

The Influence of EU Agencies

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Valorisation addendum

Introduction

Research in every discipline should fulfil two broad objectives: One is to contribute to knowledge development in academia, and the other is to translate this knowledge into specific activities, services, processes, or products that can be beneficial to society at large. Focusing on the latter, knowledge valorisation is the “act of making research results appropriate and useful in order to enhance opportunities for others to use them.”¹⁰¹ Based on this understanding, the aim of this addendum is to describe the societal relevance and innovation of my research and suggest how the findings of this research can be used in practice, not only by the academic community but, more importantly, by citizens and various actors involved in policy-making at the national and the European level.

Before proceeding, it is necessary to briefly recall the topic of this dissertation. In this PhD research, I investigated EU agencies’ influence on the content of policy proposals which are developed by the European Commission. EU agencies are one of many sources of information that the Commission can rely on when drafting policy proposals, and the Commission is not obliged to follow advice from agencies. How, then, and to what extent do EU agencies exert influence? The main findings are that EU agencies do influence the content of policy proposals, albeit to varying degrees, and the level of influence is higher on technical policy proposals than on general legislative proposals that include political considerations. Moreover, if there is a formal procedure that requires the Commission to consult EU agencies, the influence of EU agencies increases. Even in this situation, however, EU agencies’ influence is not guaranteed because the Commission does not blindly follow expert advice from EU agencies. Only under the steering and guidance provided by the Commission – if it is willing to do so – do EU agencies increase their influence.

Relevance and innovation

How close do you feel the EU is to you? It is not surprising to hear that citizens feel distant from the EU. This is pointed out as one of the main reasons why the turnout for European Parliament elections has been steadily decreasing. The most recent elections in 2014 showed the lowest turnout, just over 40% on average. For those who feel that they have nothing to do with the EU and that what the EU does is not of interest to them, it might come as a surprise that their everyday life is directly affected by policies that are made at the European level. In fact, a lot of consumer products as well as invisible quality standards that EU citizens come into contact with on a daily basis are now regulated by the EU. The policy areas of EU regulations are vast and still expanding, such as toys, cosmetics, medicines, education, air quality, safety of airplanes, and food (even the shape of bananas!). In short, policies decided

¹⁰¹ See “70 Alfa en Gamma stralen Valorisatiebeleid voor de Alfa- en Gammawetenschappen” at <https://www.awti.nl/documenten/adviezen/2007/3/15/alfa-en-gamma-stralen>.

at the European level affect us, with or without us recognising it. Therefore, it is of importance to EU citizens to know how these policies are made and by whom.

As mentioned earlier, the European Commission is the official body with the right to draft policy proposals. However, it is a relatively small institution compared to national central administrations and does not have sufficient resources and expertise to understand and solve highly scientific issues (for example, which vaccines are effective to cure certain diseases? Which chemical substances are safe enough to be used in consumer products?). This implies that it is inevitable for the Commission to seek advice from external sources. In this early stage of the policy-making process, EU agencies support the European Commission by providing non-binding expert advice on technical and scientific matters that are relevant to policy proposals. Nevertheless, some EU agencies are seen to be highly influential, and this raises a question about whether they predetermine the European Commission's policy decisions. This further intensifies the criticism about the EU's democratic deficit and technocratic governance. Since the number of EU agencies is growing and more and more taxpayers' money is allocated to EU agencies, it is crucial to enhance our understanding on the day-to-day role and functions of EU agencies and how their expert advice influences policy-making in the EU.

Under the growing concern that policy-making in the EU is highly technocratic, the findings of this research offer an essential and innovative message to society that the rise of technocracy in the EU has been somewhat misunderstood as an excessive intensity of technocracy. Do unelected experts, instead of democratically elected politicians, decide policies in the EU? Does scientific advice replace public and political discussions when making policies? As proven in this research, the answer is "no." The European Commission does consult various actors when developing policies, and civil society organisations voice their opinions in this process. Furthermore, in accordance with the formal rules and procedures governing policy-making in the EU, the Commission does exercise its official power to initiate policy proposals and does not blindly accept expert advice from EU agencies. This is in line with democratic rules and legitimacy rather than deficit of those.

Policy recommendations

Based on the experience gained during the research process and the findings of this research, a number of policy recommendations can be made for both EU agencies and the European Commission. With regard to the Commission, the process of formulating policy proposals should be more transparent. What is striking is that nobody knows what the Commission does with all the expert advice that is submitted by various policy actors, such as EU agencies, interest groups, and non-governmental organisations. Do officials in the Commission actually read them all? Do officials give more weight to expert advice from certain actors? If so, why? How do officials determine which advice is worth considering and reflecting in policy proposals? These unanswered questions exacerbate criticism about the lack of transparency in the Commission. Since what is written in policy proposals usually becomes the content of

European policies that all Member States are obligated to implement, increasing transparency in this stage of the policy-making process will increase legitimacy of policies.

In relation to the topic of this research, moreover, the Commission may consider providing EU agencies with general guidelines on the style elements of expert advice, such as the format and writing style. As demonstrated in this dissertation, the European Chemicals Agency streamlined the structure of its reports that are submitted to the Commission in order to assist the Commission officials in easily finding relevant sections and information. The Agency also changed its “scientific” style of writing to more of a “policy” style of writing in order to improve readability and make its advice easily understood by policy-makers.

As for EU agencies, this research claims that an important condition for high influence is their procedural involvement in the policy formulation stage, because this motivates the Commission to guide EU agencies through how to draw up expert advice that is readily useable by policy-makers. However, the reality is that the Commission’s mandatory consultation with EU agencies is not common. This suggests that EU agencies may actively seek to receive feedback on their expert advice from the Commission. Section 7.2.2 of this dissertation provided a notorious example in this regard. The phrase “reasonable worst case scenario” written by the European Centre for Disease Prevention and Control caused confusion in the Commission because policy-makers understood “reasonable” as “likely” while ECDC meant “still very unlikely.” This type of misleading expression should be communicated back to the agencies. In this context what is recommended is that the Commission provide a periodic (ideally annual) feedback report to EU agencies in order to point out what has been particularly useful from their expert advice and what could be still improved.

In addition, EU agencies should actively explore ways to facilitate learning from each other and to share resources. The European Chemicals Agency could serve as a good example. When preparing expert advice on the regulation of biocidal products, the Agency reached out to other EU agencies and national agencies that perform similar tasks in order to learn from their experience and expertise. By doing so, the Agency was also able to overcome challenges posed by its limited human resources – in fact, the European Chemicals Agency at that time did not even have any personnel responsible for biocide issues. From this perspective, the formation of the EU Agencies’ Network is a step in the right direction. The Network promotes sharing best practices, resources, information, and expertise between various EU agencies, and the Network’s activities could contribute to more effective and efficient performance of EU agencies.

Dissemination of the findings

I have disseminated the results of this research mainly by publications and presentations. Parts of this research have been published as a book chapter and an academic journal article, and I plan to produce more journal articles based especially on the empirical insights of this

dissertation. For example, the case study on the H1N1 pandemic in the chapter on the European Centre for Disease Prevention and Control has been developed into an article which investigates complex policy problems in the multilevel regulatory system in the EU. This article, co-authored with two other scholars, is currently under review by an international journal. Similarly, I plan to develop journal articles discussing the case studies on the European Chemicals Agency as well as analysing both agencies on the basis of the cross-case comparison.

In terms of presentations, I have participated in a number of academic events to discuss the findings and their implications with academic audiences. These occasions also provided a good opportunity to receive feedback on my research. Some examples of the events are:

- The 14th Annual UACES Student Forum Research Conference (Loughborough, 2013)
- The 5th ECPR Graduate Student Conference (Innsbruck, 2014)
- Workshop on “European Agencies: Challenges Ahead” (Brussels, 2014)
- NIG Annual Work Conference (Nijmegen, 2015)
- TARN (The Academic Research Network on Agencification of EU Executive Governance) Launching Event (Brussels, 2015)
- The 8th Pan-European Conference on the European Union (Trento, 2016)
- The 6th Biennial Conference of ECPR Standing Group on Regulatory Governance (Tilburg, 2016)

For the conference in Innsbruck in 2014, I organised a panel on “The role of expertise in EU regulatory governance” in order to compare how different entities in the EU, including EU agencies and the European Commission, use expertise to manage regulatory issues. Some events comprised participation by both academic scholars and policy-makers to exchange information and views on EU agencies. There are two more events in which I plan to participate in the near future. One is the 77th Annual MPSA Conference which is going to take place in Chicago in April 2019. The main target audience here is academic scholars. The other is the 12th EU Agencies’ Network on Scientific Advice Meeting in Brussels in November 2018. This is an event organised by both the EU Agencies’ Network and the European Commission to promote cooperation between senior experts from EU agencies and policy-makers from the EU institutions and the Member States. I aim to present the main findings and discuss policy recommendations with them, and at the time of writing the possibility of my participation is under discussion.

Lastly, another form of knowledge dissemination is achieved by teaching courses in the Bachelor and Master European Studies programmes at the Faculty of Arts and Social Sciences, Maastricht University. One good example can be drawn from the Bachelor’s course “Policy Domains: Analysing the European Policy Process.” My role as a policy expert and tutor in this course is to introduce the EU chemicals policy – one of the case studies in this research – to the students and guide their analysis on relevant policy measures in the policy-making process. Disseminating knowledge to students is as important as disseminating to academic audiences and practitioners, and my current position as a Postdoctoral Lecturer ensures this activity will take place.