

# **NATIONAL AGENCIES IN THE EUROPEAN ADMINISTRATIVE SPACE: GOVERNMENT DRIVEN, COMMISSION DRIVEN OR NETWORKED?**

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Case studies indicate that national governments may be partly split so that national (regulatory) agencies operate in a ‘double-hatted’ manner, serving both ministerial departments *and* the European Commission when practicing EU legislation. Applying large-N questionnaire data this article follows up these studies by investigating how important various institutions are with respect to influencing national agencies when they are *practicing* EU legislation. How discretion is exercised at this stage of the policy process is not trivial; we demonstrate that also this activity is highly contested. Our main conclusion is that implementation of EU policies at the national level is neither solely indirect via national governments (as the standard portrayal says), nor solely direct (through Commission driven national agencies), nor solely networked (through transnational agency clusters). Implementation is indeed compound with several sources of power represented more or less simultaneously.

## INTRODUCTION

Although legislation in the European Union (EU) is adopted through the so-called ‘community method’, assigning a key role to supranational institutions like the European Commission (Commission) and the European Parliament (EP), implementation of this legislation is, for the most part, supposed to be taken care of solely by national governments, even though the Commission has a monitoring role in this respect. Implementation through member state administrations might ensure governments a certain leeway as regards the way EU legislation is practiced at the national level. By the same token, however, this arrangement might create considerable variation across countries as regards how EU policies are translated into national practices and thus partly undermine what one wanted to achieve through common legislation in the first place.

This article focuses on the stage of the policy process at which EU legislation already has been transposed into national legislation and at which it is applied in practice by national (regulatory) authorities. These authorities are in our study agencies organized separately from ministerial departments although they are assigned to a particular ‘parent ministry’. Also at this stage of the policy process discretion has to be exercised and we ask in this article how this exercise might be circumscribed by key institutions, primarily in the agencies’ task environments. Are the dominant actors the agencies themselves and their respective ministerial departments as the standard portrayal of implementation within the EU predicts? However, former case studies of five policy fields indicate that national governments may be partly split so that national (regulatory) agencies operate in a ‘double-hatted’ manner, serving both ministerial departments *and* the Commission. As regards the application of EU legislation, the Commission seems to take on a particularly pivotal role in relation to national agencies (Egeberg 2006). Thus, to what extent do our data confirm the Commission’s key

position even at this stage of the policy process? In case they do one could expect a more restricted room for national adaptation of EU legislation than is usually foreseen. Also, a national agency may see itself as part of a transnational network of similar national agencies pursuing similar objectives and facing analogous problems (Majone 1996; Slaughter 2004). How important are such horizontal networks for the way EU legislation is actually practiced? Finally, it has been previously shown that regulatory forms set up at different points in time tend to complement each other and co-exist rather than replace each other (Thatcher and Coen 2008). If this is the case we would expect national agencies to be rather ‘multi-hatted’, meaning that the ‘parent ministry’, EU-level bodies and horizontal agency networks are all important interlocutors simultaneously.

This article has primarily an explorative and descriptive purpose since, to our knowledge, nothing has so far been published on the relative importance of various key institutions (dependent variables) at the stage at which national agencies are applying EU legislation. The only theoretically justified independent variables available in this data-set are the existence of relevant *organizational capacity* within the respective ministerial departments and the extent to which EU legislation is *politically contested*. Both factors are supposed to strengthen the role of ministerial departments in overseeing agencies’ implementation behavior. By applying new questionnaire data this article follows up the previous qualitative case studies by investigating how important various institutions are with respect to influencing national agencies’ application of EU ‘hard law’. How discretion is exercised at this stage of the policy process is not trivial; we demonstrate here that also this activity is highly contested. Our main conclusion is that implementation of EU policies at the national level is neither solely indirect via national governments (as the standard portrayal says) nor solely direct (through Commission driven national agencies), nor solely networked (through transnational agency

clusters). Implementation is indeed multi-dimensional or compound with several sources of power represented more or less simultaneously. Thus, key elements of executive politics are being transformed; even the daily practicing of EU legislation at the national level is no longer solely in the hands of national governments although the role of ministerial departments is somewhat enhanced provided they possess relevant organizational capacity (duplicating to some extent the agency's resources) and provided that the EU legislation is politically contested. What the 'multi-hattedness' of national agencies might imply for the uniformity of implementation practices across countries will be discussed but not empirically studied in this article.

The article is organized as follows: The first section outlines four complementary 'models' that capture different aspects of policy implementation in a multilevel system: indirect, direct, networked and compound governance. The second section presents the survey data and methodology underpinning the study. The third section contains key empirical findings on the implementation of EU legislation among domestic agencies. And, finally, in the last section we try to draw a conclusion so far.

## **POLICY IMPLEMENTATION IN A MULTILEVEL SYSTEM:**

### **INDIRECT, DIRECT, NETWORKED OR COMPOUND?**

Implementation at the national level of rules and standards adopted by international governmental organizations (IGOs) usually takes place in an *indirect* way. By this is meant that it's left to the member governments to transpose and apply the rules. Also in the EU implementation is most commonly perceived as indirect: transposition and application of EU legislation are seen as part of the 'administrative sovereignty' that the member states enjoy (Hix 2005, p. 31). The fact that the Commission has a monitoring role in this respect doesn't

in itself change this division of labor between levels of governance. Indirect implementation upholds a portrayal of the Union as a system in which the constituent states are integrated into a larger whole as coherent entities. Thus, although EU legislation is mainly adopted through the community method, indirect implementation is also compatible with an intergovernmental order in which national governments constitute the basic building blocks and in which lines of conflict and cooperation strongly coincide with national borders (Moravcsik 1998).

Indirect implementation thus entails a particular pattern of executive politics. Such a mode of governance also has its clear policy implications, making community policies highly vulnerable to distortion. Studies show that implementation through national governments exposes common policies to considerable influence from national politics and administrative traditions (Goetz 2000; Heritier et al. 2001; Knill 2001; Olsen 2007; Sverdrup 2006).

However, in order to remedy some of the variation in practices across countries 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 organization structure and actual implementation behavior.

Since the EU, unlike IGOs, has its main executive body, namely the Commission (and an increasing number of EU-level agencies), organized separately from the Council of Ministers, *direct* implementation might be an option as well. By this is meant that EU policies become implemented by EU bodies independently of national governments in the same manner as central governments may implement national policies without involving regional or local governments. Direct implementation may take place either solely through EU-level bodies (as has been the case in areas of competition policy) or (in principle) through agencies at the national level that are controlled exclusively by EU-level executive bodies. Since public

bureaucracies, like other organizations, tend to adapt to their environments to some extent (Wilson 1989), implementation through EU-controlled agencies at the national level would be less uniform than implementation by EU-level bodies but more uniform than implementation through national governments.

The EU doesn't possess its own agencies at member state level, however, studies of administrative behavior within five different policy fields clearly indicate that the Commission in a sense 'lend' national agencies in its policy preparatory work and, particularly, as regards implementation of EU policies (Egeberg 2006). National agencies seem to act in a 'double-hatted' manner; constituting parts of national administrations while at the same time becoming parts of a multilevel Union administration in which the Commission in particular forms the new executive centre. As parts of national administrations, serving their respective ministerial departments, agency officials seem to play a crucial role in transposition of EU legislation as well as in Council working parties and comitology committees. However, when it comes to the practicing of EU legislation in particular, agencies cooperate rather closely with their respective directorates in the Commission, often by-passing their ministerial departments (Egeberg 2006). Not surprisingly, in this situation agencies may face competing policy expectations from their two 'masters' that may be hard to reconcile. Thus, in addition to possibly increased uniformity of implementation, elements of direct implementation might entail new patterns of cooperation and conflict in executive politics, evoking conflicts that cut across national boundaries. Arguably, this new pattern of executive politics is conditioned by two features of institutional development: first, the 'emancipation' and consolidation of the Commission as a new executive centre, and, second, the fragmentation (vertically and horizontally) of national governments (Egeberg 2008). In other words, it's quite unlikely that such patterns could emerge from the combination of

classical IGOs and internally well integrated governments. Such patterns indicate deeper international integration: a typical characteristic of an integrated polity is that the central executive power disposes over agencies at a lower level that are partly independent of a (possibly) political centre at that level.

A third possibility is that implementation of EU legislation is *networked*. By this is meant that vertical relationships between, on the one hand, national agencies and, on the other hand, ministerial departments, Commission directorates or EU-level agencies are partly replaced by horizontal relationships among ‘sister agencies’ in various countries. A national agency may see itself as part of a transnational network of institutions pursuing similar objectives and facing analogous problems (Majone 1996). Thus, the actual amount of discretion that national agencies exercise when implementing EU legislation might be circumscribed in practice through information exchange and consultation among ‘sister agencies’ rather than through ‘steering dialogues’ with ‘superior’ bodies. In this sense, strong agency networks could challenge the authority of national governments as well as that of EU-level bodies. It follows that such networks might enhance implementation uniformity across member states, however, not necessarily in accordance with the intentions of the politically superior institutions. In member countries characterized by more hierarchical state traditions, ministerial departments may want to intervene on a regular basis in network activities (Barbieri 2006). As regards the Commission, it 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 already existing networks that have been relatively independent in the past (Eberlein and Grande 2005, pp. 101-102) 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).

Finally, a fourth possibility is that implementation of EU legislation is based on a combination of different modes of governance. Public administration is increasingly faced with complex and intertwined problems, solutions, institutions and decision-making arenas (Olsen 2007; Shapiro et al. 2006). Arguably, the implementation of EU legislation may be seen as *compound* by integrating and combining indirect, direct and networked modes of governance. It is argued here that compound governance is characterized by the existence of a multi-dimensional repertoire of implementation modes.

The idea of compound governance is not new. ‘This view of political order harks back to a tradition from Plato, Aristotle, Polybius and Thomas Aquinas and their ideas about how ‘mixed’ orders and combinations of competing, inconsistent and contradictory organizing principles and structures may co-exist and balance interest, values and claims to power’ (Olsen 2007, pp. 13-14). However, the *study* of compound multilevel governance signifies a fairly new scholarly turn and has been partly rediscovered recently (Olsen 2007, p. 13). This classical tradition in the study of public administration argues that robust and legitimate administrative systems should balance several competing governance dynamics sequentially and/or simultaneously (Jacobsen 1960; Olsen 2007). Multi-dimensional orders are considered more robust against external chocks and therefore preferable to uni-dimensional orders (March and Olsen 1989). Compound governance thus departs from ‘either/or’ theorizing by assuming that executive governance rests on the mobilization of multiple complementary set of institutions, actors, interests, decision-making arenas, values, norms, and cleavages. The empirical yardstick thereof is the mobilization of direct, indirect and networked modes of policy implementation among domestic agencies.



What then do we expect to observe in our empirical analysis as regards how important various institutions are with respect to the way national agencies are actually applying EU legislation? First, we expect to find that the implementing agencies themselves are important in terms of deciding how their discretion should be exercised. This follows from the fact that regulatory agencies that are organized at arm's length from their respective ministerial departments tend to enjoy more actual decision-making autonomy (at least in relation to their political superiors) than entities that remain parts of ministerial departments (Christensen and Lægreid 2006; Egeberg 2008). Second, if the mode of implementation is indirect, we expect that the 'parent ministry' is really dominant among the influencing institutions. Probably, the ministry's degree of control over the agency depends on its administrative capacity to monitor the agency (Egeberg 2008). The ministry's eagerness to control may also depend on the extent to which it agrees or disagrees with the manner in which EU legislation is practiced. Third, if implementation takes place directly, we should expect the Commission or EU-level agencies to constitute the dominant interlocutors of a national agency. Fourth, if implementation is networked 'sister agencies' would come to the fore in the process of clarifying how discretion is to be interpreted. Fifth, if implementation is compound we would expect several sources of power to be activated simultaneously. In that case, a high score for the Commission as regards influence wouldn't preclude a similar score for the reporting ministry or for 'sister agencies' in other countries sharing the same policy field. In short, the model of compound implementation predicts positive correlations between 'direct', 'indirect' and 'networked' modes of governance.

## **DATA AND METHOD**

Whereas the bulk of Europeanization studies rely mostly on low-N case studies with the main use of interview and documentary data, only few studies apply quantitative survey and large-

N analysis (Haverland 2006). This article relies on large-N survey data within the Norwegian central administration. Over the last 30 years, a group of Norwegian scholars have each decade conducted surveys in the Norwegian central administration (1976, 1986, 1996 and 2006). This study applies data from the most recent survey from 2006. This survey was conducted as an online survey by the Norwegian Social Science Data Service encompassing officials from all Norwegian ministries (18 ministries in total) and subordinated agencies (51 in total). The survey at the ministerial level was sent to *all* officials at the level equivalent to the 'A-level' with a minimum of one year in office. Appointment at this level usually requires a university degree. Hence, the sample of this survey is the total universe of 'A-level' civil servants in Norwegian ministries. The total number of responses in the 2006 survey is 1848 at the ministry level, giving a total response rate of 67 percent. The survey at the agency level was distributed to a random selection of *every third* official at the 'A-level' with at least one year in office. The total number of responses at the agency level is 1452, giving a response rate of 59. Together, these two surveys represent the most thorough screening of the Norwegian central administration, and could also be seen as one of the most extensive analysis of domestic executives in international comparison.

This article applies the observations made both by agency *and* ministry personnel to assess how important various institutions or actors are with respect to influencing national agencies' application of EU 'hard law'. Consequently, the tables presented in the empirical analysis consistently show the observations of both ministry *and* agency officials. Agency personnel are, however, often better placed organizationally to appraise the role that various institutions and actors play at *this* particular stage of the policy process simply because they are the ones who actually apply EU 'hard law' in our study. However, by applying *two* groups of informants, the conclusions we draw on power relationships in and around the application of

EU ‘hard law’ become more robust provided observations are relatively consistent across groups. We are aware of that when asking officials to assess the importance of each institution or actor (instead of ranking them) this might lead to an overestimation of the importance of each actor. However, as the empirical analysis will show (Table 3), this doesn’t hinder that the proportions who assign weight to the various actors vary a lot. Due to the descriptive and explorative character of the article, we display numerical distributions in most tables in order to reveal maximum information.

Norway is not a member of the EU and, accordingly, Norwegian politicians and officials are not taking part in the formal decision-making processes within EU institutions. However, due to the European Economic Area (EEA) and Schengen agreements, Norway is obliged to implement most of the EU’s hard law as regards the internal market and border control. Since this study focuses on the *practicing* of EU legislation (and not on its coming about), Norway can be considered in most respects to be comparable to EU member states (Egeberg and Trondal 1999). Arguably, given its ‘quasi-membership’, Norway might even be seen as a *critical case* in the sense that if, for example, direct implementation of EU legislation is observed in this case, we may have reason to believe that this mode of governance will be observed in the EU member states as well, other things being equal.

One caveat is needed: As in most social sciences based on interview and survey data, the observations reported in this article rest on the *perceptions* of the respondents. Admittedly, there are no guarantees that actors’ perceptions of behavior are always reflecting actual behavior. Studying actors’ perceptions render the conclusions vulnerable to perceptual errors. However, by using large-N data from *two* different groups of respondents, we hope to boost

the robustness of the conclusions. Our observations are based on two separate sources stemming from two different organizational positions (agencies and ministries).

**EMPIRICAL OBSERVATIONS**

The data show that a considerable proportion of Norwegian government officials say that their issue area is *affected* by the EU, the EEA and/or Schengen agreements. In 2006, 63 percent of the ministry personnel and 63 percent of the agency personnel reported being affected ‘to a fairly little extent’ or more. Table 1 includes those officials who report being affected by the EU ‘to a fairly little extent’ or more. This table demonstrates the extent to which legislation that originates from EU decisions (‘hard law’) is practiced at the agency level within the issue areas of the respondents.

**TABLE 1    PERCENT OF OFFICIALS WHO REPORT THAT NATIONAL AGENCIES *PRACTICE* LAWS AND RULES THAT ORIGINATE FROM EU DECISIONS (‘HARD LAW’) WITHIN THEIR OWN ISSUE AREA\***

	<b>Yes</b>	<b>No</b>	<b>Do not know</b>	<b>Total</b>
Agency officials	61	13	26	100 (974)
Ministry officials	46	20	35	100 (1215)

*\* The table includes those officials who report being affected by the EU ‘to a fairly little extent’ or more*

61 percent of agency personnel who find themselves affected by the EU confirm that EU legislation is practiced within their issue area. Among ministry personnel 46 percent know positively that EU legislation is implemented at the agency level within their particular issue

area. In the following, only these two groups of officials (594 in agencies, 553 in ministerial departments) are included in the analysis.

When we later on are going to assess the influence that various institutions have on national agencies’ practicing of EU legislation and the extent to which ministerial departments become replaced or at least complemented by extra-national actors in this respect, it seems rather crucial to know about the ‘political potential’ of such implementation activities. If practicing EU legislation is deemed as a primarily technical affair - since politics might have taken place at earlier stages -, then it seems less interesting from a political science perspective to dig further into the ‘practicing phase’. The next table reveals, however, that there is indeed considerable contestation over the practicing of EU ‘hard law’.

**TABLE 2 PERCENT OF OFFICIALS WHO REPORT THAT GOVERNMENT (CABINET) HAS *DISAGREED* WITH THE PRACTICE ACCOMPANIED BY EU LAWS WITHIN THEIR OWN ISSUE AREA\***

	<b>Often</b>	<b>Sometimes</b>	<b>Seldom/never</b>	<b>Do not know</b>	<b>Total</b>
Agency officials	2	16	28	55	100 (591)
Ministry officials	6	39	22	22	100 (550)

*\* This table includes those officials who report that national agencies practice laws and rules that originate from EU decisions ('hard law') within their own issue area.*

In ministerial departments 45 percent of the officials report that ministers ‘some times’ or ‘often’ disagree with the way in which EU legislation is practiced within their respective

agencies. A remarkably smaller proportion (18 percent) say the same in the agencies themselves, however, we notice that more than half (55 percent) of the agency officials do not know the extent to which conflict occurs. It makes sense that officials in ministerial departments are better informed than those outside since they are closer to ministers in all respects. We can not be quite sure though whether ministers only dislike the way in which discretion is exercised (as asked for in the questionnaire) or whether they may dislike the laws themselves. Regardless of the answer, we can ascertain that implementation of EU legislation at the national level is to a considerable extent contested. While ministers may be well positioned to alter practices or even the laws themselves as regards national legislation, this option quite obviously seems far more remote pertaining to ‘hard law’ originating from the EU. It may be the case that the level of contestation is relatively higher in a country like Norway which is not taking part in the formal decision-making processes of the EU. On the other hand, in a Union of 27 countries with changing governments it seems rather likely that those in office will disagree to certain implementation practices in one or another policy field.

The next table reveals the extent to which different institutions and actors are deemed important with respect to influencing how EU ‘hard law’ is being practiced by national agencies.

**TABLE 3    PERCENT OF OFFICIALS SAYING THAT THE FOLLOWING INSTITUTIONS AND ACTORS ARE *IMPORTANT* WITH RESPECT TO INFLUENCE NATIONAL AGENCIES’ PRACTICING OF EU ‘HARD LAW’<sup>A, B</sup>**

	<b>Agency officials</b>	<b>Ministry officials</b>
Ministry	67	70
National agency	66	64

European Commission (EC)	43	47
EFTA Surveillance Authority (ESA)*	36	58
EC and ESA combined	51	64
‘Sister agencies’ in other countries	32	19
EU-level agencies	23	19
Mean N	572	538

a) *This table includes those officials who report that national agencies practice laws and rules that originate from EU decisions (‘hard law’) within their own issue area.*

b) *This table combines value 1 and 2 on the following six-point scale: very important (value 1), fairly important (value 2), both/and (value 3), fairly unimportant (value 4), very unimportant (value 5), do not know (value 6).*

\*) *ESA has the role of monitoring implementation of EU ‘hard law’ in the EEA member states Norway, Iceland and Lichtenstein.*

Ministry and agency officials tend to portray the main pattern of influence much in the same way, a fact that supports the credibility of the findings. However, as said, our assessment is that in general agency personnel are better placed to appraise the role that various institutions and actors play at this particular stage of the policy process. As expected, agencies organized at arm’s length from ministerial departments enjoy a certain level of autonomy as regards how they exercise their discretion: almost two-thirds at both levels consider the executive agency itself to be important in this respect. Also, the respondents agree that the ‘parent ministry’ is the most influential external body. As expected, the importance of the ministry is to some extent dependent upon its organizational capacity. ‘Parent ministries’ that contain units that are ‘duplicating’ units found in the agencies are deemed more powerful by agency officials than ministries without such units (Pearson’s  $r=.21^{**}$ ). Also, as expected, contestation over

the practicing of EU legislation tends to bring the ministry into a more central role (Pearson's  $r=.23^{**}$ ). A simple control unveils that both factors seem to have some effect. Thus, while 62 percent of the agency personnel who are facing little contestation and duplication consider their parent ministry to be important, this holds for 90 percent of those experiencing much contestation and duplication. However, the effects are moderate and partly contingent (see Table 4). An OLS regression analysis shows similar moderate effects of both organizational duplication (beta .17\*\*) and political contestation (beta .19\*\*) on the importance of parent ministry in influencing the agencies practicing of EU 'hard law'.

**TABLE 4 THE IMPACT OF ORGANISATIONAL DUPLICATION<sup>1</sup> ON MINISTERIAL IMPORTANCE<sup>2</sup>, BY POLITICAL CONTESTATION<sup>3</sup> (AGENCY OFFICIALS) (PERCENT)**

	High contestation		Low contestation	
	Duplication	No duplication	Duplication	No duplication
Parent ministry deemed important	90	84	77	62
Mean N	(87)	(19)	(168)	(55)

- 1) This variable combines values 1 and 2 on the following four-point scale: 'yes, department(s)' (value 1), 'yes, office(s), section(s) and the like' (value 2), 'yes, earmarked position(s)' (value 3), 'no, no earmarked units/positions' (value 4).
- 2) This variable combines values 1 and 2 on the following five-point scale: very important (value 1), fairly important (value 2), both/and (value 3), fairly unimportant (value 4) and very unimportant (value 5).
- 3) This value combines values 1 and 2 on the following three-point scale: often (value 1), sometimes (value 2), seldom/never (value 3).



Officials at both levels agree that the second most important external institutions at the stage of practicing EU legislation are the Commission and the EFTA Surveillance Authority (ESA). While the Commission is responsible for monitoring implementation of EU policies at the national level and, if necessary, activating sanction mechanisms within the EU, ESA has similar responsibility as regards the EEA countries. ESA strives to copy Commission procedures and ways of behavior in these respects but doesn't take part in the policy process at various stages in the way the Commission does (Martens 2001). The difference between the two is probably reflected in table 3: while agency officials find the Commission more important, ministry personnel, who are those to be contacted by ESA if non-compliance with EU law might be the case, see ESA as more important. Together the two 'sister executives' may mobilize considerable strength: 64 percent of ministry officials and 51 percent of agency officials perceive them as important in tandem. A much less proportion, about one in five, consider EU-level agencies to play a crucial role in this phase of the policy process, a finding we assume reflects very well the stage of development at which most such agencies currently find themselves. National agency officials who say the Commission is important as regards their implementation practices also tend to have direct contacts with the Commission (Pearson's  $r=.20^{**}$ ). In the same vein, those who consider EU-level agencies as important tend to interact directly with these bodies (Pearson's  $r=.37^{**}$ ). The results indicate that the Commission, and to some extent EU-level agencies as well, actively take part in the practicing of EU legislation at the national level.

'Sister agencies' in other countries also seem to have an impact on how EU legislation is actually implemented by a national agency. About one-third of the agency personnel say they are important and there is reason to believe they are better informed than ministry officials on this topic. In sum, even if the importance of various institutions varies a lot, implementation is

probably best described as ‘compound’. However, it could be that officials who have found the ministry important have found the Commission to be unimportant and vice versa. In that case we would see elements of indirect and direct modes of governance, respectively. Therefore, in order to be able to ascertain the extent to which implementation is really compound we have to investigate whether various institutions are deemed important by *the same persons* within their particular issue area. This is done in the correlation matrices presented in tables 5 and 6. The positive correlation coefficients that appear quite consistently across tables show that the relevant institutions are in fact deemed important at the same time by the same individuals. Thus, for example, those who consider the ‘parent ministry’ to play a key role as regards how EU legislation is practiced by a national agency also tend to hold the Commission or ESA as important as well, and vice versa. However, the tables also indicate that when networks consisting of ‘sister agencies’, EU-level agencies and the Commission are activated the ‘parent ministry’ is not necessarily involved to the same extent. This could mean that in certain situations networks may become an *alternative* to ministerial overview. However, ministerial overview also seems to outnumber the role of direct and networked governance, indicated by the weak role played by EU-level agencies and ‘sister-agencies’ among those officials who view parent ministry as important.

**TABLE 5 INTER-CORRELATION MATRIX AMONG AGENCY OFFICIALS  
(PEARSON’S R)<sup>A, B</sup>**

	1.	2.	3.	4.	5.	6.	Mean N
1. Superior ministry		.44**	.25**	.51**	.05	.09	344
2. Own directorate/agency			.20**	.30**	.16*	.23**	309
3. The European Commission				.61**	.43**	.36**	293
4. The EFTA Surveillance Authority (ESA)					.24**	.31**	261
5. EU-level agencies						.40**	236

6. 'Sister' directorate(s)/agencies in other countries							
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\*)  $p \leq 0.05$       \*\*)  $p \leq 0.01$

a) Original question: 'How important are the following institutions with respect to influence the exercising of EU "hard law" among subordinated agencies and directorates?'

b) The variables in this table are all ordinal variables with the following scales: very important (value 1), fairly important (value 2), both/and (value 3), fairly unimportant (value 4), very unimportant (value 5).

**TABLE 6      INTER-CORRELATION MATRIX AMONG MINISTRY OFFICIALS**  
**(PEARSON'S R)<sup>A, B</sup>**

	1.	2.	3.	4.	5.	6.	Mean N
1. Own ministry		.36**	.11*	.24**	.00	-.05	322
2. Directorate(s)/agency(ies) themselves			.19**	.15**	.17**	.21**	300
3. The European Commission				.43**	.56**	.35**	285
4. The EFTA Surveillance Authority (ESA)					.41**	.12	276
5. EU-level agencies						.46**	210
6. "Sister" directorate(s)/agencies in other countries							

\*)  $p \leq 0.05$       \*\*)  $p \leq 0.01$

a) Original question: "How important are the following institutions with respect to influence the exercising of EU "hard law" among subordinated agencies and directorates?"

b) The variables in this table are all ordinal variables with the following scales: very important (value 1), fairly important (value 2), both/and (value 3), fairly unimportant (value 4), very unimportant (value 5).

## CONCLUDING DISCUSSION

Arguably, the combination of two institutional developments has been highly conducive to the emergence of new patterns of executive politics in Europe. First, the consolidation of the Commission as a relatively independent executive centre outside the ministers' Council has triggered centrifugal forces at the very heart of national governments; forces that could hardly

stem from IGOs. Second, ‘agencification’ at the national level has created an administrative infrastructure that makes ‘agency capture’ by the Commission possible. Consequently, national (regulatory) agencies now seem to constitute parts of national administrations as well as of an emerging Union administration. National agencies in this context have been described as ‘double-hatted’, meaning that they in matters like Council and comitology participation and transposition of EU law into national law assist their respective ministries, while they in matters like formulation of new EU policies and practicing of EU legislation primarily relate to the Commission (Egeberg 2006). In this article we have shown that also in the latter role national agencies are in addition indeed supervised by their ‘parent ministry’, although they enjoy professional autonomy to a considerable extent. The importance of the ‘parent ministry’ partly depends on its organizational capacity in the field and the extent to which the legislative area is politically contested. It is worth noticing that what has been called ‘second generation New Public Management reforms’ tend to, *inter alia*, strengthen ministerial resources in order to regain more control over semi-detached agencies (Christensen and Lægreid 2006). Others have reported that the role of ministerial departments as regards agencies’ practicing of EU legislation is contingent upon agencies’ form of affiliation to ministries and national administrative culture (Barbieri 2006; Martens 2008). Although not analyzed in this article, it seems quite obvious that also the role of the Commission will tend to vary. For example, a study of a country with hierarchical state traditions indicates that DG Competition is more capable of *penetrating* and establishing a ‘steering dialogue’ with the Italian competition authority than DG Environment is in relation to the Italian environment protection agency (Barbieri 2006). Also, lack of knowledge and ‘noviceness’ make national agencies more receptive to inputs from the Commission (Martens 2007).

The ‘parent ministry’ and the Commission (and in tandem with ESA) constitute by far the most important interlocutors as regards national agencies’ practicing of EU legislation. National agencies are clearly ‘double-hatted’ in this role. However, although significantly less important, additional ‘hats’ are also present: ‘sister agencies’ in other countries and EU-level agencies are deemed important by a considerable proportion of officials. Thus, in sum, national agencies’ practicing of EU ‘hard law’ can probably be better described as ‘compound’ or “multi-hatted” than as ‘indirect’, ‘direct’ or ‘networked’. Thus, elements of the old, intergovernmental administrative order clearly co-exist with newer ingredients of a multilevel and transnational executive order. However, our data may also indicate that ‘parent ministries’ are not consistently involved when networks consisting of national agencies, EU-level agencies and the Commission are activated. Also studies of EU-level agencies show that they tend to blend several modes of governance (Trondal and Jeppesen 2008).

In our view a system has taken a significant step towards a more deeply integrated polity when a separate executive centre at least partly disposes over executive bodies at the level beneath that are partly independent of the political core at that level. Whether this leads to enhanced uniformity as regards implementation practices across countries remains unstudied in this article. As said, compared to solely indirect implementation, one would, from an organizational point of view, expect more uniformity when implementation is compound, although not as much uniformity as when implementation is solely direct.

## ACKNOWLEDGEMENT

An earlier version of this article was presented at the RG1 CONNEX conference, Universitat Autònoma de Barcelona 7-9 June 2007. The authors would like to thank the participants at this conference and two anonymous referees for valuable suggestions as to how to improve this article.

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