESPONSE RATE

EU-level agencies:	*Initial samples*	*Final samples*	*Response rates*
EASA	130	65	50 %
OSHA	31	20	65 %
CVPO	17	15	88 %

EUROFOUND	86	50	58 %
EMCDDA	78	24	31 %
OHIM	355	91	26 %
Total:	**697**	**265**	**38 %**

TABLE 3: PERCENT OF AGENCY CIVIL SERVANTS WHO HAVE THE FOLLOWING <u>CONTACTS AND MEETINGS</u> DURING A TYPICAL WEEK (PERCENT).[*, 1]

	Regulatory agencies	*Non-regulatory agencies*

Supranational contacts:		
- With "own" Commission DG	7	12
- With other Commission DGs	3	6
- With Commission expert committees	4	5
- With the Council of Ministers	0	2
- With Council working groups or COREPER	1	2
- With the European Parliament	1	2
Departmental contacts:		
- With colleagues within "own" agency unit	89	86
- With colleagues in other units within "own" agency	56	70
- with the Executive Director of "own" agency	9	20
- With the Director or programme manager of their "own" unit/programme	40	80
Epistemic contacts:		
- With individuals <u>inside</u> their "own" agency whom they respect for their expertise	57	60
- With individuals <u>outside</u> their "own" agency whom they respect for their expertise	23	42
- With industry	13	10
- With non-governmental organisations	26	15
- With universities and research institutes	7	20
Mean N	*100* *(163)*	*100* *(93)*

*) Original question: "How frequently do you have <u>contacts and meetings</u> with the following during a typical week?"

TABLE 4: PERCENT OF AGENCY PERSONNEL WHO EMPHASISE PROPOSALS, STATEMENTS AND ARGUMENTS FROM THE FOLLOWING INSTITUTIONS (PERCENT).[*, 1]

	Regulatory agencies	*Non-regulatory agencies*

Supranational considerations:		
- From their "own" Commission DG	31	56
- From other Commission DGs	23	54
- From the Council of Ministers	20	31
- From Council working groups or COREPER	15	25
- From the European Parliament	21	42
Departmental considerations:		
- From colleagues within their "own" unit	95	93
- From colleagues in other units within their "own" agency	77	92
- From the Management board of their "own" agency	60	88
- From the Executive Director of their "own" agency	65	96
- From the Director or programme manager of their "own" unit/programme	81	93
Epistemic considerations:		
-From individuals inside their "own" agency whom they respect for their expertise	84	89
- From individuals outside their "own" agency whom they respect for their expertise	59	68
- From industry	39	34
- From non-governmental organisations	23	36
- From universities or research institutions	17	48
Mean N	*100* *(160)*	*100* *(88)*

TABLE 5: PERCENT OF AGENCY PERSONNEL WHO STRONGLY AGREE ON THE FOLLOWING STATEMENTS (PERCENT).[*, 1]

	Regulatory agencies	*Non-regulatory agencies*
Supranational statements:		
- "I put forward proposals I think is to the benefit for the EU member-states as a group"	45	55
- "I put forward proposals I think is to the benefit for the European Union"	57	67

Departmental statements:		
-"My work is normally co-ordinated with all relevant units within my agency"	36	44
- "My work is normally co-ordinated <u>within</u> my own unit"	75	72
- "My work is normally co-ordinated with the leadership of my Agency"	35	54
- "I put forward proposals I think is to the benefit of my Agency"	69	77
- "My work is strongly guided by formal rules and regulations within my Agency"	60	54
Epistemic statements:		
-"I put forward proposals on the basis of my professional expertise"	86	89
- "I have a considerable amount of behavioural discretion at my disposal"	39	42
Mean N	*100* *(167)*	*100* *(89)*

*) Original question: "Please consider the following <u>statements</u>".
1) The variables listed included officials who <u>strongly agree</u> on the statements mentioned. The original variable consisted of the following three-point scale: strongly agree (value 1), both/and (value 2), and strongly disagree (value 3).

TABLE 6: PERCENT OF AGENCY PERSONNEL WHO FEEL AN ALLEGIANCE TOWARDS THE FOLLOWING (PERCENT).[*, 1]

	Regulatory agencies	*Non-regulatory agencies*
Supranational allegiances:		
- The European Union as a whole	51	67
- The European Commission	49	67
Departmental allegiances:		
- Their "own" agency as a whole	80	89
- The unit in which they are working	90	94

Epistemic allegiances:		
- Their "own" professional (educational) background and expertise	83	87
- The policy area in which they are working	71	72
- Industry	25	18
- Non-governmental organisations	24	20
- Towards Universities or research institutions	13	25
Mean N	*100* *(166)*	*100* *(89)*

*) Original question: "Whom of the following do you feel an <u>allegiance</u> to (identify or feel responsible to)?"
1) The variables listed included officials who feel <u>very strongly or fairly strongly</u> allegiances. The original variable consisted of the following five-point scale: very strongly (value 1), fairly strongly (value 2), both/and (value 3), fairly weakly (value 4), very weakly (value 5).

TABLE 7: PERCENT OF AGENCY PERSONNEL WHO THINK OF OTHER AGENCY OFFICIALS ACT MAINLY AS "EU REPRESENTATIVES", "AGENCY REPRESENTATIVES", "UNIT REPRESENTATIVES" AND/OR "INDEPENDENT EXPERTS" (PERCENT).[*, 1)]

	Regulatory agencies	*Non-regulatory agencies*
A supranational dynamic:		
- "EU representatives"	39	51
A departmental dynamic:		
- "Agency representatives"	54	57
- "Unit representatives"	46	44

An epistemic dynamic:		
- "Independent experts"	59	46
Mean N	*100*	*100*
	(169)	*(92)*

*) Original question: "Generally speaking, to what extent do you think colleagues within your Agency act like EU representatives, agency representatives, unit representatives and/or independent experts?".
1)   The variables listed included officials who <u>strongly agree</u> on the statements mentioned. The original variable consisted of the following three-point scale: strongly agree (value 1), both/and (value 2), and strongly disagree (value 3).

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