Maastricht University

The Influence of EU Agencies

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Summary

Research question

It is generally acknowledged that EU agencies have facilitated the development of EU policies by providing expert advice. They are composed of experts with specialised expertise, and the fast-growing number of EU agencies since the 1990s has been described as "agency fever" and "agencification" in the EU. When developing policy proposals, the European Commission, which has the right of initiative to decide the content of policy proposals and introduce them, may consult EU agencies in order to make informed decisions. However, the Commission is not obliged to follow expert advice from EU agencies, and there are other policy actors who can also provide scientific and technical information to the Commission.

Reflecting both the role of EU agencies and the Commission's right of initiative as well as discretion to choose expert advice from various policy actors, this research investigates: **To what extent and under which conditions do EU agencies use their expert advice to influence policy-making in the European Union?** In the literature on EU agencies no systematic empirical evidence has been gathered so far on *de facto* influence of EU agencies in the policy formulation stage. Thus, this research is one of the first (theoretically informed) exploratory studies that provides empirical insights on the actual level of EU agencies' influence and conditions for influence. Influence is understood as the "ability to shape the content of policy output by providing (partly or completely) the set of alternatives to decision-maker(s)." This definition distinguishes the concept of influence from a similar concept "power" which is understood as the "ability to determine the policy output within a set of available alternatives."

Research design

In order to facilitate systematic empirical analysis, a three-dimensional approach is employed: (1) the *production dimension* investigates how expert advice is produced by EU agencies; (2) the *provision dimension* examines how expert advice is transmitted from EU agencies to the Commission; and (3) the *influence dimension* assesses the level of EU agencies' influence by tracing evidence of expert advice in policy proposals. Moreover, three conditions for influence – access, activities, and resources – are analysed in the production and provision dimensions. The level of EU agencies' influence in the last dimension is measured by text comparison between expert advice and policy proposals as well as reputation of EU agencies as scientific authority.

The above framework is applied in two levels of case studies. At the cross-case level, the European Centre for Disease Prevention and Control and the European Chemicals Agency are selected and their influence is compared to each other. At the within-case level, two policy proposals are analysed in each of the two agencies. One of the two policy proposals is highly scientific and technical in nature (thus a most-likely case for influence), and the other aims to set broad policy objectives through scientific as well as political considerations (thus a least-likely case for influence). Relevant data are collected from the primary and secondary sources as well as 29 semi-structured interviews. Textual data are analysed by means of hand-coding primarily, complemented by use of the plagiarism detection software WCopyfind.

Empirical findings

In the analysis of the European Centre for Disease Prevention and Control, the two case studies demonstrate different levels of influence. On a technical proposal, namely the Commission Communication on the H1N1 pandemic, all conditions in the production and provision dimensions – except limited resources in the production dimension – are conducive to influence, and the Centre's influence is at a moderate level. On a general proposal, namely the Commission proposal on serious cross-border threats to health, all conditions in the production and provision dimensions – except activities in the production dimension – are not favourable to influence, and the level of influence is low.

The levels of influence are higher in the case of the European Chemicals Agency. On the Commission proposal for the biocidal products regulation, a general proposal, all conditions in the production and provision dimensions – except access in the production dimension – are not favourable to influence, but the Agency is still able to exert a moderate level of influence. On technical measures, that is the Commission implementing acts on the approval of active substances, the Agency's influence is high, and all conditions in the production and provision dimensions – except limited resources in the production dimension – are conducive to influence. At the within-case level, it is revealed that the two agencies' influence is higher on the technical proposals than on the general legislative proposals.

Based on a comparative analysis at the cross-case level, it becomes clear that secured access to the Commission in the provision dimension contributes to a high influence. The procedural requirement that the Commission has to consult an agency when developing policy proposals brings about two consequences. First, it drastically reduces the chances that the Commission will deviate from expert advice of the agency, as this institutional arrangement acts as the "comply-or-explain" mechanism. Second, more importantly, it positively affects the willingness of the Commission to steer and enable the agency to exert influence in the policy-making process.

At the agency level, such an institutional arrangement gives the Commission a strong incentive to: 1) guide the agency through how expert advice should be formatted and phrased in order to increase readability and usability for Commission officials; and 2) participate in the opinion-forming process in the agency to inform itself of crucial issues under discussion and to point out unclear parts of expert advice. As a consequence, when the expert advice is submitted to the Commission, it is not necessary for the Commission to scrutinise it again.

To conclude, EU agencies do influence the development of policy proposals, but their influence is possible under the Commission's willingness to steer and enable their influence. Only when expert advice meets the "needs" of the Commission – both the high-quality expert advice and, also importantly, the style elements (e.g., the format, clarity, and the style of writing) – are EU agencies able to exert influence.