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# The rift between executive contraction and executive detraction: the case of European Commission battery policy-making

Terese Birkeland <sup>a</sup> and Jarle Trondal<sup>b,c</sup>

<sup>a</sup>Department of Working Life and Innovation, University of Agder, Kristiansand, Norway;

<sup>b</sup>Department of Political Science and Management, University of Agder, Kristiansand, Norway; <sup>c</sup>ARENA Centre for European Studies, University of Oslo, Oslo, Norway

## ABSTRACT

Providing policy solutions to solve across border societal challenges in Europe, such as electrifying the transport sector by facilitating a European battery industry, call for increased coordination among policy-makers. This article offers a novel study of the formulation of the European Commission's (Commission's) battery regulation proposal. In doing so, the paper makes two distinct contributions to extant literature: Theoretically, it outlines two conceptual models of executive governance – that of the Commission as a contracted and a detracted institution – and offers an institutional-organizational approach to account for conditions under which each of these models is likely to unfold. Empirically, the paper offers a case study of the process of drafting the Commission's battery regulation proposal. Benefiting from semi-structured interviews, the study reveals patterns of executive contraction and detraction in the Commission. Whereas extant literature picture the Commission as an increasingly centralized and contracted executive institution, this study finds that executive contraction and detraction tend to co-evolve and co-exist.

**KEYWORDS** Battery policy-making; European Commission; Executive contraction; Executive detraction

## Introduction

Reaching climate neutrality by 2050 is high on the European Commission's (Commission's) agenda as we enter the third decade of the twenty-first century. A green shift in the energy sector has become essential to reach that goal, including electrifying the transport sector and creating a competitive, sustainable and innovative battery value chain in Europe. Contemporary policy challenges of these kinds call for novel economic and social regulations

**CONTACT** Terese Birkeland  [terese.birkeland@uia.no](mailto:terese.birkeland@uia.no)

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that span policy sectors and institutional boundaries, which in turn rises the need for public policy coordination (Christensen et al., 2019; Head, 2019; Head & Alford, 2015; Lægreid & Rykkja, 2015). Formulating the battery regulation proposal by the Commission offers a novel case of how both new and old policy fields are coordinated and merged into new policy instruments. Due to batteries being highlighted as strategically important for reaching the Commission's overall goal of climate neutrality, it represents a deliberate solution to a complex societal challenge that requires across-sectoral collaboration. The ambition of this study is to conceptually and empirically characterize executive governance by the Commission when tasked with formulating legislations that encompasses both environmental, industry and internal market policy as well as new and old policy instruments. The article outlines two interrelated research questions: First, how can we characterize Commission policy-making behaviour when handling profound policy challenges in general, and to what extent did the process of formulating the battery regulation showcase executive contraction and/or executive detraction? Secondly, how can we account for variation in executive contraction and detraction in Commission policy-making behaviour?

Facing novel policy challenges, the role of the Commission administration is paramount to study since no other international bureaucracy is endowed with similar levels of policy authority and administrative capacity (Hooghe et al., 2019; Trondal, 2007, 2016). Whereas the Commission originally was pictured as highly fragmented coined with autonomous Directorate-Generals (DGs) and administrative blind spots (e.g., Nugent, 1997), contemporary literature suggests that the Commission has become increasingly centralized as a result of internal Commission reforms as well as changes to the accountability system with the European Parliament (EP) (Kassim, 2004; Kassim et al., 2013, 2017; Kassim & Laffan, 2019; Wille, 2013). Departing from studies of executive centre formation and a conventional portrayal of the Commission as increasingly centralized (Kassim et al., 2013, 2017), our study observes that patterns of executive governance are more complex and nuanced, indicating the co-existence and co-evolution of executive *contraction* and *detraction* within the Commission when formulating the battery regulation proposal. A contracted executive contains elements of both horizontal and vertical coordination whilst a detracted executive contains elements of horizontal and vertical fragmentation (see below). The article studies the process of formulating the Commission's battery regulation proposal from 2020. A battery policy team with actors from DG Environment (ENV) and DG Growth (Grow) drafted the proposal. The study thus also supports recent studies that show the resilience of the silo organizational structure of the Commission (Chatzopoulou, 2022). This compound image of the Commission is conceptually captured by two conceptual models of the Commission – the Commission as contracted and detracted executive. Moreover, to probe under which

conditions each of these models are likely to unfold, an institutional-organizational approach outlines three sets of independent variables: (1) primary structures, (2) secondary structures and (3) institutional path-dependency and lock-ins.

The article has two contributions. First, theoretically the article contributes to an organizational theory agenda by illuminating how the organizational architecture of the Commission shape patterns of executive governance in general, and executive contraction and detraction in particular. Second, benefiting from 17 semi-structured interviews, the study suggests how patterns of contraction and detraction co-existed during the process of formulating the Commission's battery regulation proposal. We argue that although the Commission has indeed become increasingly centralized, the picture seems more nuanced than currently depicted in extant literature. Shedding light on the devolution of the Commission, this study shows how the independent roles of semi-autonomous DGs impacted the policy-making process.

The article proceeds as follow; First, the theoretical framework, including the two conceptual models of Commission decision-making, is outlined; Second, the method and data strategy are described; Third, the data are presented and subsequently discussed.

## **Theoretical framework**

This section is organized into two sub-sections: The first section outlines two conceptual models of executive governance: executive contraction and executive detraction. These conceptual images are general categories for capturing executive governance, but they are also empirically modified to the case at hand – the Commission. The second section outlines an institutional-organizational approach to the study of Commission battery policy formulation.

### ***Executive contraction***

Studies show that the core executive of member states has become increasingly centralized and politicized (e.g., Bauer et al., 2021b; Borrás & Peters, 2011). Similarly, one literature argues and shows empirically that the Commission has become increasingly centralized and politicized since the resignation of the Santer Commission in 1999 (Kassim et al., 2013, 2017). Egeberg et al. (2015) found evidence that a centralization of the Commission's executive powers has taken place gradually. Their study elucidates an increasingly integrated Commission, including DGs and subordinated EU agencies. Extant literature suggests that both internal reforms of the Commission and reforms of the EP have contributed to a centralization (and politization) of the Commission. First, the 'defining moment' for Commission reform after the

resignation of the Santer Commission deserves mentioning. According to Kassim et al. (2013), reforms aimed at centralizing and strengthening the Commission presidency transformed the Secretariat-General's (SG) involvement in the policy-making process. It went from being the 'guardian of collegiality' to an institutional facility for the President (Kassim et al., 2013, p. 159), giving the SG the responsibility for coordinating the work between DGs. The Commission leadership was further bolstered by organizational reforms launched by Commission President Juncker. By introducing Commission Vice-Presidents and projects teams as well as further strengthening the role of the SG, the horizontal coordination of the Commission was improved (Bürgin, 2018, 2020). Furthermore, as an unintended consequence of reforms directed at other Commission bodies a vertical line of order among the cabinets was established (Bauer et al., 2021a). Incumbent Commission President Ursula von der Leyen reinforced this development by introducing Executive Vice-Presidents, and thus created more levels of coordination within the college of Commissioners, and in effect increased executive contraction of the Commission writ large. Prior to these developments and as part of the efforts to reform Commission policy-making, a better regulation agenda was launched through a white paper on governance (European Commission, 2001). It was an attempt at improving the quality of the Commission's policy proposals which continues to guide the Commission's work (Secretariat-General, 2021). By incorporating policy proposals into policy packages, the number of policy proposal has been reduced whereas the scope of each proposal has increased (Kassim et al., 2017; Ophay & Schwalbach, 2022).

Second, the increased power given to the EP during the last decades has resulted in a tighter parliamentary control of the college of commissioners (Bauer et al., 2021a; Wille, 2013). The Commission is thus increasingly held accountable by the EP, which in turn fuels executive contraction within the Commission. Two examples of how the EP may hold the Commission responsible are through the appointment of Commissioners and during the budgetary process. These changes have resulted in making the Commission less fragmented and politically neutral into becoming more of a political executive (Kassim et al., 2017; Mérand, 2021). The Commission's response has been to centralize the decision-making process to face the EP with a joined-up voice (Wille, 2013).

The tighter grip on the agenda-setting by the College of Commissioners and the President has resulted in a more integrated Commission. Following the changes presented above, the Commission's agenda is increasingly expected to be supervised by the Commission Presidency. President von der Leyen put forth the political priorities guiding the Commission's work under her term in December 2019 (von der Leyen, 2019). Important initiatives include the European Green Deal and the Circular Economy Action Plan (CEAP) with the overall objective of becoming the first climate-neutral

continent by 2050 (European Commission, 2019c, 2020b). Commission contraction calls for policy coordination across levels of governance as well as between Commission DGs. Hence, a contracted executive may contain elements of both horizontal and vertical coordination in which governance processes are vertically centralized and where horizontal cross-sector policy agendas are coordinated by designated actors enforcing political priorities.

### ***Executive detraction***

Regardless of internal reforms and changes to the accountability system of the European Union (EU), the horizontal sector specialization of the Commission administration has not undergone profound changes during the last decades. Bauer and Trondal (2015) observe that despite increased presidentialization of the Commission, the DG horizontal structure has largely remained intact. Thus, even if presidentialization of the Commission has proceeded, the siloization and sub-culturalization at the DG level have not vanished (Bauer & Trondal, 2015). Vestlund (2015), for example, shows that moving a portfolio from one unit within the Commission to another unit changed the policy focus and subsequently altered the policy output. Reflecting a decentralized and devoluted decision-making structure, the unit structure profoundly shaped information and attention allocation to policy issues (Vestlund, 2015). With a detracted Commission executive, the competences and practices build up within various DGs are likely to influence the policy process (Hartlapp et al., 2014).

Furthermore, Senninger et al. (2021) found that salient policies moderate the relevance of expertise, which is likely to foster executive detraction. The Commission hierarchy determines the direction of the policy formulation, where policy overlap with the lead DG increases the likelihood of participating in inter-departmental coordination. Hence, more administrative turf is expected when formulating salient policies. Being a lead DG will give them informational and processual advantages (Hartlapp et al., 2014). In the case of Commission battery policy-making, two DGs participated in drafting the battery regulation proposal. Thus, the role both DGs played during the policy-making process is expected to affect the policy process. With a detracted Commission we expect Commission bureaucrats at unit level to keep a significant grip on the policy formulation process within fairly autonomous DGs. Hence, a detracted executive may contain elements of both horizontal and vertical fragmentation. It denotes multiple actors located in various subunits operating autonomously with an aim to preserve the attention allocation and autonomy of their administrative unit (Chatzopoulou, 2022). Departing from a contracted Commission executive, formulating the battery regulation proposal builds on established practices and structures. Thus, if the salient battery regulation proposal contains elements of executive

detraction, we maintain that individual DGs still play a prominent role in EU policy-making processes (Trondal, 2012).

### ***An institutional-organizational approach***

This section outlines an institutional-organizational approach to probe each of the two conceptual models. Institutions are here seen as ‘a set of prescribed behavioural rules and practices embedded in structures of meaning and resources’ (Olsen, 2010, p. 108). The article benefits from March and Olsen’s (1989) re-introduction of the significant role institutions play in understanding policy processes. Moreover, “unpacking” of institutions is necessary in order to clarify the conditions under which transformation of actors and policy processes might occur’ (Egeberg, 2004, p. 199). The formal structure is recognized as an essential provider of decision premises for policy-makers’ policy choices, which ultimately affect the output of the policy-making process. The institutional-organizational structure both constrain and enable the behaviour of Commission officials. Further, the structure is normative as ‘organization is the mobilization of bias’ (Schattschneider, 1975, p. 71). Assuming that actors’ behaviour is shaped by bounded rationality (Simon, 1947), the article recognizes formal structure as a driver of attention allocation and administrative coordination (Bach & Wegrich, 2019). Following an extensive institutional-organizational literature, some variables are particularly likely to shape the policy-making process (see Bauer & Trondal, 2015; Egeberg, 2004; Egeberg & Trondal, 2018; Olsen, 2010; Trondal, 2011, 2012). In the following, independent variables include primary organizational structures, secondary organizational structures, and institutional path-dependency and lock-ins.

#### ***Primary structures***

This section outlines how primary structures, both vertical and horizontal, may shape actors’ decision-making behaviour when formulating the battery regulation proposal. The *primary* organizational affiliation of decision-makers is the unit to which s/he is likely to dedicate most attention, time and resources. Examples are a ministerial department, a Commission DG, or a regulatory agency (Egeberg & Trondal, 2018). The primary structure may be specified as vertical and horizontal specialization.

*Vertical specialization.* Vertical specialization denotes the division of responsibility and labour within and between organizations. This is both an organizational tool and an organizational signal to anchor relatively independent expertise in certain organizational units – such as government agencies – and thereby balance political loyalty and professional neutrality (e.g., Bach et al., 2015; Egeberg & Trondal, 2017; Lægreid & Verhoest, 2010; Pollitt & Talbot, 2004). *Inter-organizational vertical specialization* enables agencies to

operate relatively insulated from political steering on the one hand but being relatively influenced by affected interests and professional concerns, often organized into advisory systems (Egeberg & Trondal, 2009; Gornitzka & Sverdrup, 2011; Six & Verhoest, 2017; Veit et al., 2017). *Intra-organizational vertical specialization* denotes division of responsibility and labour *within* levels of authority. In this study, we measure this variable by official's rank. Studies show that higher-ranked staff in government organizations is more attentive to political signals than lower-ranked personnel and that those in higher ranks usually face more and various 'audiences' compared to those at lower ranks (e.g., Christensen & Lægneid, 2009; Egeberg & Sætre, 1999). Studies also show that top-ranked staff have a wider range of attention and identify more frequently with organizations as wholes than staff located at lower echelons. By studying the formulation of the Commission battery regulation, we expect the SG to coordinate tasks by linking the political leadership and administrative services. By combining resources from two DGs, the administrative capacity available for formulating the regulation proposal increased. Yet, we primarily expect the SG to have played a salient role when coordinating tasks across the DGs. We also expect the SG to supply a centralized policy agenda, tying the positions between DG ENV and DG Grow and by that lessening potential conflicts between the two. We assume that:

#1: The SG coordinated the work of DG ENV and DG Grow with minimal conflict when formulating the Commission's battery regulation proposal from 2020. It reflects a contracted Commission executive.

*Horizontal specialization.* Horizontal specialization expresses how different issues and policy areas, for example, energy and climate change, are supposed to be linked together or decoupled from each other. Those areas that are encompassed by the same organizational unit are supposed to be more coordinated than those that belong to different units (Gulick, 1937). Accordingly, empirical studies show that while an overwhelming majority of officials find coordination to work effectively within their own unit, this holds only for a clear minority as regards coordination between departments (Kassim et al., 2013, pp. 188–189). Therefore, the departmental affiliation of various policy units could make a significant difference. As illustrated above, even if a centralization of Commission capacities has taken place across time, it has been argued that this does 'not seem to profoundly penetrate and transform bureaucratic organisations writ large' (Trondal, 2011, p. 813); 'Contact and coordination behaviour among Commission officials are mainly patterned by the vertical hierarchy of the individual DGs [...] and only marginally affected by the administrative capacity building at the bureaucratic centre of the Commission (the SG)' (Trondal, 2012, p. 436). Hence, the SG may play a prominent role in the policy-making process at



the same time as the behavioural logic of DG officials remains autonomous. Therefore, individual DGs may play a decisive role in preparing policies: 'far-reaching policy choices are often taken at the Commission's administrative level. More importantly, here as well as at the political level, (intense) interactions and substantial internal policy conflict are the norm rather than the exception' (Hartlapp et al., 2014, p. 295). As shown by previous empirical studies, contact between bureaucrats across divisional boundaries is more prone to conflict due to the horizontal specialization of the Commission administration: 'The flow of information diminishes across organizational boundaries', with conflicts having 'a 50 per cent higher probability of occurring in interactions between divisions than within divisions' (Egeberg, 1999, pp. 162–163). DG ENV and DG Grow represent two different policy domains involved in formulating the regulatory proposal on batteries – DG ENV being tasked with environmental aspects of batteries and DG Grow focusing on facilitating the European battery industry. Since the divisions between DG ENV and DG Grow have not been merged, we expect a turf-war between the two DGs on who will be taking a leading role: Being the lead department is a factor which affects internal assertiveness because this actor has both an informational advantage about policy substance and a strategic advantage in that it sets the internal agenda and acts as a gate-keeper for deviating positions. (Hartlapp et al., 2014, p. 21, see also 2013). Thus, we expect that:

#2: Both DG ENV and DG Grow played a prominent role when formulating the Commission's battery regulation proposal from 2020 with conflicts prone to happen. It reflects a detracted Commission executive.

### *Secondary structures*

Committees, collegial bodies and networks constitute *secondary* structures, meaning that participants are expected to be part-timers, having their primary affiliation somewhere else, e.g., in a department or agency. Secondary structures – such as administrative networks of regulatory authorities – organize transactions by bringing together part-time participants in mutual exchange of information and expertise. Secondary structures are not expected to have the same effect as primary structures on officials' decision-making behaviour, however, a modest effect may be evident (Egeberg & Trondal, 2018). The establishment of a *policy team* with participants from both DG ENV and DG Grow is likely to create a capacity for Commission officials to meet and discuss policy challenges across the sectors. It is likely to enhance interaction and coordination, and presumably establish mutual policy solutions among the participants (Egeberg & Trondal, 2018). This is also in line with what Cram (1997) unveiled in the late 1990s, by including competence from other policy fields in a new project, EU activities in the

new policy domain were bolstered. Thus, setting up a battery policy team is likely to increase policy coordination between DG ENV and DG Grow by re-allocating the attention of staff, ultimately generating common policy solutions. By allowing actors from both DGs to interact in a constructive way, we envision that:

#3: Setting up a policy team with participants from DG ENV and DG Grow when formulating the battery regulation proposal will reduce the risk of conflicts emerging between the DGs. It is expected to have a modest effect on the contraction of the Commission executive.

### *Institutional path-dependency and lock-ins*

A historical institutionalist approach argues that organizations are contingent and locked in by pre-existing institutional formats, and thus profoundly path-dependent, but sometimes unlocked by shocks and crises (March & Olsen, 1995). First, organizations are seen as experiential learners that base future choices on own 'personal' experiences. This is particularly seen as valid 'in relatively isolated, narrow domains of frequently exercised specialized capabilities' (March, 2010, pp. 101–102), where experience and memory are not noisy, ambiguous, or obscure (March, 1994, pp. 89–91). Organizations (and institutions) are expected not to emerge as organized solutions to functional needs, as a reaction to external events or as local translations of institutional standards and ideas. They emerge based on already pre-existing organizations and institutions (Pierson, 2004). The Commission has developed competences and capacities in multiple policy areas throughout its history. However, the historical accounts of the various policy fields vary (Bussi re et al., 2014; Dumoulin, 2007). Since the establishment of the Commission in the 1950s there has been a DG for the internal market (Hartlapp et al., 2014). Today DG Grow represents the internal market, industry, entrepreneurship, and small- and medium-sized enterprises. In this study, we are mostly interested in the industry and internal market portfolio, which also represents the fields with the longest Commission traditions. Having developed competence in the field since the 1950s, internal market and industry represent a core interest of the Commission. On the other hand, competence on environmental affairs has been developed more recently compared to competence on internal market and industry affairs. The Environmental and Consumer Protection Service put environment on the Commission's agenda in the 1970s (Hartlapp et al., 2014). However, it was first in the 1990s that an environmental portfolio started to gain momentum in the Commission. Thus, environment may be considered a relatively new policy field, or a non-core interest of the Commission. Hence, more organizational competence has been built in DG Grow than DG ENV, leading to the probability that:

#4: The core interests of DG Grow dwarf the non-core interests of DG ENV. It will lead to detraction of the Commission executive.

## Method and data

The study benefits from 17 semi-structured interviews conducted with key actors that were either involved in, or have important knowledge about, the formulation of the Commission's battery regulation proposal from 2020. It presents empirical observations on how the policy-making process unfolded in the Commission administration. The interviewees were contacted due to their perceived knowledge about the formulation process. Advice regarding who to contact was derived from information retrieved in official documents and/or information received by interviewees. Hence, successive selection of interviewees was based on purposive sampling. Respondents representing the Commission include one representative from DG ENV, one representative from DG Grow and one representative from another DG. To preserve their anonymity, interviewees will be referred to as 'Commission officials'. In addition, an interview with a Member of Cabinet took place. However, being intricately connected to the process, their interest in answering these questions might be biased by exaggerating their role in the process and thus providing answers that may seem appropriate. Therefore, this study also benefits from 13 interviews conducted with actors that were not directly involved in the decision-making process. This includes actors who regularly engaged with the Commission and had detailed knowledge about the formulation process, such as business associations, NGOs, member state respondents from the Council Working Party on the Environment and one Member of the EP assistant. The interviews lasted half an hour to an hour and took place in Brussels, both in person and remote, in October and November of 2021. The respondents provided complementary accounts of their involvement in the process as well as how they perceived other actors' involvement in the process. A set of questions was adopted for each of the actors; thus, Commission officials were asked about their relations with other DGs, the SG and the political leadership. All but two interviews were recorded and transcribed in full.

### *The formulation of the battery regulation proposal*

On December 10th, 2020 the Commission put forth a proposal for the EU battery regulation (European Commission, 2020a). The regulation intended to replace the 2006 battery directive. With DG ENV in charge, the focus of the 2006 directive was on minimizing the negative impacts of batteries on the environment and it was the first time the EU indeed regulated batteries. By including an upstream focus in the 2020 legislation proposal, the new

battery regulation intended to comprehensively regulate the entire battery value chain. It was the first product-specific legislation proposed by the Commission under the European Green Deal and the CEAP (European Commission, 2019c, 2020b). Interviewees confirm that both the Green Deal and CEAP have guided the Commission when preparing the battery regulation proposal (Commission official, 20.10; Member of Cabinet, 10.11). The Commission also highlighted the proposal as a potential blueprint for future legislations. Since part of the proposal relied on the downstream targets set by the battery directive and the other part has not yet been regulated by the Commission, both old and new provisions were conjoined.

Therefore, battery policy-making may be viewed as a new policy field. Starting in 2017, with the establishment of the European Battery Alliance (EBA), regular meetings with actors across the value chain have taken place. In May 2018, as part of EU's third mobility package, 'Europe on the move', the Commission published a strategic action plan on batteries (European Commission, 2018). The following year a report on the implementation of the strategic action plan was released (European Commission, 2019b). Simultaneously, an evaluation of the battery directive was published (European Commission, 2019a). A momentum for updating the battery directive with the aim of creating a competitive, sustainable and innovative European battery value chain was created. In addition, an eco-design study on batteries was initiated in 2019 with DG Grow responsible. Yet, the study was terminated the subsequent year due to the framework being seen as unfit. Instead, the Commission proposed a regulatory framework for batteries encompassing the entire value chain. Hence, the battery regulation proposal came as a result of updating the battery directive and the eco-design study and merging them into a single legal instrument.

### *High political interest and top-down coordination through the SG*

Batteries are repeatedly featuring in key Commission documents, mentioning batteries as a strategic value chain for Europe (European Commission, 2019c, 2020b). Facilitating and making sure there is a level playing field for battery actors operating in the internal market is high on the Commission's agenda. The proposal for a battery regulation is also one instrumental part of the Commission's larger agenda on batteries (Member of Cabinet, 10.11). In addition, the proposal itself may be viewed as a legislation package containing several implementing and delegated acts to be developed. It is the first time the Commission regulates the entire battery value chain in a single legal instrument. Three Commissioners took part in the press conference announcing the Commission's proposal (Šefčovič et al., 2020). This included the Commissioners responsible for DG ENV and DG Grow, Virginijus Sinkevičius and Thierry Breton, as well as Vice President Maroš Šefčovič.

The whole battery regulation was given a very high priority. [...] There were three Commissioners who took part in the press conference, and you know that is giving a clear signal if you have three Commissioners in Brussels showing up when a Commission proposal is released. It is a clear sign, and all three Commissioners pointed out the importance of getting this legislation done as quickly as possible. (Business association representative, 13.10)

Even if he was not responsible for a specific DG, Vice President Šefčovič showed considerable interest in the formulation of the Commission's battery regulation with the aim 'to boost the EU and industry for batteries, in particular also the European Battery Alliance' (Commission official, 28.10). His job was to 'support the work of Commissioners' (Member of Cabinet, 10.11).

In any process [it is] the Commission as a whole that makes the decision, makes the proposal. How much they and how many of them really engage in detail depends on their interests, but certainly this was high on the agenda of the Commission. To promote the European battery industry, to promote this new sector. (Commission official, 28.10)

High political interest in the regulation aside, how the formulation of the proposal unfolded is not deemed unusual by the policy-makers themselves (Commission official, 20.10, 03.11). The interviewees report good and conventional working relations between the Commission leadership and services:

I want to stress a very constructive cooperation between the Cabinets at the political level and Commission services [...]. There were, as always, discussions and sometime different points of view. However, despite these different views, the cooperation was smooth, and we have managed to come to a proposal that in the end was unanimously adopted by the College. (Member of Cabinet, 10.11)

The Commission officials report high interest by the Commission political leadership as positive for their mandate. It gave them more resources in terms of employees when formulating the proposal (#1). At the same time, the Commission leadership showed an interest in following up on their work:

Fortunately for us, because that allowed [...] the possibility to not only to be two-three people working on that but a whole team of seven-eight people. For that you need some kind of goodwill in higher levels, and we had that, there was a lot of goodwill. Of course, controlling, knowing, asking information: What are you doing? How is this going to be done? But it is only showing the interest they had in the proposal. (Commission official, 03.11)

The Commission political leadership thus demonstrated a high level of political interest in the battery regulation proposal. The working relationship between the Commission political leadership and policy officers was reported as good, in which the mandate and political expectations from the Commissioners were made clear throughout the process. The political leadership also

made sure to follow up on the work done at the service level. This resulted in a top-down coordinated response through a proposal for a single legal framework where the SG moreover played a coordinating role (Commission official, 20.10, 28.10, 03.11; Member of Cabinet, 10.11). The instructions came from the SG of the Commission, facilitating the preparation of the proposal and making sure the DGs followed up on political priorities (#1). This includes chairing meetings and eliminating potential disputes:

The Commission is directly saying OK from a political point of view, this is what we want to achieve for Europe and giving direct instruction. Very often in the internal Commission consultations [the SG is] then presenting the discussions and sometimes when there is a fight, discrepancy, or different insights they may intervene and say: 'OK, nice that you say we see et cetera but politically this is what we want, you make sure it gets arranged'. That is the internal balance and in these cases it makes sense that there is at least someone that is taking the end responsibility for whatever is being proposed. [...] The Secretariat General is there to ensure that everything is going smoothly and in case of disagreement they take the lead to resolve disagreements. [...] They are chairing the meetings, it is still the file of DG Environment and DG Grow, but they are there to ensure that the DGs agree and that they find agreements, or they are there to solve it. I guess it is necessary. (Commission official, 20.10)

The SG's role was reported as being specifically important for handling the inter-service consultation and for deciding that the battery legislation should be proposed as a single and comprehensive legal instrument (Commission official, 03.11; Member of Cabinet, 10.11). Moreover, the SG made sure the battery regulation proposal was in line with the policy guidelines of the Commission:

[The SG] coordinated the process and followed the work on this proposal from day one. In addition to monitoring the process and reporting to [the political leadership] on the progress achieved at the level of services, the SG was also taking an active part in the inter-service consultation process. For example, by proposing compromise solutions and ensuring the consistency of the proposal with the strategic objectives of the Commission: like climate neutrality, decarbonization of the energy and transport sectors, as well as its coherence with other proposals which might be coming later on or are in the preparation. (Member of Cabinet, 10.11)

Based on the information presented above, we do find support for executive contraction of the Commission (#1). One particular unit within the SG followed, monitored and reported the work done on the battery regulation proposal by the Commission officials (Member of Cabinet, 10.11). The SG served as a liaison between the Commission political leadership and the involved DGs during the preparation of the regulation proposal. The interviewees indicated that SG's role might have been particularly important before the decision of proposing the battery regulation as a single legal instrument was taken and in managing contributions from the inter-service consultation.

They helped facilitate this process and were responsible for DGs reaching an agreement. However, it was also pinpointed that the battery regulation proposal was the file of DG ENV and DG Grow. As shown below, it was indeed these two DGs who were responsible for drafting the legislation proposal.

### *Cooperation and alignment at the service level*

The battery regulation proposal was prepared jointly by DG ENV and DG Grow due to the update of the battery directive being merged with the eco-design study on batteries: 'If you take the battery directive, it is purely environmental, DG environment was in the lead. Today it is DG Environment and Grow, [...] which means that even internally they have to coordinate much more than before' (Business association representative, 08.10). Moving forward, a battery *policy team* with representatives from both DGs was set up. The cooperation and working relations between the two DGs on the battery file were described as good by the interviewees, and the division of work went 'smooth' (Commission official, 28.10; Member of Cabinet, 10.11). This includes collaboration across services and levels (#3):

The cooperation between DG Grow, under the political leadership of Commissioner Breton, and DG Environment, under the political leadership of Commissioners Sinkevičius, was really very good from day one. The teams at services and political level were working closely together. (Member of Cabinet, 10.11)

Since the proposal was prepared jointly by DG ENV and DG Grow, there were no formal divisions of responsibilities between the two DGs (Commission official, 28.10, 03.11):

[T]here is no possible overlapping because the policy has been defined together. Here is the famous paragraph you will find in all the speeches [...]: 'We want sustainable batteries in the EU market'. [...] This is the main element of the policy; sustainable batteries and the discussions were really fruitful in terms of what kind of tool or what kind of individual policy [the Commission could propose]. This discussion was totally open. However, when it is a question of drafting, you have to know how internal market legislation is drafted. Which was not the case for many [...] lawyers dealing with the environment, and the other way around when dealing with obligations for producers in terms of collection. [...] I do not call it overlapping, I call it experience, that were being used by the different colleagues. (Commission official, 03.11)

The provisions of the legislation still intersected, leaving the two DGs to share the responsibilities internally, yet working without much turf or conflict:

We cooperate very closely, and we have roughly divided topics within the regulation according to who takes the lead on those. Certainly, DG Environment when it comes to end-of-life requirements [since they] already had a history in the battery directive, and in DG Grow primarily requirements that are particularly related to electric vehicle batteries and industrial batteries. But the division is not very strict like that, we work quite smoothly together because it is all

interlinked. I mean, we addressed the entire lifecycle [of a product] and you cannot easily cut out a piece and say that is separate from the rest. (Commission official, 28.10)

Moreover:

At the policy officer level, the relationship is excellent, and they are speaking to [each other] all day and they are always aligned I have to say. Because they share [...] the responsibilities of the provisions [...]. [DG] ENV and Grow needs to work in the same direction so they understand each other [...]. They understood that they should not fight and that they should complement it with some product regulation aspects. That is very typical for Grow and eco-design, [making this] an interesting file. (Commission official, 20.10)

Reports of good working relations aside, interviewees also testify to a difference in departmental working culture (#2) (Business association representative, 21.10; Commission official, 03.11, 20.10; NGO representative, 19.10) in which DG ENV is focused on environmental protection whereas DG Grow is primarily centring on economic growth (Commission official, 03.11).

I think there are pro and cons like always. The pro is that you face several teams with several opinions because in DG Grow and DG ENV, they do not look at the problems with the same glasses. ENV always look at the environmental impact, DG Grow has another view and sometimes they do not share view [...]. This is a very good aspect; it gives more diverse view and so on [...]. The complexity is like always, more people mean more potential issues with communication, sharing information, more people to meet, more people to convince or explain what is happening, and generally more time because more people, even inside the Commission, need more time to get in agreement. (Business association representative, 21.10)

Nonetheless, policy officers report that a difference in departmental cultures did not substantially affect their collaboration on the battery file as the policy officers have experience working across DGs on other policy proposals (#4). The eco-design portfolio has, for example, advanced cooperation between DG Grow and other DGs (Commission official, 28.10). Furthermore, disagreements between DG ENV and DG Grow were more prominent when working on the CEAP than on the battery regulation proposal (Commission official, 20.10). Working closely across DGs has become increasingly common:

It is more and more common, in fact on eco-design we are already used to this [...]. I think on many other files there is usually one DG that has the lead on something, and the others are a bit more at the distance involved but I think there are more and more of these kinds of projects that are done jointly and in close collaboration. (Commission official, 28.10)

When working on the battery file, disagreements came from a lack of legal and technical understandings, not political (#3):



[W]orking together was not that difficult [...] because immediately [representatives from the two DGs] started to see how the combination of the two approaches could result in a better tool or proposal for a tool. To be honest, I am not escaping the discussion, but I do not find, and I have been involved in other problematic relations with other services of the Commission, I do not find anything particular to draw attention to. I mean, this is OK. We had some difficulties, but more for the lack of understanding of what the others were doing. Technical understanding, legal understanding, not political understanding. Rather than any difficulty, there was a competition to be the champion, the battery champion within the Commission or something like that. (Commission official, 03.11)

DG ENV and DG Grow thus appeared to be aligned on the goal of the battery regulation: facilitating sustainable batteries being placed on the European market (Commission official, 03.11). However, this does not entail that other Commission services shared this objective (#2). Disagreements and concerns were indeed raised by other DGs through the inter-service consultation process; nonetheless, it seems as if feedback not aligned with the objectives of the Commission's political leadership was considered in the further preparation of the proposal:

Views within the team were largely aligned. When a proposal is subject to inter-service consultations different Commission services submit comments and amendments, which cannot always be taken onboard by the services in lead. [...] In the end, due to a constructive approach shown by cabinets and services, a good compromise was reached [...]. The text of the regulation at the end of the process remained largely the same as the version that was subject to the consultation. (Member of Cabinet, 10.11)

DG ENV and DG Grow worked closely together on the battery file in different ways: They met on a regular basis, and officers from both DGs were present at meetings with EP committees and the Council Working Party on Environment (EU member state representative, 11.11; MEP assistant, 26.10). In addition, EU battery stakeholders reported close contact with policy officers from both DGs (Business association representative, 21.10; NGO representative, 18.10, 19.10). Representatives from both units were involved, and the contacts between them and their division of labour depended on the topic being discussed. On the one hand, we do find support for the first part of #2 since both DG ENV and DG Grow played a prominent part in formulating the regulatory proposal. On the other hand, we do not find evidence of conflict taking place between the two DGs. Both DGs showed interest in the proposal with the objective of facilitating sustainable batteries on the European market. In other words, the proposal being jointly prepared and there being an alignment of interests between DG ENV and DG Grow suggest that the DGs were able to put departmental cultural differences aside when working on the battery regulation proposal (#3). As suggested by the interviewees, a lack of conflicts between the DGs may reflect that the policy officers had a

history of working successfully across the services (#4). When finding the right instrument of legislation, the battery *policy team* drew on competence from both DGs. Due to the policy team-work, it is difficult to establish which DG was lead on the formulation of the battery regulation proposal. DG Grow playing a prominent role in the drafting process allowed provisions covering the upstream part of the value chain to be included in the proposal. Hence, merging the eco-design study with the update of the battery directive provided the Commission with more policy tools. It helped expand the policy focus of the proposal and pushed the legal limits of environmental legislation being proposed by the Commission (Commission official, 03.11, 28.10).

## Discussion

Formulating the battery regulation proposal offers a case of both new and old policy fields merging into one single legal instrument, and how the ensuing governing process is forged into a complex process featuring both executive contraction *and* detraction. Due to batteries being important for reaching the Commission's overall goal of climate neutrality, it represents an envisioned regulatory solution to a complex societal challenge that requires inter-service collaboration. The regulatory proposal was aligned with the European Green Deal and the CEAP, as well as Commission President von der Leyen's political guidelines. Moreover, our empirical evidence supports extant literature on the centralization of the Commission's political leadership (Bauer et al., 2021a; Bürgin, 2020; Kassim et al., 2017; Kassim & Laffan, 2019; Wille, 2013). This study conceives of this pattern more generally as executive contraction. Thus, this study bears evidence of executive contraction with the political leadership showing great interest and involvement in the regulatory process. The instructions for proposing an encompassing regulation covering the entire battery value chain originated from the executive head of the Commission. This initiative followed a coordinated approach toward Commission battery policies with the battery regulation seen as one joint instrument within a larger regulatory agenda on batteries (#1). Vice President Maroš Šefčovič and his cabinet coordinated this work, illustrating a vertical cabinet line of response to the preparation of Commission battery policies (see also Mérand, 2021). A coordinated response as well as proposing this as a single legal instrument corresponded to the better regulation agenda, allowing the battery regulation to be larger in scope. Sustainable batteries being a political priority of the Commission also allowed for more administrative resources being allocated in the preparation of the proposal. Hence, requisite administrative capacity within the primary structures of the Commission contributed to executive contraction of the Commission executive (#1). Through the SG, the political leadership monitored the regulatory work of the policy officers at the service level. The SG indeed participated in preparing the

legislation proposal, taking an active part in helping to set up the framework for the proposal and serving as a coordinator between the political leadership and the services. They played a key role in deciding to propose the battery regulation as a single legal instrument, and in establishing an agreement in the inter-service consultation without compromising on the substance of the proposal. Hence, we find evidence of executive contraction during the formulation of the Commission's battery regulation proposal.

Yet, even if the SG played a coordinating role during the preparation of the legislation proposal, it was policy officers from DG ENV and DG Grow who ultimately formulated the very contents of the proposal. DG ENV and DG Grow were responsible for drafting the regulation proposal (#2) and the regulatory file was seen as belonging to these two DGs. Differences regarding technical and legal issues were mentioned by our interviewees, but no political disputes were acknowledged. Therefore, when formulating the regulation proposal, the two DGs managed to coordinate both their technical and legal expertise and experiences. The flow of information and allocation of attention given to the proposal stem from the decision to jointly make DG ENV and DG Grow prepare the proposal. DG ENV was mainly tasked with updating the provisions of the battery directive. The political decision of adding DG Grow to the battery policy team enabled incorporation of the internal market portfolio and increased which legal instruments were available. In this case that meant pushing the limits for environmental policy being proposed by the Commission by legally basing the regulation proposal on the internal market. The two sectors were politically aligned and cooperated daily without much conflict. Both DGs found an interest in collaborating on the proposal and worked together on finding common tools for achieving the goals set by the political leadership. Creating a secondary structure, a battery policy team, allowed actors from both DG ENV and DG Grow to meet and interact with no conflicts emerging between the two departments (#3). The policy team framework reduced the need for the SG to intervene.

The output of the battery regulation proposal contains two features. First, elements of path-dependency since DG ENV were able to continue to play a role in the decision process (#4). This involved preparing the proposal together with DG Grow where DG ENV took key responsibility of updating the provisions from the battery directive. Second, adding structural layers to the drafting stage of the process, by including DG Grow through the creation of a joint policy team, expanded the policy focus of the proposal. In other words, both pre-existing organizational structures within the Commission as well as new structural layers (e.g., policy teams) influenced the policy tools available and expanded the policy focus of the proposal. Particularly, adding DG Grow to the policy team affected and widened the policy profile of the proposal (#4). These observations overall feature evidence of executive detraction within the Commission.

## Conclusion

This study shows how both executive contraction and detraction co-evolved and co-existed when formulating EU battery policy in the Commission. Decisions were made at the political centre with the aim of answering with a coordinated response to the policy challenge in question. The SG followed up on what was decided at the political helm of the Commission, but it was still each policy DG who were responsible for drafting the contents of the legal framework. At the same time, the policy DGs tasked with formulating the proposal were selected based on structures already in place. The DGs involved in the policy formulation process thus affected the attention given to the policy proposal and framed the overall regulatory outcome. Moreover, by establishing a battery policy team this study also suggests how two policy DGs were able to pool their administrative resources in the primary structures of the Commission and produce a joint solution to the battery policy challenge by coordinating through secondary structures. One lesson is thus that clearly distinguishing who is the lead DG may turn out difficult. In sum, the agenda and mandate of the policy-making process were set by the executive leadership, but the policy output originated from the DGs responsible for formulating the proposal.

Contributing to extant literatures on administrative centre formation and administrative blind spots (e.g., Bach & Wegrich, 2019; Kassim et al., 2013), this study nuances conventional portrayals of executive contraction of the Commission by demonstrating that even if the Commission decision-making has become increasingly centralized and politicalized, patterns of executive detraction are fuelled by the primary structures of the Commission and institutional path-dependencies. It indeed supports recent studies that show the resilience of the silo organizational structure of the Commission (Chatzopoulou, 2022). However, given the empirical limitations of this study, future research would benefit from utilizing comparative designs that also include less salient policy proposals.

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## Notes on contributors

*Terese Birkeland* is a PhD research fellow at the University of Agder, Department of Working Life and Innovation.

*Jarle Trondal* is a Professor of Political Science (Public Policy and Administration) at the University of Agder, Department of Political Science and Management, and at the University of Oslo, ARENA Centre for European Studies.

## ORCID

*Terese Birkeland*  <http://orcid.org/0000-0002-9947-9925>

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