

Multilevel Energy Regulation

A study of NVE's connections and autonomy in a European context

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This master's thesis is carried out as a part of the education at the University of Agder and is therefore approved as a part of this education. However, this does not imply that the University answers for the methods that are used or the conclusions that are drawn.

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Abstract

An evolving European executive order is changing the circumstances for national steering and administrative capacities. Increasingly compound and interconnected administrative structures that span across levels of governance provide an environment where domestic agencies might be serving multiple organizations or centres of authority simultaneously. Thus potentially challenging national control and accountability.

This thesis has set out to map NVE's potential participation in such multilevel administrative structures for energy regulation in Europe. By examining NVE's connection and contact with its ministry department, the supranational organizations of the energy sector, and its participation in transnational energy networks. Theoretically, the thesis is based on two mutually complementing theoretical perspectives, multilevel administration and organization theory. Whilst MLA might explain how and to what extent NVE participates in a multilevel model of European energy regulation, certain organizational characteristics might explain why connections occurs and what might cause inherent variations. Another goal is to consider what consequences potential findings might entail. The methodology is based on qualitative interviews, supplemented with document analysis.

Findings show that NVE is in active contact with especially its ministry department and its sister regulators in the Nordic and European countries. Contact with the latter takes place mainly through the transnational networks NordREG and CEER. Direct contact with the supranational organizations appears limited, mainly due to organizational circumstances. Some indirect contact might however be present, then through the transnational networks or the EU energy agency. Thus, the thesis adds to the existing literature that there to varying degrees exists close and direct links between Norwegian domestic agencies and the other organizations, often through sector-specific, transnational networks. Rather than being subject to compound steering from organizations across multiple levels of governance, it however seems as NVE actively works in connection with multiple actors for the purpose of harmonizing and streamlining the European power and energy market. Thus not necessarily serving several centres of authority at exceeding levels of governance, but rather being an active component in a compound, multilevel administrative model. Ultimately, when working on European energy regulation, NVE appears as a specialized, professional and relatively autonomous agency.

Preface

The energy sector is currently subject to rapid and massive changes, and facing uncertainties about the future. Some even deem the changes to be ground breaking, or talk about how they will turn everything upside down. As I am writing this, an annual energy conference is taking place in Kristiansand, where the overarching topic is how the entire sector cannot keep walking down the old familiar path.

A fundamental change is the growing interconnectedness across levels, and the increasing globalization of the sector. When cross-border, cross-level European cooperation becomes the new normal for those who provide national energy regulation, changed circumstances becomes reality for the domestic companies that base their work on these regulations. One of these companies is *Agder Energi* (AE), based in Kristiansand. The choice of NVE as a case study object is loosely based on a request from AE, and a wish for increased knowledge on how administrative changes in the European energy sector changes their circumstances.

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Abbreviations

ACER	Agency for the Cooperation of Energy Regulators
CEER	Council of European Energy Regulators
(The) Commission	The European Commission
(The) Council	The Council of the European Union
DERA	The Danish Energy Regulatory Authority, Danish <i>Energitilsynet</i>
DG Energy	The Directorate-General for Energy
DG Just	The Directorate-General for Justice and Consumers
EAS	The European Administrative Space
EEA	The European Economic Area, Norwegian <i>Den europeiske økonomiske samarbeidsavtale (EØS)</i> .
EFTA	European Free Trade Association
EI	The Energy Market Inspectorate, Swedish <i>Energimarkedsinspektionen</i>
EMR	The supervisory of Energy Market Regulation, Norwegian <i>Elmarkedstilsynet</i>
ENTSO-E	The European Network of Transmission System Operators for Energy
ERGEG	The European Regulators Group for Electricity and Gas
ESA	EFTA Surveillance Authority
EU	The European Union
EV	Energy and Water Resources Department, Norwegian <i>Energi- og vannressursavdelingen</i>
EV	The Energy Authority, Finnish <i>Energiavirasto</i>
MLA	Multilevel Administration
MLG	Multilevel Governance
NC	Network Codes

NESH	The National Committee for Research Ethics in the Social Sciences and the Humanities, Norwegian <i>Den nasjonale forskningsetiske komite for samfunnsvitenskap og humaniora</i>
NGO	Non-governmental organization
NOU	Norwegian Official Report, Norwegian <i>Norges offentlige utredninger</i>
NPM	New Public Management
NRA	National regulatory authority
NSD	Norwegian Social Science Data Service, Norwegian <i>Norsk samfunnsvitenskapelig datatjeneste</i>
NVE	The Norwegian Water Resources and Energy Directorate, Norwegian <i>Norges vassdrags- og energidirektorat</i>
NordREG	Forum of Nordic Energy Regulators
OED	The Ministry of Petroleum and Energy, Norwegian <i>Olje- og energidepartementet</i>
OS	The National Energy Authority, Icelandic <i>Orkustofum</i>
TSO	Transmission system operator

1. Introduction

Norway is connected to the European Union (EU) through a complex and comprehensive web of agreements and cooperation within most policy sectors. Mainly, this relationship is founded on the EEA Agreement¹, which came into force in 1994 (Eriksen & Fossum, 2014; NOU 2012:2, 2012). The EEA agreement was meant to function as a bridge between the members of the EU, and the adjoining third countries that chose to formally stay on the outside. The agreement was also meant to serve as a mechanism to expand the EU's internal market, and secure uniformity throughout Europe². The countries that have signed the EEA Agreement have simultaneously have agreed upon the principle of homogeneity, which states that all EEA legislation must be in line with the EU internal market legislation (Norway Mission to the EU, 2015). Thus, uniformity in Europe can be easily achieved, since also countries formally placed on the outside both in terms of borders and arenas of decision-making, needs to incorporate EU regulations relatively unopposed. In 2011, roughly 170 out of 600 Norwegian laws were more or less based on EU legislation, and the same is true for more than a thousand Norwegian regulations (NOU 2012:2, 2012).

One policy area that is incorporated into the EEA Agreement, and which is particularly interesting for Norway and Norwegian EU-politics, is the energy sector. The EU's internal energy market involves common European regulation of energy resources and power operations, in line with the ideas of uniformity mentioned above. At the same time, energy has always had an exceptional position in Norway, and Norwegian energy policy has a long tradition of strong public management (Austvik & Claes, 2011). Nonetheless, through the EEA agreement, Norway has incorporated a wide range of energy-related directives and regulations connected to the internal energy market (Olje- og energidepartementet, s.a.). Similarly to many of the other policy areas in the EEA agreement, Norway is obliged to take in most EU energy regulations without having a formal place in the arenas of decision-making. Consequently, this might challenge the Norwegian Water Resources and Energy Directorate's (NVE)³ position, as Norway's energy regulator with the power and

¹ The Agreement on the European Economic Area, Norwegian *Den Europeiske Økonomiske Samarbeidsavtale* (EØS-avtalen) (EFTA, s.a.).

² Underlining that in this context, "Europe" will refer to not only of the EU and its members, but also European third countries that in various degrees might be connected to the EU.

³ Norwegian, *Norges vassdrags- og energidirektorat*

responsibility to manage Norway's water and energy resources (Norwegian Water Resources and Energy Directorate, 2011). Subsequently, traditions of strong national steering in the energy sector might also be subject to change.

In order to fully grasp the relationship between Norway and the EU, and NVE's role in European energy regulation, an overview of the formal affiliations of the sector is not sufficient to understand the inherent complexities. Experiences from the energy sector may particularly indicate that an active and insightful relationship with the EU is perhaps more important than the overall formal affiliation between Norway and the EU (Austvik & Claes, 2011). It is equally essential to understand the meaning of actual participation and various types of network cooperation, which changes traditional administrative structures and has become increasingly relevant within the "European administrative space" (EAS) (Trondal & Peters, 2013).

There already exists extensive literature on how "Europeanization"⁴ occurs, and what impact the EU system has on its member states and adjoining third countries (Börzel & Risse, 2007; Exadaktylos & Radaelli, 2015; Olsen, 2002). A more recent generation of European integration research, often referred to as multilevel administration (MLA) goes in depth into how changes that have occurred at several administrative levels in Europe creates an environment where the EU, mainly through the European Commission⁵, connects to units or organizations at lower level of governance. Thus resulting in national agencies that appear to operate with two or more "hats" (Egeberg, 2006; Egeberg & Trondal, 2009). This means that national agencies', such as NVE, might be parts of the national administration while they simultaneously work in close connection with administrative units at the supranational level. In addition, national agencies might also actively participate in transnational networks. Such compound connections with multiple collaborators form the basis for changing governance structures in Europe, which further might result in compound multilevel administrative models (Egeberg, 2006; Trondal, 2015a).

⁴ Europeanization might be defined as 'a set of processes of construction, diffusion and institutionalization of formal and informal rules, procedures, policy paradigms, styles, "ways of doing things" and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies' (Radaelli, 2003, p. 30).

⁵ Hereby "the Commission"

Compound multilevel steering in Europe might have several consequences. One possible implication is how strong coordination across levels in Europe through various networks and partnership structures might be on collision course with traditions of strong coordination at the national level (Egeberg & Trondal, 2015). The EU has recently undergone a number of changes to strengthen their coordinating capacity, by building an increasingly comprehensive system of executive power. Within the energy sector these changes involve the strengthening of the EU organizations in the sector, in addition to ensuring consistent and uniform use of EU energy regulation among member states and adjoining third countries (Jevnaker, 2015). These changes might make the EU, through the Commission and the Directorate-General for Energy (DG Energy), along with the Agency for the Cooperation of Energy Regulators (ACER), able to bypass national executive centres and connect with administrative units located at the national level, such as NVE. This creates a dilemma, where tighter EU coordination cannot exist parallel to traditional, national control of regulatory authority in the energy sector (Austvik & Claes, 2011; Egeberg & Trondal, 2015).

1.1 Research Questions

This project is a case study of NVE and this agency's authority as regulator of Norwegian power and energy resources. Particular attention is devoted to NVE's underlying supervisory of *Energy Market Regulation* (EMR)⁶. The EMR maintains NVE's national regulatory authority within the electricity and gas market, and actively take part in European and Nordic energy regulatory networks in order to do so (Norges vassdrags- og energidirektorat, 2013, s.a.-a). This project thus sets fore at examining how and to what extent NVE, through the EMR, form part of a European multilevel model with multiple regulatory collaborators. With focus on examining how connections between NVE and the other organizations actually are, why they might occur or be subject to variations, in addition to the potential consequences of such the various connections.

The following research questions are advanced:

How and to what extent does NVE participate in a compound model of multilevel European energy regulation? Second, what might explain such participation? Last, what consequences could participation potentially entail?

⁶ Norwegian, *Elmarkedstilsynet*.

These questions provide the foundation for researching NVE's connections with relevant collaborators in the field of European energy regulation. However, as the global world consists of a range of actors, and since the energy sector appears as a policy sector that to a large extent is characterized by a range of international cooperation (Norges vassdrags- og energidirektorat, 2009; Olje- og energidepartementet, s.a.), we might expect a national agency as NVE to have many collaborators. Therefore, in order to use NVE's connections as a beneficial case study, the project is limited to deal with the organizations that appear the most relevant in this particular context. This limitation is based on which organizations NVE describes as its key collaborators, in addition to organizations deemed relevant on the basis of MLA as a theoretical perspective.

MLA as a theoretical framework, described in detail in Chapter 2.1, provides an assumption of how national agencies might work for multiple "masters" simultaneously, consequently being "multi-hatted". Previous research has shown that these agencies are key parts of the national administration, while at the same time working in close cooperation with the Commission, or the Commission's departments (Egeberg, 2006). In this context, it is therefore interesting to examine the connection NVE has to the national Ministry of Petroleum and Energy (OED)⁷, and to the Commission and DG Energy. Previous research has also shown that national agencies are not only connected to their national departments, or to the Commission, but that they also appear to work in close connection to relevant EU agencies and "sister-agencies" in other countries, often through transnational networks (Egeberg & Trondal, 2009, 2015). Based on information from NVE this involves the EU agency ACER, in addition to the Nordic energy regulator network NordREG⁸, and the corresponding European network CEER⁹. The overarching goal of the latter two regulatory networks is specified as a wish to achieve greater harmonization of legislation and regulatory framework so as to facilitate deeper integration in the Nordic countries and in Europe in general (Norges vassdrags- og energidirektorat, 2009).

Following, the research questions form the basis for examining NVE's vertical connections to the Commission and DG Energy, to ACER, and to the OED, and the horizontal connections to NordREG and CEER. A key element is that of investigating how intertwined these networks and connections might be, and whether there exists a centralization of the energy

⁷ Norwegian, *Olje- og energidepartementet (OED)*.

⁸ Forum of Nordic Energy Regulators (NordREG).

⁹ Council of European Energy Regulators (CEER).

regulating authority around the institutions at the EU level. If that is the case we might claim to see the creation of a European energy regulating multilevel administration (Trondal, 2010).

This project aims at three goals. First, by using NVE as a case, the purpose is to examine NVE's connections with various collaborators that are vertically and horizontally placed across level of governance and national borders. This is examined by mapping both up- and downstream processes of NVE's work with EU energy regulation. The second purpose is to explain the underlying behaviour behind such networking and multilevel connections. For that purpose, explanatory variables from organizational theory are included, which are deemed appropriate tools when it comes to examining a possible European multilevel administration (Trondal, 2010). These regard some of the fundamental conditions behind MLA, such as vertical specialization and supranational capacity (Egeberg, 2006). In addition, horizontal specialization, organizational duplication and degree of politicization are included as relevant variables, based on assumptions from previous research (Egeberg & Trondal, 2009; Trondal, 2011). These variables are explained in detail in chapter 2.2. Third, and as argued by Bach, De Francesco, Maggetti and Ruffing (2016), focus should be on not only the benefits of playing at a multilevel arena, but also on the constraints deriving from it. Following, the project lastly aims at elucidating some of the consequences NVE's connections across levels of governance might entail.

1.1.1 Main Findings

NVE is in active contact with its ministry, through both formal steering mechanisms, active information exchange, and for the purpose of providing technical advice. Most contact appears to follow the organizationally expected based on vertical specialization, in that contact takes place mainly through the leadership of NVE and that lower level sections and employees perceive to enjoy significant autonomy in their daily work. Internationally, NVE's most important collaborators appears to be their sister regulators in especially the other Nordic countries. This contact takes place mainly through NordREG. Contact with the remaining European energy regulators also seems relevant, through the CEER. This horizontal network participation might largely be explained by the horizontally organized structure of the energy sector, and the degree of technicality of the energy regulation. Contact with ACER seems to be limited due to organizational circumstances, mainly the stagnated inclusion of the third energy package into the EEA framework. Until implementation of the third package, NVE is denied access to the forum for decision-making in ACER. Direct

contact with the other supranational organizations is reported as minimal, despite the organizationally expected. Some indirect contact is however plausible, then through the transnational networks or through ACER.

1.1.2 Concepts

In order to create a beneficial backdrop for the following theoretical presentation and discussion, some concepts that will frequently be used throughout the text is elaborated.

Autonomy: In this context, autonomy regards the degree to which national agencies, such as NVE, are able to act and make decisions relatively independent from any kind of ministerial steering. The concept is often perceived as twofold and divided into *de jure* and *de facto* autonomy. An agency's *de jure* autonomy regards the formal independence it is granted, for instance by deliberate design or allocation from the parent ministry. *De facto* autonomy however, concerns the actual independence an agency enjoys, particularly regarding the phases of policy processes (Bach & Ruffing, 2013; Ruffing, 2015).

Energy Regulation: NVE is the formal regulator of all Norwegian energy and power operations. This entails, as previously mentioned, that NVE is responsible for managing Norway's water and energy resources (Norges vassdrags- og energidirektorat, 2011). In this context, the focus is mainly on NVE's authority in relation to the regulation of energy. This authority is manifested through the Energy Act¹⁰, which makes it both the task and responsibility of NVE to make decisions accordingly (Olje- og energidepartementet, 2002). More specifically, NVE sets the framework, through the approval and allocation of licenses, for the production, conversion, transmission, trading, distribution and use of energy resources in Norway (Olje- og energidepartementet, 2015a).

European multilevel administration: As a level might be defined as 'the existence of separate and relatively independent sets of institutions, personnel, rules, finances, and so on' (Bauer & Trondal, 2015a, p. 17), a multilevel characteristic is deemed to exist in mainly all political systems. Interestingly, it also means that the EU, with its institutions, becomes a supranational level on top of the already existing levels of governance. As a separate supranational level, the EU is situated outside the national institutional context, and 'does not integrate well into existing national systems of executive government and parliamentary accountability' (Bauer

¹⁰ *Lov om produksjon, omforming, overføring, omsetning, fordeling og bruk av energy m.m.* (Energiloven, 1990).

& Trondal, 2015a, p. 17). Thereby, the multilevel characteristic of the administrative system consist of a paradoxical mix of how supranational institutions are able to act relatively independent from the member state governments and at the same time being institutional interconnected with institutions across levels of government. The term encompasses the development of a new administrative order in Europe, and is often used in order to understand how connections might cut across administrative levels, and how institutions might be concurrently independent and interdependent (Bauer & Trondal, 2015a; Trondal, 2015a). The theoretical framework of multilevel administration is presented in detail in chapter 2.1.

Up- and downstream processes: In this context we talk about these phases in terms of how NVE relates to its European collaborators, when it comes to working with EU regulation of energy resources. *Upstream processes* regards the extent to which NVE participate in the formulation of energy policy. Often where decisions are taken at the supranational level, but where these decisions might affect NVE's work or its authority as the regulator of Norwegian energy resources. Such participation might take the form of both formal or informal contact between NVE and the supranational organizations. *Downstream processes* concern how NVE works with implementing and practising EU regulations, and to what extent contact with other actors occur in this work. Previous research has shown that national agencies who implements EU legislation is subject to interference from the national ministry, the Commission, "sister agencies" in other countries, and EU agencies (Egeberg & Trondal, 2011b). In this context, this concerns the OED, the Commission, NordREG, CEER and ACER.

1.2 Previous Research

European integration research has throughout times aimed at examining the connections between the various actors operating within the EU's framework. While the debate in traditional integration theory discussed whether power was situated at the national level or at EU institutions¹¹, later research of multilevel governance (MLG) opened up for how other actors and levels also stand out as relevant, and that these must be included in the research if we are to understand the full complexities of the EU (see i.e. Marks, Hooghe, & Blank, 1996). Subsequently, MLA has gone further, aiming at unpacking these levels and actors in detail with the intention of highlighting analytical dimensions that the MLG literature have been

¹¹ The "Grand Debate" between neo-functionalism and intergovernmentalism (see i.e. Hoffmann, 1966; Haas, 1958; Moravcsik, 1998).

criticized of overlooking (Trondal, 2015a). These dimensions regard how the focus of research should be directed towards sub-units at various administrative levels, that the units of analysis cannot be considered as unitary actors when they can be subject to differentiation, and lastly that organizational variables can contribute to increased understanding of the interaction between these actors or units (Trondal, 2015a).

There already exist a number of studies that has aimed at examining the emergence of a MLA, particularly for the purpose of identifying and understanding the building of EU's administrative capacity (Egeberg, 2006; Egeberg & Trondal, 2011a; Rittberger & Wonka, 2011), and how there in the "European space" has developed connections that pictures an interconnected European public administration (Bauer & Trondal, 2015b; Curtin & Egeberg, 2008; Egeberg & Trondal, 2009; Trondal, 2010). In addition, there also exist a large number of case studies that focus on administrative sub-units at different levels, and to what extent they participate in models of MLA. In a Norwegian context these studies have attempted to identify the connections Norwegian agencies might have to the Commission's administration, to EU level agencies, or to "sister agencies" in other countries. Currently, the following areas have been examined: Postal services and telecommunications (Myhre, 2005), competition (Danielsen, 2012; Solstad, 2009; Stenby, 2009; Støle, 2006), food safety (Ugland & Veggeland, 2006), environment (Martens, 2006, 2008a, 2008b), chemicals (Gudbrandson, 2011), statistics (Sverdrup, 2006; Teigen, 2014), pharmaceuticals (Vestlund, 2009), railways (Stene, 2010), shipping (Gulbrandsen, 2011), aviation (Johannessen, 2012), health (Søetorp, 2012), data storage and privacy (Løkken, 2011), finance (Isaksen, 2012), and defence (Aabel, 2013). These studies confirm that there to varying degrees exists close and direct links between the domestic agencies and the other actors, often through sector-specific, transnational networks (Egeberg & Trondal, 2014).

There are also a handful of studies that examine the existence of a MLA in the energy sector. Torbjørg Jevnaker (2015) has for instance examined how the EU over time has increased its administrative and executive capacity in the energy sector. She claims that we see the emergence of an energy specific multilevel administration, and concludes by asking questions as to how this strengthening of the supranational level may influence the member states (Jevnaker, 2015). Potential impacts would then also be applicable to adjoining third countries, such as Norway. In addition, Eva Ruffing (2015) has examined the consequences of Europeanization of the German energy regulator, which became part of ACER after the agency establishment. Her study discovers that the German energy regulator gained

significant *de facto* autonomy from its ministry through the involvement in European network structures. The German energy ministry has largely kept its steering position, however the new connections has granted the agency ‘new roles and channels of influence, making the old steering routines insufficient and granting agencies more *de facto* autonomy’ (Ruffing, 2015, p. 1123). In that particular case, the autonomy is particularly evident in the formulation phase of policy-making.

There also exists a range of historical accounts of EU energy regulation¹², and NVE itself has issued publications on Norwegian energy regulator and power market history¹³. Nevertheless, there are not to my knowledge any studies that go in depth into Norwegian participation in MLA within the energy sector. Complementary reasons for selecting NVE as the case study object will be elaborated after a brief portrayal of the theoretical framework.

1.3 Theoretical Framework

This project follows in line with the most recent research conducted on MLA and the theoretical framework of the project is therefore based on two different, yet mutually complementing perspectives: MLA and organizational theory. One basic assumption of MLA is how national agencies, such as NVE, under certain conditions bypasses their national ministries and rather connects to multiple other organizations more or less simultaneously. The theoretical research framework of MLA is presented in chapter 2.1, and provides a foundation for examining to what extent NVE takes part in compound European administrative structures. Investigating NVE’s connection to the OED, to the Commission’s administration, and to ACER, CEER and NordREG.

While MLA might help us understand how such connections span out, elements of *organization theory* might illuminate why it occurs, or what might cause inherent variations in degrees of contact. The assumption is that certain organizational characteristics provide implications for how national agencies connect to different organizations. Therefore, beneficial for this particular project, five organizational characteristics are used as independent variables. The first two regard how the occurrence of MLA is especially subject to two conditions. First of all, MLA is conditioned upon the degree of autonomy of the national agency. In this case this refers to whether NVE is vertically specialized, and thus

¹² See i.e. Mathieu (forthcoming).

¹³ See i.e. Faugli (2012).

subject to *de facto* autonomy from OED. Secondly, the institutions at the supranational level are in need of significant capacity in order for national agencies' to connect to them. The chances for MLA to be present are thus dependent upon a certain extent of *supranational capacity*. In addition, three other variables that are theoretically assumed to influence the potential connections are included. These regard the degree to which the OED might seek to strengthen their steering of NVE by duplicating its tasks and responsibilities. Also, how the sectorial nature of NVE is expected to provide foundations for its connections to similar institutions across borders. Lastly, degree of politicization of the European energy regulations is expected to affect the degree to which OED seeks control over NVE. The independent variables are explained in depth in chapter 2.2.

1.4 Case Selection

The choice of case is largely twofold. First of all, major changes are today taking place in the energy sector in Europe. Because of this, the sector has been subject to increased research interest recently. Especially in relation to the EU, energy policy stands out as highly relevant. Mainly because of the constantly evolving energy and climate goals, as well as on-going plans for the creation of an energy union and an increasing desire for strong coordination in the energy sector for the EU, its member states and the EU's partners (European Commission Energy, s.a.-a; European Union, s.a.).

Second, and as previously mentioned, a study of NVE's participation in MLA might fill a gap in the existing literature. A survey of NVE's participation in a European multilevel administration on energy regulation would join the ranks of already conducted case studies, and expand the current knowledge to also encompass the energy sector. Thus contributing to increasing the existing level of knowledge of the changes that are happening for the administrative structures in Europe. As such, we might also increase the knowledge regarding how Norway can and perhaps also should act in relation to this.

1.5 Methodology

As this project is a case study of NVE and this agency's participation in energy regulatory MLA, the chosen research design and method should present an opportunity for collecting empirics that creates a foundation for analysing whether and how such connections take place, in addition to why they might occur.

In order to get hold of information on how NVE connects to the chosen group of collaborators, a range of in-depth interviews are conducted with employees of the EMR of NVE. Triangulation is made use of, as the information gathered from the interviews is united with information gathered from a certain extent of document analysis. By including information from public documents, the respondent's percept of connections between NVE and the collaborators are examined in relation to the formal associations between the institutions for the purpose of more comprehensive empirics.

1.6 Disposition

The remaining sections proceed as follows. The next chapter presents the theoretical framework from which the research is based, with a twofold theoretical account. First of all, an account of MLA as a theoretical framework is presented, culminating in a research model. Second, elements of organizational theory are presented, which will function as independent variables in this project. These variables helps shed light on why connections between NVE and the other organizational might occur, in addition to what might create variations of these connections. Both parts conclude with tables of expected findings, if the assumptions are validated by the collected results. Following, the chosen research design and methodology is presented in the third chapter. Chapter three concludes with a discussion of the qualities and challenges that the research design and methodology might entail. Chapter four presents the collected results, focusing on how energy regulation is organized at the national level, at the EU level, and transnationally, with NVE as the focus point. Special focus is granted to NVE's role in the down- and upstream process of European energy regulation. In chapter five, the collected results are discussed in relation to the theoretical assumptions from the second chapter. The expected findings resurface, and focus is how debating whether the findings demonstrate that we have found what we were expecting, and to what extent. Potential consequences of the results are also elucidated in this chapter. The project is concluded in chapter six, which also includes some pointers on where to go from here.

2 Theoretical Framework

The purpose of this project is to examine to what extent NVE participates in a European multilevel energy regulation, and what might cause variations of such participation. In order to do so, the theoretical framework is based on two different, yet mutually complementing, theoretical perspectives. Combined, the two perspectives will be made use of in order to shed light on the collected empirics.

First, previous research on multilevel MLA provides a framework for mapping NVE's participation in compound European administrative structures. One basic assumption within the MLA perspective is how domestic agencies, such as NVE, under certain conditions tend to by-pass their national departments and create new ties of cooperation with a multitude of other actors in the "European administrative space" (EAS) (Trondal & Peters, 2013). Findings from previous research indicate that we can expect NVE's participation in compound European MLA, where NVE has connections with different collaborators simultaneously (Egeberg & Trondal, 2009).

Second, in order to shed light on why connections between domestic agencies and different collaborators occur, in addition to examining what might cause potential variations, explanatory variables based on organizational theory are included. It has often been claimed that political processes and systems cannot be adequately understood without considering the organizational dimension of executive orders (Olsen, 2007; Trondal, 2010). Therefore, organizational elements have often been used in recent studies on the connections between the EU, the member states and adjoining third countries. In this context, organizational theory can help us understand why compound, multilevel connections between the included actors might occur. The chosen variables are based on assumptions that certain organizational characteristics will set guidelines for how domestic agencies connect with various collaborators. In this context they are treated as independent variables. The variables concern the vertical and horizontal specialization of the case object, the capacity and competences of the supranational level, the degree of politicization of the policy area, and whether or not organizational duplication is present.

This chapter is organized as follows: The theoretical perspective of MLA is presented in detail in the following chapter 2.1. This presentation of MLA firstly concerns how previous research creates a beneficial backdrop and useful analytical framework for the research that will be conducted in this project. Second, the case-specific research model is presented,

providing a descriptive picture of NVEs connections with the different collaborators in the EAS. This model emerges as a compound model of multilevel administration. Following, a thorough and case relevant presentation of the organizational variables follows in chapter 2.2, where the five independent variables are presented in detail. Both the compound model of MLA and the organizational variables will be subject to the deduction of a series of expected findings, which will be presented in summarizing tables following each sub-chapter.

2.1 Multilevel Administration

The research field of European studies and European integration has continuously been subject to development, parallel to the development of the research objective. One common denominator of the diverse theories and perspectives is the goal to enlighten the relations and power structures between the institutions and actors that have existed within the field. However, as mentioned, the organizational dimensions that characterize executive orders should be included in order to adequately understand the political systems or processes (Olsen, 2007). More recent research within this field has therefore aimed at explaining the executive order of the EU. Therefore, whilst some features of the MLA perspective has roots in more traditional integration theory, it also represents the merging of integration theory and studies of public administration (Trondal, 2010).

Previous research has put forward assumptions that we have currently experienced three broad generations of study of executive orders in Europe (Trondal, 2010, 2011). The first generation takes a somewhat intergovernmental form where domestic executive and administrative systems are portrayed as closed-of systems, separated from both international politics and organizations (Trondal, 2010). Following the intergovernmental logic, the claim is that national governments are perceived as the main executive centre of policy-making. Thus, within this generation, ‘domestic agencies are most commonly pictured as integral sub-units within domestic central administration’ (Trondal, 2011, p. 61), serving one centre of authority and thereby being perceived as “single-hatted” agencies.

The second generation shifted attention, and rather focused on the international organizations of the executive Europe. Some of the research within this generation is more commonly known as *Europeanization* (see i.e. Börzel & Risse, 2007; Exadaktylos & Radaelli, 2015) or *Multilevel Governance* (see i.e. Marks et al., 1996; Piattoni, 2010), where focus is on how the EU system affects domestic policy, polity and politics. Research within this generation thus manifests as a top-down approach to European integration, recognizing domestic units as

relevant actors and examining their involvement in EU level politics. However largely ignoring under what conditions involvement might occur, in addition to ignoring that such participation might be subject to differentiation (Trondal, 2010).

Lastly, the currently on-going generation of study combines the two former generations, in addition to taking the complexity of today's administrative systems into account. This generation of study 'aims to both identify the component parts of compound executive orders and to theorize the conditions under which different components are activated and deactivated' (Trondal, 2010, p. 16). This generation thereby opens up the "black boxes" MLG has been criticized of having, and goes in depth into the processes of Europeanization, for the purpose of grasping the inherent complexities of current executive processes within EU's framework. As such, this third generation marks a turn for studies on European integration and studies on public administration, by partially integrating these two strands of theory (Trondal, 2010). Ultimately, this has provided a theoretical framework for understanding the European multilevel administration.

2.1.1 Outlining the Analytical Framework

The works by Egeberg and his associates kicked off the studies on the connections between administrative systems at supranational and national level of governance, and how that changes the European executive order (Bach, Ruffing, & Yesilkagit, 2015; Egeberg, 2006). This research builds on the existing multilevel structure of MLG, but evolves past MLG by examining in depth what each actor, and the relations between them, consists of. One basic assumption behind the early research on MLA is how certain developments in Europe provide for fundamental changes in the inherent executive orders. This regards 'the emancipation of a strong European executive institution (the Commission) and the domestic fragmentation of government systems' (Bauer & Trondal, 2015a, p. 10)

First of all, the emancipation of the executive function at the EU level is credited to two parallel developments in the EU, the strengthening of the Commission and the increasing number of EU level agencies. As EU's executive power, the Commission is formally separated from steering by national governments or by the Council of the European Union¹⁴ and is therefore able to act relatively independently (Egeberg, 2006). These characteristics ultimately make the Commission a unique administrative organization, differing from the

¹⁴ Hereafter "the Council".

administrative function and the territorial specialization of traditional international organizations. In addition, the Commission's executive function has been strengthened through the establishment of a range of EU level agencies (Egeberg, 2006), which is more commonly referred to as EU level "agencification" (Trondal, 2014). The process of "agencification" represents a fragmentation of regulative authority in Europe, and a delegation of responsibility from the Commission to professionalized and independent institutions (Levi-Faur, 2011). As such, executive capacity is being transferred from the member states and into new formations at the EU level (Curtin & Egeberg, 2008). This process thus represents a move, or proliferation, of executive and regulatory power in the EU, to agencies that are formally separated from nation states' political steering.

Secondly, the emergence of a European MLA system is conditioned upon a New Public Management (NPM) inspired development, where national agencies increasingly have been organized at arm's length from their respective ministries (Egeberg, 2006). This development has subsequently enabled the same domestic agencies to be re-coupled by the increasingly powerful supranational executive, thereby "by-passing" their respective ministries. As such, the strengthening of the EU executive and the national de-coupling of domestic agencies, might result in what Egeberg (2006) refers to as "double-hatted" national agencies. Where national agencies function as parts of the national administration while at the same time being connected to the supranational level in processes of policymaking.

The explanation behind the bypassing of national governments and the subsequent "double-hattedness" of domestic agencies is threefold. Firstly, lacking own agencies at the national level, the Commission has interests in being connected to other forms of administrative capacity in the member states. Such connections are enabled since these agencies seem to be, at least to a certain extent, autonomous from their respective ministries. Secondly, the Commission is in need of stable partners, in both the formulation and implementation phases of EU legislation (Egeberg, 2006). National governments are formally connected to the Council, and implementation through national governments might make the policies highly contingent upon national traditions, politics or capabilities (Egeberg, 2015; Knill, 2001). Thus, partly decoupled and autonomous national agencies might provide the Commission with the adequate stability for uniform handling of EU legislation. Lastly, since the Commission has authority as supervisor of EU policy implementation, and this implementation is carried out by domestic agencies, some sort of connection between these two actors seems natural. However, because of the Commission's relatively independent role,

the supervision of EU policy implementation might take a relatively different form than traditional supervising and evaluation (Egeberg & Trondal, 2011b).

In addition to functioning as parts of national administration and parts of the EUs executive apparatus, domestic agencies also seem to have close contact with “sister agencies” in other countries, most often through transnational networks. An interesting consequence of domestic agencies’ cooperation in transnational networks is how they might evolve past being “double-hatted”, and instead becoming increasingly networked or “multi-hatted” with several connections being simultaneously active and important (Egeberg & Trondal, 2009). Such transnational networks are commonly portrayed as a solution in an increasingly complex institutional environment, in which handling of cross-border issues and exchanging “best practices” is enabled (Egeberg & Trondal, 2009; Majone, 1996). These transnational networks thus represent a horizontal dispersion of power and a different source of connection in a compound European executive order. As such, cooperation through transnational networks might be a source for agency autonomy, however only as long as the network are mainly independent and controlling their own portfolios and agenda. Yet, an increasing number of networks are currently steered by the Commission. The Commission might have established these networks itself, or they might have evolved through the Commissions gradual acquiring of existing networks (Levi-Faur, 2011; Trondal & Peters, 2013).

As portrayed above, domestic agencies might be subject to cooperation and influence from a range of actors and institutions, situated across multiple tiers of governance. However, before the article by Egeberg and Trondal (2009), there was no research on the relative importance and influence of these different institutions on domestic agencies’ work with EU legislation. By examining whether policy formulation and implementation in a multilevel system either takes form indirectly through national governments, directly through Commission-steered domestic agencies, through transnational networks, or through compound implementation triggered by multiple sources of power, the results pointed towards the latter. As such, the main conclusion of the article point to that processes of EU policy making at the national level are compound, and that domestic agencies are at large influenced by several organizations simultaneously (Egeberg & Trondal, 2009). In addition, a number of case studies on Norwegian regulatory agencies’ participation in MLA, show results that they seem to act as “multi-hatted” with connections to their respective ministries, the Commission, EU level agencies, and to “sister agencies” through transnational networks in varying degrees (see i.e. Egeberg, 2006).

The early research on MLA focused mainly on the role of domestic agencies in the implementation phase of EU regulation. The process of implementation refers to ‘the stage of the policy process at which EU legislation has already been transposed into national legislation and at which it is applied in practice by national (regulatory) authorities’ (Egeberg & Trondal, 2009, p. 779). According to Egeberg and his collaborators, national agencies tend to be “double-hatted” when they are putting EU legislation into practice. On the other hand, in policymaking processes, they tend to be mostly ministry-driven (Egeberg, 2006), and therefore not as interesting for the purpose of mapping the emergence of MLA. However, more recently conducted research has shown results that domestic agencies are equally, or even more, involved in MLA in the formulation phase than in the implementation phase. The formulation phase concerns the possibilities for national agencies to participate, either formally or actually, in the making of EU policy and regulation. According to Bach et al. (2015), what they refer to as the *differentiation hypothesis*, transforms national agencies into mainly policy-developing international actors. The underlying reason behind such development is founded on the differentiated nature of the international environment, where policy formulation, to a certain extent has become a task for the supranational level, while the implementation of policies remains a national level responsibility (Bach et al., 2015).

Based on previous research we can make theoretically founded assumptions about NVE’s potential participation in a compound European multilevel administration. The following section presents the theoretical research model.

2.1.2 Research Model

A compound model of MLA, with NVE as the focal point, is illustrated in the following figure 2.1. The model portrays NVE’s connection to the national government through the OED. NVE is also connected to the EU level, either directly to the Commission and DG Energy, or indirectly through the connection with ACER. The latter is the most plausible. Lastly, NVE is connected to “sister-regulators” in the Nordic and European countries through the transnational networks NordREG and CEER. These collaborators of NVE might be co-existing or mutually complementing. They might be activated in various phases of a policy process and by different external features, or they might function more or less simultaneously (Egeberg & Trondal, 2009).

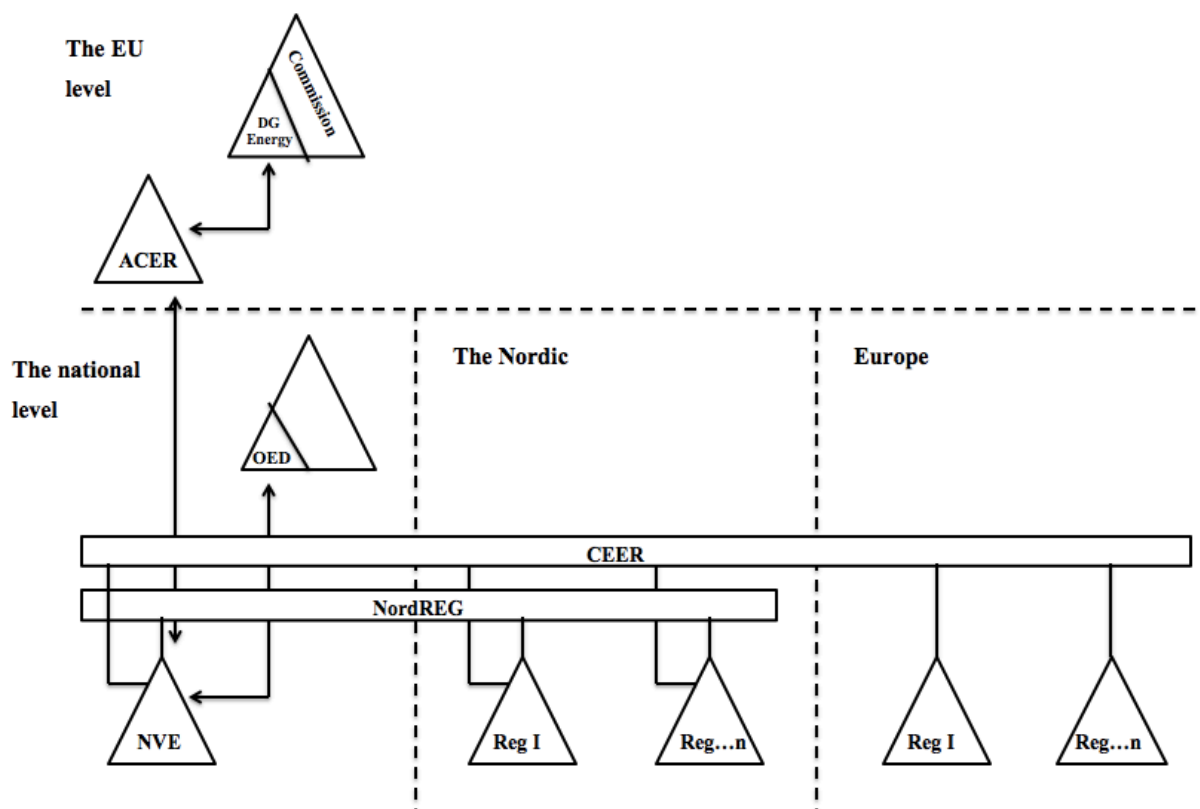


Figure 2.1 NVE’s potential connections in a compound model of multilevel European energy regulation (freely adapted from Egeberg & Trondal (2015)). Reg I-...n represents NVE’s sister regulators in the Nordic and European countries.

With a starting point in the research model presented above, the following section will orbit around “unpacking” NVE’s relations to the different collaborators for the purpose of deducing some expectation of findings regarding NVE’s connection to these different organizations. When relevant and beneficial, there will be distinguished between connections in the policy implementation phase and the policy formulation phase. The expected findings are summarized in table 2.1 below.

First of all, NVE is naturally connected to its “mother-ministry”, the OED. NVE is hierarchically placed beneath the OED, and one might expect the department to set guidelines for NVE’s daily functioning. Especially in terms of budget, evaluations, supervision and other forms of formal measures or evaluations. With regards to the more specific work on energy regulation, one might expect NVE to have more autonomy given the high degree of technicality. In addition, NVE is granted authority as the manager of Norwegian energy resources through the Energy Act (Olje- og energidepartementet, 2002). This law provides NVE with the authority to control and set guidelines for all aspects of usage of Norwegian energy resources. Except cross-border sales, an issue that is subject to mandatory control and

approval by the ministry. Substantive control by the ministry on NVE's daily work on energy regulation nonetheless appears as unlikely. One might however expect some form of dialogue with regards to proposals for, and implementation of, new EU regulations.

Second, the EU might stand out as a relevant connection for NVE. NVE's connections to the EU level administration might take two forms, either directly to the Commission and DG Energy or indirectly through ACER. In the policy formulation phase one might expect NVE to be active in terms of affecting the EU level decisions on energy regulation that might end up with EEA relevance. In the policy implementation phase one might expect EEA relevant policies on energy regulation to have substantive effects on NVE's work. We might also expect to see tendencies of EU administration pushing for uniform implementation of EU regulations, and thereby a certain extent of scrutiny from the EU level with regards to domestic implementation practices. One might also expect to see dialogue between NVE and ACER regarding implementation and practicing of EU regulation, especially in instances of uncertainty.

Third, domestic agencies today seemingly connect to several "sister agencies" in other countries, often through involvement in transnational networks. In this case we are talking about NVE's connections with energy regulators in the Nordic or European countries. One might expect frequent contact between NVE and its "sister"-regulators concerning energy regulation, for the purpose of assisting each other and for exchanging information and "best-practices". In addition, NVE itself mentions the transnational networks NordREG and CEER as some of their most central collaborators when it comes to European energy collaboration (Norges vassdrags- og energidirektorat, s.a.-b). Transnational networks might be relatively autonomous or they could be subject to steering by the Commission. Either way, one might expect to find elements of connections in both the implementation and the formulation phases. It is likely that NVE cooperates with similar energy regulators regarding implementation of EU regulations, especially if the EU is pushing for uniform implementation. In the formulation phase, these regulators might cooperate in order to obtain information and create a united front for affecting the policymaking at the supranational level. For a Norwegian regulator, cooperation with regulators from other countries might be especially important, since Norway is formally placed outside the EU and thereby has limited access to certain arenas of policymaking.

Lastly, we might assume several connections and sources of influence to be at work concurrently, making NVE subject to a compound form of steering and dialogue. Despite the formal placement of NVE below the OED, one cannot exclude contact between NVE and the Commission's administration or "sister agencies" (Egeberg & Trondal, 2009). As depicted here through how various actors are included in the model above. If NVE is part of a MLA, we might expect both formal and informal connections between NVE and these other actors with regards to the implementation of European energy regulation. We might also expect to find elements of contact between NVE and the other actors in the formulation phase, most likely with the goal of influencing the formulation of common European regulations. Following, we might expect NVE to have multiple administrative connections in their work with regulations of energy resources.

In sum, based on the research model, we can expect connections between NVE and OED, in addition to connections to the EU's administration and to "sister"-regulators through transnational networks. These connections might be activated simultaneously or they may be subject to differentiation. In some instances, NVE might be "two-hatted", connected to the national and supranational administration. In other instances, NVE might be "multi-hatted", simultaneously juggling connections with multiple actors. NVE might also have other connections, which are not included in this project (see chapter 1.1 for research limitations). However, in order to make claims about NVE's participation in MLA, the agency needs to be at least "double-hatted". Or else traditional state-centric steering might be the alternative, rendering the assumption of a European multilevel energy regulation implausible. A summary of the expected findings is presented in table 2.1 below. When relevant, a distinction between NVE's connection in the implementation phase or the formulation phase is taken into account. The expected findings provide a foundation for the later analysis of the collected results.

Table 2.1 Summary of expected findings based on the theoretical framework of MLA.

NVE's connection...	Expected findings
To the Ministry of Petroleum and Energy (OED)	<ol style="list-style-type: none"> 1. OED has some degrees of formal control over NVE, especially with regards to budget, evaluation etc. 2. NVE has a certain extent of autonomy on energy regulation, due to the technicality of the matter and their authority through the Energy Act. 3. There is a certain dialogue between OED and NVE regarding the practicing of EU regulations.
To the Commission's administration	<ol style="list-style-type: none"> 4. NVE is active in the formulation phase of European energy regulation, especially if there are prospects of EEA relevance. 5. Energy regulations with EEA relevance affect NVE's regulatory work, especially in the implementation phases of policies. 6. The EU administration supervises domestic implementation practices. 7. There exists dialogue between NVE and ACER regarding implementation and practicing of EU regulations, especially in instances of uncertainty.
To "sister"-regulators through NordREG and CEER	<ol style="list-style-type: none"> 8. Frequent dialogue and contact for mutual assist, and exchange of information and "best-practices" 9. Cooperation regarding implementation of EU regulations. Especially if EU organizations are pushing for uniform implementation. 10. Cooperation and exchanging information and "allying" to seek common influence in the formulation phase of energy regulation.

NVE's connection...	Expected findings
To multiple actors	11. NVE has both formal and informal connections with multiple institutions and actors in the field of energy regulation 12. NVE cooperates and seeks assistance with a multitude of actors in the implementation phase of energy regulation. 13. NVE is actively cooperating with multiple actors in order to influence common energy regulation in the formulation phase.

2.2 Organizational Theory

Organization theory can provide explanations for why domestic agencies, such as NVE, connect with multiple organizations. One basic assumption behind organizational theory is the notion that how an institution is organized influences how it behaves. A wide range of previous research on MLA argues for the necessity of analysing the patterns and dynamics of the administrative capacities of the EU in order to fully grasp how the EU shapes European public policy (Bauer & Trondal, 2015a; Curtin & Egeberg, 2008; Olsen, 2007; Trondal, 2010). These patterns and dynamics might be evident at all levels of governance, and they might affect how regulation or administration is conducted across levels. For instance, the emergence of MLA is ‘highly contingent upon particular organizational and institutional features at the national level’ (Egeberg, 2006, p. 14). On that note, certain organizational characteristics might function as beneficial independent variables for explaining NVE’s participation in compound European governance structures.

Two particular organizational characteristics must be present in order to assume tendencies of MLA compound connections. First of all, this entails the degree to which domestic agencies are de-coupled from their respective ministries. Vertical specialization is explained in detail in chapter 2.2.1 below. Second, the emergence of MLA is dependent on the capacity of the supranational level. More specifically, whether the supranational institutions have adequate capacity to co-opt the partly de-coupled national agencies (chapter 2.2.2). In addition, organizational duplication (chapter 2.2.3.), horizontal specialization (chapter 2.2.4) and

degree of politicization of the field of energy regulation (chapter 2.2.5) are featured as further relevant explanatory variables with regards to researching the potentially compound administration of European energy regulation which NVE might take part of. The chapter on organizational theory concludes with a summarized presentation of the expected findings of the five different variables in table 2.2.

2.2.1 Vertical Specialization

Domestic agencies might be vertically specialized on two axes, either within one institution or between several institutions. Both specializations might exist simultaneously.

If an agency is intra-organizationally specialized, it can be thought of as vertically divided within the organization. Regarding NVE, there will as such exist a clear division between NVE's leadership and the lower level employees. Vertical contact within the institution is likely to be limited to formal questions, for instance related to budget, evaluation etc. This is often connected to the degree to which the lower level employees' work tasks are characterized by technicality. If technicality is the case, then a higher degree of intra-vertical specialization might be expected. In addition, in case of intra-organizational vertical specialization, contact between the agency and the respective ministry will occur mainly through the agencies' leadership. Following, the leadership will be more exposed to departmental influence and subject to signals thereof. Lower-level employees however, might be more vulnerable to exposure from the supranational organizations. These employees are often entitled to more narrow fields of responsibility and are often experts in their narrow field of interest. Following, they are expected to more often be in contact with the EU level regarding technical issues than their superiors (Trondal, 2010, 2011).

Agencies might also be inter-organizational vertically specialized. This entails a formal separation between agency and ministry that leads to an agency that, to a lesser extent, is influenced by political processes at government level. As such, the agencies are often referred to as organized "at arm's length" from their ministry, and they are consequently more autonomous and able to 'establish close contacts with executive bodies at the EU level' (Curtin & Egeberg, 2008, p. 640). Such contact largely occurs since the specialization makes the agencies more apt to make decisions based on technical or proficiency-based assessments, and thus contacts the EU regarding technical issues more often (Trondal, 2011). However, since inter-vertically specialized agencies have little contact with political leadership, the

national parliament or their superior ministries, they are also to a lesser extent able to influence national political decisions.

Expected findings

NVE's regulatory behaviour is expected to follow the agency's vertical organization. NVE is formally organized as a national regulator formally placed below the OED. We might therefore expect a certain amount of contact between these two actors. However, NVE is an agency characterized by technicality and sector specialization. As such, we might expect most contact between NVE and the ministry to take place through NVE's leadership. The OED's control over the agency most likely takes the form of budget control, evaluations and other formal steering mechanisms. Following this line of thought, we might also expect the lower level employees of NVE to be subject to little influence from or little contact with the OED. They function mainly as technical experts and are expected to be largely autonomous when working with technical matters, such as the practising of energy regulation. We might also expect limited contact between the different levels within NVE as an organization.

In sum, the vertical organization of NVE might lead us to expect little departmental steering on the issue of energy regulation. As such, the possibilities for OED to control NVE is reduced, which in turn opens up possibilities for more compound connections between NVE and the other relevant organizations, such as those at the supranational level or the transnational networks.

2.2.2 Supranational Capacity

In addition to vertical specialization, the existence of MLA rests on another organizational condition. National agencies should be organized at arm's length from their "parent" ministries, making them available for re-coupling with the supranational level. However, the re-coupling of national administrative sub-units is dependent upon an adequate administrative capacity at the supranational level (Egeberg, 2006; Egeberg & Trondal, 2015). In other words, in order for national agencies to connect to supranational organizations, the institutional environment is dependent upon a certain amount of centre formation at the EU level and a certain degree of strength of these organizations. As such, the role of the Commission and the other EU level organizations will be subject to variation, regarding their relative institutional strength in the specific policy fields (Egeberg, 2015).

Regarding energy policy and regulation, the existence of MLA and whether NVE will connect to organizations at the EU level, will therefore depend upon the strength and capacity of the Commission, DG Energy and ACER. Furthermore, it will depend upon whether these organizations have the capacity to co-opt and steer NVE and the transnational networks NVE might be part of.

The later years have brought about increased executive power for the Commission. In addition, the Commission is institutionally separated from steering by the member states or the Council. These developments together are thought to trigger centrifugal forces for units of national governments (Egeberg, 2006). The Commission has thus generally increased its strength and abilities to co-opt national agencies. In parallel, the EU has increased its executive function further through the establishment of a range of EU-level agencies, such as ACER. ACER was established in 2009 as part of a third energy market package¹⁵, together with a range of other measures for streamlining the European energy sector. These measures were established with the purpose of increased uniformity in the sector and further energy market integration. The EU also established the NC procedure¹⁶ that would oblige national energy regulators to perform executive-administrative tasks at the EU level via the new agency (Jevnaker, 2015). In addition, ACER is often mentioned in research literature as a powerful EU-level agency with ‘a strong and institutionalized position in policy-making and competencies [in] making binding, single-case decisions’ (Ruffing, 2015, p. 1117). With the inclusion of the third package, ACER also took over far-reaching competencies regarding regulation of the energy market. Together, the establishment and functioning of ACER can be perceived as part of building a supranational capacity within the energy sector (Jevnaker, 2015; Ruffing, 2015).

Expected findings

The energy sector is a sector in which the EU level organizations have substantial capacity and competence. We might therefore expect to see clear signs of connections between NVE

¹⁵ The third energy package 2009-2011 is the latest round of energy market legislation ‘enacted to improve the functioning of the internal energy market and resolve structural problems’ (European Commission Energy, s.a.-b).

¹⁶ The *Procedure for Developing Network Codes* is a procedure developed in 2009 for regulating policymaking within the electricity sector, and thereby ensuring uniformity and common rules and regulations throughout the EU and the internal energy market. The procedure also provided ACER with substantial tasks and responsibility in phases of policymaking within the energy sector (Jevnaker, 2015).

and the organizations at the supranational level. As previously mentioned, the early research on MLA advocated for why domestic agencies would be most involved and influenced in the policy implementation phase of EU regulation (Egeberg, 2006; Egeberg & Trondal, 2009). More recently conducted research has however shown that domestic agencies are equally, or even more, involved in MLA in the formulation phase than the implementation phase (Bach et al., 2015). Whether this project provides results for NVE's connection with the EU administration in the implementation or the formulation phase of energy regulation remains to be seen through analysing the collected results.

2.2.3 Organizational Duplication

Organizational duplication between institutions entails that they to a certain extent function within the same areas of work and responsibility. By having several institutions conducting similar work, one creates foundations for comparison, cooperation, increased learning and possibilities for exchanging "best practices" and information. Whilst vertical specialization might entail a loss of ministerial control over a domestic agency, organizational duplication might function as a strategy for the ministries to gain control. By developing new, overlapping sub-units within the ministries, with similar portfolios as the agency, the ministry might be able to regain steering control, at least to a certain extent. As such, the overlapping units creates new ties of cooperation (Trondal, 2011). Lack of duplication between an agency and a ministry however increases the agency's autonomy and thereby the possibility for more international connection.

Expected findings

Organizational duplication is expected to strengthen relations between the organizations involved. If NVE and the OED have sub-units with seemingly similar portfolios, it increases the possibilities for tight connections between the two organizations and subsequent ministerial control. We might then expect employees from NVE to be more apt to ministerial steering in the policy implementation phase. Following, lack of duplication might reduce ministerial steering and rather open up the possibility for NVE to make connections with the Commission's administration and the "sister"-regulators through NordREG and CEER. Lack of duplication might also make the Commission less apt to go through OED for contact with NVE, and thereby lays the foundation for more direct contact between NVE and the EU level organizations.

2.2.4 Horizontal Specialization

Horizontal specialization refers to how work is organized and divided within and between organizations. It provides foundations for organizations' boundaries and possible routes of cooperation. While certain forms of horizontal specialization might provide for extensive activities between different actors, other forms might hinder such activity (Egeberg, Gornitzka, & Trondal, forthcoming). Horizontal specialization comes in a series of arrangements. It might take the form of territorial or sectorial specialization, or take place by process or clientele (Gulick, 1947). In this particular case, specialization according to sector appears the most relevant. Mainly because the Commission is organized by sector and NVE is a national sectorial agency. The three remaining options are deemed less relevant for the purpose of this project, and will therefore not be mentioned any further.

Sectorial specialization 'is thought to evoke [sectorial] cleavages among decision-makers and to foster policy standardization within a particular policy field across territorial units' (Egeberg et al., forthcoming). When departmental structures at the administrative level are organized according to sector, it is expected to evoke sectorial identities among the civil servants. This might ultimately lead to sectorial connections between civil servants of differing institutions. This applies not only for the Commission's administrations, but also for public administration in general (Egeberg, 2012; Egeberg et al., forthcoming; Trondal, Marcussen, Larsson, & Veggeland, 2010).

Expected findings

Employees who work on European energy regulation in NVE, at the EU level, or in the sister-regulators in other countries are expected to develop cross-border cooperation due to the sectorial specialization of the policy field. Horizontal specialization thereby increases the possibilities for mutual influence between these actors in both down- and upstream processes of energy regulative policies. This ultimately provides foundations for increased European uniformity of energy regulation.

Horizontal specialization is also expected to encourage resource pooling among participants of transnational networks. This is due to how the networks bring together officials from different units with compatible organizational structures and shared sector affiliations, which are further likely to focus on similar problems and solutions. This pooling of administrative resources might take place in two ways:

[First], network participants routinely interact and share valuable assets such as knowledge, information, practices and experiences; second, there is a routinized division of labour in the network, with network participants mutually adapting and specializing in different types of tasks and different fields of expertise (Vestlund, 2015).

Thus, we might expect NVE to pool administrative resources when they participate in the transnational networks. The pooling of resources is expected to take place through the exchanging of information etc., in addition to dividing tasks between the participants.

2.2.5 Degree of Politicization

Whether domestic agencies' are more connected to their respective ministries or to other organizations depends on the degree of politicization of the policy field. Previous research has found results for how the role of national ministries in the implementation phase of EU legislation is enhanced if the legislation is politically contested (Egeberg, 2006). As such, the importance of the parent ministry depends of the level of politicization. The more political contestation and public debate, the more national agency personnel assign weight to signals from national executive politicians (Egeberg & Trondal, 2009). One might expect the parent ministry to take the lead at the application stage if dossiers become highly politicized and contested (Egeberg & Trondal, 2015).

If the policy field is characterized by a low degree of politicization, one might expect less interference and control by the ministerial department and the national government. This increases agency autonomy and further opens up opportunities for more connections between the domestic agency and other organizations.

Expected findings

Energy regulation can by large be thought of as a highly politicized policy area. Particularly in Norway, where energy policy and resources are often deemed key national interests. As such, we might expect a high degree of politicization and a large extent of interference from the ministry on the practising of EU energy regulation.

In the policy formulation phase, the potential degree of politicization might be less evident and we might therefore expect domestic agencies as NVE to enjoy more autonomy in this phase. This assumption follows in line with the argument by Bach, Ruffing and Yesilkagit (2015), that the role of domestic agencies will remain relatively unchanged in the

implementation phase of policies. Rather, domestic agencies are more autonomous and become more internationally active in the formulation phase of policymaking. Creating ties of connection with supranational actors when it comes to influencing and participating in policy formulating arenas (Bach et al., 2015).

Table 2.2 Summary of expected findings based on organization theory.

Organizational variable	Expected findings
Vertical specialization	<p>14. Contact between NVE and OED takes place mainly through NVE’s leadership.</p> <p>15. OED’s control and steering of NVE is conducted mainly through budget control, evaluations and other formal steering mechanisms.</p> <p>16. Lower level employees of NVE experience little or no influence or contact with OED.</p> <p>17. The vertical organization of NVE opens up for connections between the agency and other actors.</p> <p>18. Vertical contact within NVE is limited, and mostly takes place through formal steering mechanisms such as budget and evaluations.</p>
Supranational capacity	<p>19. Clear signs of connections between NVE and actors at the supranational level.</p>
Organizational duplication	<p>20. Duplication between NVE and OED is expected to increase the departmental control, and to make NVE’s employees more apt to departmental steering with regards to energy regulation.</p> <p>21. Lack of duplication between NVE and OED is expected to reduce departmental steering, and provide foundations for more direct contact between NVE and the Commission’s administration or the “sister”-regulators.</p>

Organizational variable	Expected findings
Horizontal specialization	<p>22. Sectorial specialization provides foundations for cooperation between civil servant who work on energy regulation in NVE, at the supranational level, and in “sister-agencies” or transnational networks, both in the implementation and the formulation phase of energy regulation.</p> <p>23. NVE is expected to pool administrative resources with its collaborators, especially through the transnational networks. This pooling of resources takes place through, 1) exchanging information etc., 2) dividing tasks within the network.</p>
Degree of politicization	<p>24. Due to degree of politicization we might expect substantial ministerial steering in the implementation phase of EU regulations.</p> <p>25. Politicization is likely less evident in the formulation phase, and we might therefore expect NVE to be more autonomous in this phase of energy regulation.</p>

3 Methodology

This project is a case study of NVE, and NVE's participation in a European multilevel model of energy regulation. The purpose is to examine the connections of NVE to the Commission, ACER, NordREG, CEER, and to the OED. The chosen research design and method should therefore provide an opportunity for collecting results that can help analyse whether and how such connections take place, in addition to examining why they might occur. As such, the research of this project is part descriptive and part analytical. What the choice and usage of a case study as research design implies, is explained in detail in chapter 3.1.

In order to get hold of information on how NVE connects to the group of collaborators, a range of in-depth interviews were conducted with employees of the EMR of NVE. The project is a typical qualitative study, which relates to an interpretative paradigm, and which focuses on the informants' experience and opinion formation (Tjora, 2010). The choice for, and the usage of interviews as research method is elaborated further in chapter 3.2. In addition, the information gathered from the interviews is united with information gathered from a certain extent of document analysis. The methodological aspects of document analysis are elaborated in chapter 3.3. By including information from public documents, the respondent's perception of connections between NVE and the collaborators are examined in relation to the formal associations between the institutions. The empirics are thus based on a certain extent of triangulation that ultimately helps secure the quality of the results (chapter 3.4.1). The chapter concludes with a discussion of the methodological qualities and challenges of the chosen research design and methodology, followed by a brief summary.

3.1 Case Study

Case study as research design may be defined as an in-depth study of a single unit, where the aim is to elucidate features of a larger class of similar phenomena (Gerring, 2004). In this context, NVE is singled out as the preferred unit, and the purpose is to elucidate some features of how this agency takes part in MLA. The degree to which we are able to make claims about "a larger class of similar phenomena" is however debatable. NVE is a unique case, and even though other Norwegian agencies might be involved in MLA in a similar manner, they might constitute fundamentally structural or organizational differences. As such, we should be careful with generalizing the findings from NVE to a bigger whole. As mentioned in the initial chapter, similar studies have already been conducted for a range of Norwegian agencies

within other policy sectors. The research conducted in this project might therefore fill in another piece of the puzzle by contributing to an increasing understanding of how the EU affects Norwegian administrative patterns at several levels of governance.

Case studies may be useful when seeking to gain deeper knowledge of either a specific incident, a particular context or to evolve a theoretical framework (Jacobsen, 2005). In this setting, the purpose has been to gain a deeper understanding of one particular context, defined here as NVE. Through the collected findings, the interest lies in capturing the employees' perceptions of NVE's actual participation in MLA, in addition to whatever formal connections that exists. An in-depth study of one particular case, without necessary prospect of generalization, is often called an *intrinsic case study*. The purpose of an intrinsic case study is to examine one case in detail, and to elucidate features that are critical for this particular case (Stake, 1995). However, it might be possible to connect the results to general theory (Ringdal, 2007). Through the validation or rejection of our "expected findings" we might be able to contribute to increased understanding of MLA as a theoretical framework. As such, this case study follows a deductive logic, where our "expected findings" are deduced from general law and is tested against reality by looking for circumstances that confirm or disconfirm it (Gibbs, 2007). The case selection is in that respect based on an objection to build and test general causal theories about the social world on the basis of one case (Seawright & Gerring, 2008).

This project thus provides an opportunity to examine NVE as a case study in detail, to expand the field of administrative case studies and to gain deeper knowledge of how the EU affects Norwegian domestic administrative systems. While these are some of the strengths of the chosen research design, the design and methodology also involves a major challenge. This refers to the difficulty of making assumptions of a relationship that is only examined from one side. When making claims about the connections between NVE and the other organizations included in this project, we must bear in mind that the results are based mainly on the perception of NVE's employees.

The choice of conducting a case study of NVE is also based on pragmatic reasons. In order to grasp the characteristics of how NVE connects to other actors in policymaking processes, it is useful to gain information from those who are actually involved in these processes. Limiting to a single case makes the project feasible and corresponds well with the breadth of the project. The chosen case is further limited to NVE's work on the policy processes of European energy regulation, and its European connections on that subject. As such, the

research in this project is naturally geared towards the employees of NVE who might possess information about this topic. Information is gathered through conducting interviews with relevant employees of NVE.

In sum, a case study research might be preferred when inferences are descriptive rather than causal, when depth is prized over breadth, when internal case comparability is given precedence over external representativeness, when insight into causal mechanisms is more important than insight into causal effects, when the strategy of research is explanatory rather than confirmatory, and when useful variance is available for only a single unit (Gerring, 2004).

3.2 Interviews

According to Jacobsen (2005), conducting interviews is a beneficial method for three reasons. First of all, interviewing as a research method is useful when we are examining relatively few units. Second, it is beneficial when we are interested in the meanings or opinions of individuals. Last, interviews are often used when we are interested in how certain individuals construe and add meaning to specific phenomena (Jacobsen, 2005). Based on these three criteria, the choice of interviews as research method corresponds well with the purpose of this project. While it may be time consuming and subject to challenges that would not be present with the usage of alternative methods such as collecting survey data, personal interviews provides an opportunity to go into detail on the topic in matter. It also allows for the respondents to digress on personal experiences, where in-depth perceptions become accessible. In addition, follow-up questions might be presented and the interview questions might be altered or improved continuously, in order to access the wanted information.

One pertinent challenge with the chosen methodology, as with similar studies that are based on either interviews or for instance survey data, is how the observations and information ‘rest on the perceptions of the respondents. Admittedly, there are no guarantees that actors’ perceptions of behaviour always reflect actual behaviour. The study of actors’ perceptions render the conclusions vulnerable to perceptual errors’ (Egeberg & Trondal, 2009, p. 784)¹⁷. Nonetheless, this research project is interested in capturing the actual mechanisms in which NVE connects to European collaborators, and how the employees perceive such cooperation. As such, the personal perceptions are precisely what we are after.

¹⁷ See also Trondal (2011).

The main part of the empirical collection of this project is based on in-depth personal interviews with employees of the EMR in NVE. Contact was first established with one of EMR's section heads. First through an informal conversation of the telephone, followed up by contact over e-mail. This person was presented with information about the project, and based on this information collected a group of relevant informants. In order to get an impression of possible variations regarding the opinions of NVE's participation in European MLA, informants with different employment positions were interviewed. The leadership of NVE was excluded, since the lower level personnel of the agency is often better placed organizationally to appraise the role that various institutions and actors play within the policy processes, since they are the ones who actually deal with EU policy processes (Egeberg & Trondal, 2009). For the purpose of ensuring their anonymity, the respondent's identities will not be further exposed throughout this project. Reported information from the interviews used in the following chapters is marked by an in-text reference. When relevant, the number of the interview is included, for the purpose of separating whether the information was one person's perception, or if it is universal among all the interviewees. After the interviews were conducted, some the respondents also provided some additional information and answered some specific follow-up questions via e-mail. Information from these exchanges is followed by separate in-text references, for the purpose of separating which information stems from where.

The interview guide was constructed based on an example guide from Tjora (2010), containing open thematic questions and detailed follow-up questions under each theme (see appendix B). The interviews were, for pragmatic reasons, conducted during the span of one week in the winter of 2016. Four interviews were planned, however only three were conducted due to illness of one of the respondents. All interviews had an average timespan of approximately one hour.

Tjora (2010) further recommends that interviews are held at places where the respondents feel secure and comfortable, since that might lay the foundation for an open conversation. If the research is geared towards the respondent's work, their office or workplace is a preferable environment. Even though it is possible to conduct such interviews over the telephone or by e-mail, which is a cost-efficient solution, it is often preferred to carry the interviews out in person. This is reasoned in how personal interviews create a more fertile environment for confidentiality and the free conversation (Jacobsen, 2005). The respondents might also feel more secure if they meet their interviewer in person. It has also been claimed that impersonal

interviews, such as by telephone, might make the respondents more apt to adapt the truth or give incomplete answers since the interviewer is not present to detect insecurities or to probe for more complete responses (Frey & Oishi, 1995). Based on these reasons it was chosen to conduct the interviews in a private meeting room at NVE's headquarters in Oslo. Experienced as a familiar and safe environment where the respondents potentially would feel comfortable to talk freely. In addition, as the questions were related to their work, it seemed natural to conduct the interviews at their place of work. At the end of each interview I asked for the consent of my respondents to contact them by telephone or e-mail if I had any supplementary questions or needed to clarify any of the responses. Something all of them were positive to.

The planned course of events was to make sound recordings of all the interviews and later transcribe them into written text, which is the preferred method when conducting in-depth interviews. Making use of recordings should however always be subject to the consent of the respondents, which was not granted for this project. Being denied the possibility to make sound recording of the interviews created several challenges. First of all, in order to collect information from the interviews, notes were written on the computer throughout the interviews. It became obvious that the computer was an element of disturbance, which possibly might have disrupted an otherwise fertile environment for open conversation. Making notes by hand was therefore considered, but that might present an equal disturbance, in addition to making it increasingly difficult to preserve correct information. Secondly, since it was needed to make notes simultaneously as conducting the interviews, the tasks became more time consuming. One hour for each interview was planned, but because of the multi-tasking, one hour quickly became too scarce. Some topics of the interview needed to be cut short, and relevant information might therefore have been left out. Lastly, since the information from the interviews can only be deemed as relatively precise, using direct quotations when presenting the results has been avoided, as the following chapter will show. The presented results will therefore not come off with the level of vividness that was originally intended. Also, it is a possibility that the notes from the interviews are coloured by the subjectivity of the interviewer. It was however sought to preserve the quality of the information through immediately "filling out" the written notes after conducting the interviews, with the information fresh in mind. In addition, the notes were sent back to the respondents which themselves were able to fill in additional information or answer any questions if some aspects of the interviews had been left unclear. Thus attempting to preserve

the quality of the results as best as possible, and to reduce any chances of misperceptions on the interviewers behalf.

In an ideal situation, the number of conducted interviews would be significantly higher. When conducting qualitative interviews one might eventually meet a saturation point, which is marked by the lack of new information or new perspectives on certain aspects. The research conducted in this project did not reach this point, and the information source thus remains somewhat untapped. Any claims or conclusion of the report must therefore be read in light of the practical limitations and the restrictions this entails for making inferences.

3.3 Document Analysis

The information from the conducted interviews is coupled with information from a certain extent of document analysis. Document analysis allows us to access information from documents that were originally produced for other purposes than research (Tjora, 2010). ‘Because they were originally created outside of the scope of the research, documents can provide a rich source of data’ (Olson, 2009, p. 320). A document analysis might either be used as the sole research method, or most often for the purpose of gathering additional or background data on the subject, for instance in order to supplement information gathered from interviews or observational studies (Tjora, 2010). In this project, document analysis is used for the latter purpose. Thus supplementing the information provided through the interviews. By including document analysis in this project it has enabled gaining information about the connections between NVE and its collaborators from different perspectives, which consequently might increase the quality of the gathered empirics as a whole. The documents are mainly used for the purpose of gathering information about the formal connections between the actors, thereby filling-out the information gathered through the interviews. While the respondents give useful accounts of how they perceive the interaction between the different organizations, document analysis provides us with the opportunity to examine how these connections formally are. Using multiple sources of data thus allows for building up a rich archive, or ‘a diverse collection of materials that enable you to engage with and think about the specific research problems or questions’ (Rapley, 2007, p. 10) from multiple angles. Documents used in analysis might be of varying character. They might be case specific, as for instance annual reports or information from web pages of a specific organization. Or they might be more general documents, as for instance official political documents or the like. They might also be previous research, such as articles, reports, books and similar (Tjora,

2010). The list of documents examined in this project varies across all these categories. Including Norwegian official reports (NOU) and official EU documents, such as Commission Working Papers, Commission Green Papers, regulations, directives and meeting notes. In addition, some documents of previous research and historical accounts of NVE's have been included. Also, NVE's documents of strategy and annual reports have been subject to examination, in addition to OED's letters of allocation from the past three years. Some basic information regarding the institutions has been accessed through Internet resources, such as home pages and informational web sites.

Making use of two methods, and thereby having multiple sources of information might consequently increase the empirical quality. An extended discussion on the use of triangulation follows in the next sub-chapter.

3.4 Methodological Qualities and Challenges

The chosen research design and methodology is not adequately assessed without a consideration of the qualities and challenges it might entail. This topic makes up for the concluding part of this chapter.

3.4.1 Triangulation

'By getting more than one different view on a subject, an accurate (or more accurate) view on the subject matter can be obtained' (Gibbs, 2007, p. 94). These differing views can be based on different samples and datasets, different investigators, or multiple research methodologies and theories (Gibbs, 2007). In this context, the former has been in use, in terms of different samples and datasets. Gibbs defines this as making use of 'chronologically and geographically disparate data from interviews, observations and documents' (Gibbs, 2007, p. 94). By coupling information from documents about the formal connections between NVE and the collaborators, with information on how these connections actually work from the interviews, a more accurate and detailed account of the topic becomes accessible.

Using multiple methods in research has however been subject to criticism. Silverman (2000) for instance, is sceptical to the use of multiple methods and triangulation, since it complicates the analysis, and might lead to 'under-analysed data and an imprecise or theoretically indigestible research problem' (Silverman, 2000, p. 99). What seems evident is however that we need to be aware of how information gathered from documents and from interviews are

different kinds of information. Therefore, they cannot be analysed in the same way. Also, by following what is deemed Fielding and Fielding's (1986) ground rules of triangulation, we might be able to make beneficial use of triangulation for the purpose of ensuring the quality of this research. According to these rules, triangulation should always begin from a theoretical perspective, and one should choose methods and data that will give an account of structure and meaning from within that perspective (Silverman, 2000). Making use of multiple methods in this project is theoretically funded, since it allows us to grasp more of the complexities of NVE's connections, through examining both formal and actual contact. The use of triangulation for the purpose of combining information from the interviews with information from document analysis might thus increase the reliability and validity of the results. Triangulation might minimize the risk for objective mistakes and misperception, in addition to increasing the possibility for consistent information by having several sources of information. Also, using multiple methods increases breadth in the collected empirics, and generates a more thorough set of explanations (Gibbs, 2007).

3.4.2 Generalizability

The purpose of research is often to generalize the results. Applying the findings to "a bigger whole" and making inferences to a larger population. For qualitative studies in general, and for case studies in particular, the possibility of generalization is often subject to discussion. When the research sample is not randomized, but rather chosen on the grounds of availability or by deliberate design, the potential for making inferences back to an entire population becomes difficult¹⁸. Therefore, we need to make informed distinctions between what several authors refer to as *statistical generalization* and *analytical generalization* (Kvale, 2001; Yin, 2014). The first term, which is the most commonly used, refers to generalization as when 'an inference is made about a population...on the basis of empirical data collected from a sample' (Yin, 2014, p. 40). This kind of generalization is especially suited for the results of quantitative studies. When conducting a qualitative case study however, the second kind of generalization is, according to Yin (2014), more suitable. The aim of the research becomes to shed empirical light on theoretical concepts or principles. The results might then be generalized as a way to reinterpret the results of existing studies on other cases, or to define new research focusing on new cases. According to Egeberg (2006), case studies similar to the

¹⁸ See Kvale (2001, pp. 160-163) for supplementary examples.

one in this project helps create an insight into how ‘political systems that acquire similar institutional and organizational features to those of the EU at the system and sub-system level would probably have a larger propensity than others to develop similar patterns of executive politics as well’ (Egeberg, 2006, p. 200). In addition, by making the results and arguments specific and explicit (Kvale, 2001), some generalizations, concept or principles might be applicable to other cases which on the outset are not ultimately similar (Yin, 2014).

Following, the possibility of generalizing from the results from this project is present, however one should think of it as analytical generalization. As such, we might expect cases with similar organizational features to be subject to similar results. We might also use the results from this research to define a new research focus, or to develop theoretical concepts or principles that can be furthered to future research.

3.4.3 Ethical Consideration

Any type of research should be subject to ethical considerations. In this project, with the presence of an interview situation, there will for instance occur an asymmetric power structure. The interviewer defines the situation, presents the topics and controls the conversation by asking question. This entails that one needs to be aware of the fragile balance between the collection of information and the ethical aspects of an emotional, human interaction (Kvale, 2001). Extensive preparation is therefore necessary in order to achieve well-conducted interviews. It is essential to gain extensive knowledge about the topic beforehand, to be explicit in the purpose of research, and to be aware of different interview techniques beforehand (Kvale, 2001), in order to create a professional and confidential environment for conducting interviews.

The privacy of my respondents has been thoroughly preserved, in accordance with the NESH ethical guidelines for social sciences and humanities¹⁹ (National Committees for Research Ethics in Norway, 2006). The respondents were provided with information prior to their participation, both about the project itself and about how any provided information would be

¹⁹ The Norwegian National Research Ethics Committees are independent agencies for questions regarding research ethics, and investigation of misconduct, within all subject areas. In 2006, the committee for social sciences and humanities handed out a publication for the ethical guidelines in social sciences, law and humanities, which is taking into consideration in the research of this project (see <https://www.etikkom.no/en/> for more information).

stored, for how long, and who would have access to it. Thereby also following Gibbs' recommendation about "the fully informed consent". This concept entails that:

[Participants] in research should know exactly what they are letting themselves in for, what will happen to them during the research, and what will happen to the data they provide after the research is completed. They should be made aware of this before research on them starts and they should be given the option to withdraw from the research at any time and usually, if they request it, any data that have been collected from them will be returned or destroyed' (2007, p. 8).

The possibility of either direct or indirect personal recognition of any of my respondents has been disabled throughout this research process. As such, their anonymity has been preserved to the extent possible. In addition, no personal or sensitive information has been gathered through the course of the project. Based on the guidelines provided by NSD²⁰, it was therefore deemed unnecessary to submit a notification concerning the research project (Norwegian Social Science Data Services, s.a.).

3.4.4 Validity and Reliability

The quality of a research design is often judged by its validity and reliability. However, it is disputed whether these terms are relevant when it comes to qualitative research (Ringdal, 2007). A brief review of these terms in relation to this project might nonetheless be useful for the purpose of raising awareness of the project's quality.

First of all, we might ask ourselves whether the chosen method itself is suited for answering the research questions which are set forth (Jacobsen, 2005). Since we are interested in how the employees of NVE perceive of the agency's participation in European administrative structures with multiple collaborators, a case study and conducting interviews corresponds well with the research focus, and the validity of the research design is attended to on that matter.

Secondly, the degree of reliability is affected by potential research errors (Ringdal, 2007). For instance, based on the inter-subjectivity of using interviews as research method, the reliability

²⁰ The Norwegian Social Science Data Services (NSD) is the Data Protection Official for most research conducted in Norway. They provide guidelines for when and if research projects need to be reported, and prefabricated schemes for handing in notifications (see <http://www.nsd.uib.no/nsd/english/> for more information).

of the findings might be influenced. Ones own position, knowledge and opinions might affect the results, and consequently the research (Tjora, 2010). As already mentioned, making written notes during the interviews might also affect the quality of the results, as the notes may become influenced by the interviewers interpretation of what is being stated. The respondents were given the opportunity to look over the notes after the interviews, thus to a certain extent securing the reliability of the results, as any mistakes would have been corrected by the informants. In addition, the use of triangulation has helped preserve both the reliability and the validity of the project.

4 Results

The results gathered through this project are presented in this chapter. It consists of descriptive accounts of the structure of NVE and the other organizations that are included, in addition to accounts of the connections NVE has to the OED, to the EU level organizations, and to the transnational networks. Chapter 4.1 presents how energy regulation is organized at the national level, with focus on NVE's history and structure, in addition to its connection to the OED. Chapter 4.2 goes into detail on how energy regulation is organized at the EU level, with the Commission, DG Energy and ACER. In chapter 4.3 the transnational networks NordREG and CEER are presented, and special attention is devoted to the role NVE has in these networks. The chapter concludes with an account of how NVE takes part in the implementation and development processes of European energy regulation, before a summary of the most important findings is presented in chapter 4.5.

The results demonstrate that NVE is perceived as relatively autonomous at the national level, while being closely connected to its sister-regulators internationally. The Nordic regulators are perceived as NVE's most central collaborators, and NordREG as the most important forum for cooperation. This seems to be the case in both the down- and upstream process of policymaking. Simultaneously, and to varying degrees, NVE also has connections to the OED and to some of the other organizations. Most of these connections, and especially NVE's contact with OED, is characterized by the exchange of information and technical advice. Further, NVE's possibilities for international connections appear to be affected by the lacking of full membership at several arenas, or by the lacking inclusion of the newest EU energy regulations in Norway. A detailed presentation of the findings follows, before they are summarized in chapter 4.5. Ultimately, the findings provides us with a foundation for drawing lines back to the theoretical assumption, which is the purpose of chapter 5 below.

4.1 National Level Energy Regulation

NVE was formally established in 1921 through a merging of several establishments, and is today formally placed beneath the Ministry of Petroleum and Energy (OED). NVE's headquarter is based in Oslo, and they have five regional offices. By the end of 2014, NVE had 588 employees with multidisciplinary competences (Norges vassdrags- og energidirektorat, 2015b). Though they are formally placed beneath the OED, NVE is mainly perceived to be a relatively autonomous professional agency.

Historically, NVE's roots might be traced back to the beginning of the nineteenth century when the first public organ for managing the country's water resources was established. Within less than one hundred years, these resources became interesting for producing power and electricity. As such, the history of NVE is also the history of one of the first signs of central steering of natural resources. The Norwegian Parliament quickly discovered the need for legal regulation within the energy sector, and whilst these tasks were at first managed by the Department for work, the tasks grew rapidly and the need for a common management of both the national power supply and the electrical system became apparent. As a common management agency for water and energy, NVE began its work in 1921 (Faugli, 2012).

During the last two decades of the twentieth century, NVE was subject to major changes, as the trends of "New Public Management" (NPM) spread across Europe. In 1989, an official Norwegian report was published, providing detailed information of how public services in Norway could and should be better organized (NOU 1989:5, 1989). Inspired by market-based thinking, the new Energy Act of 1991 came into play, and the energy sector was reorganized in order to ensure competition and efficiency of power production. Power production became subject to free market competition, whilst monopolies of power grid activity and power distribution were implemented (Faugli, 2012). Following, NVE was granted authority of regulating the market by handling all instances of power concession applications (Austvik & Claes, 2011). Later, in 1998, the current name "Norwegian Water Resources and Energy Directorate" was established in order to clarify that NVE was an administrative agency, and not a producer of energy (Faugli, 2012).

The organizational structure of NVE appears as most other public agencies. The agency is headed by a Director General and staff that comprises of an *International Section* and an *Information & Public Relations Office*. In addition, NVE has seven underlying departments. One of these departments is the administration, while the six others have responsibilities for specific policy areas ranging from energy regulation and power operation management, to the regulation of natural resources or disaster management. Each department is further divided into varying numbers of sections, which are responsible for specific tasks, and which has its own Head of Section (see appendix C). One of the departments is the EMR, which is the national regulator of the power market and grid system in Norway (Norges vassdrags- og energidirektorat, 2015a), and which is the main focus of this research project for reasons advocated in the initial chapter.

Since most of NVE's underlying departments are responsible for highly diverse areas, the contact between the departments are reported as minimal. EMR does however report contact with some sections of different departments, when certain tasks that span across different fields of responsibility are on the agenda. Contact between sections mainly manifests through mutual exchange of information and expertise, or by orders from EMR. EMR might for instance order flow and price analysis from the department of *Energy Systems*. Formal exchange of information between sectors is subject to the agreement of the section heads (Interviews NVE, 2016).

Each department has its own director, which meets weekly with the Directorate General to discuss relevant media publications, principal decision-making or organizational questions (Mail NVE, 2016). The director group is in charge of the broad lines of NVE's work, such as long-term strategies, annual reports and budget guidelines. The extent to which EMR is in contact with the director group is mainly through reporting and other organizational contact. As the director group provides the main budgetary framework, EMR might be in contact in advance, in order to submit proposals for the budget. Otherwise, substantial freedom is experienced for the departments and sections regarding their specific field of responsibility. The respondents from EMR also experience the ability to make decisions on matters within their field, without much interference from NVE's leadership (Interview 1 NVE, 2016). These results exhibit how NVE's behaviour follows the intra-organizational vertical specialization. The internal division between levels in NVE is further based on how the work of NVE's departments is characterized by technicality. Within EMR, daily work assignments are mainly technical and field specific. At some instances, they might also work on legal or economic matters, but these are mainly small-scale issues. Issues of a more overarching or political sort, or matters of broader policies, are lifted to higher levels of the agency (Interviews NVE, 2016). As such, contact between the lower level employees of EMR and the leadership is limited to formal connections of budget control and other formal steering mechanisms. Parallels from this might be drawn to OED's connections with NVE, as chapter 4.1.1 will get into in more detail. Following, because of the technicality, most of ERM's work goes "under the radar" of the public media, regardless of the degree of politicization. If issues EMR are working on are politically contested, attention in the media is often limited to energy sector

business journals²¹, which are distributed to power market stakeholders, environmental movements or other types of non-governmental organizations (NGOs) (Interviews NVE, 2016). There is nonetheless one example of when EMR's work has been subject to attention in nation-wide media. The European RE-DISS project²², an initiative for improving the tracking of energy resources and functioning as a guarantee-system for the use of renewable energy, was subject to annual statements. Since the tracking system is separated from the tangible trade of resources, these statements were often subject to misunderstandings, which the EMR constantly needed to clarify in public (Interview 3 NVE, 2016). This is one example of NVE's work being subject to politicization. However, through the interviews this example appears to be the exception rather than the rule. It is through the interviews also stressed that most EU energy regulations have been positive for NVE and Norway, since they allow for harmonization of the market and more efficient cross-border distribution and trade. Also, when faced with problems, NVE actively works for creating solutions that benefit the Norwegian energy sector (Interview 2 NVE, 2016). Based on these results, it thus seem as EU energy regulations have not been subject to substantial political contestation in Norway.

4.1.1 Ministerial Steering

As already mentioned, NVE is formally placed beneath the OED. The agency forms part of the OED's underlying *Energy and Water Resources Department* (EV), together with *Statnett*²³ and *ENOVA*²⁴. EV formally consist of six sections, of which the OED's management and steering dialogue of NVE forms part of the section for *Water Resources and Area Planning* (see appendix D).

²¹ For instance *Montel*, which is an information provider that cover the Nordic and European electricity and energy markets (Montel, 2012). Or *Europower*, which is the Nordics leading agency for news and analysis on the power industry. The latter evenly distribute the industry magazine *Energi* (Europower, s.a.).

²² The RE-DISS project was concluded in 2012, the final project report might be accessed through <http://www.reliable-disclosure.org/>.

²³ Statnett is the system operator in the Norwegian energy system, and responsible for managing the main power grid (Statnett, s.a.). NVE is supervisor of Statnett, meaning that Statnett must operate within the framework and regulations set by NVE (Interviews NVE, 2016).

²⁴ ENOVA is a public organization for working towards environmental friendly use and production of energy in Norway. Took over the environmental side of NVE's tasks upon establishment in 2001 (Faugli, 2012).

According to the OED's annual document of allocation to NVE (2015b), the steering dialogue between OED and NVE consist of regular meeting activity and some main documents. These documents are the department's annual budget proposition, the annual document of allocation, instructions for finances and management of NVE, and the annual report from NVE. Also, NVE is to contribute to OED's work with technical assessments and scientific reports (Olje- og energidepartementet, 2015b).

Through the allocation documents, NVE is presented with a range of objectives for their work the following year. The documents also contain detailed parameters of how results and measures should be presented in the annual report. Regarding European cooperation and energy regulation, NVE's objective for 2014 was to contribute to efficient markets and systems for energy. In the following annual report, NVE was to inform about their work with EEA relevant legislation that will affect the internal energy market, and subsequently shed light on their connection to ACER (Olje- og energidepartementet, 2014). The document from 2015 goes more into detail, where it is specified that NVE is to ensure an efficient regulation and supervision of the power market and actively participate in international collaboration of regulators. The report parameter is mainly similar to the previous year, however NVE's connection to CEER was also to be reported (Olje- og energidepartementet, 2015b). The newly issued allocation document for 2016 appears less detailed than the previous two years, even though this has not been subject to attention within the section (Mail NVE, 2016). For 2016, NVE is to have a good overview of how the European power system is developing, and how that might impact Norway. In the annual report, they are to describe the efforts implemented and the results connected to this work, especially focusing on how processes of assessing the developments in the Nordic and European energy and power systems are strengthened (Olje- og energidepartementet, 2016).

The actual contact between OED and NVE, as perceived by the interviewed employees of NVE, consists mainly of the exchange of technical advice, often based on requests by the OED. Such requests might be informal, in that OED might take contact for the purpose of technical explanations of certain functions. Or they might take the form of formal requests, as with regulation amendment proposals, where NVE functions as an official consultative. For instance when faced with proposals for new EU regulations, which OED comments on, NVE functions as a consultant regarding the technical aspects of the proposed regulations (Interviews NVE, 2016).

One instance where contact between OED and NVE is prominent, is through cases of complaints to concessions set by NVE. In such instances, OED is the formal appellate. In instances of complaint, OED might take contact with specific caseworkers directly for an enhanced technical evaluation. However, the head of section is always informed about the process and dialogue with the ministry (Interview 3 NVE, 2016). Otherwise, contact with the ministry is reported to most often take place through the head of section or the department director (Interviews NVE, 2016). This contact regards largely the main documents mentioned above.

The results show little signs of structural duplication between NVE and the ministry. There is a formal separation organizationally, and through the interviews it is reported that the division between the organizations is clearly defined. Whilst the OED works at a more broader and strategic level, NVE's tasks are detailed and technical.

One of the interviewees does however report significant degrees of contact between NVE and the OED, on certain instances. This contact is mainly based on exchanging information and dividing tasks, for instance when preparing for legislation development processes at the EU level (Interview 2 NVE, 2016). A specific example is the NC-procedure, where the European regulators, via ACER, forms guidelines for the regulation. These are further sent to the European network of transmission system operators for energy (ENTSO-E), who drafts proposed regulation and sends it back to the regulators and ACER. Then a recommendation for the final regulation is sent to the Commission, where OED participates together with representatives from the member states. Throughout the process, NVE is active in working on the policy field in question. As such, in such procedures the interviewee states that they experience an overlapping sector competence and dialogue between OED and NVE (Interview 2 NVE, 2016) (see appendix E for detailed portrayal of the procedure).

4.2 EU Level Energy Regulation

At the EU level, energy regulation is organized among the Commission and DG Energy, and ACER. Energy regulation has a long history in Europe, and a thorough tracing of this lengthy process back to its origin is not necessary for the purpose of this project. However, it should be mentioned that before the EU actively started to interfere in the energy sector in the 1980s and onward the energy sector was largely characterized by separate national electricity systems with vertically integrated companies, which participated in a only few bilateral collaborations (Jevnaker, 2015). Beyond the 1980s, and with the spurring interest of the EU

on energy regulation, the sector has been subject to substantial change. In 1988, the Commission issued a working paper on *The Internal Energy Market* (European Commission, 1988), where ‘the Commission advocated the creation of an internal energy market. The major obstacles to market integration would be the structures and practices of national energy markets, which protected the industry from the competition’ (Mathieu, forthcoming, p. 76). Following this paper, and according to Mathieu (forthcoming), changes in the electricity sector, and thereby also for energy policy in general, might be seen as clearly structured into three periods, corresponding with the three EU packages on energy regulation.

‘The first period corresponds with the first regulatory package, which was applied in the 1990s until 2002’ (Mathieu, forthcoming, p. 75). The situation then, which was largely characterized by national implementation of energy regulation, ‘spurred an acute need for both increasing the coordination between member states and that for gathering expertise at the EU level’ (Mathieu, forthcoming, p. 75). Several measures were taken, and whilst the Commission created the Florence Forum²⁵, the regulators created their own network, and the transmission system operators (TSOs) set up their own federation. The second period, from 2002 to 2009, was characterized by the lacking efficiency of the Florence Forum. This ultimately led to the Commission creating ERGEG, an official regulatory network for coordination and expertise²⁶ (Mathieu, forthcoming). These two regulatory packages imposed substantial organizational reform at the member state level:

For industry, gradually stricter requirements for horizontal specialization entailed growing separation between production and transmission activities (unbundling). For government, requirements for vertical specialization meant that regulation would be administered by a separate governmental entity (agencification). At the member state level, this EU legislation triggered domestic organizational changes of relevance to cooperation on cross-border networks: Unbundling meant that vertically integrated companies were separated into producers and transmission system operators, whereas agencification meant that national energy regulators emerged as separate entities from sector ministries – the latter thereby increased the distance to the national

²⁵ ‘The Electricity Regulatory Forum (Florence Forum) was set up to discuss the creation of the internal electricity market. Their main purpose was to solve issues of cross-border electricity trade on a voluntary basis in order to integrate national markets. They regularly gather once or twice a year (European Commission Energy, 2016; Mathieu, forthcoming).

²⁶ ERGEG was officially discontinued as of July 1st 2011 (Olje- og energidepartementet, 2013).

government... [Although] many emerging energy regulators maintained close contact with sector departments, the relative influence of national governments – whose concerns for national sovereignty had limited cross-border co-operation – on regulatory overview was reduced as regulators became increasingly independent. By changing the constitution of these domestic organizations, incremental changes in EU legislation served to reduce resistance to more expansive co-operation on cross-border networks’ (Jevnaker, 2015, p. 13)

Despite several measures taken, and the incorporation of the two regulation packages on energy, market integration, cross-border competition, and trade in the energy sector stalled throughout the 2000s. Inherent problems regarded the insufficient coordination among regulators at the EU level, the lack of independence and powers of the national regulatory authorities (NRAs), insufficient coordination between the TSOs and the Commission’s lack of resources (Mathieu, forthcoming). By the midst of the 2000s, the lacking realisation of the internal energy market spurred a renewed acknowledgement that further measures were needed. In 2006, the Commission issued a Green Paper on a new strategic energy policy for Europe, with three primary objectives; a competitive energy market, security of supply, and climate change (European Commission, 2006). The internal market was perceived as the most important mean to meet these primary objectives. Following, the third energy reform package was introduced, in which massive competence were shifted in favour of the Commission, and the regulator network was transformed into ACER (Mathieu, forthcoming).

4.2.1 The European Commission and Directorate General for Energy

Egeberg and his collaborators (2006) were among the first to empirically present how the Commission seemingly have enhanced its autonomy at the expense of national governments over the years. This capacity has been further enhanced by the incorporation of the third energy package, which ‘has involved a massive delegation of regulatory competences to the Commission’ (Mathieu, forthcoming, p. 95) For instance, the Commission now holds the right to implement network codes²⁷. In addition, the Commission has ‘gained the right to

²⁷ Network codes were traditionally elaborated at the national level, but ‘the need for EU-level network codes was identified during the elaboration of the third package. [Mainly] in order to create the operational and technical conditions for cross-border exchanges of electricity, while pursuing the other policy goals (security of supply, competitive and low carbon energy sector)’ (Mathieu, forthcoming, p. 95).

intervene in a certain number of cases... For example, the Commission may now require NRAs to withdraw any decision that would not comply with the guidelines attached to the regulatory framework' (Mathieu, forthcoming, p. 95). However, these new competences often require a lot of technical knowledge and represents a great deal of work for which the Commission initially did not have the resources, technical expertise, or knowledge (Mathieu, forthcoming). This is one of the reasons why ACER was established, which will be explained in the detail in chapter 4.2.2.

The respondents from NVE report little or no direct or regular contact between NVE and the Commission. In instances where NVE has been in contact with the Commission or DG Energy, this contact has taken place indirectly through NordREG, ACER or CEER (Interviews NVE, 2016). One example where NVE has been in contact with DG Energy is when they have presented a report on consumer flexibility, on behalf of a NordREG working group (Interview 1 NVE, 2016). In addition, CEER often holds workshops or conferences where leaders from the Commission might participate, and NVE has contact with the Commission through such events (Interview 3 NVE, 2016). Whilst the Commission is experienced as open for input and information, it is reported that NVE rarely takes contact with the Commission alone. Greater momentum and legitimacy is experienced through good coordination with the "sister-regulators" and through NordREG especially (Interview 1 NVE, 2016).

4.2.2 Agency for the Cooperation of Energy Regulators

ACER was formally established in 2009 as part of the third energy package, and the transformation of the network of regulators into an official EU level agency. The reasons behind its establishments are largely threefold. First of all, the 'evaluation of the second regulatory package highlighted the need for EU level binding decisions... Hence, the Commission wanted to transform the legal status of the regulators' network so as to enable them to make binding decisions' (Mathieu, forthcoming, p. 100). The only type of organization that can make such decisions at the EU level would be an agency. The need for the group of regulators to be able to make binding decisions thus triggered the choice for a EU agency as an institutional model. Second, the Commission was in need of EU level resources and technical expertise to cope with the new competencies of a common European energy regulation. A separate agency would thus be a beneficial solution for providing such assistance. Lastly, an EU agency model was needed for the purpose of giving the NRAs

support in their work, through the functioning of a permanent staff, information, resources and so on (Mathieu, forthcoming).

Following, the directive establishing ACER granted the NRAs increased autonomy and responsibilities. When carrying out their tasks through ACER, the regulators ‘should be legally distinct and functionally independent from any other public or private entity, act independently from any market interests and do not seek or take instructions from any government or other public or private entity’ (Mathieu, forthcoming, p. 106). This independence is to be preserved through the NRAs ability to make autonomous decisions, independently from any political body, to possess separate annual budget allocations, with autonomy in the implementation of the allocated budget, and having adequate human and financial resources to carry out its duties (Mathieu, forthcoming). The establishment of ACER also gave the NRAs a European mandate, by extending their policy area to include the objectives of European energy regulation, which as previously mentioned entails the prospect of a competitive energy market, security of supply and the environmental challenges. These objectives should from now on be encountered at the EU level, through cooperation between ACER, the NRAs and the Commission. In addition, the NRAs should work towards developing functional regional markets within the EU, eliminating restrictions to energy trade between member states, develop cross-border transmission capacities to meet demands, and enhance integration of national markets (Mathieu, forthcoming). Evidently, the establishment of ACER brought about a significant centralization of regulatory power at the EU level, and a clear integration of the European energy sector organizations.

Currently, the staff of ACER comprises of a permanent staff, in addition to experts seconded by the energy NRAs. Regulation is overseen by a Board of Regulators, which comprises of senior representatives from the energy NRAs of the 28 EU member states (ACER, s.a.-c). ACER also comprises of an Administrative Board and a Board of Appeals, in addition to five departments (for organizational structure see appendix F). ACER is responsible for fostering cooperation among the European energy regulators, for ensuring market integration and for harmonising regulatory frameworks within the EU’s energy policy objectives (ACER, s.a.-a). ‘Among its various tasks, ACER’s major role is to help the Commission in preparing the adoption of implementing regulation. This is done together with the group of TSOs, which was also formalized and integrated into the regulatory process’ (Mathieu, forthcoming, p. 75). As a EU agency, ACER has the legal competence to issue decisions, which is reported as

affecting the work of all member regulators (Interview 2 NVE, 2016), consequently also the work of third country regulators as NVE.

According to Article 31.1 of the directive behind the establishment of ACER:

The Agency shall be open to the participation of third countries which have concluded agreements with the Community whereby they have adopted and are applying Community law in the field of energy and, if relevant, in the fields of environment and competition (European Commission, 2009).

As such, third country regulators might be granted full membership of ACER. However, since the third package has not yet been incorporated into EEA and Norwegian law, NVE's current participation in ACER is limited accordingly. Currently, representatives from NVE are allowed informal access and to participate in working groups, but not at the highest level where decisions are made. The lack of full membership and decision-making authority in ACER is perceived as a problem. Technical advice and input might be taken into account, but in some instances they might be overlooked since Norway is not an equal member. Following, Norwegian national interests might be subject to lower priority than those of the member countries (Interview 2 NVE, 2016). The longer it takes to implement the third package, the bigger gap between Norway and the other members. Therefore, it is deemed increasingly important to influence decisions at an early stage. The respondents do however report that a good professional argument is more effective when seeking to influence decisions, and often overshadows which country the arguments come from (Interview 1 NVE, 2016). Meaning that before the third package is implemented in Norway, it is especially important for NVE to be well prepared and come into processes early. For instance when NVE are participating in ACER working groups, and especially in the initial phases of new regulation. It is nonetheless expected that the third package will in fact be implemented in Norway, which upon completion will entail some aspects of law amendment and changes for the energy system and power market in Norway (Interview 2 NVE, 2016).

When the third energy package is incorporated into the EEA framework as expected, NVE will gain access to the main decision-making body of ACER, the Board of Regulators. This board is, as already mentioned, staffed by senior representatives of the NRAs, in addition to one non-voting representative of the Commission (ACER, s.a.-b). According to article 14.5 of the regulation behind ACER's establishment the '[...] Board of Regulators shall act independently and shall not seek or follow instructions from any government of a Member

State, from the Commission, or from another public or private entity' (European Commission, 2009). This paragraph represents a legally binding ban of any kind of ministerial instructions regarding a national agency's work in ACER, and subsequently considerably increases their autonomy. Also, energy directives implemented in 2009 bans instructions at the national level 'when [national agencies are] carrying out the regulatory tasks conferred upon [them] by this Directive and related legislation' (European Parliament & Council of the European Union, 2009a, 2009b; Ruffing, 2015). This ultimately means, that when NVE becomes a full participant of ACER through the inclusion of the third package into Norwegian law, their autonomy would be severely strengthened and national steering of NVE would, in certain instances, be made illegal by European law. Which evidently points toward a centralization of administrative power in Europe.

4.3 Transnational Energy Regulation

Upon question of which actors NVE in general or EMR specifically has connections with, the Nordic and European "sister-regulators" are reported as important collaborators. This contact most commonly takes place through NordREG or CEER, in addition to the participation in ACER (Interviews NVE, 2016). Through these networks, the regulators work towards developing some common principles and strategies for harmonizing the market and regulations both in the Nordic and in Europe. In addition, the networks are often used for the purpose of exchanging information (Interview 2 NVE, 2016). The focus of the following sub-chapters is concentrated on NordREG and CEER, and NVE's participation thereof.

4.3.1 Forum of Nordic Energy Regulators

NordREG is a consensus-based cooperation between the Nordic NRAs, formally established in 2002. NVE is a complete member, together with the Danish Energy Regulator Authority (DERA), the Swedish Energy Market Inspectorate (EI), the Finnish Energy Authority (EV) and the Icelandic National Energy Authority (OS). Prior to the formal agreement, the Nordic NRAs have participated in bi-annual meetings with a rotating chairmanship since 1999. The leaders meet in the NordREG Board, and employees of NVE participate in different working groups (Interview 1 NVE, 2016). These working groups are set up according to tasks drafted from the annual work program.

The work in NordREG has several functions. It is connected to the work of both CEER and ACER, as a horizontal linkage that goes through all of NordREG's projects. On some instances, NordREG also functions as a coordinator for the Nordic regulators. 'The cooperation is based on a tradition of consensus and a strong political commitment to developing the common Nordic electricity market' (NordREG, 2016, p. 5). The purpose of the network is to create added value to the Nordic electricity market by cooperation, information exchange and analysis. As such, the work in NordREG regards:

[Delivering] statements and reports for harmonization and improvement in the Nordic electricity market in view of especially developments and changes in the European and EU context and frameworks. The work within NordREG focuses on practical, relevant solutions to common challenges, i.e. in relation to the European network codes and guidelines (NordREG, 2016, p. 6)

NVE's membership is perceived as equal to the other members, and no difference is made between the members regardless of differing connections to the EU. Throughout the years there has developed a good, consensus-based culture in NordREG and the members actively work towards developing common strategies and notes. They also coordinate to develop common positions towards the EU, and into EU policy processes. For instance, cooperation in NordREG is common when preparing for implementation of new EU policies. Or in order to influence a policymaking process at the early stages where the Nordic NRAs have coinciding interests. Or especially in order to communicate with one united voice into ACER processes (Interview 1 NVE, 2016). Since the implementation of the third energy package is delayed in Norway, it is perceived as especially important to have a good platform for cooperation in the Nordics. Some of the regulations of the third package will have an impact on regional regulation in Norway, and it is therefore essential for NVE to participate in the Nordic network in order to influence how this regulatory framework will become (Interview 1 NVE, 2016).

The respondents from NVE disagree to a certain extent whether there exists a division of task or pooling of resources within NordREG. One emphasises that it is important for NVE to have own expertise on the most essential areas, whilst another claims that division of tasks is in fact present (Interviews NVE, 2016). Two examples of the latter are advanced through the interviews. Firstly, an annual program with long-term goals structures the work in NordREG. This program consists of several tasks, which are divided between the different members. For 2016, NVE is responsible for a project of capacity calculation and for introducing a joint

balance settlement between Finland, Sweden and Norway (NordREG, 2016). Whilst this division is always consensus-based, it is reported as common that some take responsibility for drafting notes and others might participate with technical input. NVE's employees might have special competence on certain topics, and it is thereby deemed natural that they take responsibility for drafting something common for all participants. In other instances, one of the other regulators might take on the responsibility (Interview 2 NVE, 2016). Second, the different working groups of NordREG often function through a division of tasks. Sometimes one specific person is pointed out as lead drafter, other times several persons might draft different sections of the document simultaneously. The division often takes place according to competence or interest, or according to what is on the different national agendas. As such, it is perceived that tasks are often allocated and divided according to competence and national experience (Interview 3 NVE, 2016).

4.3.2 Council of European Energy Regulators

Similarly to NordREG, CEER is a transnational network for the cooperation of national energy regulators. The network functions as 'the voice of Europe's national energy regulators at the EU and international level, [and facilitates cooperation, exchanging of information and best practices for the purpose of] a single, competitive, efficient and sustainable internal market for gas and electricity in Europe' (CEER, s.a.-a). Whilst NordREG is an organization for the Nordic NRAs, CEER is open for all energy regulators in the EU and the EEA. In addition, NRAs from EFTA or EU accession countries are welcome to participate as observers. Thus, NVE is regarded as an equal member of CEER together with the NRAs from all EU member states and Iceland. The regulators from FYR of Macedonia, Kosovo, Switzerland and Montenegro participate as observers (CEER, s.a.-b). Historically, CEER was an informal network for mutual learning, and exchanging information and best practices among the national regulators. The collaboration was also meant as a way to develop common perspectives on regulation. 'In March 2000, the NRAs gave their network the status of association under Belgian private law and named it the Council of European Energy Regulators (CEER)' (Mathieu, forthcoming, p. 81). Today, CEER complements, but does not overlap, the work of ACER (CEER, s.a.-a).

The main difference between CEER and ACER is that while the former writes reports, recommendations and answers to EU hearings, which indirectly might affect decisions or regulations, ACER is a EU agency with competence to issue legal binding decisions

(Interview 2 NVE, 2016). Another difference is how ACER works on detailed regulation, whilst CEER is responsible for more strategic and prospective work (Interview 1 NVE, 2016). Through CEER, and to a certain extent also ACER, the respondents from NVE report connections with various international actors in addition to the range of European NRAs. For instance, contact with various European NGOs or research institutions is reported, often in terms of information exchange or professional input (Interview 2 NVE, 2016). Through CEER, NVE is reported to have contact with the Commission, especially with DG Energy or DG Just²⁸. This contact might take different forms, for instance through participation at conferences or workshops (Interviews NVE, 2016).

Regarding division of tasks and pooling of resources, largely the same is reported for CEER²⁹ as for NordREG. A division of tasks is perceived to exist, however it is always based on consensus and all parties involved might participate with input. Some take responsibility for drafting the reports and so on (Interview 2 NVE, 2016). One difference is that the process is longer and more complex within CEER. In CEER the documents are written in task forces, which are formally placed beneath the working groups. A task force comprise of a chosen team that issues a document that is sent to the working group for comments. After the working group has commented on the draft, it is sent back to the task force for amendment, before a final approval in the working groups. Upon approval, the document goes to the general assembly, where the leaders of the NRAs accept the document (Interview 3 NVE, 2016).

4.4 Processes of Energy Regulation

When relevant, distinctions have been made between the two phases of a policymaking process. Some of the results might also be organized according to this distinction. Thus, the following sub-section involves accounts of who NVE connects to or work in collaboration with in the down- and upstream processes of policymaking. The following results are based on the perceived contact of the interviewed employees of EMR.

²⁸ The European Commission Directorate-General for Justice and Consumers

²⁹ See appendix G for organizational chart of CEER.

4.4.1 Downstream Process of European Energy Regulation

The results demonstrate that NVE's work, in varying degrees, is affected by EU regulations. Whilst it is reported that EEA relevant regulations is highly significant for NVE's functioning over all, lower level sections report little influence in their daily work. This however varies depending on the tasks in question. Nevertheless, in many instances Norway already meets the demands set by the EU (Interviews NVE, 2016), and it is often the case that NVE does not need to make many adjustments in order to face new demands or regulations. One example is the Norwegian energy consumer market. On this field, the Norwegian market finds itself way ahead of the remaining European countries and Norway is somewhat portrayed as a leading nation on this field. Therefore, new regulations stemming from the EU takes sight on solving problems which are no longer an issue in Norway, since other countries in Europe have not been able to establish a sturdy energy consumer market yet (Interview 3 NVE, 2016). This ultimately means that when faced with regulations on this field, they can be implemented relatively unhindered, and thus not have a significant impact on NVE's work.

Also, the example of the third energy package becomes relevant once more. Since the Nordics in general, and Norway especially, already has a well-developed energy and power system, many of the demands from the third package have already been met. Even though the package has not been formally implemented in Norway, it is expected that this will happen in the near future. When the third package is accepted, some changes needs to be made (Interview 2 NVE, 2016), but they are not likely to make a big impact, since NVE and Norway already fulfils many aspects of the third package. Nonetheless, despite these two concrete examples NVE reports massive influence of EU regulations in their work in general (Interview 2 NVE, 2016). Likely due to the close connection Norway has to the EU, the EEA agreement, and participation in the internal energy market.

When faced with new regulation from the EU, it is reported that NVE is in contact with the OED for providing information. If the regulations would entail any difficulties or problems, NVE is the responsible for finding suitable solutions for the Norwegian energy sector (Interview 1 NVE, 2016). There are no reported signs of ministerial steering in the implementation processes, and the contact between NVE and OED appears to be mainly informational. Hence, it seems as NVE enjoys significant autonomy in the implementation process of EU regulations and is entrusted with the responsibility to find suitable solutions. This is further connected to how EMR's tasks entail a high degree of technicality and a low

degree of politicization. With this level of trust and technicality, potential issues are solved at early stages or are not particularly evident, ultimately reducing the possibility for substantive ministerial steering.

It is however reported an extended contact between NVE and the sister-regulators in other countries when preparing for the implementation of new EU legislation. This contact is mainly with the other Nordic regulators, through NordREG. To a lesser extent, NVE is also in contact with the European regulators and CEER. Tasks connected to implementation are often subject to an internal division of tasks within the networks. For instance, regarding new regulations on capacity calculation, a NVE employee coordinates the work in NordREG (Interview 1 NVE, 2016).

The respondents appear to disagree on which organizations NVE contacts upon encountering problems with implementation or practising of regulations. Whilst one claims that these are often discussed in the transnational networks and that it is common that potential problems are mutual among the different regulators (Interview 1 NVE, 2016), another reports the quite opposite and that national interpretation of legislation are not discussed in the networks (Interview 3 NVE, 2016). It might be the case that networks are used for information exchange and brainstorming for potential solutions, however the formal implementation into national law is deemed as reserved for the national level. On at least one instance, NVE has been in direct contact with ACER for a written clarification on a certain regulation. This was regarding the REMIT-project, on a specific question regarding conditions for Norway (Interview 1 NVE, 2016).

Different perceptions also characterize the view on whether the EU level organizations seek control over how regulations are implemented or practised. One respondent has a clear perception of an eagerness to harmonize implementation practices in Europe, whilst another reports no control on how NVE practices EU regulations (Interviews NVE, 2016). Nevertheless, the regulations are often detailed and contain deadlines for implementation, thus limiting the room for national manoeuvring (Interview 1 NVE, 2016). This might be interpreted as signs of central steering by some, whilst others might see it differently. On certain instances, involvement from other actors has also been experienced. From commercial actors or NGOs who have been curious on implementation practices, and questioned how they are conducted (Interview 3 NVE, 2016). Also, once regulations has been incorporated into the

EEA agreement, as the third package is expected to be (Olje- og energidepartementet, s.a.), regulations become subject to control by the EFTA³⁰ Surveillance Authority (ESA). ESA is responsible for ensuring that Norway follows the regulations that have been implemented. If ESA discovers a breach they contact the OED, since OED is the formally responsible to adopt legislation (Interview 2 NVE, 2016). Together, these results exhibit signs of compound connections that NVE might be subject to when dealing within the downstream process of EU energy regulation.

4.4.2 Upstream Process of European Energy Regulation

Regarding the developmental process of policymaking, the example with the energy consumer market once again becomes relevant. Since Norway might be regarded as a pioneer at this field, it makes the Commission and other European actors more responsive to hearing how NVE has worked in order to develop this well-functioning market. Even though there have not been any formal requests, civil servants from EU institutions involved in such work might request information at for instance conferences or meetings. They might also ask for documents regarding how these processes have been conducted in the Nordics (Interview 3 NVE, 2016). This demonstrates that whilst Norway might be excluded from certain formal arenas of decision-making, informal exchange of information might be equally relevant. It also demonstrates that the European decision-making actors are open for information on questions where NVE and Norway are especially competent or experienced. Showing that these elements, on certain issues, matters more than formal affiliation.

In addition, NVE coordinates closely and is tightly integrated with the other Nordic regulators through NordREG in the developmental phase. What makes sense for NVE as the Norwegian regulator is often subject to an overlapping interest from the other Nordic regulators. As such, the cooperation in NordREG functions as a way for the regulators to establish a common position, and to speak with one voice into for instance decision-making processes in ACER. It is experienced that the possibility to influence decisions are greatest in the early stages of a process, and when the Nordic regulators have established a united position. The respondents also report a perception of being stronger in developmental phases when they unite at a common position, which is essential since approved decisions are increasingly difficult to amend (Interviews NVE, 2016). It seems evident that NVE works actively into policymaking

³⁰ The European Free Trade Association

processes, especially when there are prospects of EEA relevant legislation. However, NVE's work regarding new legislation varies, since there are different types of legislation. In the case of new directives, which the Commission decides on, Norway needs to be in contact with the member states of the EU in order to influence (Interview 2 NVE, 2016). Such contact might occur through for instance mechanisms of surrogate representation, where Norway might seek to influence representatives from other countries to advocate for Norwegian interests (Fossum, 2014). Also, in these processes, CEER and ACER issue consultations that the Commission might take into account (Interview 2 NVE, 2016). Following, NVE might seek to influence the processes by participating in working groups or task forces in NordREG or CEER. However, NVE's possibilities as an outsider seem somewhat limited, since the arenas for decision-making are several links away.

In lower level policymaking processes on the other hand NVE is reported to play a bigger role. For instance in terms of establishing network codes. Employees of NVE actively participate in working groups and task forces, where they work on regulations at a detailed level. These processes are however subject to mainly informal influence by NVE, since they are not formally affiliated (Interview 2 NVE, 2016).

4.5 Summary

This chapter has contained descriptive accounts and presentations of the results gathered in this project. The purpose has been to shed light on the relevant organizational features of the organizations involved, and to examine what connections NVE has to these different organizations. The chapter has aimed at elucidating how and why such connection might occur, and which collaborators that are the most central in the different phases of policymaking.

NVE is largely perceived as an autonomous, professional agency, and the results show signs of behaviour following a structural vertical specialization, through how contact within NVE is mainly characterized by information exchange and formal steering mechanisms by the leadership. Similar characteristics might also be found in the connections between NVE and the OED. Tasks are also characterized by a high degree of technicality and a low degree of politicization.

The findings perceive the Nordic and European sister-regulators as NVE's most important connections, where contact takes place through the transnational networks NordREG or CEER. Through these networks, NVE also experience indirect contact with the Commission and DG Energy. Outside these networks, direct contact with the Commission is through the findings reported as little. NVE also participates in ACER, but are not reckoned as an equal member since the inclusion of the third package has stalled in Norway. When the third package is implemented, and NVE becomes a complete member of ACER, their autonomy versus the department will potentially increase significantly.

Through NordREG, and to a lesser extent also through CEER, NVE actively participates in both implementation and development phases of EU policymaking. In the implementation phase mainly for the purpose of mutual assistance and exchanging information, and in the developmental phase in order to influence decisions. A certain extent of task division and pooling of resources is also present within the networks. The results will be analysed in connection to the theoretical assumptions in the following chapter, where they present an opportunity to accept or dismiss the expected findings from chapter 2.

5 Analysis

The content of the following chapter focuses on analysing the results from the previous chapter in relation to the theoretical assumptions and expected findings from chapter 2. The analysis follows the set-up of the theoretical chapter to a large extent. The theoretical framework in this project has been twofold, by merging multilevel administration with elements of organizational theory. Both theoretical perspectives were subject to the deduction of a series of expected findings, presented in the summarizing tables 2.1 and 2.2. In this chapter these expected findings resurface, as the purpose is to confirm or disprove their existence on basis of the results.

Whilst some of the results prove to be precisely in line with the theoretically expected, other results demonstrate the opposite or lack of findings. Somewhat surprisingly there seems to be little contact between NVE and the Commission, DG Energy or ACER, despite the high degree of supranational capacity, the lack of ministerial duplication and politicization, and the horizontal specialization of the involved actors. Contact between NVE and the EU level actors might however be hindered by the somewhat unexpected active contact between NVE and the ministry. Also, NVE's contact with ACER is particularly hindered by the stagnated inclusion of the third energy package in Norway. Less surprisingly is the substantial activity between NVE and its sister regulators through NordREG and CEER. The results seem to demonstrate that these are perhaps NVE's most important connections. Both in the formulation and implementation phases of regulation, the networks appear as NVE's most important arenas for cooperation.

The chapter follows by first analysing the results in relation to the expected findings of MLA. Second, the results and assumption of the variables of organization theory are elucidated one at the time. The analysis and results are further summarized in tables, which follows each sub-chapter. The chapter concludes with a discussion of the potential consequences of the results.

5.1 Multilevel Administration

MLA as a theoretical framework provides assumptions for how national agencies, as NVE, under certain conditions tends to by-pass their ministries and in varying degrees connect to a multitude of organizations in what is deemed the European administrative space (Trondal & Peters, 2013). Previous research has provided a backdrop from which we have expected NVE

to participate in compound European MLA structures, where the agency ties connections to several different collaborators more or less simultaneously (Egeberg & Trondal, 2009).

Based on MLA as a theoretical perspective, and findings from previous research, chapter 2 presented a theoretical research model of NVE and its potentially most important collaborators. With NVE as the focal point, it is interesting to examine the connections NVE might have to its national ministry, the OED. NVE could also have connections to the EU level, directly to the Commission and DG Energy, or more indirectly through ACER. NVE's sister-regulators in the other Nordic and European countries might be important connections, most possibly through the transnational networks NordREG and CEER. The connections with these different collaborators might be co-existing, activated at various points of a policy process, or function more or less simultaneously (Egeberg & Trondal, 2009). The purpose of the following is to examine the results of each of these connections in relation to the theoretical assumptions, before they are summarized in a table 5.1.

5.1.1 NVE's Participation in Multilevel Energy Regulation

First, as a national agency, NVE is naturally connected to the OED. It is however expected that the steering dialogue takes place mainly through formal mechanisms, and that NVE might experience a significant degree of autonomy in their daily work. This autonomy is founded on the technicality of energy regulation, in addition to the autonomy granted to NVE through the Energy Act. The empirics demonstrate that NVE is perceived as a relatively autonomous professional agency. Official documents portray how the formal connection between NVE and the OED consists mainly of some regular meeting activity and documents. For instance, the ministry issues an annual budget proposition for NVE, an annual letter of allocation, and instructions for finances and management. NVE respond to these steering mechanisms through the annual report.

From the theoretical framework it is also expected some contact or dialogue between NVE and the OED regarding proposals for or implementation of new EU energy regulations. This assumption is somewhat confirmed through the results, since another formal steering mechanism is the allocated role of NVE to contribute to OED's work with technical assessments and scientific reports. In addition, the actual contact between NVE and OED, as perceived by the interviewed employees, mainly consists of NVE providing technical advice to the OED upon request. The ministry might request clarifications on certain technical matters, and NVE is also used as a formal consultative for the technical aspects of proposed

EU regulations. If the new regulations entail any concerns for the OED, NVE is the responsible for finding suitable solutions. However, in processes of the actual practising of EU regulations, there are no reported signs of ministerial steering. It thus seems as the connection between NVE and OED is mainly informational, and that NVE enjoys significant autonomy in the actual practising of regulations.

Second, the theory provides assumptions of connections between NVE and EU level organizations. Regarding energy regulation, the relevant institutions are the Commission and DG Energy, in addition to ACER. The results show no direct contact between NVE and the Commission or DG Energy. However, it is reported an indirect connection with the EU administration through ACER or the transnational networks.

The theoretical assumption further expects NVE to be active in the formulation phase of EU energy regulations, in particular regarding regulations with potential EEA relevance. Empirically, NVE is reported as being substantially active in the formulation phase of new regulation, however this activity mainly takes place through NordREG or CEER. While it is experienced that the Commission is open for information or inputs, greater legitimacy and momentum is experienced through coordination with the Nordic and European regulators. In the implementation phase as well, it is thought that EU regulations substantially affects NVE's work. Regarding implementation, it is also expected that EU level actors push for uniform practicing of the regulations, and therefore exerts a certain extent of control over the national regulators. It is also considered that ACER might be a point of contact, especially in instances of uncertainty regarding the practising of regulations.

The results demonstrate that NVE's work, in varying degrees is affected by EU regulations. Whilst it is reported that EU regulations is important for NVE's functioning over all, many regulations have little impact on their daily work. The reason for this is that Norway has, on many instances, the most well established power and energy system in the entire Europe. Thus, many of the EU energy regulations have no effect on Norwegian regulations, since they take sight on solving problems that are no longer an issue in Norway. EU regulations on energy are sometimes even based on the Norwegian energy market as an ideal type. Broadly speaking however, it is reported that the EU influences NVE's work. Particularly since the EU countries are Norway's most important partners in energy trade and the like. Whether the EU actors seek any control regarding the practising of regulations, is subject to disagreement in the findings. We are thus not able to make any justified claims about such potential events. One instance of contact directly with ACER is reported, when faced with a need for

clarification regarding the interpretation of a specific piece of regulation. This however seems to be an exception rather than a rule.

Third, results from previous research leads us to expect that NVE actively connects with sister-regulators from particularly the other Nordic and European countries, most often through transnational networks. It is expected that these connections function for the purpose of information or “best-practice” exchange, and for assisting each other in both the down- and upstream phases of policymaking. Through the interviews, the Nordic and European energy regulators are in fact reported as NVE’s most important collaborators, and contact with these mainly takes place through NordREG and CEER. Through these networks the regulators exchange information, and develop common positions and strategies for harmonizing the energy market and regulations in the Nordics and in Europe. According to theory, in the implementation phase of regulations, the networks might be used in order for the different national regulators to assist each other. In particular if the EU level actors are pushing for uniform implementation. In the formulation phase, it is likely that the different regulators cooperate for the purpose of obtaining information and to unite for the purpose of increased possibility for affecting EU level policymaking. As a formal outsider in certain arenas, it may be especially important for NVE to be able to ally with the other regulators for increased potential for affecting decisions. The results demonstrate that NVE actively cooperates in both NordREG and CEER in both phases of a policy process. However, the Nordic connections appear as the most important and relevant. In NordREG, the regulators coordinate to develop a common position towards the EU, and EU policy processes. For instance, cooperation in NordREG is common when preparing for implementation of new EU policies. There is however some disagreement among the respondents on the use of mutual assistance when faced with problems regarding new regulations. Substantial coordination is also reported in the formulation phase of policymaking, especially when the Nordics often have coinciding interests. As such, they work towards influencing policymaking processes at an early stage, particularly into ACER. Since the implementation of the third package delays in Norway, it is perceived as especially essential for NVE to have good connections and cooperation with the other Nordic regulators, if they are to have any influence on how the regulatory framework will become.

Lastly, even though the different connections have been dealt with separately, the main assumption behind the theoretical model is however that all these different actors and sources of influence might be at work more or less simultaneously. Thus, making NVE part of a

compound European administrative system for energy regulation, subject to multiple sources of influence and compound steering. If NVE is part of a European energy-regulatory MLA, and consequently “double-“ or “multi-hatted”, signs of both formal and informal connections with multiple collaborators should be present in both policy phases of policymaking.

The results demonstrated that NVE is connected to the OED through formal steering mechanisms, but also for the purpose of providing technical and professional advice and information. They also assist OED when faced with new EU regulation. There is however reported no direct contact between NVE and the Commission or DG Energy. Nonetheless, NVE is to indirectly in contact with the Commission’s administration through ACER, NordREG and CEER. NVE’s perhaps most important and influential connections are the ones with the sister regulators from the other Nordic and European countries, through NordREG and CEER. In the implementation phase of regulations the respondents from NVE report contact with the OED, in addition to the sister regulators through the transnational networks. In the formulation phase, NVE works actively in NordREG, CEER and ACER, for the purpose of influencing decisions. These different connections are activated at different points and by various external circumstances. It thus appear that NVE, when dealing with European energy regulation, are to a certain extent “multi-hatted” (Egeberg & Trondal, 2009).

5.1.2 Summary of Findings

To summarize, table 5.1 puts the empirical findings in connection with the theoretical assumption. “++” indicates correlation between the expected and the actual findings. “+” indicates a certain extent of correlation, whilst “-“ indicates that there have not been any findings to support the expected assumption.

Table 5.1 Summary of expected and actual findings for MLA.

NVE's relations	Expected findings	Findings
To the Ministry of Petroleum and Energy (OED)	<ol style="list-style-type: none"> 1. OED has some degrees of formal control over NVE, especially with regards to budget, evaluation etc. 2. NVE has a certain extent of autonomy on energy regulation, due to the technicality of the matter and their authority through the Energy Act. 3. There is a certain dialogue between OED and NVE regarding the practicing of EU regulations. 	<p style="text-align: center;">++</p> <p style="text-align: center;">++</p> <p style="text-align: center;">+</p>
To the Commission's administration	<ol style="list-style-type: none"> 4. NVE is active in the formulation phase of European energy regulation, especially if there are prospects of EEA relevance. 5. Energy regulations with EEA relevance affect NVE's regulatory work, especially in the implementation phases of policies. 6. The EU administration supervises domestic implementation practices. 7. There exists dialogue between NVE and ACER regarding implementation and practicing of EU regulations, especially in instances of uncertainty. 	<p style="text-align: center;">++</p> <p style="text-align: center;">+</p> <p style="text-align: center;">-</p> <p style="text-align: center;">-</p>
To "sister"-regulators through NordREG and CEER	<ol style="list-style-type: none"> 8. Frequent dialogue and contact for mutual assist, and exchange of information and "best-practices" 9. Cooperation regarding implementation of EU regulations. Especially if EU organizations are pushing for uniform implementation. 10. Cooperation and exchanging information and "allying" to seek common influence in the formulation phase of energy regulation. 	<p style="text-align: center;">++</p> <p style="text-align: center;">+</p> <p style="text-align: center;">++</p>

NVE's relations	Expected findings	Findings
To multiple actors	11. NVE has both formal and informal connections with multiple institutions and actors in the field of energy regulation	++
	12. NVE cooperates and seeks assistance with a multitude of actors in the implementation phase of energy regulation.	++
	13. NVE is actively cooperating with multiple actors in order to influence common energy regulation in the formulation phase.	++

5.2 Organizational Theory

How an institution is organized is often thought to influence its behaviour. Consequently then, organizational features might be manipulated or deliberately designed in order to achieve desired outcomes (Egeberg, 2012; Trondal, 2015b). For the purpose of understanding NVE's participation in MLA and potential variations thereof, it is beneficial to examine some of the organizational features that NVE and the other relevant organizations possess. Five organizational features have been used as independent variables in this project. Below, the results for each of these variables are coupled with the theoretically funded expectations.

The first variable concerns the vertical specialization of NVE. Vertical specialization is thought to affect the degree to which NVE is connected to the OED, but also to the other organizations. According to theory and previous research NVE's behaviour is expected to follow a vertical specialization, both within the agency and between the agency and the OED. Thus, vertical contact in NVE is expected to be limited, and take place mainly through formal steering mechanisms, such as budget, evaluation and the like. Contact between NVE and the OED is expected to have similar characteristics, and take place through NVE's leadership. Lower level employees are expected to have little, or no, contact with the OED, mainly due to the technicality of their tasks and field autonomy. Lower level employees are also expected to be less politically steered, and therefore less sensitive to signals from the department (Trondal, 2011). OED's steering dialogue is further expected to be formal, in terms of budget,

evaluations and the like. Lastly, the vertical organization of NVE is expected to open up for potential connections between NVE and other European actors of energy regulation.

Empirically, these expectations are subject to mixed validation. The extent to which the employees of the EMR are in contact with the leadership is mainly through reporting, budget proposal and other organizational contact. Otherwise, the lower level sectors of NVE experience significant autonomy in their daily duties, and the ability to make decisions without interference from the leadership structure. This is caused mainly by the technicality and sector specific tasks, and demonstrates how NVE's behaviour follows the intra-organizational vertical specialization of the agency. Similarly, the contact between NVE and the OED is also characterized by formal steering mechanisms and budget control. However, NVE also holds the role of providing the OED with assistance and advice, and consult the ministry on relevant policy processes. Thus, the connection between NVE and OED seems to be more than merely a top-down steering process, but also an instance of information exchange. It is nonetheless reported that contact between the two institutions takes place mainly through NVE's leadership. Except on instances of complaint to NVE's concessions, where OED is the formal appellate and might approach specific caseworkers directly.

Though the results portray an expected behaviour following an intra-vertically specialized NVE, the expected behaviour from inter-vertical specialization appears less clear. Despite inter-vertical specialization, NVE seems to have active contact with the OED, which not surprisingly affects the degree to which NVE connects to other collaborators. We have seen how NVE appears to have a high degree of connection with its sister agencies through the transnational networks, however results for NVE's connection to the supranational organizations are lacking compared to the expected. This might be due to how contact between the agency and the department appears to be more active than expected. This active contact might limit the contact NVE has to other organizations, especially those of supranational character.

Secondly, the existence of energy regulatory MLA is dependent upon an adequate capacity of the Commission, DG Energy and ACER, which are the energy regulatory organizations at the supranational level. The energy sector is often portrayed as a sector where the EU level has significant capacity and competences. It is thus expected that we will see clear signs of connections between NVE and these organizations.

Empirically, there is little doubt of the capacity of the EU level actors. However, there are no reported signs of direct contact between NVE and the Commission or DG Energy. NVE is affected by EU regulation, but there is not experienced any signs of steering by the EU level actors regarding the practising of EU regulations. The respondents report some contact with ACER, however this connection is largely hindered by the stagnated inclusion of the third energy package in Norway. Thus, potential contact between NVE and the supranational institutions seems staggered by other structural features, and is limited to mainly indirect contact through for instance the transnational networks.

Third, existence of organizational duplication between NVE and the OED is thought to increase the connection there between. Following, lack of duplication is likely to have the opposite effect. Lack of duplication might also provide a foundation for more direct contact between NVE and the EU level actors, or the sister-regulators through the transnational networks.

There are no clear findings of structural duplication between the ministry and the agency. It is however reported a certain extent of contact between the two on processes regarding EU regulations, in terms of exchanging information and technical assistance. Nonetheless, the tasks and responsibilities of the two are reported as divided and clearly defined. This lack of duplication seems to have increased NVE's possibility for connection with its sister-regulators through NordREG and CEER. However, and as already mentioned, direct contact between NVE and EU level organizations appear less prominent than expected. This is the case even despite the lack of ministerial duplication.

Fourth, the sectorial specialization of energy regulation, the sectorial organization of NVE and the Commission, and the existence of sector-specific networks are likely to invoke cross-border connections on energy regulation between employees of all these institutions. It is likely that this type of horizontal specialization increases the possibilities of mutual assistance and influence between organizations.

The results show that NVE's employees are in active contact with civil servants with similar portfolios in the other Nordic and European countries. Through NordREG and CEER, NVE's employees actively cooperate for mutual assistance and exchanging information in the implementation phase of EU regulations. The formulation phase as well, is characterized by a high degree of activity and contact, mainly for the purpose of influencing decisions at the EU level. Connection with actors at the EU level does however appear less prominent, despite

sectorial specialization. Regarding ACER, this is most likely due to the awaiting inclusion of the third package.

In addition, horizontal specialization is thought to provide fertile grounds for pooling administrative resources between organizations. We might expect to find that NVE pools resources and divides tasks with its collaborators on issues of European energy regulation. From the interviews, several examples of task division in both the NordREG and CEER working groups and task forces are advanced. The tasks are often allocated according to competence and national experience. The transnational networks are also actively used for exchanging information and mutual assistance.

Lastly, through theory we make assumption of how energy regulation is likely to be subject to a high degree of politicization in Norway. Consequently, this is thought to evoke substantial ministerial steering in the implementation phase of EU energy regulation. In the formulation phase however, the politicization is likely to be less evident. Thus ministerial steering in this phase is likely to be less prominent.

The results demonstrate that NVE's work is not subject to any significant degree of politicization, neither in the implementation nor the formulation phase. Regulations are often so technical that they "go under the radar" of the media, or they are most often positive for the Norwegian energy market. Thus not subject to any substantial contestation, and consequently preserving NVE's autonomy.

5.2.1 Summary of Findings

The expected and the actual findings from the five organizational variables are summarized in table 5.2 below. "++" indicates correlation between the expected and the actual findings. "+" indicates a certain extent of correlation, whilst "-" indicates that there have not been any findings to support the expected assumption.

Table 5.2 Summary of expected and actual findings for the organizational variables.

Organizational variable	Expected findings	Findings
Vertical specialization	<p>14. Contact between NVE and OED takes place mainly through NVE’s leadership.</p> <p>15. OED’s control and steering of NVE is conducted mainly through budget control, evaluations and other formal steering mechanisms.</p> <p>16. Lower level civil servants of NVE experience little or no influence or contact with OED.</p> <p>17. The vertical organization of NVE opens up for connections between the agency and other actors.</p> <p>18. Vertical contact within NVE is limited, and mostly takes place through formal steering mechanisms such as budget and evaluations.</p>	<p>+</p> <p>+</p> <p>+</p> <p>+</p> <p>++</p>
Supranational capacity	<p>19. Clear signs of connections between NVE and actors at the supranational level.</p>	<p>-</p>
Organizational duplication	<p>20. Duplication between NVE and OED is expected to increase the departmental control, and to make NVE’s civil servants more apt to departmental steering with regards to energy regulation.</p> <p>21. Lack of duplication between NVE and OED is expected to reduce departmental steering, and provide foundations for more direct contact between NVE and the Commission’s administration or the “sister”-regulators.</p>	<p>-</p> <p>+</p>

Organizational variable	Expected findings	Findings
Horizontal specialization	<p>22. Sectorial specialization provides foundations for cooperation between employees who work on energy regulation in NVE, at the supranational level, and in “sister-agencies” or transnational networks, both in the implementation and the formulation phase of energy regulation.</p> <p>23. NVE is expected to pool administrative resources with its collaborators, especially through the transnational networks. This pooling of resources takes place through, 1) exchanging information etc., 2) dividing tasks within the network.</p>	<p>+</p> <p>++</p>
Degree of politicization	<p>24. Due to degree of politicization we might expect substantial ministerial steering in the implementation phase of EU regulations.</p> <p>25. Politicization is likely less evident in the formulation phase, and we might therefore expect NVE to be more autonomous in this phase of energy regulation.</p>	<p>-</p> <p>+</p>

5.3 Consequences

Three purposes for this project were advocated initially, taking sight on elucidating NVE’s participation in multilevel administrative structures, examining why it and potential variations of it might occur, in addition to discussing potential consequences. So far, the former two have been in focus, particularly in the above analysis of the collected results. Merely analysing the results in relation to the theoretical assumptions is however of limited use, if not to consider what the results entail in terms of consequences for centralization, coordination, and accountability.

First of all, the existence of MLA is thought to entail a centralization of executive power at the EU level, or with certain EU level organizations as the hub (Trondal, 2010). This thought is based on the basic assumptions of MLA, of how increasingly autonomous domestic

agencies are re-coupled by increasingly strong supranational organizations (Egeberg, 2006; Egeberg & Trondal, 2009). The findings of this project report no direct contact between NVE and the Commission's administration. Not to say that direct contact does not exist, only that the findings provide no foundation for making any justified claims about this possible connection. Nevertheless, regarding centralization of energy regulatory power, the most interesting supranational organization is perhaps ACER, as the very establishment of the agency was based on a prospect of centralizing regulatory powers. Through ACER, the European regulators were joined together and enabled to make binding decisions (Mathieu, forthcoming).

As already mentioned, NVE's participation in ACER is limited due to the stagnated inclusion of the third energy package in Norway. Inclusion of the regulatory package, and thus membership in the main decision-making body of ACER, is according to the respondents expected to be on the brink of conclusion. When NVE becomes a full member of all arenas in ACER, their autonomy is likely to be severely strengthened, on the cost of national steering. This is due to how NVE, when working on ACER tasks and the like, is banned from taking any kind of ministerial instructions. Especially in the Board of Regulators, where they are to act independently as one unit, and not take instructions from any government, EU organization, or other public or private unit (European Commission, 2009; Ruffing, 2015). Thus, once becoming a member of ACER and when working on related tasks, NVE will be located somewhat beyond national control. Pointing towards a centralization of regulatory authority at the EU level, with ACER as the hub.

Previous research has in fact shown that the formal inclusion of domestic agencies in EU policymaking seems to enhance their "double-hattedness", or even "multi-hattedness". Thus splitting their loyalties between national and EU authorities, in both phases of EU policy processes (Egeberg, 2006; Egeberg, Martens, & Trondal, 2012; Egeberg & Trondal, 2009; Jevnaker, 2015). Regarding the implementation phase of policy, the energy directives implemented in 2009 increases national agencies' autonomy significantly as they ban national level instructions when the agencies are carrying out regulatory tasks conferred to them by these directives or related legislation (European Parliament & Council of the European Union, 2009a, 2009b; Ruffing, 2015). Thus, when NVE practices regulations at the national level, which stems from these directives or the related legislation, they do so with significant *de jure* autonomy. This formal autonomy, as previous research has shown, is though to be reflected in

an agency's *de facto* autonomy (Bach & Ruffing, 2013). Thus the more involved in European regulation, the more autonomous NVE is expected to be from national steering.

As a relatively independent organization, ACER has the competence to issue legally binding decisions on certain aspects. Full membership in the ACER Board of Regulators will thus increase NVE's decision-making authority significantly. Following what Bach et.al (2015) refer to as the *differentiation hypothesis*, where the differentiated nature of policy making has led to a transferring of policy development responsibility to the supranational level, whilst implementation remains a national level responsibility. Creating national agencies that are actively incorporated into supranational policy formulation, whilst separated from their ministerial department. This upstream activity is not only NVE's contact with ACER, but also for their participation in the transnational networks. The agency participation in European networks is considered to strengthen 'national agencies' position in national policymaking, that is, their policy-development authority, rather than their autonomy in policy implementation' (Bach et al., 2015, p. 286). Based on research by Bach et.al, similar results are expected for other semi-autonomous agencies that are involved in transnational policymaking. NVE is reported to actively participate in the transnational networks, which might be interpreted as signs of autonomy and also source for potential increasing autonomy in the formulation phase of policy. Ultimately portraying how regulatory power is increasingly centralized around supranational or transnational hubs of cooperation.

Many of the above arguments are based on assumptions of how NVE's autonomy will increase following the inclusion of the third energy package. One should however be careful about making conclusions about what is only likely to come. Tracing the agency autonomy of NVE through the incorporation of the third package would however be an interesting task for future research, as will be discussed further in chapter 6.3.

Whilst centralizing administrative tasks and executive power to the supranational level ensures uniformity and policy harmonization, it is subsequently also on collision course with traditional perspectives on national steering. Leading to what Egeberg and Trondal (2015) refers to as the *coordination dilemma* of governance. This dilemma involves how strong national coordination and active supranational participation cannot co-exist. It is perceived as impossible to have a parallel existence of both the intergovernmental model and the supranational model of governance.

Traditionally, the EU has been known for relatively weak coordination across levels, which has been compatible with strong national coordination. Regulations and directives have been decided at the supranational level, whilst the actual implementation and practising have been the responsibility of the national level. This has often led to differentiated practising of legislation across countries (Egeberg & Trondal, 2015), since implementation through national authorities seem to be subject to influence by both national politics and administrative traditions (Egeberg, 2006; Egeberg & Trondal, 2009; Knill, 2001; Olsen, 2007). Different practices across countries ultimately resulted in a desire for stronger supranational coordination to ensure more uniform implementation of the EU regulations. In order to harmonize implementation practices, a development from “indirect administration” to more “direct administration” took place. In the sense that national agencies would work more closely with the European Commission, EU agencies and sister agencies in other member states regarding implementation, and consequently by-passing national ministries (Egeberg & Trondal, 2009, 2015).

The findings do not show a strictly supranational nor intergovernmental model of NVE’s regulatory activity. The results rather demonstrate that NVE is active in the transnational networks, no reported direct contact with EU level actors, and somewhat active contact with the OED through formal steering and also through exchanging of advice and information. But as argued by Egeberg and Trondal (2015), these may not co-exist and coordination across levels is dependent upon poor national coordination and vice versa. Consequently then, the results either demonstrate the existence of a coordination dilemma on energy regulation, or a *hybrid solution* that is portrayed as the solution in a complex organizational environment. The hybrid solution refers to a compromise between both models of governance, where governments might coordinate and control regulatory agencies, whilst implementation structure remains based on sectorial specialization (Egeberg & Trondal, 2015). Implementing the third package might then rattle the current balance, since it is likely to increase autonomy for NVE, and increasingly centralize regulatory power.

Issues of centralization and coordination lead us to what is perhaps the most important consequence of potential multilevel European energy regulation, namely the question of accountability. Previous research has advocated how ‘the rise of the European administrative system is assumed to profoundly rebalance existing decision-making and accountability practices, refocusing adherence to organizational goals, shifting institutional powers, and ultimately transforming public policy’ (Bauer & Trondal, 2015a, p. 9). As advocated by Bach

et.al, the differentiation hypothesis is likely to affect accountability in terms of decision-making power:

The increase of autonomy in policy development fundamentally changes the role of agencies as they gain policy-developmental powers that exceed their strict executive authority. They become policy-developing actors that shape national policies without being directly steered by their national political principals (Bach et al., 2015, p. 301).

Also regarding implementation, the issue of accountability might be questioned. Many of the regulations NVE works on are reported as technical to the degree that they go “under the radar” of both the ministry and the public. When decisions are made outside politically elected officials, and practiced without attention, a problem arises as to who might be held responsible for these decisions. Thus, the continuously increasing amount of semiautonomous agencies at arm’s length from the elected politicians has been thought lead to a fragmentation of the administrative system, which goes hand in hand with problems of political control and accountability (Bach et al., 2015).

6 Conclusion

Evolving international environments and administrative systems are changing circumstances for governance, and the energy sector is significantly affected. This project has thus set fore at examining the Norwegian energy regulator's role in increasingly complex multilevel administrative structures. The following research questions were advanced:

How and to what extent does NVE participate in a compound model of multilevel European energy regulation? Second, what might explain such participation? Last, what consequences could participation potentially entail?

Founded on assumptions from MLA and organizational theory, empirics were collected through analysing documents and conducting interviews, which have been subject to analysis. This final chapter concludes the project, by highlighting some of the main findings and pointing out some lines ahead.

6.1 Multilevel Energy Regulation

Founded on theoretical assumptions from MLA, this project set eye on examining the multilevel administrative structures of European energy regulation with NVE as the locus point. Based on the research questions, the project aimed at examining NVE's vertical connections to the Commission and DG Energy, ACER and to the OED, and horizontal connections to NordREG and CEER. An analytical model was presented, through which it was expected that NVE had active connections to the above-mentioned collaborators simultaneously or in varying degrees according to specific circumstances.

The results demonstrated a rather active connection between NVE and the OED through exchanging information and providing technical advice, and also through formal steering mechanisms. Internationally, the contact with the sister regulators through particularly NordREG, but also CEER, appear as the most important. Contact with ACER appears limited due to structural circumstances, and no direct contact with the Commission or DG Energy is reported. Contact with the supranational organizations might however take place indirectly through the networks or ACER. Significant activity in both phases of EU regulation was reported in the interviews, underlining that indirect contact with the EU level organizations might be present. When the analytical model is updated with weighted lines according to the collected results and observations, the framework might be perceived as the following:

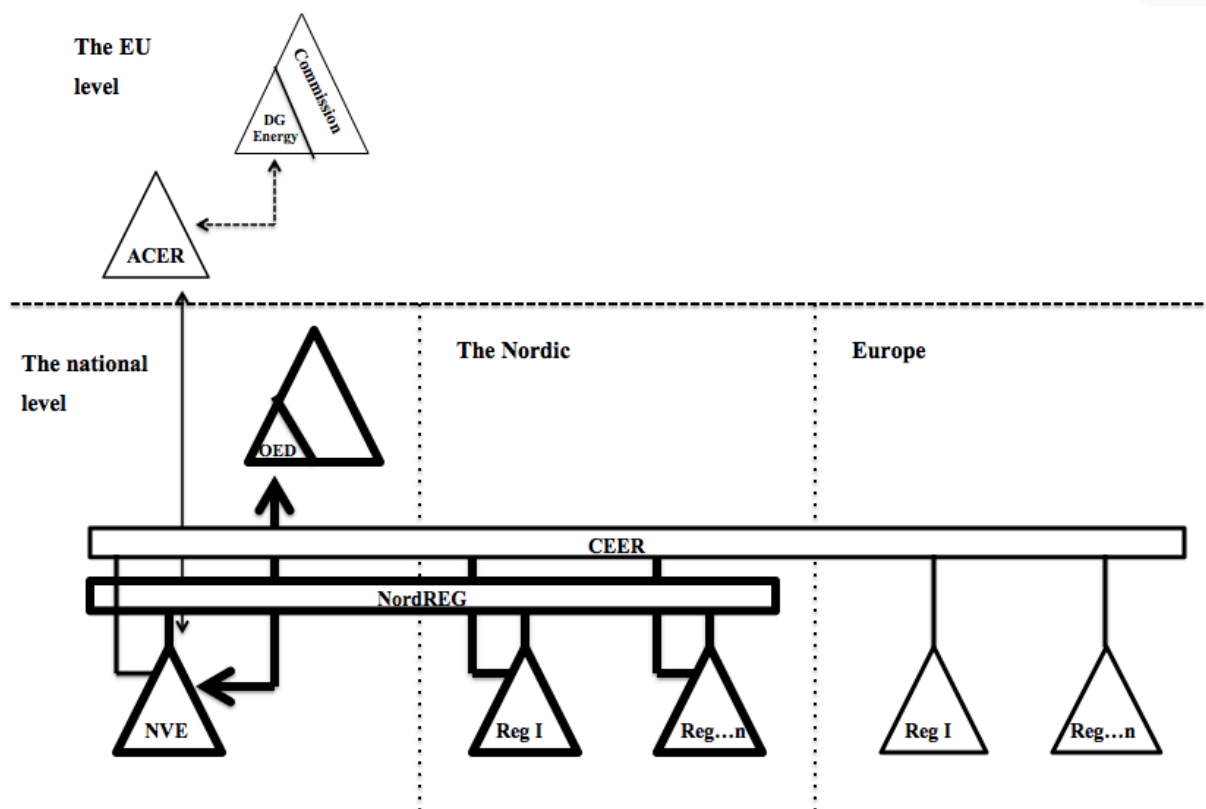


Figure 6.1 NVE’s actual connections in a compound model of multilevel European energy regulation.

The OED, and the Nordic regulators and NordREG, appear to be the closest connected to NVE, followed by the other European regulators and CEER. Thus, national borders between NVE and the sister regulators appear less significant. Following, domestic executive and administrative systems for energy regulation cannot be deemed as closed-of systems and NVE cannot be thought of as a “single-hatted” domestic agency. The results thus refute that European energy regulation can follow an intergovernmental model, as the first generation of studies on executive orders assumed (Trondal, 2010). ACER and the Commission appear to be less connected to NVE, mainly due to certain structural and organizational features. The supranational model of the second generation is thus not the correct portrayal of European energy regulation either.

In sum, the EMR appears to have contact with different organizations at different times, activated by various factors or depending on upon tasks or agenda. They take active part in work groups and task forces of NordREG and CEER, and have contact with the OED upon request. Through the networks, the EMR might also have indirect contact with the EU level organizations. The project thus follows in line with previous case studies of similar

characteristics. Which have confirmed that there to varying degrees exists close and direct links between the domestic agencies and the other actors, often through sector-specific, transnational network structures (Egeberg & Trondal, 2014). Following in line with research from the third generation of studies on executive orders.

One might consider whether the agency is under some sort of cross-pressure, and experiencing steering dialogue from multiple venues. Based on the findings, it however seems as NVE actively works in connection with multiple actors for the purpose of harmonizing and streamlining the European power and energy market. Not necessarily being subject to steering monologues from multiple organizations situated at exceeding levels of governance, but rather an active component in a compound, multilevel administrative model, most often through the transnational networks. Overall, NVE appears as a largely specialized, professional and relatively autonomous agency.

6.2 Organizational Theoretical Explanations

The second prospect has been to analyse how certain organizational characteristics might affect the degree to which NVE connect to different other organizations, or to examine whether the structural features explain patterns of connection. Five organizational variables were used, for the purpose of investigating whether they might elucidate aspects of the descriptive connections from the figure above. As such, organizational elements might be used as tools for explaining why connections occur, and what might cause potential variations in degrees of connection.

The results demonstrate a perception of NVE as both vertically and horizontally specialized, paving the way for agency participation in transnational networks. No ministerial duplication is reported, and low degree of politicization, which according to theory should provide a foundation for little contact between NVE and the OED. Contact with the ministry department does however appear active, despite the structurally indicated. This is further reckoned to be one factor limiting the low report of direct contact with supranational organizations, in addition to how membership in ACER is on hold based on the stagnated inclusion of the third regulatory package. Further, the reported limited contact with the supranational organizations collides with the expected, despite a high level of supranational capacity and the lacking ministerial duplication and politicization. In sum, the results confirm the expected findings of only two of the organizational variables.

6.3 Future Research

Four apparent lines ahead as potential focus for future research might be drawn from the research, results and conclusions of this project. First, there is an evident possibility of examining the connections between the remaining organizations in the model for a comprehensive understanding of multilevel European energy regulation. Secondly, as there is already conducted a range of similar case studies on other agencies and sector, conducting an implicit comparative research with this case and other case studies of the various Norwegian agencies would be a possibility. By comparing the results from the different cases, one enables a possibility to find unique characteristics of the different cases, but also to contribute to increasing general knowledge about the topics or theory (Ringdal, 2007). Third, it could be interesting to dig deeper into the apparently active relationship between NVE and the OED. In the interviews, no experienced duplication was reported. Three interviews with employees of one section are nonetheless too scarce information to discard the possibility entirely. According to Egeberg and Trondal (2015), post-NPM reforms have taken sight on stronger national coordination. For instance through connecting semi-autonomous agencies to national centres of control again. Thus, analysing whether any post-NPM reforms have been implemented in the energy sector would be an interesting starting point for the dissection of the NVE-OED connection, and potentially go further into whether an actual organizational duplication in fact exists. Or whether there are other explanations behind this seemingly active ministerial connection.

The last, and perhaps most interesting topic to pursue further, is connected to the continuous topic of the third energy package. As already discussed, NVE's autonomy is likely to increase after the potential inclusion of the package regulations. It is however futile to make assumptions about events that are yet to come. Tracing the agency's autonomy through the incorporation of the third package would however be an interesting task for future research. Ruffing (2015) examined the effects of ACER membership on the German Federal Network Agency³¹, which proved that the agency increased its *de facto* autonomy at the expense of national control, by an increasing information asymmetry between the agency and the ministry. Thus, the ministry does not necessarily change its actual steering behaviour, but

³¹ The Federal Network Agency for Electricity, Gas, Telecommunications, Post and Railway, German *Bundesnetzagentur* (BNetzA) is the German national energy regulator (CEER, s.a.-a), and is responsible for the power market and energy resources in Germany similarly to NVE's role in Norway. See www.bundesnetzagentur.de for more information.

national agencies seem to gain new roles and channels of influence, making the old steering routines insufficient, and ultimately granting the agencies more autonomy (Ruffing, 2015). Thus mapping NVE's autonomy through the project of the third package emerges as a potential future research focus. Also, looking into the current stagnation of the third package would be highly interesting. Is it so that the ministry and governments are aware of the possible increasing autonomy and consequences for coordination? Consequently not willing to loosen national control? These questions sadly go beyond the breadth of this research, but are interesting puzzles for the mind, and potential topics for further research.

6.4 Concluding Remarks

Despite some obvious limitations of this project, some interesting findings on the field have been elucidated, most of which follows in line with the theoretically expected. NVE participates in energy regulatory MLA through active, direct contact with the OED, but also to the sister-regulators mainly through the transnational networks. Less contact with ACER is reported, and no direct contact with the supranational organizations. Not to say that this does not exist, however mainly that results for such contact have been absent in the findings. Thus, NVE is likely to be at least “double-hatted” when working on European energy regulation. Explaining structures of contact from an organizational perspective might not be as relevant as initially expected, since the expected behaviour of only two variables have been validated. Nevertheless, NVE is both vertically and horizontally specialized, which seems to have had a significant effect on the agency's behaviour. Potential consequences ahead are many, especially essential appears the third energy package that is likely to change circumstances for harmonization, national steering, agency autonomy, and political accountability. Nonetheless, the energy sector is currently subject to rapid change, and it is a sector that will become increasingly interesting to follow over the course of time ahead.

7 Literature

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8 Appendixes

A. Information Document

Forespørsel om deltakelse i forskningsprosjektet

”NVEs deltakelse i europeiske flernivå-samarbeid”

Bakgrunn og formål

Studien er en undersøkelse av norske direktoraters deltakelse i europeiske samarbeidsstrukturer, hvor NVE er valgt ut som case-objekt. Prosjektet er en masterstudie ved instituttet for statsvitenskap og ledelsesfag ved Universitetet i Agder, og gjennomføres med en løs tilknytning til Agder Energi som ekstern arbeidsgiver.

NVE fremstår som et særdeles interessant objekt for en slik casestudie. Gjennom deltakelse på Agder Energi-konferansen 2015, og samtaler med informanter i NVE, har jeg fattet en interesse for hvordan endringer som nåværende gjør seg gjeldende i energisektoren påvirker norske aktører. Og spesielt hvordan europeiske samarbeid fungerer med bakgrunn i dette. Derfor ønsker jeg å komme i kontakt med de deler av NVE som er mest berørt og aktive i europeiske samarbeid.

Oppgaven skrives på engelsk, men den norske problemstillingen vil være noe som følgende: *Hvordan, og i hvilken grad inngår NVE i en sammenvevd europeisk flernivåadministrasjon for regulering av energi og kraftvirksomhet? Videre; ved grad av deltakelse, hvordan kan slik nettverksatferd forklares?* Denne problemstillingen danner grunnlaget for å undersøke NVEs vertikale tilknytninger til OED, og til Kommisjonen, DG Energy og ACER på EU-nivå, i tillegg til horisontal tilknytning til NordREG og CEER.

Etter fullføring vil denne studien føye seg inn i rekken av undersøkelser som allerede er gjennomført med en rekke andre norske direktorater og tilsyn, for å øke kunnskapen om hvordan og hvorfor norske aktører deltar i europeiske samarbeid.

Hva innebærer deltakelse i studien?

I studien er jeg interessert i informasjon om hvordan ansatte i NVE faktisk opplever kontakten mellom NVE og de overnevnte aktører, informasjon som er vanskelig å få tak i uten samtaler

med de involverte. Deltakelse i studien innebærer dermed en datainnsamling gjennom intervju. Disse kan gjennomføres over telefon eller mail, men aller helst ansikt-til-ansikt.

Spørsmålene vil omhandle hvordan ansatte på ulike nivå i NVE oppfatter kontakt med andre europeiske aktører innen energiregulering, og hvordan NVE arbeider i forhold til reguleringer og direktiver som kommer fra EU.

Datamaterialet vil helst registreres gjennom notater og lydopptak, dersom det godkjennes av hver enkelt deltaker.

Hva skjer med informasjonen som blir samlet inn?

Alle personopplysninger vil bli behandlet konfidensielt. Datamaterialet vil kun være tilgjengelig for student og veileder. Ingen personopplysninger vil lagres sammen med datamaterialet for å bevare konfidensialitet.

Prosjektet skal etter planen avsluttes 01.06.2016. Etter fullføring av prosjektet vil alt datamateriell og opplysninger bli destruert, senest i løpet av juli 2016.

Frivillig deltakelse

Det er frivillig å delta i studien, og alle kan når som helst trekke sitt samtykke uten å oppgi noen grunn.

Informasjonsskrivet er laget med utgangspunkt i Veiledende mal for informasjonsskriv fra NSD.

B. Interview Guide

Åpningsspørsmål

- Før vi begynner, kan du fortelle hvilket stillingsnivå du jobber på, i hvilken seksjon, og skissere litt hva dine vanlige arbeidsoppgaver går ut på?

I NVE som helhet, hvor mye kontakt har dere på tvers av avdelinger og seksjoner?

Hvilke institusjoner vil du kategorisere som NVEs samarbeidspartnere/kontakter når det gjelder arbeid med regulering/regelverksutvikling?

- Er noen av disse viktigere enn andre?
- Hvilke koblinger har NVE til disse aktørene?

I hvilken utstrekning vil du si at NVE har kontakt med OED?

- I hvilke situasjoner forekommer kontakten?
- Hvem er bindeleddet?
- Hva med Elmarkedstilsynet eller din seksjon spesielt?
 - o Hvor mye kontakt har dere med OED?
 - o Er det noen spesielle kontaktpersoner?
 - Hvilket stillingsnivå er de ansatt på?

Opplever du at det forekommer overlapping mellom NVEs/Elmarkedstilsynets ansvarsområder og ansvarsområdene til OED?

- Hva med til andre aktører?

I hvilken utstrekning vil du si at NVE har kontakt med institusjoner i EU?

- (Kommisjonen, DG Energy, ACER?)

I hvilken utstrekning har dere kontakt med direktorater i andre land når dere jobber med iverksetting eller praktisering av regelverk/reguleringer?

- Hvordan forekommer denne kontakten? (Gjennom nettverk?)
 - o Hvilke nettverk?

- Hvilke land? (Hovedsakelig nordiske eller også resten av Europa?)
- Hva består denne kontakten av? / Hva kjennetegner disse nettverkene?
 - Forekommer det en arbeidsdeling mellom byråer innad i nettverket?

Hvordan vil du beskrive de arbeidsoppgavene dere har innad i seksjonen?

- Er de tekniske?

Hvordan jobber dere med iverksetting av EU-reguleringer/regelverk?

- Har dere kontakt med deres samarbeidspartnere når dere jobber med implementering/praktisering av regelverk?
 - Hvem? (OED, ACER, CEER, NordREG, andre?)
- Opplever du at EU ønsker noen form for kontroll over hvordan europeisk regelverk blir praktisert?
- Dersom dere er usikre på hvordan noe regelverk skal brukes, hvem kontakter dere da?
- (Ved flere kontakter: opplever du at det forekommer noen form for krysspress for hvordan dere skal arbeide med regulering?)
- Har du noen gang opplevd at deres arbeid med regulering har bragt frem uenighet, eller fått stor oppmerksomhet i nyhetsbildet eller lignende? At det har vakt kontrovers?

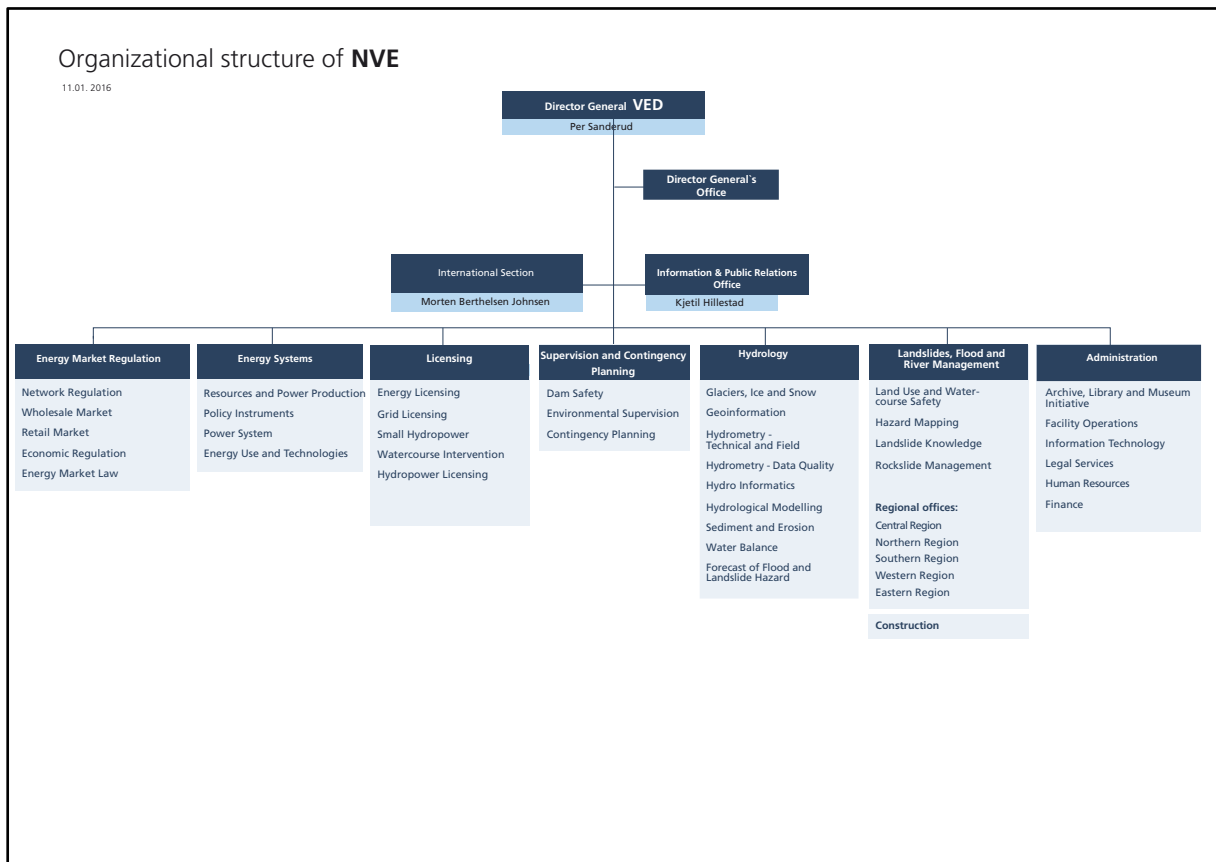
Hvordan påvirkes deres arbeid med regulering av EØS-avtalen eller EU-regelverk?

- Er det spesielle arbeidsoppgaver/hendelser som påvirkes særlig?

Hvis vi tenker oss en situasjon hvor det arbeides med utforming av regelverk/reguleringer i EU, som vil påvirke eller være relevant for NVE, hvordan arbeider dere for å ta del i utformingen av disse?

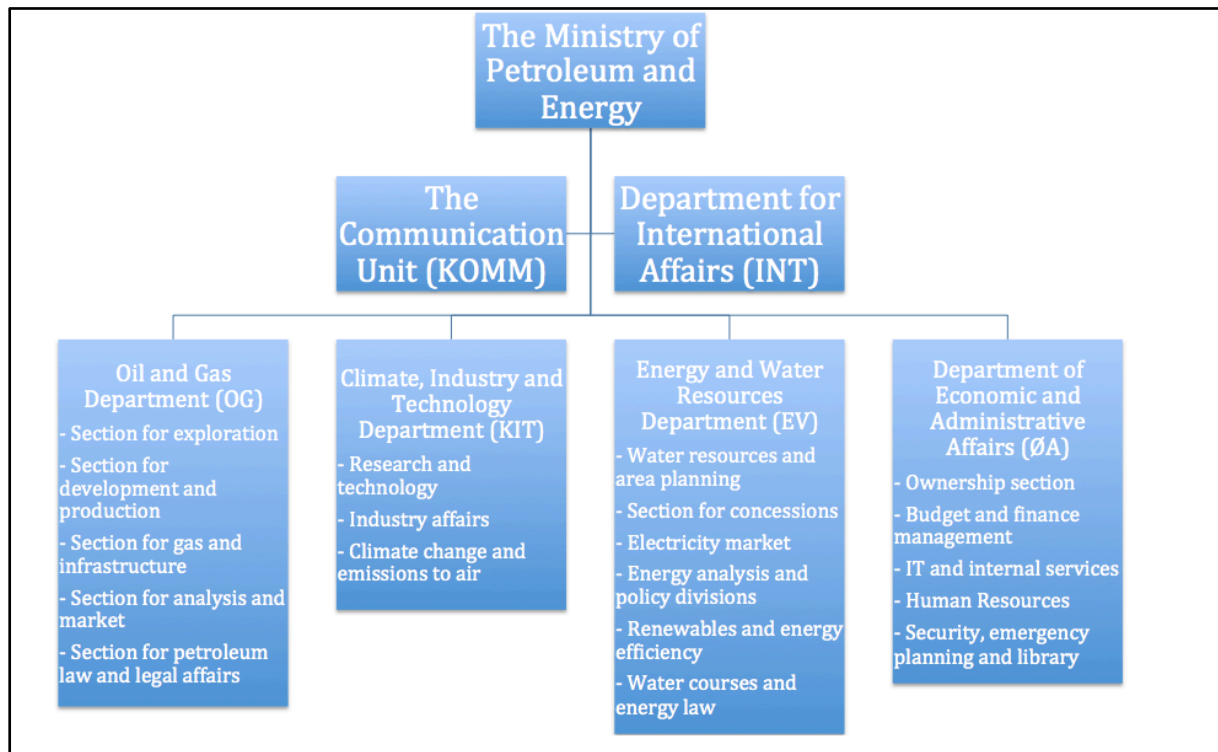
- Søker dere støtte for deres synspunkter hos lignende direktorat eller tilsyn i andre land? Hovedsakelig nordisk eller også andre europeiske land?

C. Organizational Chart NVE

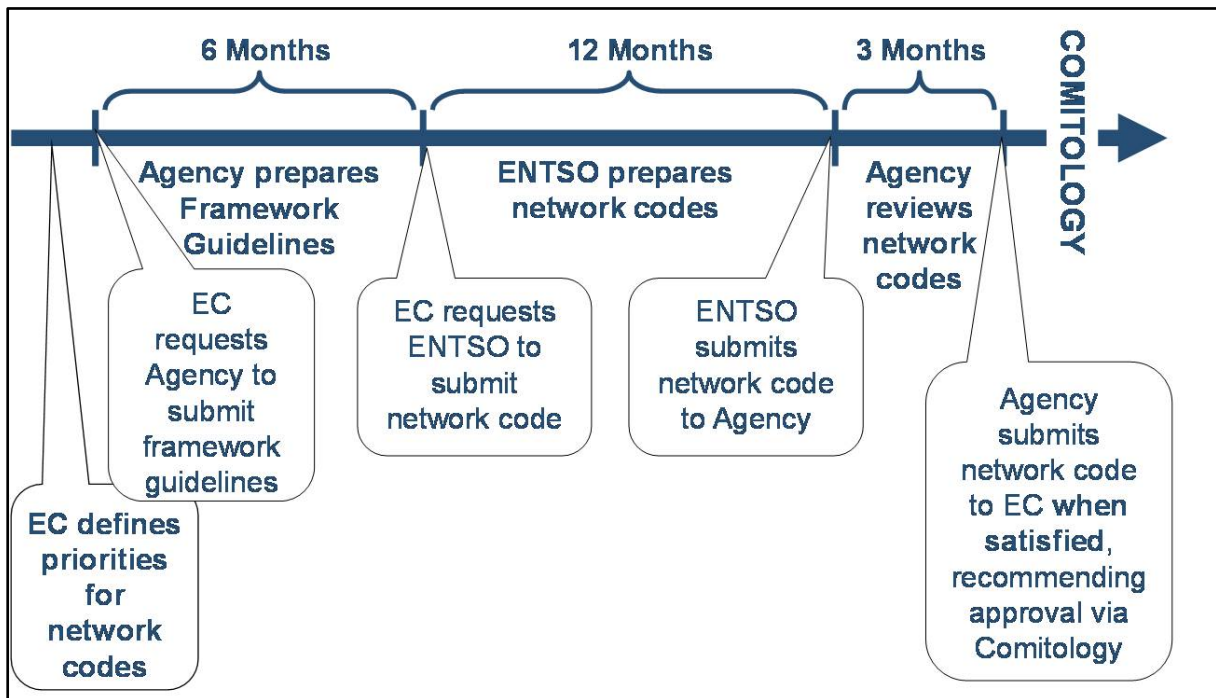


Accessed 25.04.2016 from <https://www.nve.no/Media/3400/orgkart-ul-eng-11012016.pdf>

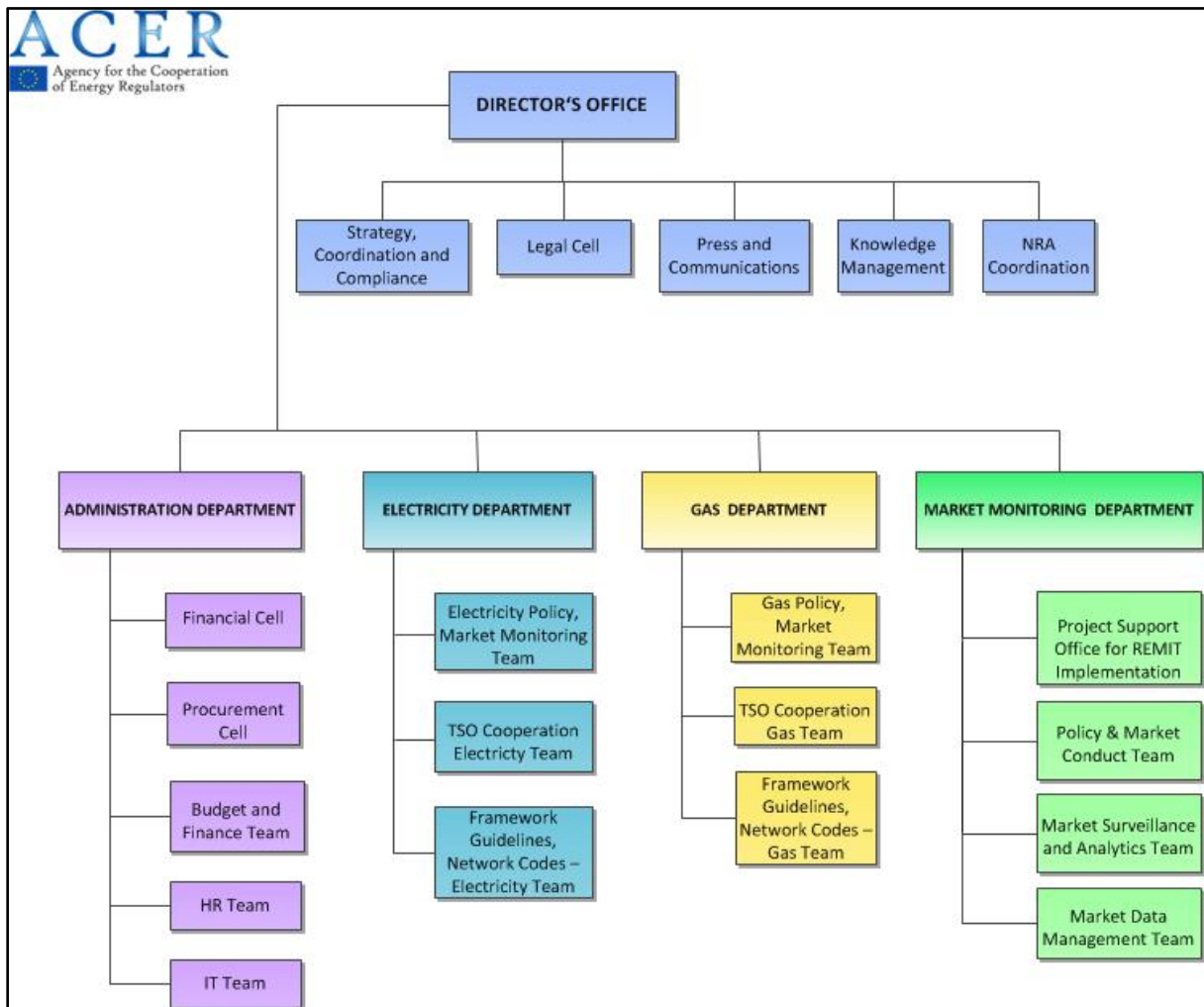
D. Organizational Chart OED



E. Regulation Procedure



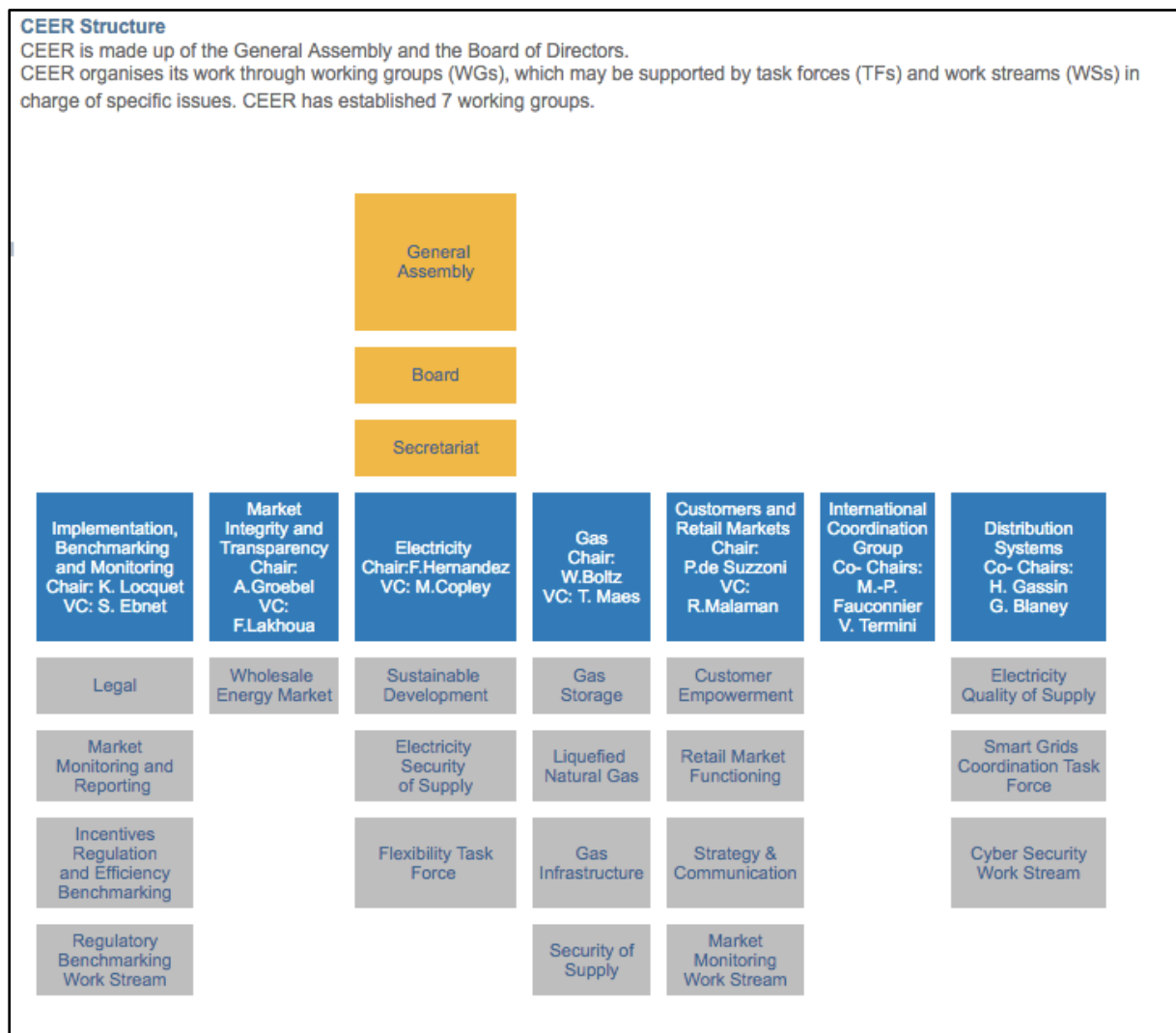
F. Organizational Chart ACER



Accessed 25.04.2016 from

http://www.acer.europa.eu/en/The_agency/Organisation/Documents/Organisational%20Chart%20-%202014%2012%202015.jpg

G. Organizational Chart CEER



Accessed 25.04.2016 from

http://www.ceer.eu/portal/page/portal/EER_HOME/EER_ABOUT/ORGANISATION

