



# Backstage Europe

Comitology, accountability and democracy  
in the European Union

Gijs Jan Brandsma



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## **Backstage Europe**

Comitology, accountability and democracy  
in the European Union

## **Europa achter de schermen**

Comitologie, verantwoording en democratie  
in de Europese Unie  
(met een samenvatting in het Nederlands)

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The process of writing a PhD thesis is misunderstood by many. For example, a surprising number of people believe that it is a very lonely exercise. Myths are many: slogging away at chapter after chapter, starting all over again halfway through the book, working in isolation from the outside world behind a locked door and barred windows and so on.

Although there is some truth behind the image of the barred windows the process of researching and writing is far from being lonely. Or, to put it in the words used in this thesis, many backstage actors have contributed to the end result. First of all, I wish to thank the many civil servants in the Dutch and Danish civil service who provided me with lots of information on the workings of the comitology system, their input in the committee meetings and the way in which accountability works in practice. Several of them were also very helpful in mapping the backstage world of comitology by identifying colleagues who were also involved in one way or the other, or by letting me join them in a committee meeting in Brussels. Without their mostly enthusiastic support this research would not have been possible.

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The writing of a PhD thesis, thus, is far from being a lonely process. But academic life in general is not lonely either. From the Basement Crowd

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Of course I cannot speak for all my colleagues but I have always realized how irritating this must be. Therefore, I have never exposed Herman to this intense suffering, for which I trust he is grateful. But I know that this *magnum opus* has benefited greatly from his presence, if only backstage.

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## Chapter 1

# Backstage Europe

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*“From The Hague, Corné Van Alphen (aged 39) traveled to Brussels this morning on an early train. He works as rural development policy coordinator for the Dutch Ministry of Agriculture. He cordially greets his colleagues from other countries; most are also policy coordinators working for agriculture ministries. Here at Borschette,<sup>1</sup> Europe appears to be run by civil servants of about scale 13 (intermediate level).*

*(...)*

*All proposals are accepted unanimously. Scandinavian farmers can start working with their high-tech ovens. Their colleagues elsewhere in Europe will be paid for maintaining hedges and wooded banks. The civil servants who voted on this leave for lunch.*

*(...)*

*Do civil servants like Van Alphen have a lot of power when they are in Borschette? ‘No’, he says. (...) ‘But come to think of it’, Van Alphen ponders while prodding his pasta, ‘when you add up all these thousands of decisions that we make across the road in Borschette, which often have a very practical influence, in this case on the future of farmers, well, then it is quite a powerful institution.’*

Source: NRC Handelsblad, “Niet Barroso, niet Blair, maar C. Van Alphen en duizenden andere ambtenaren nemen de dagelijkse beslissingen in Europa”, May 14, 2005.

## 1.1 Hidden power

Corné Van Alphen is not alone. Each day, thousands of national civil servants travel to Brussels from all over the European Union. Sometimes they are only consulted, for example when the European Commission asks for expert advice before sending a legislative proposal to the Council of Ministers and to the European Parliament (Larsson 2003a). Other times they are working out agreements among each other before the Council legislates (Fouilleux et al. 2005) or voting on implementation measures drafted by the Commission.

When speaking of the European Union, its institutions immediately spring to mind. The European Commission, the European Parliament, the Council of Ministers and the Courts are all well-known actors; they are at the front stage of the European Union, so to speak. But because these institutional actors draw all attention to themselves, the importance of the backstage actors is obscured. Even though they are in the political sidelines, these backstage actors are deeply involved in the decision-making processes including those concerning very salient political matters.

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<sup>1</sup> Centre Borschette, 36 Rue Froissart, Brussels, is the conference venue where most of such committees meet.

Backstage Europe is the realm of committees. Van Alphen is the official representative of the Netherlands in one of the committees that advise and vote on implementation measures drafted by the Commission. This type of committee bears a special label: ‘comitology’ in EU jargon. In total, there are 236 of these comitology committees, meeting 953 times and voting 2,185 times per year.<sup>2</sup> About 60 percent of all regulations, directives and decisions that are adopted by the Commission first pass through comitology.<sup>3</sup> Thus in terms of volume, comitology is a very important governance tool.

The specific task of comitology is to advise the Commission on the content of these implementation measures, norms, standards, funding schemes, etcetera. It is a powerful form of advice, because implementation measures proposed by the Commission must first be voted on by the committee participants. Depending on the voting procedure used, there can be one of two outcomes: either the Commission goes ahead and adopts an implementation measure, or the matter is referred to the Council of Ministers. In practice, this means that the Commission cannot implement policies swiftly without the approval of a comitology committee.

A glance through the list of committees shows that they deal with a very broad range of very specific policy issues: from “seeds and propagating material for agriculture, horticulture and forestry” to “reciprocal recognition of national boat masters’ certificates for the carriage of goods and passengers by inland waterway” (see Appendix A). Given the technical nature of these issues, it is not surprising that expert advice is needed from the committees. Participants in comitology committees are usually policy specialists working in national ministries or agencies, acting in the capacity of member state representative once in Brussels. For them, membership in a comitology committee is an international extension of their day-to-day work ‘at home’ (Egeberg et al. 2003).

The comitology committees work on the details of implementation that may appear as being very technical – even boring – matters, but there are plenty of examples in which technical issues are politically ambiguous. For example, the decision to place certain tracts of land on the environmentally protected area list effectively results in prohibitions on port or airport expansion, thereby carrying severe economic consequences. Changes in agricultural export refunds affect farming businesses. Standards for animal health and animal disease control were considered to be political non-issues in the early 1990s, but they have turned into politically contested issues. These are only three examples of the thousands of little decisions that together make comitology powerful. Although these particular issues bear much political salience, this is not

typical for the bulk of committee activity. Nonetheless, issues that are not politically salient can still be interesting. To those who are directly affected by new legislation, the devil is usually not in the objectives of legislation but rather in the detail of implementation (Van Schendelen and Scully 2006: 6).

Formally speaking, comitology participants are delegates of the national administrations. Therefore one would expect them to bargain with the other member states’ representatives and the Commission in order to favour their own national interest as much as possible. However, much of the available evidence suggests that there are many cases in which committee meetings are not characterized by intense negotiations, but rather by a more deliberative form of interaction. This phenomenon, termed ‘supranational deliberation’ (Joerges and Neyer 1997), means that participants primarily search for the common good from a professional point of view (see e.g. Joerges and Neyer 1997, Pollack 2003a). To many participants, finding the *technically* best solution is most important. The meetings are characterized by a spirit of expertise, and scientific evidence plays a prominent role (Wessels 1998: 225, Sannerstedt 2005: 105).

No matter how desirable such epistemically sound results may be (Joerges 2006), the fact that the participants are delegates of the national administrations does raise the question of the extent to which these policy experts are held to account for their behaviour in comitology committees. The 236 comitology committees are concerned with fleshing out the details of well over 2,000 implementation measures per year. On the basis of their input, the Commission may decide to draft a measure in a particular way so that it can be sure of its acceptance once the matter is voted upon. The number of times issues appear and re-appear on the agenda of committee meetings means either that the Commission anticipates what is acceptable to a majority of the committee, or that it deliberates with the committee participants in a consensual way in order to find an optimal outcome together (Alfé et al. 2009). In both interpretations, comitology committees effectively act as decision-makers for a wide range of policy issues,<sup>4</sup> which makes it important that they are held to account.

Yet the irony of comitology is that it is designed to be a control device in itself. When in the early 1960s the first common policies were to be implemented, the Council feared that it would not be able to control the Commission when it exercised its implementation powers. Comitology was found as a solution to mitigate this risk for the Council. By obliging the Commission to present its implementation proposals to a comitology committee consisting of member state representatives, the

<sup>2</sup> Figures based on the year 2008 (cf. Chapter 2 for definition, European Commission 2009 for data).

<sup>3</sup> Found by counting how many times an opinion of a comitology committee was referred to under ‘whereas’ in all Commission legislative output for the years 2004 to 2008 (dataset compiled from EUR-LEX by Dimiter Toshkov, Leiden University).

<sup>4</sup> In a strictly legal sense, after having consulted a comitology committee, the Commission alone decides. Nevertheless, it has to take the committee’s opinion into account in such a way that in practice comitology acts as a decision-maker. See also Chapter 2.

Council aimed to keep the Commission in check (Bergström 2005, Blom-Hansen 2008).

But increasingly, the question of how to control comitology itself has come to the fore. Comitology involves a lot of civil servants, its meetings are not held in public (Neuhold 2001), the minutes – insofar they can be traced on the Internet – are either uninformative or incomprehensible to outsiders (Brandsma et al. 2008), the European Parliament seems barely involved (Neuhold 2001, Bradley 2008), the meetings are only attended by specialists on the subject (e.g. Joerges and Neyer 1997), and it produces most of the detailed regulations, directives and decisions for which the European Union is renowned.<sup>5</sup>

## 1.2 Comitology and the democratic deficit

As the above brief overview shows, many of the reasons for which citizens tend to dislike European governance also seem to apply to comitology *en miniature*. This raises questions as to the democratic quality of comitology. Does the often cited ‘democratic deficit’ of the European Union manifest itself in comitology as well? Even though there is no consensus on what the term actually means, let alone where the problem lies and how it can be cured, a rich literature has emerged on this topic.

There appear to be two approaches to this democratic deficit, respectively inspired by either intergovernmentalism (the perspective of the member states, i.e. the Council) and supranationalism (the perspective of the supranational institutions, i.e. the Commission, the Courts and the European Parliament). Yet in accordance with insights from the literature on international diplomacy (e.g. Putnam 1988), many of the recent empirical studies of European Union governance have shown that practices are at odds with either of these perspectives. In practice, there is no clear separation between European and domestic actors. A large variety of actors at the national and even sub-national level work together with European actors in co-operative settings and towards common positions. This is what Marks et al. (1996) refer to as ‘multi-level governance’. Both intergovernmentalism and supranationalism are at odds with multi-level forms of governance, as they tend to be mono-focused on only one level whereas multiple levels are involved. For an accurate depiction of European governance practices the two logics therefore must come together.

Comitology is a case in point of multi-level governance: it has been installed by the member states, it is staffed by the member states, but in practice its participants have a tendency to search for epistemically

sound solutions under the chairmanship of the Commission. Comitology therefore is not a purely intergovernmental system, nor is it a purely supranational system: it is a system in which both logics come together and in which the Commission and the member states are mutually dependent.

This empirical evidence calls for a more sophisticated perspective on European democracy than either supranationalism or intergovernmentalism can deliver. According to a supranational approach, for example, citizen representation and accountability must be ensured in order for there to be valid decision-making at the European level (e.g. Decker 2002). The main issues for comitology from this perspective, at the European level, are to what extent representation of the European citizens is ensured and to what extent comitology is held to account by European Parliament. It is this line of thinking about democratic deficits to which studies on comitology’s legitimacy relate most, as they generally are concerned with relationships between institutions, and with the role of the European Parliament in particular (e.g. Schäfer 1996: 22, Schäfer 2000: 22-23, Larsson 2003b: 169-171, Rhinard 2002, Harlow 2002, Christiansen and Vaccari 2006, Bradley 2008, Neuhold 2008). As comitology is an important governance tool in executive decision-making, the above-mentioned observations of lack of public scrutiny and few opportunities for parliamentary involvement constitute a democratic legitimacy problem for comitology (cf. Chapter 3).

The intergovernmental perspective on democracy in the European Union, by contrast, directs attention away from arrangements between European institutions (e.g. Moravcsik 2002). Here, the democratic legitimacy of comitology must be found in the links between citizens of member states, member state governments and the member state delegates attending comitology committees. From this perspective, the key question is to what extent the participants in comitology committees are expressing the will of their home governments, and to what extent their home governments hold them to account for their input in the committees.<sup>6</sup>

The above summary shows that the academic discourse on democratic deficits tends to be mono-focused on either the European or the national level. Given the nature of multi-level governance settings such as comitology, however, a focus on one or the other is overly simplistic; both need to be taken into account. Having said that, democracy is still a very broad theme, which is hard to come to terms with empirically in the scope of a single study. Therefore, this research focuses on one particular element of democracy that is essential to its proper functioning: accountability, and namely, the accountability risks that are at stake for comitology.

<sup>6</sup> A third, different, perspective sees European governance as purely regulatory, as member states keep the most salient policies to themselves. Therefore the European Union is seen only to deal with depoliticized, non-distributive issues, for which there is no need for common democratic standards (Majone 1998). But the very existence of comitology seems at odds with this perspective, as it shows that member states care about voicing their opinion in this seemingly apolitical domain (Joerges 2006). Also, it ignores the fact that also regulatory affairs also come with winners and losers and can, therefore, certainly be politicized (Follesdal and Hix 2006).

<sup>5</sup> The well-known myth of European legislation on the length of cucumbers and the shape of bananas actually appears not to be a myth at all. Both pieces of legislation existed until July 1<sup>st</sup>, 2009, giving quality grades to bananas and cucumbers of different length and shape. They both went through a comitology committee prior to adoption by the Commission (Commission Regulations (EC) 2257/94 and 677/88).

### 1.3 Comitology and accountability risks

The point of democratic accountability is to ensure that decision-makers are kept under control by those who have delegated authority to them (e.g. Strøm 2006, Bovens 2007b). This means that voters, via parliament and government, must ultimately be able to control the executive. This principle is undermined when decision-makers are able to pursue their own agendas, for instance when the decision-maker does not inform the person or institution to whom he or she renders account, or when this person or institution lacks the capabilities to scrutinize or sanction the behaviour of the decision-maker.

For comitology, such risks have been detected with respect to the powers of the European institutions, most notably those of the European Parliament. The European Parliament has consistently pushed for more opportunities to be involved in the work of the committees. The Parliament is obliged to control the Commission, but when the first committees were founded in the 1960s, comitology was beyond its reach. The European Parliament felt it was not able to perform its duties, not least because it was not kept informed of the wheelings and dealings of the committees (Bergström 2005: 294-295, Toeller 1999: 342). After a – still not completely settled – conflict between the European Parliament, the Council and the Commission, the Parliament acquired more rights in terms of being informed, but also in terms of the right to criticize or even overturn opinions of certain specified comitology committees (Christiansen and Vaccari 2006, Bradley 2008). Nevertheless, the link to the European Parliament is still not fully developed. The European Parliament is obliged to control the Commission, but for the vast majority of Commission regulations, directives and decisions, the Commission depends on the opinion of a comitology committee (see Chapter 2). In the vast majority of instances, committee opinions cannot be revoked or even criticized by the European Parliament (Bradley 2008, see also Chapters 2 and 3).

In terms of receiving information on comitology, the European Parliament is also handicapped. Up to the year 2000 the comitology system was about as opaque as could be. The meetings were not public, there were no lists of committees, let alone a list that states what each one does (House of Lords 1999, Türk 2003), and no documents were available to either the European Parliament or the general public. But since the year 2000, things have changed in favour of more openness. The Commission published a list of all committees in the Official Journal,<sup>7</sup> and since then it has published an ‘Annual Report on the workings of the committees’, which shows how often the committees meet, how long these meetings

last, how many opinions it delivers and how many cases were referred to the Council. Furthermore, since 2003 it has published an on-line public repository, which in principle contains the same information as that which the Parliament is supposed to receive: agendas, draft measures, vote results, summary records of meetings and attendance lists.<sup>8</sup> However, this register is far from complete, and the summary records that are available on-line are in most cases not very informative (Brandsma et al. 2008). This lack of transparency to the public is problematic for the European Parliament as well. Even though it does receive information on comitology directly from the Commission, parliaments in practice wait for signals from the public before investigating matters and taking action itself (McCubbins and Schwartz 1984). This means that the European Parliament is still handicapped in obtaining information on the activities of comitology committees.

The European institutional level is usually where the analysis stops (e.g. Christiansen and Vaccari 2006, Bradley 2008, Neuhold 2008), but this is only half of the picture. The accountability of multi-level governance settings, which often come under the guise of networks or committees, is intrinsically problematic, as they have a non-hierarchical structure. Different layers of government, i.e. the European institutions and the national administrations, work together in these settings, and the dividing lines between them are blurred. Therefore, these networks tend to develop horizontal or peer-to-peer forms of accountability, which do not necessarily safeguard democratic accountability (Papadopoulos 2007, Harlow and Rawlings 2007). But because a multitude of actors are involved, and because there is no hierarchical structure within the committee, accountability must be ensured at every level of policy-making involved in the multi-level governance setting. Otherwise, the risk is that comitology effectively makes decisions that are beyond the control of the European people (as represented in the European Parliament), beyond control of the member states, or both.

For comitology, this means that the committee must be accountable to a forum at the European level and that the individual participants in the committee must be accountable to their own hierarchical superiors within their home organizations. If the European Parliament is handicapped in its scrutiny of comitology, this is just as problematic as when a civil servant who represents a member state in a committee decides not to report back, or when national ministers are structurally not informed of the behaviour of their civil servants who attend the committees. The European Union is a composite system in which both the supranational and the intergovernmental logics come together, and our understanding

<sup>7</sup> Official Journal (2000) C 225/02

<sup>8</sup> [http://ec.europa.eu/transparency/regcomitology/index\\_en.htm](http://ec.europa.eu/transparency/regcomitology/index_en.htm)

of it is greatly enhanced when evidence from both the European and the national levels is combined. Therefore, as explained in the section below and to greater length in Chapter 3, it is a pity that the evidence on the accountability of comitology so far has been collected at only one of these levels.

### The need for research at the national level

This very brief survey shows that there is more to the accountability of comitology than the powers of the European institutions. Over the past fifteen years, several studies have clarified the powers, functions and workings of the committees: either for individual committees or for the entire comitology system *vis-à-vis* the institutions (see Chapter 3). However, arrangements at the national level remain a question mark in this respect. Yet for a substantive understanding of the accountability of comitology, it is essential to take this level into account. The very essence of comitology is to link national administrations to the Commission, and therefore research cannot limit itself to the European level only.

There have been a number of studies into the attitudes and behaviours of individual committee participants (cf. below). Although it is still quite unclear as to what extent participants are held to account for their input in the committees, these studies indicate that their accountability at the national level cannot be taken for granted. Apart from being national representatives, committee participants also tend to develop 'supranational identities'. Within almost a decade, an impressive body of literature has emerged on this topic (e.g. Joerges and Neyer 1997, Beyers and Dierickx 1998, Egeberg 1999, Trondal 2002, Egeberg et al. 2003, Beyers and Trondal 2004). By 'supranational identities' (or supranational roles), an internalization of European norms is meant that leads committee participants to display a willingness to pursue the common European good, transcending the national interest (Quaglia et al. 2008: 157). This attitude affects behaviour, and hence also the possibility to hold actors to account. Committee participants who adopt a Brussels identity might therefore be hard to instruct at 'home', as they may have become partly disjointed from their national allegiances, and this challenges domestic politico-administrative relationships (Larsson and Trondal 2005, Trondal 2007b).<sup>9</sup> But even though these actors consider themselves to be primarily 'national' in their behaviours, this does not necessarily mean that their positions have been formulated by their governments or even by their own ministers. Rather, observational evidence suggests that the 'national position' can mean anything from official departmental instructions to loosely gathered

<sup>9</sup> In this respect it is important to note Egeberg's finding that supra-national identities do not replace identities evoked in national institutions (Egeberg 1999: 470-471).

inputs from a variety of sources that together are conveniently labeled as 'the national position'. What is said to be a national position can therefore in reality be a departmental position, a unit position, a coordinated position between stakeholders or even an individual position (Geuijen et al. 2008). In this respect, participation in a comitology committee seems not to differ significantly from day-to-day policymaking within national ministries (Page and Jenkins 2005).

In terms of autonomy, several surveys show that comitology committee participants enjoy substantial discretion in defining their own input. Egeberg et al. (2003) found that 34 percent takes the position he or she finds best on the basis of his/her professional expertise, and just over half of their respondents do not have clear instructions about the position they have to take (see also Sannerstedt 2005). Further, 60 percent feel a great degree of allegiance to their own professional background and expertise, and 26 percent believe that their colleagues from other member states act as either independent experts or have a mixed role between government representative and independent expert (Egeberg et al. 2003).

## 1.4 Empirical research into accountability

From the above, it follows that the question of comitology's accountability is salient. Especially the national dimension of this matter is a black box, making more intensive empirical research essential.

But empirical research into accountability is quite scarce. Even though there is an extensive body of work on accountability, most studies are of a conceptual or game-theoretical sort. The many conceptual studies generally set out to define the meaning of the term, classify different types and styles of accountability, discuss its relevance for a democratic system and point to the perils of some problematic aspects of the concept (e.g. Behn 2001, Mulgan 2003, Strøm 2006, Bovens 2007a, Black 2008). The game-theoretical studies of accountability generally make use of the 'principal-agent framework', which is also well-known in the literature on delegation. This framework is either used in descriptive accounts of political systems (e.g. Damgaard 2000) or is further developed by means of formal models (e.g. Lupia 2006). As further chapters will argue, these formal models narrow down the concept to an extent that makes them blind to factors that do occur in real-life situations but which are not included in the models.

By taking an empirical approach, this study aims to augment our understanding of the workings of an accountability regime in

practice. It therefore does not only propose an empirical measurement of the concept, but it also attempts to offer an empirical explanation of the diversity of accountability practices in a way that goes beyond formal models, as well as to assess the degree to which committee participants are held to account. In this way, even though the research itself is confined to comitology, the outcomes of this study will hopefully also serve as helpful suggestions to the study of accountability in a more general sense when applied to the actual behaviour of individuals.

Further, the accountability of comitology will also be assessed. As the above discussion indicated, accountability is an essential element from any perspective on democracy in the European Union. This means that in order to relate the findings of this study to the state of democracy, it must first be concluded to what extent accountability in practice suffices or falls short in actuality. In sum, this study therefore has three aims: to measure, explain and assess accountability.

The above has shown that the question of comitology's accountability is pressing. By and large, it is at the level of individual committee participants that more intensive research into the accountability of comitology would contribute most. Further, an empirical approach to this matter would not only be of added value to an understanding of the democratic-ness of this significant – but hidden – part of the European executive; it would also contribute theoretical insights with respect to the workings of an accountability regime. Therefore, the main query of this research is:

**To what extent are committee participants held to account by their superiors at the national level for their input in comitology committees, and how can this be explained and assessed?**

In order to answer this question, this research measures, explains and assesses accountability. Its scope is limited to the link between committee participants and their direct superiors. As information is filtered out on the way from committee participants to higher echelons, it is impossible for ministers, parliaments or chief executives to know everything there is to know. This means that most information is available close to the civil servant who attends committees. In other words, if his immediate superior is not able to keep track of his behaviour, it is not likely that higher management levels, let alone a minister, cabinet or parliament, would be able to do so (cf. Damgaard 2000: 168, Larsson and Trondal 2005). At the same time, however, a well-functioning accountability regime between a committee participant and his direct superior is no guarantee that

higher ranks will always be up to date. But if this first link in the 'chain of accountability' is underdeveloped, serious agency problems can exist (Lupia 2006, Strøm 2006). This makes the link between the committee delegate and his direct superior a crucial one for the accountability of comitology. If accountability is missing even here, then who is in control?

## 1.5 The organization of this book

Including this introduction, this study is organized into eight chapters. For the benefit of those readers who are not familiar with the system of comitology and its function in backstage Europe, Chapter 2 describes this system in more detail, and argues why accountability is important to comitology. It does so according to three levels of analysis: the *system* of comitology, the *committees* that together make up the comitology system, and the *practices within the committees*. The chapter thus describes the context in which committee participants operate in Brussels.

Chapter 3 defines accountability and applies this concept to the current body of knowledge on comitology. It argues that existing evidence is mono-focused on intra-institutional relationships at the European level, thus ignoring practices at the national level which are equally important to the functioning of the system. On this basis, it works towards an analytical framework for the empirical measurement, explanation and assessment of accountability at the national level along three dimensions: information, discussion and consequences. It also argues that the commonly applied 'principal-agent framework' is of only limited use to this research, as it narrows down accountability too far. Chapter 3 therefore proposes to broaden the framework by adding elements derived from the literature on representation, thus allowing for empirical measurement and more flexibility but also leading to different assessments. As this approach is not conventional, the chapter may be of interest to all readers, not only to those who are relatively uninformed about accountability theories.

Chapter 4 discusses the operationalization of the research question, the hypotheses that will be tested by means of the empirical evidence, and the research design. As a research strategy, both quantitative and qualitative methods have been used in order to add to the robustness of the eventual conclusions. Further, this chapter makes the essential point that contrary to most existing research into the concept, accountability can be researched empirically and even on a large scale.

Following the presentation of the methodology of this research,

three chapters present the empirical evidence that was collected for the purpose of this study. These three chapters are organized along the three elements of accountability identified in Chapter 3: information, discussion and consequences. All three chapters systematically combine different types of evidence, including examples from daily practice, and show that there is quite some variation in the practices of committee participants and their superiors related to each of these three elements. This variation can be explained by several different factors. These chapters not only shed light on the issue of handling comitology 'at home', but they also show that accountability practices can be explained by means of different theoretical factors.

The conclusion of this research is twofold. To begin with, when aggregating the three elements of accountability, most of the accountability relationships appear not to be fully developed. Furthermore, it concludes that adding bureaucratic representation to the common principal-agent framework indeed allows for more explanatory power than is had by the classic principal-agent approach, as it indicates three factors rather than one as to why some people are held to account to a higher degree than others: knowledge gaps, autonomy of committee participants, and political salience. This also makes it possible to identify clusters of accountability relationships in which accountability is developed to a more or a lesser extent. The conclusion then engages in answering the pressing question of whether these results are troubling or not. When different standards are applied, it becomes obvious that a considerable number of committee participants function in a suboptimal accountability regime. This may have severe implications for how we see the contribution comitology makes to the degree of democracy in European policy-making.

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## Chapter 2

# The backstage world of comitology

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### Box 2.1 Comitology in practice

Today is a usual day in the usual meeting room in the building of DG Agriculture in Brussels. Policy specialists from all over Europe meet here to discuss the implementation of the Common Agricultural Policy. They know each other quite well, as they generally meet every fortnight and sometimes even more often. From Holland, experts Patrick Van Veen and Frits Bloem<sup>a</sup> agreed to let me join them.

Before lunch, the Commission and the member state experts discuss a large number of technical items related to the price support of a certain agricultural product. The Commission presents its proposals, followed by critical remarks from the member state experts. Sometimes they join each other in their critique towards the Commission. They also take the floor when they believe something should be discussed that is not mentioned on the agenda.

After lunch, it's voting time. 'Mind it', Van Veen warns me. 'You will not be able to keep up with us now'. And indeed, within only a few minutes the committee rushes through five official votes related to the points discussed before lunch, and the meeting closes instantly. Then Van Veen turns to me and smiles: 'You saw that? We just spent 50 million here'.

<sup>a</sup> For reasons of anonymity, their real names were replaced. Source: Observation D (see Chapter 4)

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The previous chapter introduced Corné Van Alphen. Patrick Van Veen and Frits Bloem are two of his colleagues in backstage Europe, and Box 2.1 shows their work in a nutshell. Compared to Van Alphen's work in his committee, Van Veen's and Bloem's work is similar to some extent. The meetings are chaired by the Commission, and member state representatives attend the meetings, speak to one another and vote on implementation measures. But their work differs in some other respects. Van Alphen meets his European colleagues generally once every month, while Van Veen attends committee meetings twice as often. Van Alphen's committee allows farmers to employ certain techniques, whereas Van Veen's committee governs the market for certain agricultural products. Yet other committees, which so far haven't been referred to in the examples, deal with regulation in other policy areas such as transport, research, health care, food safety and the environment. Together they vote over 2,100 times every year, on issues ranging from intervention stock levels of cereals to air quality regulation.

This study is about the way in which the participants in these comitology committees are held to account for their input in these committees. The purpose of this chapter is to discuss comitology at some greater length. It is structured along the lines of three levels of analysis that are central to the literature on comitology and that are essential for the understanding of its practices and the relevance of accountability in relation to it.

The first paragraph discusses the system level of comitology. What is comitology, and why is it important? What is its function in the policy process? How many and what sorts of acts pass through it?

The second paragraph closes in on the committees that together make up the comitology system. What exactly makes a committee, and how many are there? What sorts of policies do the committees handle, and how much activity do they display? And why is it so important to hold comitology committees to account?

The third paragraph focuses on practices within committees. Who do the member states send to the comitology committee meetings, and in what way do they try to reach agreements? And how do these practices relate to accountability?

## 2.1 The comitology system

### What is comitology, and what is it not?

It is not exactly clear where the word comitology comes from. Speculations on its origin range from the French expression 'kremlilogie' referring to politicized bureaucracy, to the sixteenth-century word 'comity' meaning mutual recognition of institutions between states, and to a polemic depiction of the study of the operation of public committees itself (Bergström 2005: 6-7). But what it refers to in European governance is a set of roughly 250 committees that are composed of policy experts representing the member states and chaired by a *chef de dossier* from the Commission. The function of comitology is to 'assist' the Commission in implementing policy as laid down in the so-called 'Comitology Decisions' (Council of Ministers Decisions 1999/468/EC, amended by 2006/512/EC).

Figure 2.1 **The place of comitology in the policy process**

	Preparatory phase	Legislative phase	Implementation phase
Front stage: Responsible institution	Commission	Council (+Parliament under co-decision)	Commission
Backstage: Committees and other satellite actors	Expert Groups Information agencies	Working Parties COREPER	Comitology Regulatory agencies

Figure 2.1 shows the place of comitology in the policy process and also shows where several other committees can be found. It is a highly simplified picture that does not cover the fine details of European decision-making, but it is instructive as to what comitology is, and is not, about. Comitology is just a part of backstage Europe, and it only emerges at the end of the policy process. It is an implementation device, and hence comes into the picture when the Council of Ministers (and under co-decision also the European Parliament) has already adopted basic legislation. The implementation of this new legislation is delegated to the Commission, and simultaneously a comitology committee is set up by the Council of Ministers to assist the Commission in its implementation capacities (cf. below). Comitology committee meetings are chaired by the Commission and attended by representatives of the member states.

Comitology is not only different from other forms of committee governance in terms of their institutional affiliation and their confinement to implementation matters; it is also different in terms of its powers. Whereas other committees merely have the power to advise the host institution or to prepare issues for it, comitology committees have a real say over the issues they discuss. Generally, their formal approval is required before the Commission can proceed with implementing its policies.<sup>1</sup> If they do not approve, the matter is referred to the Council of Ministers. This makes the 'assistance' they provide to the Commission quite powerful.

Comitology, thus, is a system of implementation committees which formally have to express their opinion on implementation measures proposed by the Commission. Even though sometimes put under the same heading,<sup>2</sup> the term 'comitology' does not include expert groups or Council working parties, as these either do not relate to the activities of the Commission, or they do not concern themselves with implementation

<sup>1</sup> Depending on the voting procedure used, this can also be expressed by means of a formal lack of disapproval. See paragraph 2.2.

<sup>2</sup> Some authors refer to comitology in a broader sense, including all sorts of committee governance, but most follow the legal definition of comitology as presented in this paragraph (for volumes in which committees of other types are also discussed, see Pedler and Schäfer 1996, Van Schendelen 1998, Joerges and Vos 1999, Andenas and Türk 2000, Christiansen and Kirchner 2000, Van Schendelen 2002, Christiansen and Larsson 2007).

measures, or they do not formally have to express their opinion on these. To put it in more legal terms, comitology refers to the system of committees that work under the regime of the 'Comitology Decision' (Council of Ministers Decision 1999/468/EC, amended by 2006/512/EC), as opposed to other committees that do not.

### Comitology works on the bulk of European policies

From the above, it follows that comitology is a powerful form of committee governance. Before closing in on the various tasks of the individual comitology committees and the way in which they express their powers, let us first take a closer look at the relevance of the system of comitology within the European policy process. The high workload of comitology is nowadays widely recognized by many researchers of EU governance (Bergström 2005, Christiansen and Vaccari 2006, Franchino 2000a, 2000b, Neuhold 2008, Pollack 2003a, Vos 1997), but surprisingly this has never been compared to other modes of policy-making in the European Union.<sup>3</sup> For that reason, fresh evidence was collected on the basis of all regulations, directives and decisions from 2004 to 2008 that were adopted by the Commission, the Council and the European Parliament.

The available evidence clearly shows that comitology works on the bulk of European policies: it turns out that it is responsible for about half of all directives, decisions and regulations. It has been mentioned that comitology is an implementation device, and it therefore only comes into the picture at the end of the policy process. But the end of the policy process can sometimes be lengthy, and it may require a lot of implementation measures to be adopted by the Commission. It is in this realm that the input of comitology materializes.

Table 2.1 Regulations, directives and decisions adopted by the European institutions between 2004 and 2008

	2004	2005	2006	2007	2008
Parliament and Council	3.1%	2.0%	3.5%	2.4%	6.1%
Council alone	14.1%	12.6%	14.8%	14.9%	17.3%
Commission	82.8%	85.5%	81.8%	82.7%	76.6%
<b>Total number of acts</b>	<b>3,093</b>	<b>2,972</b>	<b>2,915</b>	<b>2,313</b>	<b>2,163</b>

Source: EUR-LEX<sup>4,5</sup>

<sup>3</sup> With the exception of Van Schendelen (2002).

<sup>4</sup> <http://eur-lex.europa.eu>. Consulted: June 5, 2009.

<sup>5</sup> The General Reports on the European Union included a similar breakdown up to the year 2005. Between this source and EUR-LEX, there is a significant difference in terms of Council activity, for which the EUR-LEX figures are higher. Nevertheless, in both sources the Commission has the largest share in the total of adopted acts.

Table 2.1 gives an impression of the ratio between acts adopted by the Commission and acts adopted by the other institutions. The figures refer to the sheer amount of 'output' by the various institutions, this being regulations, directives and decisions together. In terms of content, these cannot realistically be compared, as the Commission implements the legislation adopted previously by the other institutions and adopts more detailed measures for doing so. What Table 2.1 does show, however, is that the Commission produces a lot of 'administrative law', and that its relevance in terms of volume must not be underestimated (cf. Cini 2006). It is noteworthy between that 75% and 85% of all EU acts between 2004 and 2008 were adopted by the Commission.

It is within this 75% to 85% of Commission acts that the comitology committees have an important role to play. In some instances the Commission does act alone, but in the majority of cases it is obliged to consult a comitology committee first. Again, as Table 2.2 shows, between 2004 and 2008 about 60 percent of the Commission acts were passed through the committees. This means that during that period 45 to 50 percent of all European regulations, directives and decisions were handled by comitology committees.

Table 2.2 Number of Commission regulations, directives and decisions passing through comitology

	2004	2005	2006	2007	2008
Comitology	60.0%	63.6%	61.6%	60.0%	55.3%
Non-comitology	40.0%	36.4%	38.4%	40.0%	44.7%
<b>Total number of acts adopted by the Commission</b>	<b>2,561</b>	<b>2,541</b>	<b>2,384</b>	<b>1,913</b>	<b>1,657</b>

Source: EUR-LEX<sup>6,7</sup>

This percentage shows that the comitology system is one of the most important governance tools in the European Union, measured by the volume of work that it deals with. But in terms of the importance of the acts discussed in the comitology committees, the matters they discuss are of a different nature from those discussed in the Council and the European Parliament. Still, these matters can be very important and affect European citizens and business directly. For example, when an animal

<sup>6</sup> Found by counting how many times an opinion of a comitology committee was referred to under 'whereas' in all Commission acts adopted in the years 2004 to 2008 (dataset compiled from EUR-LEX by Dimitar Toshkov, Leiden University).

<sup>7</sup> This is a conservative estimate. Some directives, regulations and decisions do not mention the involvement of a committee, even though the number of implementation measures the committees vote upon are higher than the total number of acts adopted by the Commission. The share of comitology in the total may thus be even greater.

disease such as avian flu breaks out, measures need to be taken such as transport bans, disinfection schemes and vaccination programmes or prohibitions. Sometimes all livestock needs to be exterminated in certain areas, and this has a huge societal impact. All these matters are worked out through comitology.<sup>8</sup> The same is true for an effort to integrate all national airspaces into a Single European Sky in order to reduce mid-air collision risks and to increase air traffic management efficiency for civil aviation. This requires a range of work programmes, decisions and regulations to integrate air traffic management systems. However, because the military uses air space as well, it, too, is affected by this policy. The Single Sky committee thus deals with very technical implementation matters, but these are politically very salient because the issues directly touch upon national sovereignty.<sup>9</sup>

These are just a couple of examples, but there are thousands of such decisions that seem quite technical at first sight but do have political salience. These are all covered in administrative acts adopted by the Commission, which account for the bulk of the regulations, directives and decisions that are adopted in the European Union. Over 60 percent of these Commission acts are first submitted to one of these committees of member state representatives before they are finally adopted. These committees are in a position to approve proposed measures or refer them to the Council, which enables them to control the Commission and influence its policies.

Let us now hone in on the committees that together form the comitology system. How many comitology committees are there, what do they do, and why do we need to bother about their accountability?

## 2.2 Comitology committees

### Officially 270, in practice 236 committees

There are different counts of the number of comitology committees. The highest estimates are by Vos and Van Schendelen, who respectively get to about 400 and 450 (Vos 1997, Van Schendelen 2006). Over the past few years, the Commission has steadily reported the existence of about 250 committees (European Commission 2006, 2007, 2008, 2009). The trick here is mainly in the definition. Easy as it may appear, there are actually a lot of issues to take notice of when defining what a comitology committee is. Even a straight-forward legal definition (such as: 'a committee of member state representatives assisting the Commission in its implementa-

tion capacities, acting under the Comitology decision (Council Decision 1999/468/EC, amended by 2006/512/EC)') leaves a few matters open.

*Sections and configurations* Several committees are divided into sub-committees, known as sections or configurations. The Standing Committee on the Food Chain and Animal Health is an example of this. It has sections on, among others, animal welfare, biological safety of the food chain, animal nutrition and toxicological safety. These sections have a permanent status and give opinions, just as any 'regular' committee does. In fact, there is nothing apart from their name that would make them any different from other comitology committees. In a material sense, these are ordinary committees, whereas they do not appear in the Commission's formal counts of the number of committees.

*Working groups* Some committees have set up working groups. These can have a permanent or an ad hoc status and can be chaired either by the Commission or by a member state. Their aim is to pre-discuss issues before the 'official' committee meetings. Working groups do not give opinions like the committees do: they merely provide input for the committee meetings. Therefore, they themselves cannot be regarded as 'standard' committees, because they do not give opinions.

*Combined meetings* In some cases, committee meetings are combined; i.e. meetings for Committee A may be scheduled and immediately followed by some points regarding Committee B. The participants remain the same. This procedure is especially common to those committees that do not have to discuss very many issues and whose issues are closely related to those discussed in another committee. For example, two committees that usually merge their meetings are the Management Committee of Sugar (DG Agriculture)<sup>10</sup> and the Management Committee on Horizontal Issues regarding Processed Agricultural Products Not Listed in Annex 1 (which mainly deals with biscuits and soft drinks) (DG Enterprise). The same participants simply discuss another issue under another committee name. Despite the overlap, these cases should be treated separately. The meetings of these committees are not necessarily always merged and the nature of the issues their participants discuss may also be different.

*Written procedure* In cases of urgency, the Commission may ask the member state representatives to give an opinion by post or e-mail rather than in a committee meeting. This is known as the 'written procedure'. In effect, it has all the elements of a committee meeting except for the meeting itself. The actual use of the written procedure is limited. There are only very few committees that never meet but exclusively use the written procedure. Still, these can be considered to be committees in

<sup>8</sup> This issue is handled by the Standing Committee on the Food Chain and Animal Health, section Animal Health and Animal Welfare.

<sup>9</sup> See e.g. <http://www.euractiv.com/en/transport/single-sky-wins-support-amid-airline-fears-ets/article-173666>. Consulted: June 12, 2009.

<sup>10</sup> DG stands for Directorate-General.

the sense that their influence (i.e., the formal opinion) is still tangible.

*Inactive committees* Some committees have not met for years, nor have they ever made use of the written procedure. They only continue to exist for the record, and may be revived whenever there is a need to convene a meeting, for example when the legislation the committee handles is due for update.

Table 2.3 **Number of comitology committees**

	2005	2006	2007	2008
Number of comitology committees reported by Commission	250	279	269	270
Sections and configurations acting as comitology committees	43	40	39	43
Inactive comitology committees	68	75	79	77
<b>Total number of active comitology committees</b>	<b>225</b>	<b>244</b>	<b>229</b>	<b>236</b>

Source: Commission Staff Working Documents accompanying the Reports from the Commission on the working of committees during 2005, 2006, 2007 and 2008 (European Commission 2006, 2007, 2008 and 2009).

Table 2.3 shows the total number of active comitology committees. These figures were found by taking the number of committees mentioned in the Commission's Annex to the annual Comitology Reports (European Commission 2006, 2007, 2008, 2009), adding the number of sub-sections that act as self-containing committees and subtracting the number committees that appeared to be inactive.<sup>11</sup>

### Comitology committees deal with a wide range of issues

The topics that are discussed in comitology committee meetings vary enormously. A quick glance over the list of committees in Appendix A shows that comitology deals with a very broad range of policy issues in the first pillar, and covers these in detail: from "seeds and propagating material for agriculture, horticulture and forestry" to "reciprocal recognition of national boat masters' certificates for the carriage of goods and passengers by inland waterway".<sup>12</sup> Within these often very specific domains, the draft implementation measures discussed by the committees can be about norm setting, action programmes, funding, market management, authorization for products, etcetera. They can,

<sup>11</sup> The Ornis-committee was added for the year 2005, as the Annex to the Comitology Report of 2005 mistakenly registers this committee as inactive. Respondents (see Chapter 4) also came up with a committee that was not listed: the TEN-Transport Policy Committee. This committee was also added.

<sup>12</sup> For a list of these committees, see Appendix A.

for example, determine the black list of air carriers that are banned in the European Community<sup>13</sup> or discuss what specific uses of genetically modified organisms are allowed.<sup>14</sup>

The specific issues about which the committees are supposed to have a say depends on the initial legislation that is adopted by the Council of Ministers (and under co-decision, also by Parliament). Box 2.2 shows an example of this. It is an excerpt from the Habitats Directive: an effort to protect endangered sites and species.

### Box 2.2 Excerpt from the Habitats Directive (92/43/EEC)

#### Article 8

(...)

4. According to the assessment referred to in paragraphs 2 and 3, the Commission shall adopt, having regard to the available sources of funding under the relevant Community instruments and according to the procedure set out in Article 21, a prioritized action framework of measures involving co-financing to be taken when the site has been designated under Article 4 (4).

(...)

#### Article 20

The Commission shall be assisted by a committee.

#### Article 21

1. Where reference is made to this Article, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof. The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at three months.

Article 20 establishes a committee. The reference to Decision 1999/468/EC in article 21.1 makes it a comitology committee. It specifies which voting procedure applies in the Habitats Committee (cf. below). Any reference to article 21 in the rest of this directive lays down what specific topics the Habitats Committee should discuss and vote on. Article 8, thus, states that the Habitats Committee should discuss and vote on an action framework as proposed by the Commission. Further articles reveal that the committee should also discuss lists of proposed sites and species to protect.

Comitology committees can continue to exist until a policy is fully implemented, for example when a four-year programme is finalized

<sup>13</sup> This issue is handled by the Air Safety Committee.

<sup>14</sup> This issue is handled by the Committee for the Deliberate Release into the Environment of Genetically Modified Organisms, and the Standing Committee on the Food Chain and Animal Health, section Genetically Modified Food & Feed and Environmental Risk. The first of these two committees, however, is notorious for not approving Commission proposals, so that in the end most matters are referred to the Council (European Commission 2006, 2007, 2008, 2009).

that is not supposed to continue after the four years have elapsed. For certain policies, however, implementation is never finished. The Common Agricultural Policy, for example, is about continuous market management for a range of agricultural products. Its committees sometimes meet on a weekly basis, and some have been doing so for decades. The tasks that committees have should therefore not necessarily be seen as 'one-shots'. Rather, it depends on the subject as to whether a matter is dealt with only once or continuously.

### **Powers of the committees depend on member state preferences**

The comitology committees, thus, deal with a very broad range of issues. As was briefly mentioned earlier, they do so by means of voting on Commission proposals for implementation measures. Currently there are four different voting procedures, and these mainly specify how many votes the Commission needs in order to have its proposals accepted and when the proposals need to be referred to the Council of Ministers instead.<sup>15</sup>

When the *advisory procedure* is used, committees give their opinion on Commission proposals through a simple majority vote by member states. The Commission is allowed to ignore the opinion of the committee, although it is supposed to give much consideration to the expressed position. Any constraint upon the Commission is therefore purely informal.

The *management procedure* is a bit more constraining. Here, the Commission can always proceed with implementation unless there is a qualified majority against a draft measure. If that happens, the matter is referred to the Council. In practice, this means that the Commission only needs just over a third of the votes to be positive in order to get its way. But even if a proposal is forwarded to the Council, the Commission may still have its draft measure implemented as long as the Council does not oppose the draft measure before a certain deadline. Usually, the management procedure is used when it comes to managing or approving the budget of a continuing work programme. Examples of this include the 'Framework Programmes' for research and the Common Agricultural Policy.

The *regulatory procedure* works in the same way as the management procedure, but the rule in terms of qualified majorities differ somewhat. Here, in order to adopt a draft measure the Commission needs a qualified majority to be in favour of it. When this qualified majority is not reached, the matter is forwarded to the Council.<sup>16</sup> The regulatory procedure is usual in situations where norms and regulations are set without the need to change the text of basic legislation.

The *regulatory procedure with scrutiny* is by far the most complicated procedure in the committee system and deals with quasi-legislative activities. It was introduced in 2006 because the Council and, especially, the European Parliament felt they should always be consulted when elements of basic legislation are changed as part of implementation. The voting procedures are the same as in the standard regulatory procedure, but even in the case of a positive opinion the Parliament and the Council need to be consulted. If either of them objects, the proposal is blocked. In the case of a negative opinion, the measure is only adopted when the Council agrees and the European Parliament does not oppose the measure.<sup>17,18</sup>

There is an extensive body of literature on voting procedures in comitology committees in which many more specificities of these four procedures are discussed.<sup>19</sup> There are two observations that matter for the purpose of this particular study. First, it is evident that the above procedures vary in the degree to which the member states exercise control over the Commission. Apparently the member states do feel the need to control the Commission, which is the very point of comitology, but in some cases voting procedures apply that make it easier or harder for the Commission to get its way.

Second, following from this, the question of which voting procedure to apply in a specific case is a matter of deliberate choice. The Council of Ministers inserts comitology clauses in basic legislation, thereby setting up a comitology committee and specifying voting procedures for particular issues. In some cases, thus, the Commission has more leeway than in other cases, but that is because the Council (i.e. the member states) allows this. It thus follows from these two observations that the importance attributed by member states to individual issues seems to differ, also when it comes to the implementation of basic legislation that has been passed by the Council itself. The fact that there are different voting rules for comitology committees indicates that the member states attribute different levels of political importance to the issues the committees deal with. In some cases, the Commission needs the backing of a qualified majority of member states in order to get its measures accepted by a comitology committee, in other cases it only needs to be sure that no qualified majority explicitly votes against, and again in other cases it only needs to consider the opinion of the committee. Issues that are more salient to the member states are subject to stronger comitology procedures (Franchino 2000b).

<sup>15</sup> The literature on comitology has placed great emphasis on voting rules. Their roots and their historical developments are covered by e.g. Bradley (1992), Blom-Hansen (2008), Bergstrom (2005), Christiansen and Vaccari (2006). For the effect of voting rules on the Commission's behaviour, see e.g. Steunenberg et al. (1996), Hofmann and Toeller (1997), Franchino (2000a, 2000b), Brandsma and Blom-Hansen (forthcoming).

<sup>16</sup> Also see Hofmann and Toeller (1997).

<sup>17</sup> Also see Bradley (2008) and Christiansen and Vaccari (2006).

<sup>18</sup> There is also a fifth procedure, named the 'safeguard procedure', in which any individual participant may refer the matter to the Council. As this procedure is only applied in two committees which meet only occasionally, this procedure has not been discussed.

<sup>19</sup> See note 15.

### Committee activity is not randomly spread over policy sectors

The committees are not randomly spread across Commission DGs. Some DGs host more committees than others. Also, not all committees are equally active, both in terms of their frequency of meeting and in the number of times they vote. Table 2.4 shows how many committees exist per Commission DG, thus representing issue areas, and how often they meet.

In total, the 236 committees together convened 953 meetings in 2008. Table 2.4 also shows that over half of all committees are found under the DGs of Agriculture, Environment, Transport and Energy, Taxation and Customs Union and Enterprise and Industry. These five clusters together also account for just over half of all committee meetings across all policy sectors. Especially in the DG of Agriculture the number of meetings is high. This is mainly due to the Common Agricultural Policy, for which 16 committees meet frequently to vote on the handling of the markets of specific products. The agricultural committees are the most active ones, having on average over 9 meetings per year. Far above this average, the Management Committee for the Common Organisation of Agricultural Markets even met 66 times in 2008.<sup>20</sup>

### Output of comitology committees

Another indicator of the activity of comitology committees is the number of times the committees vote. This is, essentially, the output the committees deliver. Table 2.5 lists the number of times votes were cast (as aggregated per Commission DG), the average number of votes per meeting, and the number of times the outcome of the vote was such that the matter had to be referred to the Council of Ministers.

<sup>20</sup> Due to a reorganization of the Common Agricultural Policy in 2008, several agricultural management committees (i.e. for beef, sugar, cereals, etc.) were merged into this committee. The old management committees were still active in the beginning of the year and therefore they were also counted.

Table 2.4 Committees per Commission DG in 2008

Commission DG	Number of active committees	Number of meetings per DG	Average number of meetings per committee
Agriculture and Rural Development	24	226	9.42
Environment	24	57	2.38
Transport and Energy	27	60	2.22
Taxation and Customs Union	25	114	4.56
Health and Consumer Protection	21	123	5.86
Enterprise and Industry	23	57	2.48
Research	16	62	3.88
Justice, Freedom and Security	14	37	2.64
Information Society and Media	7	28	4.00
Internal Market	11	42	3.82
EuropeAid	8	38	4.75
Education and Culture	5	14	2.80
Trade	7	24	3.43
Statistics	8	16	2.00
Employment, Social Affairs and Equal Opportunities	2	4	2.00
Fisheries and Maritime Affairs	3	15	5.00
Regional Policy	1	9	9.00
External Relations	2	4	2.00
Enlargement	3	6	2.00
Budget	2	5	2.50
Anti-Fraud Office	1	3	3.00
Humanitarian Aid	1	6	6.00
Informatics	1	3	3.00
<b>Total</b>	<b>236</b>	<b>953</b>	<b>4.04</b>

Based on: European Commission 2009.

Table 2.5 Committee activity per Commission DG in 2008

Commission DG	Number of votes	Average number of votes per meeting	Number of matters referred to the Council
Agriculture and Rural Development	456	2.02	0
Environment	68	1.19	2
Transport and Energy	66	1.10	0
Taxation and Customs Union	65	0.57	0
Health and Consumer Protection	358	2.91	5
Enterprise and Industry	362	6.35	0
Research	168	2.71	0
Justice, Freedom and Security	117	3.16	0
Information Society and Media	79	2.82	0
Internal Market	26	0.62	0
EuropeAid	115	3.03	0
Education and Culture	71	5.07	0
Trade	11	0.46	0
Statistics	23	1.44	0
Employment, Social Affairs and Equal Opportunities	21	5.25	0
Fisheries and Maritime Affairs	39	2.60	0
Regional Policy	4	0.44	0
External Relations	0	0.00	0
Enlargement	69	11.50	0
Budget	4	0.80	0
Anti-Fraud Office	3	1.00	0
Humanitarian Aid	47	7.83	0
Informatics	1	0.33	0
<b>Total</b>	<b>2,173</b>	<b>2.43</b>	<b>7</b>

Based on: European Commission 2009. The number of votes differs from what is reported by the Commission in the source (2,185); the Commission counted twelve committee opinions twice.

Again, perhaps not surprisingly, the DG of Agriculture takes the lead with 456 votes cast in 2008. In the past this number, and the grand total as well, used to be even bigger when reforms in the Common Agricultural Policy were still pending. Before 2008, the number of votes under DG Agriculture was about the double, and the grand total for all committees was well over 2,600.

Another striking observation is that of the 2,173 votes that were cast, only 7 matters were referred to the Council.<sup>21</sup> This means that the outcome of the vote is practically always such that the Commission can adopt its implementation measures right away. It would be wrong to assume, however, that the member state representatives generally tend to agree with anything the Commission proposes. The agendas of the committee meetings show that most points on the agenda are for 'exchange of views'. These are preliminary discussions in which the Commission receives feedback on future implementation measures, which the Commission will only formally table for voting when it can be sure of a majority in the committee (Alfé et al. 2009). When issues are sufficiently discussed before, taking a vote can sometimes be a matter of seconds, as the case of Van Veen and Bloem above demonstrates (cf. Box 2.1).

#### Comitology committees – why bother about accountability?

The above discussion might give the impression that comitology amounts to much ado about nothing spectacular. Taking the example of the Habitats Directive again, we see that the political decision to protect certain species has been made before by political actors. The committee only discusses which *specific* species to protect. Why would we need to care about its accountability, then, if comitology is 'only' about the nitty-gritty work of implementation?

There are two reasons. The first is that such seemingly small, technical issues still bear political salience (Radaelli 1999). For example, the Habitats directive also states that the listed sites and species need firm protection and that any action directly or indirectly affecting these should be refrained from, or should be compensated. It goes without saying that the issue of listing species for protection can easily become politicized, for example when some odd members of an endangered species show up near an infrastructural project that is about to be started. The directive is formulated strictly enough to block infrastructural projects when environmental compensation is not foreseen, or when environmental effects are not properly investigated.<sup>22</sup> But even when such issues are not politicized, they can still be interesting. To those who are directly affected by new legislation, the devil is usually not in the objectives of legislation but rather in

<sup>21</sup> Five of these were related to genetically modified organisms, a salient topic on which the member states are notoriously divided (Hofmann and Toeller 1997).

<sup>22</sup> The Dutch spatial planning master plan catering for major expansion of the Rotterdam port, for example, was annulled in court because of the Habitats directive: possible negative effects to a listed, and thus protected, Habitats Directive site over a hundred kilometers away were not properly investigated (see <http://rechtennieuws.nl/2083/raad-van-state-steekt-stokje-voor-tweede-maasvlakte.html>).

the details of implementation (Van Schendelen and Scully 2006: 6).

The second reason has to do with the *raison d'être* of comitology itself. In order to understand this, a brief look at history is necessary. When the first acts of the European communities were to be implemented by the Commission in the early 1960s, the Council felt that the Commission should not have too much discretion in doing so. What if this 'new' supranational institution would act against the preferences of the member states? Comitology was invented as a way out of the discussion on control. For legislation for which the Council felt the need to do so, it imposed the condition upon the Commission that it should consult committees composed of representatives from the national administrations before adopting implementation measures. If the committee were to voice a negative opinion, the proposed measure would be handed over to the Council. In this way, the Commission would be controlled in its implementation capacities without jeopardizing the contents of the Treaty.<sup>23</sup> The Council simply delegated implementation to the Commission as it should, but it imposed a condition in doing so. Subsequent discussions on the Council's control over the Commission's implementation powers could thus be re-cast into discussions on stricter or looser voting procedures within the comitology committees without having the need to reopen the entire Pandora's box (Haibach 2000, Blom-Hansen 2008).

Therefore, the key reason why comitology committees exist at all was, and still is, because the member states recognize the power of implementation measures and don't want to give the Commission an entirely free hand. The Council feels a political need to install comitology committees because it finds that the issue of implementation is of interest to the member states. This makes the accountability of the member state representatives a crucial element in the functioning of the committee system as a whole. In other words, we also need to care about their accountability because it is a vital element in the position of the member states *vis-à-vis* the Commission.

But who precisely are these member state representatives? How do they behave in comitology committees, and how does that relate to their accountability? The next section further addresses these questions.

## 2.3 Practices within comitology committees

### Committee participants are known to few people

In principle, the member states are completely free to decide about who to send to a comitology committee meeting. Typically, however,

the member states are represented by policy specialists working within ministries or in agencies to which the management of a particular policy has been delegated. It is not uncommon that member state delegations consist of an official spokesman plus one or more colleagues from other ministries or agencies. Usually the EEA countries and acceding countries have the right to observe the meeting without participating.<sup>24</sup>

The Commission has committed itself to making the attendance lists and several other documents related to committee meetings available through an on-line register of comitology documents.<sup>25,26</sup> Still, the attendance lists do not disclose who specifically participates in the committees. They do usually mention the names of the relevant Commission officials, but for the member states only the organizational entities of the participants are shown. Names and addresses are not disclosed. The Commission argues it is not in a position to do so because of the regulations on the protection of personal data (cf. Council and European Parliament Regulation 1049/2001/EC).

But even at the member state level it is often unknown who is attending the committees. Chapter 4 of this study shows that in the cases of Denmark and the Netherlands no lists of participants are available, sometimes not even within ministries. Similarly, Beyers and Bursens observe a lack of attention for comitology within the Belgian ministries, which they attribute to a lack of political interest at the federal level (Beyers and Bursens, 2006: 182-184).

Thus far, this chapter has argued that a vote in a comitology committee can be regarded as a formal conclusion to a discussion among the member state representatives and the Commission. This implies that committee members do not only use their power at the moment they vote, but they can also express their approval or concerns when discussing issues within the committees in the shadow of a future vote. The Commission can then anticipate and change its proposals, and the other member state representatives can reconsider their negotiation strategies.

The way in which these discussions take place are subject to a lively academic debate on interaction styles between committee participants. By now there are a fair number of empirical studies into this matter. In general, the outcomes of these studies can be summarized under two headings: intergovernmental bargaining and supranational deliberation (cf. Pollack 2003a, Krapohl and Zurek 2006, Blom-Hansen and Brandsma 2009). These approaches give rise to different expectations as to the accountability of committee participants.

<sup>24</sup> Until the late 1990s it was also common for scientists to join the national delegations to committee meetings (Van der Knaap 1996, Rhinard 2002). There were even several 'scientific committees' that exclusively consisted of academics. However, the BSE scandal in 1996 ended this practice. In order to preserve the independence of scientific advice, the scientific committees were pulled out of the comitology system and its functions were transferred to agencies, agency advisory groups and scientific Commission expert groups (Savino 2009, Schäfer 2000).

<sup>25</sup> [http://ec.europa.eu/transparency/regcomitology/index\\_en.htm](http://ec.europa.eu/transparency/regcomitology/index_en.htm)

<sup>26</sup> This register, however, is far from complete (Brandsma et al. 2008).

<sup>23</sup> Article 211 of the EC Treaty indicates that the Commission is responsible for implementation. When the Council insisted for the first time on having a committee set up in the early 1960s, this principle was contested in the Court of Justice. But ever since this so-called Köster-case (Case 25/70, *Einfuhr- und Vorratsstelle für Getreide und Futtermittel v. Köster, Berodt & Co.*), implementation conditions like these have been a fact of life for the Commission. The Commission has the power to implement policy, but the Council is free to impose conditions.

### **Intergovernmental bargaining: defending the national interest**

The origin of comitology shows that the system is meant to be a control device for member states over the Commission. By inserting comitology clauses in new legislative acts, the Council subjects the Commission to scrutiny by committees of member state representatives that can vote on draft implementation measures.

It is this line of argument that is central to the intergovernmental bargaining approach. It states that comitology effectively shares some basic characteristics with the Council of Ministers in the first pillar: the Commission has the right of initiative, the member states have power over the Commission because they vote, and the power of each respective member state is expressed in the weight of their vote. Therefore, the structure of the bargaining arena is similar to that of the Council (cf. Moravcsik 1998), and hence comitology can be seen as an arena of intergovernmental negotiation.

The research pointing towards intergovernmental negotiation in comitology committees primarily focuses on voting procedures within the committees. It is mainly of a game-theoretical nature, and in terms of institutional preferences it confirms the constraining power of the member states over the Commission (e.g. Steunenberg et al. 1996, Franchino 2000b, Ballman et al. 2002, Pollack 2003b). Several case studies present similar conclusions, based on tough negotiation and strategic use of voting rules (Philip 1998, Bradley 1998, Daemen and Van Schendelen 1998). From the perspective of intergovernmental bargaining, thus, the committee participants behave exactly as they are formally expected to do: they act as member state representatives pursuing their own national interests. That the committee participants truly promote the national interest instead of another interest (possibly disguised in national terms), however, is only assumed. Accountability is essential to safeguard against non-national interests getting the upper hand in the input of the committee participants.

### **Supranational deliberation: consensual discussions between well-intentioned experts**

Supranational deliberation challenges this view of comitology. Many case studies, and also some larger scale surveys, reveal that in practice member state representatives do not intensely bargain in order to secure their own national interests. Rather, the interaction between committee members and the Commission is characterized by deliberation between experts aimed at solving common problems.

The prime advocates of the deliberative approach, Joerges and Neyer (1997), see this expert-driven mode of decision-making as a solution to a legitimacy problem. The core of their argument is that nation-states “have very few mechanisms ensuring that ‘foreign’ identities and their interests be taken into account within their decision-making processes. The legitimacy of supranational institutions can be designed as a cure to these deficiencies – as a correction of ‘nation-state failures’ as it were” (Joerges and Neyer 1997: 293). This is especially important in cases related to European market regulation. Where the Commission has competences of regulating the European market, comitology can serve as a forum for transnational and supranational dialogue. From this perspective, a committee system in which civil servants from all member states try to find common solutions is a very good thing. It forces the participants to take into account the positions of other member states into account (Neyer 2000, Joerges 2006: 795).

Apart from the above study, there is a range of other empirical studies that show that in practice, committees are used for deliberation among experts. The meetings are characterized by a spirit of expertise, and scientific evidence plays a prominent role (Wessels 1998: 225, Dehousse 2003: 803, Geuijen 2008). To many participants, finding the technically best solution is most important (Sannerstedt 2005: 105). There is also a substantial body of literature on the socialization effect of participating in European committees. It shows that committee participants internalize European norms so that they become increasingly willing to pursue the common European good, transcending the national interest, even when they still primarily consider themselves to be national representatives (Beyers and Dierickx 1998, Egeberg 1999, Trondal 2002, Egeberg et al. 2003, Beyers and Trondal 2004).

Another argument for the supranational deliberation approach is that the national interest is only a relative notion. Observational evidence suggests that the ‘national position’ can mean anything from official departmental instructions to loosely gathered inputs from a variety of sources that together are conveniently labeled as ‘the national position’. What is said to be a national position can therefore in reality be a departmental position, a unit position, a coordinated position between stakeholders or even an individual position (Geuijen et al. 2008). Further studies reveal that many committee participants do not have clear instructions on what position to take (Egeberg et al. 2003, Sannerstedt 2005), that 60 percent feels a great extent of allegiance to their own professional background and expertise, that 34 percent takes the position he or she thinks is best on the basis of his/her professional expertise, and

that 26 percent believes that their colleagues from other member states act as either independent experts, or have a mixed role between government representative and independent expert (Egeberg et al. 2003). But these findings do raise the question of who keeps track of the committee participants. Even though the legitimacy of the eventual policies is fostered because foreign interests are taken into account, comitology effectively produces acts that are eventually binding for the general public. It risks empowering the executive (Joerges 2004), and this keeps the accountability of comitology a relevant matter. But the evidence demonstrates that the accountability of committee participants, which is implied in intergovernmental bargaining-inspired work, cannot simply be assumed.

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**Box 2.3 Balancing national and European interests**

On his way back from lunch, Frits Bloem<sup>a</sup> answers a phone call and takes some steps away. Patrick Van Veen<sup>a</sup> explains to me that it is a colleague from the Hague, telling Bloem which requests for price support by agricultural businesses were forwarded to the Commission from Holland. The deadline for this had passed only moments before, and the Commission works out its subsidy proposal over lunch. This is a matter of routine at every meeting of this committee. The phone call gives Bloem the opportunity to do a last-minute check to see if the Commission got its figures right before the committee votes on the subsidy proposal. “And”, Van Veen adds, “I don’t want to know”.

Van Veen is convinced he should stake his position on macro-economic grounds only and should not be influenced by any national interest. Otherwise, there could be arguments in the committee if even a bit more subsidy funds would be awarded to a particular country in order to benefit its national industry. To Van Veen, that is both speculation and preferential treatment, which has nothing to do with the management of the common market.

Therefore, Van Veen and Bloem have divided their tasks. Van Veen is the official Dutch spokesperson, but he does not know the details of any particular Dutch application. Bloem does, and he checks the data prior to the vote. Only after the meeting closes (cf. Box 2.1) does Van Veen curiously ask his colleague if any Dutch applications were awarded.

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<sup>a</sup> For reasons of anonymity, their real names were replaced.

## 2.4 The importance of accountability for comitology

This chapter has presented what comitology is and what people like Van Alphen, Bloem and Van Veen do when they are in Brussels. In a nutshell, there are three main reasons why accountability is so important in this system.

First of all, it is a matter of quantity. Using fresh empirical evidence, this chapter has established that comitology is involved in about 60 percent of all regulations, directives and decisions adopted by the Commission, and that it accounts for 45 to 50 percent of *all* acts adopted by the institutions together. Comitology nowadays is the default option when implementation powers are delegated by the Council to the Commission. It is necessary for the Commission to consult a comitology committee in these cases before it can adopt measures. Comitology deals with a lot of low politics, as it primarily concerns the technical aspects of policy implementation. Even though comitology only deals with implementation matters as opposed to new basic legislation, the matters it discusses are eventually binding for the general public, which makes accountability important – particularly for a decision-making mode that works on such a large number of measures. This system of 236 committees, dealing with a large variety of topics and issuing 2,173 opinions in 2008, and even more in the years before, has grown to be a considerable decision-maker in its own right.

Second, it is a matter of political significance. Even though comitology deals with implementation matters, these matters can sometimes get quite politicized. Decisions to exterminate instead of vaccinate all animals in a certain region because of a disease, for example, or about how personal data stored in the Schengen Information System can be accessed for security purposes or on how hazardous waste is to be treated are all made in comitology committees, and thousands of other issues are all handled in comitology committees as well. Sometimes these issues are salient to large groups in society, sometimes only to a small group. But in any case, it is evident that all issues are at least interesting enough to the Council for it to install a comitology committee.

Third, and partly related to this, it has to do with the institutional legacy of comitology. Comitology as such is meant as a system through which the member states can scrutinize the Commission for powers delegated to it by the Council of Ministers. Representatives of the member states – usually policy specialists – consider and discuss Commission proposals and have a say about them by means of a vote.

Different voting procedures can apply, depending on the salience of certain issues in the eyes of the Council. This is how comitology was originally intended: as a control mechanism of the Council over the Commission (Bergström 2005, Blom-Hansen 2008). Accountability, then, is necessary to make sure that the participants in the comitology committees are tied to the respective national political systems that these civil servants represent in the committees. Empirical evidence for the role these participants play in the committees is mixed. Even though the literature on intergovernmental bargaining presents some evidence that comitology indeed promotes the interests of member states, there is also a large number of studies that indicates that the participants to these committees in practice work somewhat detached from their national ties. The participants are policy specialists who in many cases do not receive instructions, and who deliberate with their colleagues from the other member states and the Commission in order to find common solutions. Their interaction style in committee meetings has in practice very little to do with defending the national interest, whereas defending the national interest was and still is the core motivation underlying the comitology system as a whole. This, too, makes accountability important.

But how can Van Alphen and his colleagues effectively be held to account for what they do in these seemingly unknown, but very active, committees in backstage Europe? The next chapter delves further into the other concept central to this study: accountability. What does accountability mean, how does it work in practice, and what is known about this in relation to comitology?

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## Chapter 3

# Two approaches to analyzing accountability

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What exactly is accountability? At first glance, there seem to be as many definitions of accountability as there are scholars (e.g. Mulgan 2000: 555-556, Day and Klein 1987: 26, Bovens 2007b, Pollitt 2003: 89, Behn 2001: 3-6). Nevertheless, it seems that in the accountability literature two main meanings can be distinguished: one focusing on ‘rendering account’ and another focusing on ‘holding to account’.

In the sense of ‘rendering account’, accountability is an act of disclosing information and justifying behaviour (e.g. Mulgan 2000: 555). Rendering account in this sense does not necessarily entail having to face consequences. This definition effectively makes ‘account rendering’ a very broad concept, and comes close to the concept of justification or even transparency. The second meaning can be labelled as ‘holding to account’, and this entails more strict criteria for defining accountability. Here, actors are not only expected to disclose information and justify their behaviour, but they should also be in a relationship with another entity which has the authority of imposing sanctions or giving rewards (e.g. Bovens 2007b, Day and Klein 1987: 26). This relationship can take the form of a hierarchical, ‘vertical’ relationship such as between employees and their superiors, but in modern times there can also be ‘horizontal’ accountability relationships with third authorities, such as audit offices (Bovens 2007a).

The meaning of ‘holding to account’ probably comes closest to what comitology authors mean by a lack of accountability. Schäfer (2000: 23), for example, states that “[t]he awareness on the part of the representatives, both from the Community and the Member State level, that they may be held directly accountable for their decisions would be likely to affect their actions”, while Larsson (2003b: 157 and 169-170) questions whether we now have “civil servants who are the politician’s masters” as opposed to “civil servants being accountable to elected politicians”. In order to connect this study to the existing body of literature, and due to the conceptual overlap between transparency, justification and rendering account, this research will exclusively use ‘holding to account’ as the meaning of accountability.

A clear definition of accountability in the sense of ‘holding to account’ was proposed by Bovens, who defines accountability as “a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct; the forum can pose questions and pass judgment, and the actor may face consequences” (Bovens 2007b). This is the definition this study uses. It has been adopted because it clearly distinguishes between what accountability is and what it is not, in the sense of ‘holding to account’.

In all accountability situations, there has to be someone who renders account and someone to whom account is rendered. This respectively refers to the 'actors' and 'forums' Bovens mentions in his definition (Bovens 2007b). The actor is an individual or an organization that is to be kept under control, but the accountability forum is very broadly defined. It is a 'significant other', and can be a parliament, a court, an audit office, a board, a superior, or even a journalist (Bovens 2007b). It depends on the specific context in which the actor is embedded and on the form of accountability that is in focus (e.g. political accountability, legal accountability) as to which 'significant other' acts as a forum in an accountability relationship.

Further, there is a relationship between the actor and the forum, in which the actor informs the forum by explaining and justifying his or her conduct. The forum can then ask further questions and discuss the matter at hand. Afterwards it evaluates the actor's behaviour and forms a judgment. If necessary, the forum imposes consequences on the actor, either in terms of rewards or of sanctions.<sup>1</sup> Accountability, thus, follows a strict logic: first there is a transfer of information, then there is discussion, and finally there is a judgment which may or may not result in consequences for the actor. Judgment and consequences, however, are two sides of the same coin and can be collapsed into a single element of accountability. The decision to apply positive, negative or no incentives is always intractably linked to a judgment of past behaviour. In other words, a judgment is a 'saturation point' where the forum knows enough about the actor's behaviour in order to decide which consequences to apply or to decide to apply no consequences at all. This gives a three-step operationalization of accountability (information, discussion, consequences) that is similar to other operationalizations of the same concept (e.g. Mulgan 2003, Schillemans 2007, Van de Steeg 2009).<sup>2</sup>

Using the above definition, this chapter demonstrates how accountability can be observed, explained and assessed. The first section presents the 'accountability cube': a three-dimensional space in which accountability can be displayed. In the second section, the chapter continues by applying the definition of accountability to comitology and summarizing the observations of existing research in this respect. It appears that the current literature addresses to some extent the accountability of the committees, but it has a blind spot for the accountability of individual participants. Thereafter, this chapter presents two frameworks in two sections by means of which the accountability of individual committee participants can be explained empirically. For this purpose, it discusses two theoretical strands which can be helpful in an explana-

<sup>1</sup> Other definitions, such as Day and Klein's (1987), only mention the ability of the forum to impose sanctions rather than to give rewards.

<sup>2</sup> Others, who make use of the principal-agent framework, usually only consider information and sanctions. See paragraph 3.3 for an extensive discussion.

tion of the degree of accountability: the principal-agent framework and an extension of it based on insights from the literature on bureaucratic representation. These two strands also point to different standards as to what constitutes appropriate accountability relationships, explicated in the fifth section.

The chapter concludes with a summary of the main findings and the way in which these are taken into account when applying the definition and approaches of accountability to a study of the accountability of the participants in comitology committees. The operationalization of accountability and the design of the empirical part of the research are discussed at greater length in Chapter 4.

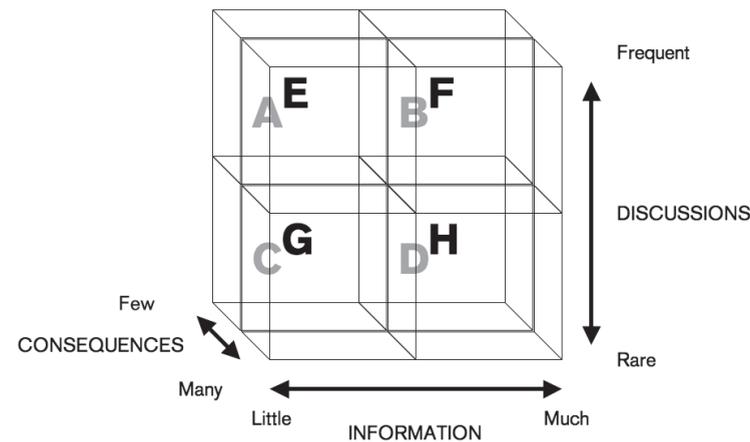
### 3.1 The accountability cube

This research defines accountability as "a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgment, and the actor may face consequences" (Bovens 2007b). Essentially, this definition points to three elements: information, discussion and consequences. For empirical purposes, though, it would be elusive simply to measure each of these three dimensions and then sum the scores; for example, the aggregate scores of cases for which the information and discussion dimensions are at the maximum end of the scale and the consequences dimension at the minimum end would then be the same as the aggregate scores of those cases in which all three dimensions are scored at two-thirds of their range. Such an aggregate, thus, hampers a substantial understanding of the workings of accountability in practice. Furthermore, it is suggested that accountability follows a strict sequential pattern from information provision, via discussion, to consequences (Bovens 2007b, Schillemans 2007), although this is not necessarily true for the first two phases of accountability (argued in more detail in section 3.4). For these two reasons, it is essential to present the results in such a way that the three dimensions of accountability are kept apart but can be discussed together. This requires a multi-dimensional discussion of results.

Figure 3.1 presents the 'accountability cube': a three-dimensional space in which accountability relationships can be plotted. It is capable of showing in how many cases information, discussion and consequences are high or low, and in which specific combination on the three dimensions the three occur. Each of these three dimensions has a

low end and a high end, which in total gives eight possible outcomes for a general characterization of the accountability relationships. These eight outcomes are referred to in the figure with the letters A through H. Even though the specific make-up of each of the three dimensions has not yet been defined, Figure 3.1 shows clearly that some blocks in the cube refer to 'more accountability' than other blocks. Block F, for example, refers to a situation with much information, frequent discussion and many consequences. Evidently this block in the cube refers to 'most accountability'. Block C is the exact opposite of it, with little information, rare discussions and few consequences. All the other blocks in the cube refer to different situations between these two extremes. These score high in some respects, but not in others. Later in this study, this accountability cube will be filled with empirical results. It will present how many cases fall into each of these blocks.

Figure 3.1 The accountability cube

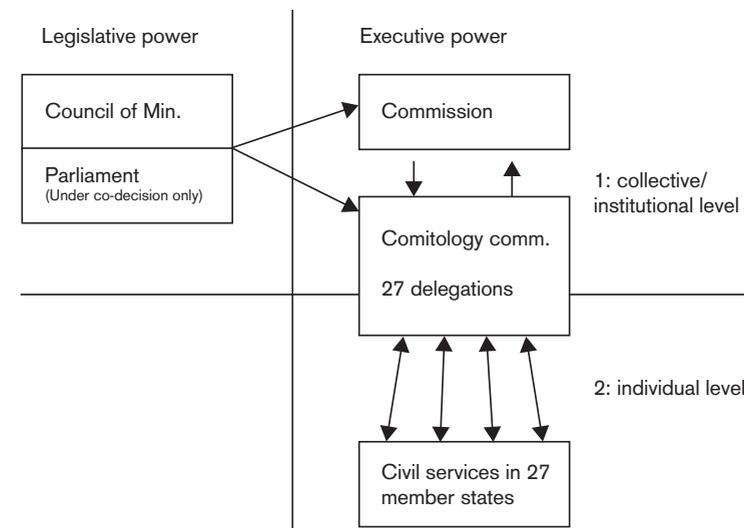


The accountability cube re-appears further in this study at different points, both when description and assessment of accountability are concerned. The three dimensions of the cube will be further specified and operationalized in Chapter 4, where the accountability cube will be exemplified further. Before starting the actual measurement of accountability, it must be made clear who the actors and forums of accountability in this research actually are. When speaking of accountability in comitology, who in fact is to be accountable, and to whom?

### 3.2 Accountability and multi-level governance

The definition of accountability presented above is a general definition of accountability, and it therefore leaves open who the actors and the forums are that together have an accountability relationship. In multi-level governance settings such as comitology, there are no straight-forward answers to that question. It appears that there are multiple interpretations of who the actors and forums are, due to the fusion of different policy levels. Figure 3.2 below shows these levels and their corresponding accountability relationships:

Figure 3.2 Multi-level accountability



The delegation setting in Figure 3.2 can be read from left to right. In basic acts, drawn up by the legislative power, the implementation of policies is delegated to the Commission. The legislative power also installs a comitology committee, composed of member state representatives, which needs to give a formal opinion on Commission proposals. The functioning of the committee can be read vertically: the committee functions as a combination of the Commission and the 27 member states.

In a multi-level governance setting like this, there are two sets of actor-forum relationships. On the one hand there is the institutional set of accountability relationships, with the comitology committee as the actor, and the Council of Ministers and the European Parliament as

forums. When the legal powers and obligations of the committees are concerned, the Courts can also be seen as forums (Türk 2000, Curtin 2007). On the other hand, there is the individual set of accountability relationships, consisting of the relationships between each committee participant (the actor) and his or her own superior within his own organization (the forum).

In general, there is consensus in the literature that comitology has a legitimacy problem and that its accountability is underdeveloped (e.g. Demmke 2000: 300-302, Schäfer 1996: 22, Schäfer 2000: 22-23, Larsson 2003b: 169-171, Rhinard 2002, Van Schendelen 2006, Radaelli 1999, Harlow 2002). However, the analysis of accountability-related issues in relation to comitology has ignored the multi-levelness that is intrinsic to this issue. Thus far, it has remained limited to the institutional set of accountability relationships, and mainly to the position of the European Parliament. When the first committees were founded in the 1960s, the European Parliament was not in a position to scrutinize the wheelings and dealings of comitology, not least because it was not kept informed (Bergström 2005: 294-295; Toeller 1999: 342). Following a long tug-of-war with the Commission and the Council of Ministers, the European Parliament received its formal right of information in the 1999 Decision on comitology, and it also was given the power to revoke committee opinions when these go beyond the powers of a committee (Council Decision 1999/468/EC, Türk 2000: 217-253). Since the 2006 Decision on comitology, the Parliament - and also the Council of Ministers - have increased their powers by means of the *regulatory procedure with scrutiny*, according to which the Council and the European Parliament can overturn positive committee opinions for a limited number of committees (see Chapter 2, Christiansen and Vaccari 2006, Bradley 2008, Neuhold 2008).<sup>3,4</sup>

Comitology also opened up towards the general public. After the Court of First Instance ruled in the *Rothmans Case* that the Commission is responsible for transparency of the committees, since a committee itself does not “have its own administration, budget, archives or premises, still less an address of its own” (Court of First Instance, Case T-188/97, Dehousse 2003), the Commission published a list of comitology committees in the Official Journal in 2000.<sup>5</sup> Since that year it has also published an ‘Annual Report on the workings of the committees’ which measures how often the committees meet, how long these meetings last, how many opinions they deliver and how many cases have to be referred to the Council. Also, since 2003 an on-line repository has been in place which in principle contains the same information as the Parliament is supposed to receive:

agendas, draft measures, vote results, summary records of meetings and attendance lists.<sup>6</sup> But many documents are missing, and hardly any draft measures are available at all. Furthermore, the summary records are often hardly anything more than an agenda with a few extra lines that do not reflect the content of the discussion in any substantial way (Brandsma et al. 2008).

This public form of transparency is relevant to the European Parliament as well. Because its resources are limited, as with any parliament, it partially needs to rely on others to keep track of comitology committees (McCubbins and Schwartz 1984). Given that these third parties (stakeholders, non-governmental organizations and members of the public) are not in a position to monitor the activities and processes of such committees in a timely and effective fashion, the Parliament is seriously handicapped in its ability to ultimately participate in the process of holding comitology to account.

The previous chapter argued why the main query of this research, namely to what extent committee participants are held to account, is important. This argument was based on the importance of the issues discussed within comitology committees and the function of member state representatives within the committees. Now that accountability has been defined and applied to comitology in this chapter, another layer has been added to the salience of this question. In order to understand the accountability of a multi-level governance setting, data from both the collective level and the individual level is necessary (cf. Figure 3.2 on page 57). Even though the collective/institutional level of this accountability arrangement has been covered quite extensively in the existing literature, the individual level has largely been ignored. Yet for a composite political system like that of the European Union, which is characterized by politics at both the national and the European level that interact, it is essential also to take the national level into account. Chapter 2 mentioned several studies of the behaviour of individual committee participants, but the way in which the participants are held to account remains a full question mark. This, too, makes researching the accountability of individual committee participants an important matter: it is the missing piece in the full picture of multi-level accountability.

This focus on the accountability of individuals necessitates some further specification of the workings of an accountability relationship in such cases. A generic definition of the concept of accountability was provided in the first section of this chapter, together with the ‘accountability cube’ which can be used for displaying results. The actors and forums have

<sup>3</sup> Both institutions practice this. In 2008, the European Parliament opposed one draft measure under this procedure and the Council opposed six, all on the grounds that they exceeded the implementing powers provided for in the basic instrument (European Commission 2009).

<sup>4</sup> For more information on the position of the Council of Ministers in this, see Hofmann and Toeller (1997), Schusterschitz and Kotz (2007) and Christiansen and Vaccari (2006).

<sup>5</sup> OJ 2000 C 225/02

<sup>6</sup> [http://ec.europa.eu/transparency/regcomitology/index\\_en.htm](http://ec.europa.eu/transparency/regcomitology/index_en.htm)

now been defined at the individual level. This study also adds an explanatory question in order to augment our understanding of the workings of accountability relationships in practice. How can differences between accountability relationships be explained? The following two sections delve into this matter. The first of the two presents the principal-agent framework, which is a common approach in analyzing accountability. But this framework also comes with several important drawbacks. Therefore, the second of the two sections proposes several extensions based upon insights from the representation literature. Taken together, this then gives an analytical framework for this study by means of which the observed variance in accountability can be explained.

### 3.3 The principal-agent framework

Victor Reinders is one of many committee participants for whom comitology is not about following instructions, as Box 3.1 below clearly shows.

#### Box 3.1 An autonomous agent

Victor Reinders<sup>a</sup> very much enjoys the international aspect of his work, and he has been looking forward to today's committee meeting. On our way to Brussels, he tells me how he has decided what his input is going to be. Nobody higher up in the hierarchy seems to be involved in his case. There are no instructions. His ministry does not take a clear position regarding his file. Reinders only coordinates with a network of colleagues within and outside his department. His unit head gives him a great degree of autonomy, and Reinders only keeps him informed at an abstract level.

Apparently this does not bother Reinders at all. "Instructions make your work more visible," he says. "A colleague of mine in another ministry receives instructions, and his work is checked to see if he follows them. I do not think my work is quite visible all the time, but the management trusts what I am doing."

He then continues enthusiastically how much he enjoys spending time with his international colleagues in committee meetings. The closer we get to Centre Borschette, the more his face lights up.

<sup>a</sup> For reasons of anonymity, his real name was replaced. Source: Observation B (see Chapter 4)

Not bothered by lots of interference from the hierarchy, Reinders is clearly more self-reliant than some of his colleagues who do receive orders. Some are instructed and their work checked, whereas in other cases the management does not place its staff under close scrutiny. The degree to which committee participants are held to account, thus, can vary. What can possibly account for the difference?

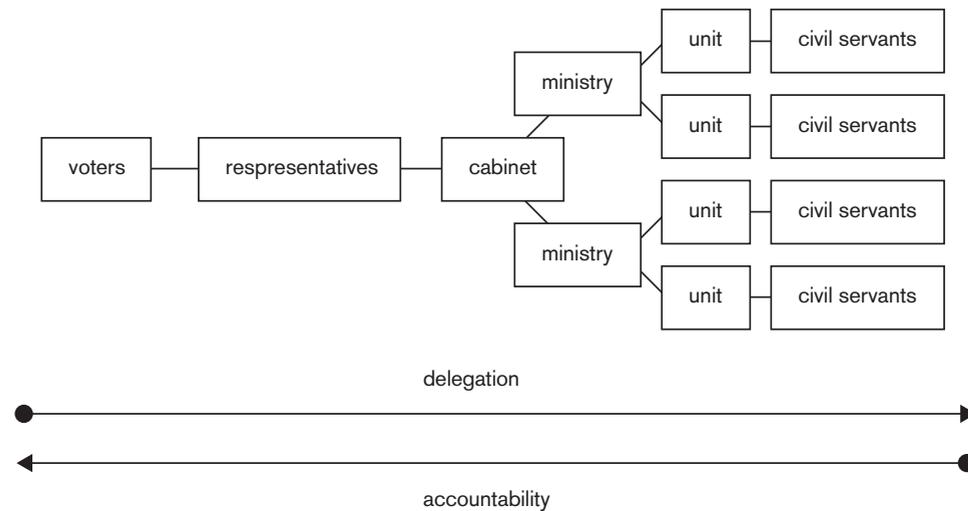
In order to examine this empirically, this chapter now introduces the 'principal-agent' framework. This framework is commonly applied in studies of accountability. It addresses the relationship between those who delegate power or tasks (the principals) and those to whom it is delegated (the agents). It treats all modern representative democracies as 'chains of delegation'. Voters (principals) delegate powers to their representatives in Parliament (agents), who in turn (acting as principals) delegate the authority to govern to the cabinet (their agent). This chain of delegation runs all the way from voters (the ultimate principals) to civil servants (who, in this model, are the ultimate agents). Since any democratic political system ultimately rests upon the notion of government by the citizens, delegation from one authority to the other involves a whole series of principal-agent relationships, ultimately placing the citizen in the role of principal (Strøm 2000).

This reasoning also applies to the participants in the comitology committees. Committee participants are not elected, but parliaments and governments are, either directly or indirectly. Ministers are the heads of their departments and delegate tasks to civil servants. As was shown in Chapter 2, the comitology committee participants are civil servants working for ministries or quasi-governmental satellite actors, such as agencies or other independent bodies. For participants working for the latter category, the delegation argument still holds. Tasks are delegated to their organizations, even though they have been placed at arm's length of the ministries that are finally responsible. It follows from this reasoning that accountability runs in the opposite direction of delegation: from the agent to the principal. After all, accountability mechanisms are designed to keep a democratic 'check' upon the behaviour of public officials enjoying discretion, in order to make sure that ultimately the preferences of the people are translated into policy. Therefore, the principal must have some control over the behaviour of his agents, because delegation to an agent involves the transferral of some power or task. The emphasis of accountability in the principal-agent perspective, thus, is on the content of decision-making in the light of delegating tasks (Bovens 2007b, Behn 2001).

The definition of accountability as used in this study leaves open who acts as a forum in a specific accountability relationship. When

looking for the appropriate accountability forum of a decision-maker, the principal-agent framework has a straight-forward answer: it is simply one step back in the chain of delegation. For a minister, parliament is the appropriate forum; for parliament it is the citizenry; for the civil service of a department it is the minister and, as in this study, for an individual civil servant it is his immediate superior within the civil service. In this way, accountability contributes to the translation of the public's preferences into decision-making at all levels. Figure 3.3 shows an example of a chain of delegation, including its chain of accountability.

Figure 3.3 Example of a chain of delegation<sup>7</sup>



(adapted from Strøm et al. 2006:33)

Delegation relieves the principal of certain tasks, but it also comes with its perils. For example, what if an agent were to pursue his own agenda instead of what he is supposed to do, namely following that of his principal? The difference between the principal's preferences and the agent's behaviour, in principal-agent terminology, is called *agency loss*. This can be caused by divergent preferences between principal and agent, or by insufficient information. When a principal is not able to track the actions of the agent, simply because he doesn't know enough about the subject or because he cannot observe the actions of the agent all the time, agency loss may arise (Huber 2000, Lupia 2000). This also implies that the principal's point of view should always prevail and is exogenous to the model, i.e., not subject to change from within the model. The principal-

agent framework also presupposes that there is a yardstick for measuring the difference between the preferences of the principal and the outcome achieved by the agent, because otherwise the size of the agency loss cannot be determined.

Obviously, the principal would like to make sure that agency loss can never happen, but at best he can only reduce the risk. The key factor here is *information*. More specifically, there are two sorts of information: information about the agent before he starts to act (*ex ante*) and information about what the agent has done (*ex post*) (Lupia 2006). The two sorts of information can be used by the principal in different ways to keep the agent under control.

*Ex ante* information, for instance, is relevant when a principal needs to have a job done and has to decide whom to select for that. Ideally, a principal would choose an agent whose preferences are close to his own. By means of screening and selection procedures, the principal gets to know more about an agent and hopes to avoid selecting the 'wrong people' (Lane 2005, Lupia 2006). After that stage, a contract needs to be designed. This, too, is an opportunity for the principal to control the agent. Together with a specification of the job itself, the principal can also introduce certain incentives into the agreement so that the agent has a vested interest in keeping to the terms. Here, *ex ante* information is vital as well, as this informs the principal about what type of incentives work best (Lupia 2006). The problem with all of these three instruments is that the principal can never be sure about the intended outcome, namely a compliant agent (Lupia 2006). The agent may have hidden certain preferences from his principal, or he may not be able to do the job after all. This is a problem known as *adverse selection*.

But *ex ante* elements fall outside the scope of this study. Accountability – the focus of this study – is a different type of control mechanism, which comes into play when a principal has already hired an agent. The principal-agent approach maintains that the behaviour of the agent may drift away from the principal's original preferences (Waterman and Meier 1998, Lupia 2000, Strøm 2000, Braun and Gilardi 2006). Agents may shirk their principal's instructions, or they may acquire different preferences in the course of their work, for example because they are socialized by people or institutional norms. This is known as the principal's problem of *moral hazard with hidden actions* (Lane 2005, Lupia 2006). In this situation, *ex post* information ensures that the principal keeps up to date with his agent's behaviour, so that he can take action when necessary. The agent, though, will always have an advantage over his principal in this. After all, he is more aware of his own behaviour than his principal is.

<sup>7</sup> This depicts the situation in a parliamentary democracy. In presidential systems, further lines can be added between the voters, Parliament and government.

In sum, the principal-agent framework is built upon two core principles: the chain of delegation and the existence of a yardstick for measuring the performance of the agent against the preferences of the principal. Because of these two premises, only two variables seem relevant to accountability: the extent to which the principal is informed and the positive or negative incentives the principal can impose on the agent.

#### **Why the principal-agent framework does not always fit**

A variety of studies uses the principal-agent approach, but it is used mainly in game-theoretical work. The terminology of the principal-agent approach is also common in descriptive studies, but in behavioural research its use is rare (but see Brehm and Gates 1997 and Rasmussen 2005). In formal models, these premises and variables give important insights into the workings of an accountability regime. It has produced a large set of predictions about the nature of the relationship between the principals and agents that together make up the chain of delegation. Taken together, these form an internally consistent package that can be applied in virtually any situation where delegation is involved, both when it concerns delegation to individuals and when it concerns delegation to institutions. Still, when applying it empirically to a specific situation of individual accountability, the following three problems arise.

#### ***Point 1: Agents need not always be ahead of their principals***

A classic principal-agent view on delegation would scare off any ambitious low-level civil servant from taking up management tasks. Whatever the setup of delegation, so the literature argues, agents always have room to manoeuvre with which principals cannot keep up. This is because principals can never monitor agents full-time. If they would have the time to do so, there would not be much point in delegating tasks in the first place. Once an agent is hired (i.e., he has passed the screening and selection process) and his tasks are spelled out (i.e., his contract is designed), the principal finds himself trapped. Due to suboptimal monitoring capacities, the agent will always be better informed of specific situations than the principal, and he can use this information advantage to pursue his own agenda (cf. Waterman and Meier 1998, Lupia 2000, Strøm 2000, Braun and Gilardi 2006).

According to the principal-agent approach, a situation like this is impossible to avoid. A principal must be quite a mind reader to know everything about an agent's preferences when screening and selecting

him and when designing his contract. Mechanisms like these can limit the agent's scope to some extent, but unexpected developments can by no means be excluded.

Hence, other mechanisms can be used for controlling agents as soon as they are hired. These, however, are never perfect. "Police patrolling" is one of the ways of doing so. This term, first used as a metaphor by McCubbins and Schwartz (1984), refers to active and direct oversight by the principal over the agent (or, in a wider sense, by the forum over the actor). The activities of the agent are systematically scrutinized, for example by observing behaviour. The advantage of police patrol oversight is that the agent is under continuous, direct scrutiny from the principal. On the other hand, though, this form of oversight either takes a lot of time and effort from the principal, or he has to hire someone to monitor the agent on his behalf. Spot-on monitoring is therefore not an efficient mechanism for the principal.

Another mechanism is *ex post* control: accountability. As principals delegate tasks to agents and are not able to monitor their behaviour fully, principals face the problem of 'hidden action' by the agent. In the principal-agent literature, accountability in this sense is a means to 'uncover' the hidden actions of the agent. The solution accountability provides for this is twofold: first, the transfer of information to the principal *after conduct*, and second, the ability of the principal to impose sanctions on the agent (Strøm et al. 2006: 34-35, Lupia 2000: 23-24). Sanctioning, though, presupposes that the principal has sufficient knowledge of the subject as well as knowledge of the actual behaviour of the agent (Miller 2005), and agents have an information advantage concerning their own behaviour so that principals will not be able to judge systematically about possible information biases.

According to the principal-agent literature, agents are always said to be ahead of their principals. The principal-agent literature treats this advantage as a given fact, but one may question to what extent this is actually the case (Waterman and Meier 1998). There may be much variation in the degree to which information is transferred from the agent to the principal, and this may well be related to the prior knowledge that a principal already possesses. Principals need not necessarily be dependent on the agent's 'expert judgment', but they could actually be specialists themselves as well, so that the transfer of less information suffices for them.

The assumption that agents are always ahead of their principals can therefore not simply be taken for granted. The degree to which information is transferred should be treated as a variable, and the same is true for the difference in prior knowledge about the subject between agents

and principals. This variable can indicate if and where information falls short in the accountability process.

**Point 2: Instructions may be unspecific**

If agent and principal have different preferences, and the principal either has incomplete information about the agent's preferences *ex ante*, or is not able to monitor the agent's behaviour directly or afterwards, then there is a risk of agency loss (Strøm et al. 2006: 34-35, McCubbins et al. 1987: 247). Agency loss is "the difference between the actual consequences of delegation and what the consequence would have been if the agent would be a perfect agent" (Lupia 2000: 19). In other words, agency loss is the difference between the actual behaviour of the agent and the behaviour the principal expects of him. This can be due to any number of mindsets on the part of the agent, from disagreement about policies to laziness. Acting in a self-interested way is called *shirking* in the literature, and it can be either deliberate (such as sabotage) or non-deliberate (going the easy way). Accountability is one of the devices that can help avoid agency loss and combat shirking.

Authors on the subject of principal-agent relationships seem quite preoccupied with agency loss. There are a large number of formal models and warnings of its consequences (see e.g. Lupia 2000, Strøm 2000, Strøm et al. 2006, Miller 2005, Thatcher and Stone Sweet 2002). However, the way it is defined leads to a biased definition in favour of the principal: it seems as if delegation is about obeying commands, and as if agency losses are always caused by the agent. This implies that from a principal-agent perspective on delegation and accountability, preferences are exogenous to the framework, the principal is always right and should always get it his way. The agent tends to be distrusted (Miller 2005). Furthermore, it implies that preferred outcomes are always known and measurable.

These underlying assumptions, though, are a caricature of the workings of a bureaucracy (Dunsire 1978). First, the very point of delegation is to relieve the principal of tasks. Delegation *has* to involve delegating discretion as well; otherwise the principal would still not be helped. Agents should therefore have some room to define and develop their own preferences. The second point is related to this. Preferences can be endogenous: they can be shaped during the process of work and are not necessarily known at the outset. In settings characterized by agency autonomy, the preferences of the principal are likely to be shaped during interaction with the agent, and not by the principal alone (Meier and O'Toole 2006: 178, based upon Simon 1947). Given that past studies have

repeatedly shown that comitology participants can act quite autonomously (e.g. Joerges and Neyer 1997, Geuijen et al. 2008, see also below), this only adds to the relevance of this point. Third, it could very well be that the behaviour of an agent is not in line with the expected behaviour of the principal, but that this does not matter in the end because the same interests are secured.

Therefore, delegation and accountability cannot simply be about making sure commands are obeyed. The standard principal-agent model is too much a top-down oriented model, it is excessively geared towards specific targets, and it takes the bad intentions of the agent as a given (cf. Miller 2005, Schillemans 2007). It is possible to envisage an adapted principal-agent model that does not take the emergence of shirking as a given and that treats information asymmetry as a variable. It is even possible to envisage a model in which no goal-oriented instructions are present and behaviour is tested afterwards against the preferences of the principal or against administrative procedures embodying these (McCubbins et al. 1987: 255).

**Point 3: Common yardsticks may not exist**

Nevertheless, one nagging – but fundamental – issue remains. What happens if the principal does not have any specific preferences to begin with? What happens if the agent is supposed to manage a certain file completely on his own, without having measurable room to manoeuvre that has been defined before or afterwards? In such a situation it is no longer possible to compare outputs with preferences on the same yardstick by means of measuring information flows from agents to principals only. The principal-agent framework, which from here on will be referred to as the *classic principal-agent framework*, cannot handle this, and a substantial modification is required.

This is not a minor issue. An exclusive focus on orders and accountability about the output directly related to these orders gives a much too narrow picture of accountability in practice. Therefore, the scope of the classic principal-agent perspective on delegation and accountability needs to be broadened. The structure and terminology of having a principal and an agent can remain. However, the real core of the classic principal-agent model – a common yardstick for measuring results against preferences – becomes problematic. The challenge is to find a way to accomplish this that allows for the absence of clearly defined behavioural parameters. The literature on representation gives some helpful insights.

### 3.4 Including representation in the principal-agent framework

An addition to the classic principal-agent framework that mitigates the problem described above is based on the concept of representation. The question is not what an agent is instructed to do, or whether his specific behaviour is in line with the specific preferences of the principal. Rather, the question is how civil servants would behave in the absence of exogenous cues (cf. e.g. Meier and O'Toole 2006: 180). In the context of studying what sort of behaviour is actually being accounted for (or not), this means that more behaviour is in scope than just strictly instructed behaviour. This includes behaviour in committees for which no specific instructions are present. It means that behaviour in committees is also about representation in a more general sense. What sort of considerations do agents use to structure their input in committees *at all*, and are these the considerations that their principals expect of them – if they have such in the first place?

Perhaps due to its link with representative democracy, representation may appear as a concept that is limited to the political domain. Somehow, the famous speech of Edmund Burke is always referred to in which, in the year 1774, he explained to his constituency that a member of parliament should have the general interest in mind as opposed to the interest of the constituency. More specifically, he said:

*“Parliament is not a congress of ambassadors from different and hostile interests; which interests each must maintain, as an agent and advocate, against other agents and advocates; but parliament is a deliberative assembly of one nation, with one interest, that of the whole; where, not local purposes, not local prejudices ought to guide but the general good, resulting from the general reason of the whole.”*  
(quoted in: Eulau et al. 1957: 744, Pitkin 1967: 171)

In principal-agent terms, Burke must be seen as the agent of his constituency. But it is exactly defending his principal's interest that Burke objects to. Even though his principal is local (i.e. the Bristol constituency), he aims to represent the interests of the country as a whole.

Burke, of course, was an elected official and not an appointed civil servant attending comitology committees. Still, there is no reason why the concept of representation cannot be applied to bureaucracy in an empirical sense. Civil servants are not elected, but nevertheless they represent 'something'. This insight is central to the literature on 'representative bureaucracy', which argues that the civil service needs to recruit

its staff from all segments of society in order to produce outcomes for the benefit of society as a whole (e.g. Kingsley 1944, Mosher 1982).

#### Focus and style of representation

With regard to the European dimension, representation by civil servants has been explored widely since the late 1990s. In general, these studies show that committee participants combine several representational roles at the same time, mixing them according to the situations they encounter, ranging from national and professional roles to supranational roles (cf. Beyers and Dierickx 1997, Egeberg 1999, Egeberg et al. 2003, Trondal and Veggeland 2003, Beyers and Trondal 2004, Trondal 2007a).

These studies, however, conceptualize representation as a *feeling of allegiance*, thereby conveniently separating attitudes from behaviour. They do not directly measure the extent to which this attitude materializes in practice. Further, they do not distinguish between two important sub-concepts: 'focus' and 'style' of representation. As the latter sub-concept proves to be especially relevant for committee participants as well, this distinction is also taken up in this study and elaborated here.

Focus and style of representation were introduced by Eulau et al. (1957), even though these authors attribute the distinction to Edmund Burke himself.<sup>8</sup> With 'focus', Eulau et al. indicate *what* is represented: either the principal's interest or an interest which is defined otherwise.<sup>9</sup> In Burke's case, the focus would be either the local interest or the national interest. In the case of civil servants attending comitology committees this would be a national or a non-national focus, the latter ranging from European supranational considerations to placing most emphasis on technical aspects of issues. Past research has shown that these different foci of representation indeed do exist. Joerges and Neyer (1997) were among the first to recognize supranationally oriented attitudes among civil servants, and later Trondal (2002), Egeberg et al. (2003) and Beyers and Trondal (2004) discovered that nationally oriented and supranationally oriented attitudes can coexist, while at the same time noting that supranational orientations tend to be secondary. Research by Delreux (2008) and Geuijen et al. (2008) revealed that these role orientations can even differ among the same people: promoting the nation state in an international context and promoting European solutions at national ministries.

With 'style', the question is *how* this interest is represented. This dimension of representation has received far less attention than the focus of representation,<sup>10</sup> both in the literature on comitology as well as in the literature on representative bureaucracy. Here, the question is: do

<sup>8</sup> Thomassen argues that Eulau et al. separate these concepts much more than Burke intended to do with his speech (Thomassen, 1994: 239). Nevertheless, the distinction does have theoretical and practical relevance in current research.

<sup>9</sup> This is similar to what the literature of representative bureaucracy refers to as 'active representativeness' (Mosher 1982).

<sup>10</sup> But see McCrone and Kuklinski (1979).

committee participants act by means of instruction, or do their principals rely on the ‘unbiased opinion’, ‘mature judgment’ and ‘enlightened conscience’ of their agents? In the first case, the agent acts as a *delegate*, in the second case he is a *trustee*. Delegates are instructed on how to act; trustees are merely selected and set their own agenda.

### Style of representation affects accountability

For Burke, focus and style of representation were two sides of the same coin. He did not act as a local but as a national representative, and therefore he refused to act as a delegate (Eulau et al. 1957: 744-746). Empirically though, the two need not be linked. The principal’s interests could very well be defended without instructions. Other interests, in turn, could very well be defended with instructions (if, indeed, the principal believes that his own, narrowly defined interest should not necessarily prevail). Translated to the case of the civil servants attending comitology committees, this gives four options, as displayed in Figure 3.4.

Figure 3.4 **Focus and style of representational roles**

		Style of representation	
		delegation	trusteeship
Focus of representation	member state interest	A	B
	other interest	C	D

(adapted from Thomassen (1994: 239)).

As this figure shows, only the options A and C fit the principal-agent model in its strictest form. Here, the agent acts according to the principal’s specific instructions. If agents act according to a delegate role rather than to a trustee role, then the core feature of the delegation process is outcome-oriented instruction. Accountability in that case would simply involve a comparison between actual outcomes and desired outcomes, making information the most crucial factor. There is no room for discussion afterwards, as the orders ought to have been clear as they were. In situations A and C, the standard principal-agent model can still give useful insights. Options B and D do not fit easily into the classic principal-agent framework that was described in section 3.3. The principal does not constrain the agent’s behaviour, as the agent decides for himself what to do. The classic principal-agent framework would deplore this situation and

ascribe this to the lack of instructions, because instructions embody the basis against which information about past conduct should be judged. An insight stemming from representation, however, is that preferences need neither to be explicit nor exogenous. Preferences can also be shaped in the interaction between principal and agent (Delreux 2008). What matters in the end is that the principal and agent share the same beliefs and act in the same interests (cf. Luttbeg 1974, Mosher 1982, Lim 2006). For trustees, the issue of information transfer to their superiors is therefore less relevant: it runs counter to the idea that trustees are supposed to act more autonomously. Yet in order to make sure that their behaviour is still in line with more general priorities, another adjustment mechanism is necessary: discussing principles on a more abstract level.

In order to understand the workings of the accountability regime, it is therefore also necessary to know more about the style of representation. When agents act more like trustees than like delegates, the required accountability regime must be reciprocal. It should take divergent points of view between agents and principals into consideration without necessarily deploring these. Discussions, even when they are held irregularly, serve as a means to ensure that the principal and the trustee-agent align or re-align the interests they defend. Giving information on specific actions – in order to relate this to the specific instructions of the principal – is only necessary for delegates, not for trustees.

This also implies that the strict delineation of accountability in three sequential phases, as proposed by Bovens (2007b), may in fact not be sequential as far as the first two phases are concerned. Information may precede discussion, but it can also be envisaged that for trustees accountability begins with discussion and that transferring information is skipped. Including style of representation in a model of accountability, therefore, has strong implications for the exact make-up of the dependent variable of this research: accountability. When adopting a principal-agent perspective in its narrow form as presented in section 3.3, the element of discussion is not strictly necessary. On the other hand, it is necessary when using it in its extended variant as presented here.

In the case of comitology, the jury is still out as to whether the civil servants attending these committees act as delegates or as trustees. For some, representation in committees is about delegation (e.g. Steunenberg et al. 1996, Franchino 2000a). According to this logic, research into accountability would only require a simple design. It would merely need to measure the extent to which the principal’s expectations have been lived up to and relate these findings to the accountability mechanisms in place. However, others have revealed considerable autonomy for member

state representatives (e.g. Joerges and Neyer 1997, Weiler 1999, Geuijen et al. 2008), whereas still other studies show that both interpretations apply (Egeberg et al. 2003, Pollack 2003a, Krapohl and Zurek 2006). Thus, there is no consensus on how civil servants behave in Brussels. Some seem to act as delegates, others as trustees.

### 3.5 Detecting accountability deficits

The above discussion introduced an addition to the classic principal-agent model. Because the assumption of exogenous preferences of the principal is relaxed, discussions need to be introduced into the dependent variable of accountability, and style of representation becomes relevant as an additional independent variable.

This means that there are several mechanisms that can explain the degree to which individuals are held to account. In other words, both the principal-agent framework and the additions derived from the representation literature provide explanations as to why some individuals are held to account to a greater degree than others. It follows from this that there is also another question: Are they *sufficiently* held to account? This refers to the third, normative, part of the research question. Before going into the matter of how it can be assessed if accountability suffices, it must first be resolved as to what makes accountability sufficient to begin with. This, too, is a normative question. When is accountability in deficit, and when is there enough of it?

Different standards lead to different answers to this question, as it depends how accountability is approached. The approaches that were introduced in the previous section can make an empirical contribution to explaining the observed variance in the information and discussion phases of accountability. But regardless of their empirical explanatory power, there is also an important difference between the classic principal-agent model and its representation-based extension for defining accountability deficits. They point to different standards of what constitutes a 'proper' accountability arrangement and therefore also to different standards regarding deficits.

#### Accountability deficits according to the classic principal-agent approach

There are two central issues in the classic principal-agent approach that directly relate to an assessment of the functioning of an accountability

relationship between agents and principals. First of all, the ability to *sanction* is extremely important. In the classic principal-agent approach, the principal distrusts the agent. As a rational actor, the agent is supposed to maximize his utility, even if it runs counter to the preferences of the principal. Agents will therefore use the information advantage they have as a result of tasks that have been delegated to them, and they can only be deterred from undesired behaviour by the threat of sanctions. The second important element is *information*. The classic principal-agent approach assumes a common yardstick of measuring the performance of the agent against the preferences of the principal. Because of this common yardstick, nothing more is needed than information about the agent's behaviour. The trick for the principal is then to acquire enough information in order to know whether or not the agent should be sanctioned.

The effectiveness of an accountability arrangement, thus, rests on only two elements: the capacity to sanction and the degree to which the principal is informed. For the latter it does not matter what the source of that information is: what counts is the total amount of information received. When either of the above elements is developed to only a low extent, accountability is in deficit.

#### Accountability deficits according to the extended principal-agent approach

Insights from the bureaucratic representation literature were introduced as extensions to the classic principal-agent approach of accountability. The extended approach does not take for granted the common yardstick for measuring preferences against achievements. Not all behaviour of civil servants is instructed behaviour, and therefore it is not always possible to compare performance and preferences with respect to specific policy outcomes.

Hence, there is a distinction between *delegates*, who act as instructed officials, and *trustees* who are supposed to manage their policy issues autonomously. For situations where committee participants act as delegates, accountability is sufficient when principals are able to sanction and when they are well-informed about the wheelings and dealings of their agents. This setting is the same as in the classic principal-agent approach. But for trustees, the situation is different. Because they are expected to work more autonomously, their principals need not be well-informed about every single aspect of their behaviour. Rather, what matters for accountability is a mechanism that ensures that principals and agents share the same interests. Discussions about core views and

principles can fulfill this function in situations where agents enjoy more discretion.

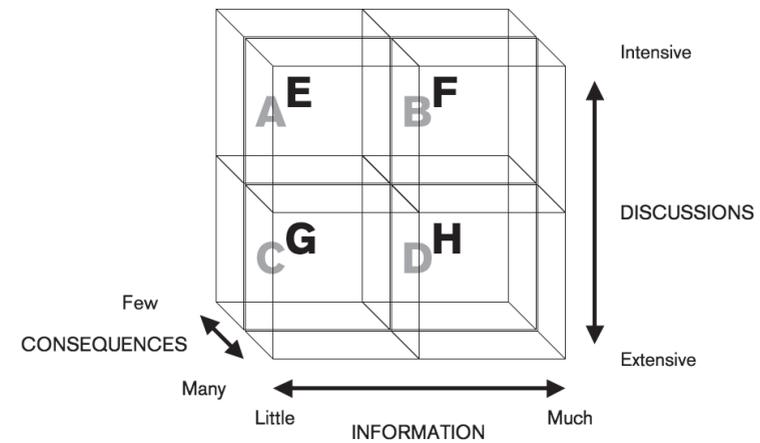
Accountability mechanisms can thus be seen as sufficient in two ways. There are two different sorts for two different folks. For delegates, the same logic as in the classic principal-agent approach applies. But for trustees, accountability is sufficient when principals are able to sanction, and when they engage in debates on views and principles with their agents. Insufficient accountability, thus, occurs when either of the above situations does not apply.

#### Detecting accountability deficits: Revisiting the accountability cube

This study treats accountability as a three-dimensional concept, including the elements of information, discussion and consequences. Each of these three dimensions can be tapped into, and empirical results can be displayed by means of the accountability cube that was introduced in the first section of this chapter. But from a more normative point of view, the above sections have shown that these three dimensions matter to different degrees, depending on the theoretical stance taken. Assessing the appropriateness of accountability thus comes down to choosing a theoretical perspective and then combining the empirical findings on the following three dimensions: (1) the amount of information transferred to the principal, (2) the intensity of discussions and (3) the degree to which the principal is able to sanction.

These three dimensions can be used to form an accountability cube as well. But it is not exactly the same cube as the one presented in the first section; the vertical dimension is about the intensity of discussions rather than about their frequency. This new cube is shown in Figure 3.5.

Figure 3.5 **The accountability cube**



Again, each distinctive part of the above cube is referred to by means of the letters A through H. Blocks A through D are all at the rear side of this accountability cube, and all are characterized by few consequences. In blocks E through H at the front, the consequences are many. As for information, the distinction in the cube is made on the horizontal axis. Blocks A, C, E and G all contain cases where little information is transferred; for the other blocks much information is transferred. For discussion, the distinction is on the vertical axis. In blocks A, B, E and F, discussions are intensive, whereas they are extensive in the other blocks. In sum, this means that block F again contains the most full-fledged accountability relationships, block C contains the least, and the remaining blocks are somewhere in between.

The above discussion on appropriateness showed that not all these dimensions need to be full-fledged in order for accountability to be appropriate. When a theoretical perspective such as the classic or the extended principal-agent approach is applied to the above accountability cube, accountability arrangements can be assessed. For each of these approaches, some of the blocks show appropriate accountability arrangements while others show deficiencies. Figures 3.6 and 3.7 repeat the cube of Figure 3.5 but interpret the appropriateness of each block from both perspectives. The dark blocks indicate situations where appropriate accountability relationships are found.

Figure 3.6 Assessing accountability from a classic principal-agent perspective

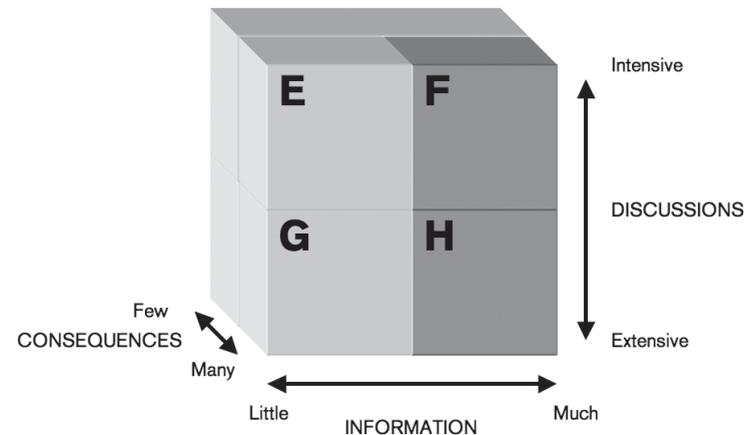
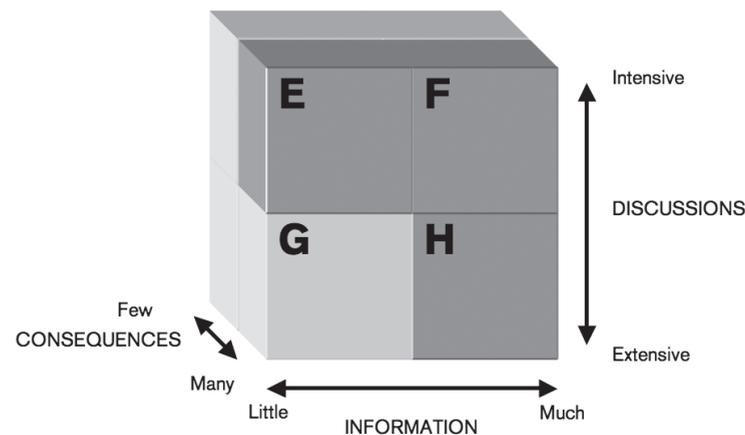


Figure 3.7 Assessing accountability from an extended principal-agent perspective



The blocks at the rear side represent problematic situations from both theoretical points of view. The relationships between committee participants and their superiors that are found within this block are all characterized by few possibilities for sanctioning. One cannot speak of a well-functioning accountability arrangement in such situations. The same is true for block

G, in which more opportunities for sanctioning are present but in which information transfer and discussion intensity are both low.

In block H, on the other hand, theoretical points of departure matter more. In block H, situations are found that combine much information with little discussion and many capacities to make the committee participant face consequences. Such situations would be appropriate from a classic principal-agent perspective. The extended principal-agent perspective, based on bureaucratic representation, would prompt more qualified enthusiasm here. Such a situation would be appropriate for those who do not act autonomously, but those who act as trustees need to discuss their views with their principals instead of simply informing their principals about their achievements and leaving it at that.

All possible combinations of information, discussion and sanction can be shown by means of this cube. For an assessment to be possible this cube must be filled with empirical results and interpreting the overall picture must be done by means of a theoretical approach.

### 3.6 Conclusion: Two ways to approach individual accountability

Accountability has been defined as “a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgment, and the actor may face consequences (Bovens 2007b)”. It has also been argued that in multi-level governance settings such as comitology, there are multiple actors and multiple forums at different levels: at the level of the committee and at the level of the individual participant. Existing studies of comitology have thus far not fully come to terms with its multi-level nature. Insofar as studies on comitology can be related to its accountability, it appears that many observations are made at the committee level but that the level of the individual participants is missing. This, however, is an essential level to take into account, given the composite nature of the political system of the European Union.

This chapter also discussed theories by means of which accountability of individual committee participants can be analyzed. The classic principal-agent framework focuses on the transfer of information from the agent to the principal and the possibility of the principal offering incentives to and imposing sanctions on the agent. But the discussion of bureaucratic representation reveals that discussion is another element of accountability that should not be ignored. Effectively, this leads to an

extension of the principal-agent framework so that it effectively includes the same elements in the dependent variable as those specified in Bovens' definition of accountability: information, discussion and consequences. Figure 3.8 below presents the definition of accountability again, but organized by the three elements specified above.

Figure 3.8 **Three dimensions of accountability**

<i>Information</i>	<i>Discussion</i>	<i>Consequences</i>
Information sent to the principal about the behaviour of the agent	Interactive process where principal and agent exchange views to make sure the same interests prevail	Sanctions and rewards, intended to influence behaviour
<ul style="list-style-type: none"> <li>· directly from agent</li> <li>· indirectly from third parties</li> </ul>	<ul style="list-style-type: none"> <li>· discussing principles</li> <li>· exchanging views</li> </ul>	<ul style="list-style-type: none"> <li>· e.g. financial rewards, praise, firing, re-allocating of tasks, other specific sanctions or rewards</li> </ul>

The discussion of the classic principal-agent approach and its extension that is based on the representation literature reveals that it is important to take the representation aspect into account in an accountability model. Agency autonomy, as was argued before, is generally unspecified in standard principal-agent models, as preferences are supposed to be exogenously determined. Still, many studies have shown that autonomy is the bread and butter of the daily state of affairs of bureaucrats (e.g. Dunsire 1978, Aberbach et al. 1981, Page and Jenkins 2005, Noordegraaf 2000). It is also likely that the principal does not use forms of 'police patrolling' as much with trustees as with delegates, simply because of their autonomy. Trusteeship thus may allow for more efficient policy making (the principal is involved to a lesser extent because there is no need for instructions any longer). However, it may create accountability problems: namely, as the principal-agent literature suggests, the risk of shirking is high. Trustees make their own choices, and if there is less of a mechanism to transfer information to the principal, the principal does not know when to take action. On the other hand, as the discussion has also highlighted, principals may sometimes not have any preferences to begin with.

The small but growing literature on bureaucratic representation offers an answer to both these issues at the same time. Instead of taking the preferences of the principal as a given, exogenous fact, it must be acknowledged that preferences can be shaped during the process of work.

Table 3.1 **Main differences between the classic and the extended principal-agent approaches of accountability**

	<b>Classic principal-agent approach</b>	<b>Bureaucratic representation extension of the principal-agent approach</b>
Objective of delegating tasks	Implementing principal's preferences (top-down)	Representing interests (reciprocal)
Common yardstick for measuring performance against preferences	Yes	No
Elements of accountability	Information: to compare outcomes to preferences  Discussion: superuous  Consequences: to punish/reward behaviour	Information: to compare outcomes to interest of principals (especially necessary for delegates)  Discussion: to discuss principles and exchange views (especially necessary for trustees)  Consequences: to punish/reward behaviour
Variables structuring accountability relationships	Style of representation: No (superuous)  Information asymmetries: Yes  Other variables: No	Style of representation: Yes  Information asymmetries: Yes  Other variables: Possibly

They can be shaped not only by the principal, but also during interaction with the agent (Meier and O'Toole 2006: 180, Delreux 2008).

In situations of high autonomy, giving information is less important. Reciprocity is more important, especially when it comes to discussing the principles that underlie behaviour. What matters here is not whether specific instructions have been followed or not; what matters is if the same interests are secured. Divergent points of view between agents and principals can exist on specific issues, and they are not necessarily problematic. Their principles, however, should be in line with each other. Submitting information is in itself not the most appropriate way of aligning or realigning matters of principle. Debating is more important,

as it creates opportunities for an exchange of views between principals and agents. The element of debating must thus be taken up in an analysis of accountability, and it has an especially important function in cases of agency autonomy. Hence, the information and discussion phases of accountability need not necessarily take place in that sequence: the information phase may sometimes be skipped.

The main differences between the classic and the extended principal-agent approach as proposed in this chapter are summarized in Table 3.1. As an explanatory theory, the classic principal-agent framework seems to define accountability too narrowly. As a result of its assumption of a single yardstick for measuring performance against preferences, the classic principal-agent framework ignores all variables other than information asymmetry. It cannot properly handle the phenomenon of agent autonomy, because in such cases preferences are not defined and therefore cannot be compared to outcomes on the same yardstick. An approach including insights from bureaucratic representation allows for this by regarding discussion as an essential element of accountability.

Given that past studies have shown the importance of agency autonomy when it comes to comitology committee participants (e.g. Joerges and Neyer 1997, Egeberg et al. 2003, Geuijen et al. 2008), this research takes the important insights from the bureaucratic representation literature into account in investigating accountability. The next chapter will demonstrate how accountability is operationalized and how both the classic principal-agent approach and its extended version have been incorporated into the design of the research.

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## Chapter 4

# Research design: Investigating accountability empirically

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The previous chapters have described the focus and the locus of this study. The insights stemming from them will now be used to further specify the research question and to work towards a research design to answer it. Again, the research question is:

**To what extent are committee participants held to account by their superiors at the national level for their input in comitology committees, and how can this be explained and assessed?**

As mentioned in the introduction, there are three components to this question: a descriptive, an explanatory and a normative component. Each of these calls for a different research strategy. The purpose of this chapter is to present a research design that is suited to answering the empirical part of the research question, which consists of the descriptive and explanatory elements. The third and normative part of the research question aims to reflect upon the empirical findings of this research. Because the normative framework has already been explicated in Chapter 3, this part of the research question will not be discussed here.

This chapter will proceed as follows. First, it will specify and operationalize the descriptive component. It will then do the same for the explanatory component. After this, the methodology of the empirical research will be presented.

### 4.1 Specifying the descriptive part of the research question

The descriptive component of the research question is: *To what extent are committee participants held to account by their superiors at the national level for their input in comitology committees?* The previous chapter argued that there are three dimensions to accountability: information, discussion and consequences. Therefore, the descriptive part of the research question is split into three separate questions:

1. *To what extent is there a transfer of information from committee participants to their superiors about the participants' input in comitology committees?*
2. *To what extent do committee participants and their superiors discuss the participants' input in comitology committees?*
3. *To what extent are superiors able to sanction or reward committee participants?*

The three sub-questions break down the descriptive component of the research question into the elements of information, discussion and consequences, which together constitute accountability. At this point, it will be argued which specific indicators are needed in order to come to a measurement of each of these three elements.

### Operationalizing information

In holding committee participants to account for their input in comitology committees, their superiors should, of course, know what their contributions to the committee's deliberations are. But in itself, this is not sufficient. As Chapter 2 argued, committees are not simply venues where statements can be made. Rather, they produce collective outcomes on the basis of interaction between the Commission and the member states, and between the member states themselves. This means that principals need to know more about the context of the meetings in order to know if certain results would have been feasible to secure. Without this, they are not able to judge the input of their agents, because they do not have an overview of the international field of influence. In practice this means that they need to be aware of the input of the participants, but also of the content of the committee discussions and the eventual outcome: the result of the vote. The information element thus has three themes.

There are two sides to each of these themes: (1) the extent to which the committee participants send the information to their principals and (2) the extent to which the principals receive this information. This distinction is intentional. Senders and receivers do not always have the same perception of the information that is transferred. This is especially true on the part of the receivers, who are not actively involved in 'making' the information. They furthermore read selectively, which leads to information loss (Naurin 2006).

These considerations lead to six concrete issues that together serve as an operationalization of information in the answer to the first descriptive sub-question:

- a. the extent to which the agent sends information about:
  - a1. the content of the discussion in Brussels,
  - a2. the vote results, and
  - a3. his own input in the meeting; and
- b. the extent to which the principal receives information about:
  - b4. the content of the discussion in Brussels,
  - b5. the vote results, and
  - b6. the agent's input in the meeting.

An analysis of these six issues should not be limited to direct forms of information transfer from agent to principal, but it should also include indirect routes. The forum may use third parties such as stakeholders and colleagues of the actor for monitoring, rather than doing it all by himself (McCubbins and Schwartz 1984).<sup>1</sup> The six issues above will therefore be researched for both direct and indirect forms of information transfer.

### Operationalizing discussion

The second dimension of accountability is discussion. A discussion functions as a point where the interests of the agents and the principals are expressed. It includes exchanging views and evaluating principles to make sure that the principal and agent align or realign their preferences in terms of the 'good' they are pursuing. Discussions can take formal or informal forms, from an annual job evaluation and office meetings to a simple chat over the phone or at the coffee machine. The form of the discussion does not matter, but rather the exchange of views taking place. In short, as Chapter 3 argued, discussions are about reciprocity and basic ideas. Thus, the following three elements should be taken into account when describing the extent to which committee participants and their superiors discuss the participant's input in comitology committees:

- c. the extent to which:
  - c7. discussions are about principles,
  - c8. these discussions include an expression of the vision of the agent, and
  - c9. these discussions include an expression of the vision of the principal.

The question of how often such discussions take place is another matter. The above three elements are indicators of discussion intensity, whereas their frequency can be described in the following way:

- c. the extent to which:
  - c10. discussions take place frequently, and
  - c11. discussions only take place after a direct cause.

### Operationalizing consequences

Consequences are ways in which the principal can express ultimate approval or disapproval. They are meant to influence future behaviour

<sup>1</sup> This is commonly known as the distinction between 'police patrol' and 'fire alarm' arrangements.

and ensure compliance (McCubbins et al. 1987). Principals have a whole repertoire of sanctions and rewards available to use with their agents. Rewards can be material or immaterial: from financial rewards to a simple pat on the shoulder. Sanctions can include blocking or amending decisions made by the agent (veto power), de-authorizing the agent by firing him, redistributing power or curtailing authority, or other specific penalties (Strøm et al. 2006: 34-35). Apart from the few suggestions Strøm et al. make in their volume, no list of possible rewarding or sanctioning instruments was found in the literature. Therefore the operationalization of consequences is left a bit more open than the operationalization of the other two elements of accountability. The matter is: what options do superiors have for making their subordinates face either positive or negative consequences, and to what extent do subordinates experience these as such?

#### Dimensions in the accountability cube

The first section in Chapter 3 introduced the 'accountability cube' as a means for displaying and discussing the three separate dimensions of accountability together. After the three empirical chapters investigate each dimension individually, the accountability cube re-appears in the final chapter of this study, where all the evidence is brought together.

The dimensions in the accountability cube were constructed as follows. For the *information transfer* dimension, what ultimately matters is the degree to which the superior is informed about the behaviour of the committee participant, regardless of the source of the information. In Chapter 5, this is measured for a variety of sources, including the share of each of these sources in the total of information received by the superior. Multiplying the amount of information per source by its share in the total and then adding these up gives a measure of the total of information received by the principal. This measure is taken as the information dimension in the accountability cube.<sup>2</sup>

For discussions, two different dimensions are used, depending on the purpose of the cube. When the purpose is to describe the extent to which accountability is actually practiced, the discussions dimension of the cube refers to *frequency of feedback discussions*. For this, the corresponding scale from Chapter 6 is used. The respondents were asked to indicate their level of agreement with the following two items: there are only discussions afterwards (i.e. after a comitology meeting) when there is direct reason for them, and the input given by the spokesman is often discussed with him afterwards. When the purpose is to assess accounta-

<sup>2</sup> As this dimension is based on perception data, it would be ambiguous to place the cut-off point between high and low values exactly at the centre of the scale, as it is not exactly known to what the middle value refers. Therefore, it has been placed at the mean of the results, being 3.78.

bility relationships, the *intensity of feedback discussions* is more relevant than their frequency. In such cases, a different dimension for discussions is plugged into the accountability cube, for which the corresponding scale from Chapter 6 is used. For both these dimensions, scales are used that are based on Likert scale items that were aggregated into indices, rescaled to range from 1 (rare) to 5 (frequent).<sup>3</sup>

For the consequences dimension, it would not make sense to measure the effectiveness of the sanctioning element by the frequency the principal resorts to it; this would imply that relationships where everything runs perfectly well are situations of poor accountability. At the very least, the principal should be able to sanction or reward. The more instruments he has available to sanction or to reward, the better developed the consequences dimension is. For this dimension, the incentive repertoire scale from Chapter 7 is used.<sup>4</sup>

## 4.2 Specifying the explanatory research question

This research also aims to contribute to the literature on accountability by attempting to explain the outcomes of the descriptive exercise. In a way, this means taking the answers to the questions presented in section 4.1 as *dependent variables*. This also means that the explanatory element of the research question has to be split into three separate questions:

1. *How can the degree to which information is transferred from committee participants to their superiors about the participants' input in comitology committees be explained?*
2. *How can the degree to which committee participants and their superiors discuss the participants' input in comitology committees be explained?*
3. *How can the degree to which superiors are able to sanction or reward committee participants be explained?*

The dependent variables in each of the above three questions have been operationalized in section 4.1. The discussion will now turn towards the *independent variables*. How can we best explain the extent to which committee participants are actually held to account? Chapter 3 questions the theoretical foundation of the classic principal-agent framework, as it does not assume the existence of a common yardstick for measuring performance against preferences. As a result, information transfer is not the only relevant element for accountability, and knowledge gaps are not the

<sup>3</sup> See note 2, but the cut-off value here is 2.35 for the frequency of discussions index, and 3.22 for the intensity of discussions index.

<sup>4</sup> Because the count of options in principle gives an index running from 0 to 5, the values 0 and 1 were combined into the new value 1, which affected only one case. In this way, the range of this scale corresponds to the ranges for the other variables. The cut-off point between high and low values for this dimension was set at 3, as this dimension is based on count data which is not subject to the perceptions of individuals.

only variables shaping accountability practices. From Chapters 2 and 3, two further factors emerge that are likely to have an effect on the transfer of information: the extent to which input in the committees is discussed and the extent to which superiors are able to sanction or reward committee participants. This gives a total of three sets of independent variables. These are now discussed in turn.

#### **Factor 1: Differences in expertise**

According to the principal-agent literature, information asymmetries are always present. This logic is normally modelled as a truism, as something omnipresent in a principal-agent relationship. As argued in Chapter 3, this research does not take this for granted. The intensity of an information regime can vary, even to the point that it doesn't exist (Waterman and Meier 1998).

Nevertheless, if the causal mechanisms of the principal-agent model are correct, differences in expertise can still affect accountability practices. The more the agent has specialized knowledge on a subject that the principal does not have, the less information is expected to be transferred.

But there is more to it. The chain of delegation goes beyond the relationship between committee participant and his direct superior. As there are other forums further up the chain of delegation, such as higher management levels, ministers, governments, parliaments and citizens, these should in principle be able to understand what is happening on the floor. Of course these forums are not able to know everything that is going on. Or, in the words of Bovens: "Often only the technical experts, and not the generalists at the leading levels, are in a position to interpret the information and to discover or predict failings" (Bovens 1998: 76). High technical complexity of issues adds to the difficulty of this. When higher management levels are not expected to be able to understand complex issues in the first place, there may be less pressure for accountability. The specialized information that the higher levels then need to have is too specialized or too time-consuming to acquire (McCubbins et al. 1987: 247). Issues can then be handled within a particular unit, away from the interference of others. When there is less need for accountability from above, reporting requirements can be less strict, as principals and agents can work things out between each other.

Therefore, differences in expertise can affect accountability in two ways. First, there can be a difference in expertise between principals and agents. The greater this difference, the less information is transferred

from agent to principal. Second, issues can be complex by themselves. Highly complex cases can result in lower degrees of information transfer and discussion in accountability.

This leads to the following two hypotheses concerning this factor:

1. A greater advantage in expertise in favour of the agent leads to lower information transfer to the principal than situations of a smaller advantage in expertise in favour of the agent.
2. High complexity of issues leads to lower information transfer and fewer discussions than low complexity of issues.

#### **Factor 2: Style of representation**

The literature on bureaucratic representation shows the likelihood of the style of representation affecting the degree of information transfer and the degree to which discussion takes place (cf. Chapter 3). In cases of delegation, information is vital: it shows the principal to what extent the agent has obeyed his orders. In cases of trusteeship, information is less vital. What matters more for trustees is that principals and agents exchange views. Thus, differences can be expected between trustees and delegates, both in terms of information transfer and discussion. Trustees are likely to inform their principals to a lesser extent, just as they are less likely to engage in discussions, but when they do have discussions these are likely to be more intense. In contrast, for those who act as delegates, intense discussions are not very important. After all, delegates are told what to do in Brussels and are supposed to inform their superiors of their accomplishments. For them, exchanging views and discussing principles would be superfluous.

This leads to the following hypotheses concerning this factor:

3. Delegation leads to higher information transfer than does trusteeship.
4. Delegation leads to higher discussion frequency than does trusteeship.
5. Delegation leads to lower discussion intensity than does trusteeship.

#### **Factor 3: Political salience**

Political relevance is considered to be a very important factor in the study of comitology *in general* (cf. Chapter 2). The more politically sensitive issues are, the more member states fear a loss of control. This is the

underlying reason why member states, in the Council of Ministers, add comitology procedures to new legislation. The more politically salient an issue is, the stricter the chosen comitology procedure (Pollack 2003a: 130-144, Franchino 2000b).

When member states call for restrictive comitology procedures in the Council, it is also likely that their committee participants will be subject to higher pressure to provide information within these member states. But then, political interest in issues can also vary between states. There are issues that are important in nearly all member states, for example releasing genetically modified organisms into the environment. On the other hand, some issues have more relevance for some states than for others. Austria has a higher stake in cableway safety than Denmark, for instance, and port security is a more salient issue to the Netherlands than it is to Hungary.

For that reason, one may also expect high levels of information transfer in cases in which a government has a high stake. National preference intensity, thus, is likely to affect the information phase of accountability. Similarly, one may expect its effect in the discussion phase to be the reverse. After all, when a government has a keen interest in an issue, it will make sure that everybody working on the file is aware of its interest. Debating this does not fit the role of civil servants: when ministers or parliaments have shown their preferences, for example by setting a general guideline, civil servants are expected to comply loyally (Bovens et al. 2007: 297-321; 370-380). This way, the principles are clear and there is no room for discussion about them, as the political level is in the driver's seat.

Apart from political interest in specific issues, there is also evidence that European affairs in general have an impact on the work done within the civil service. For several countries, increasing co-ordination within departments is observed as a result of EU work (Laegreid et al. 2004: 359). But as European legislation does not touch upon all policy areas to the same extent, and because issues are spread over the departments differently between countries, not all organizations in the civil service are affected by European affairs to the same extent (cf. Geuijen et al. 2008, Christensen *forthcoming*).

The salience of European affairs can affect accountability practices in a different way than issue-related political salience. The more salient 'Europe' is in organizations, the more likely it is that the actions of a civil servant on the European stage are linked to those of a colleague – either within the same unit or in another unit. As this necessitates co-ordination for concerted actions, there is a stronger need for committee participants to engage in informing their superiors and debating their views.

This factor leads to the final three hypotheses:

6. High political salience of issues leads to higher information transfer than low political salience of issues.
7. High political salience of issues leads to less intensive discussions than issues of low political salience.
8. Strong Europeanization of departments leads to more information transfer, more frequent discussions and more intensive discussions than weak Europeanization of departments.

Similarly to the second set of independent variables, political salience is a factor that traditionally is not part and parcel to the causal mechanisms of the principal-agent approach. Yet contrary to the variables that refer to style of representation, it does not run counter to the fundamentals of the principal-agent approach. For style of representation it is vital to make discussion a dependent variable, whereas for political salience this is not a necessary condition. Nonetheless, it is possible to include hypotheses that relate to salience and discussion, as outlined above.

This study, thus, includes three sets of independent variables, of which only the first contains variables that are drawn directly from the principal-agent framework in its classic form. Even though this research as a whole settles for an extended version of the principal-agent framework that makes use of the insights from the bureaucratic representation literature, the design of the explanatory part of this research still allows for the possibility of the classic principal-agent framework to be superior over its extended variant. If that really is the case, one may expect hypotheses 1 and 2 to be the only ones *not* to be rejected. Otherwise, there is more to accountability than information symmetries alone.

### 4.3 Case selection

The explanatory part of this research aims to contribute to the existing literature on accountability by proposing an extension to the classic principal-agent framework. Even though the first step in the chain of accountability, i.e. from committee participant to superior, is arguably similar across all democratic political systems, the scope of the research has been limited to countries which as a whole closely resemble the ideal-type of a single chain of delegation. This means that countries have been selected that are unitary states and parliamentary democracies. The reason for this is that in such systems, the first step in the chain of

accountability is more crucial to the higher management levels and the political level than in other systems. In federal or presidential systems, information on the agent's conduct may not reach the minister or parliament for other reasons, namely because the agent works at the sub-national level while representing the country as a whole.<sup>5</sup> In such cases, it is more difficult to ascertain how the accountability between committee participants and their immediate superiors affects the functioning of the chain of accountability as a whole.

This research has been limited to Denmark and the Netherlands, having been selected as most likely cases. Both are unitary parliamentary democracies and have similarly organized civil services, albeit that Denmark usually splits a ministry into two separate organizations - a core department and an agency - which function in a direct hierarchical relationship. In the Netherlands, agencies are usually more at the edge of civil service. The renowned Danish parliamentary interest in European affairs tends to be fairly limited in administrative matters such as comitology (Martens 2008, Laursen 2005, Esmark 2008). The two countries are quite similar in all of these respects.

Denmark and the Netherlands were selected because their institutional make-up comes closest to the ideal-typical model of a single chain of delegation (and thus also a single chain of accountability). The purpose of this study is not to compare the findings between these two countries. Rather, the aim is to collect and analyze the evidence from both countries and to discuss the implications of these findings more generically - hence the choice for two similar cases that have optimal conditions for accountability. The reason for including two similar countries instead of only one was to reduce the risk of non-response. Because there are two parties in each accountability relationship, both need to be investigated, and the risk of non-response is twice as great as if only one were to participate. Hence, two countries were selected in order to cover a sufficient number of accountability relationships for the analysis. Nevertheless, despite the similarity between Denmark and the Netherlands, some country-specific differences may affect the results of the analysis. Therefore, differences between countries have been controlled for, as well as differences between agencies and ministries.

The scope of accountability relationships to which the conclusions of this research apply, however, may well go beyond those in unitary parliamentary democracies. After all, this research effectively investigates hierarchical accountability relationships that are also found elsewhere. In this respect, the results of this research are also applicable to accountability relationships in federal systems such as Belgium, Germany and Spain.

<sup>5</sup> The attendance lists in the Comitology Register testify to this: e.g. Belgium is often represented by either Flanders or Walloon; and Germany by participants from either the federal level or one of the states (or both), depending on federal competences.

But for those countries, it is more difficult to ascertain to what extent flaws in one link of the chain of accountability also affect other links, and ultimately to what extent one missing link breaks the full chain of accountability, simply because multiple sub-chains are at work at the same time.

## 4.4 From questions to methods

The diagram below summarizes which methods have been chosen to answer the research question:

Figure 4.1 **From questions to methods**

Question type	Question	Method (section)
Descriptive	To what extent is there a transfer of information from committee participants to their superiors about the participants' input in comitology committees?	Surveys (4.5) Interviews (4.6)
	To what extent do committee participants and their superiors discuss the participants' input in comitology committees?	Surveys (4.5) Interviews (4.6)
	To what extent are superiors able to sanction or reward committee participants?	Surveys (4.5) Interviews (4.6)
Explanatory	How can the extent to which information is transferred from committee participants to their superiors about the participants' input in comitology committees be explained?	Surveys (4.5) Interviews (4.6)
	How can the extent to which committee participants and their superiors discuss the participants' input in comitology committees be explained?	Surveys (4.5) Interviews (4.6)
	How can the extent to which superiors are able to sanction or reward committee participants be explained?	Interviews (4.6)

For nearly all of the above questions, a combination of survey and interview data is used to gather data. There are several reasons for this. Because this research aims to contribute to accountability theory in

general, it is important to select methods that allow for generalizations. In this respect, quantitative data is a convenient type of data to use. There is an established set of statistical principles which assist in determining when a relationship does, or does not, exist. Also, for descriptive purposes, it is easier to summarize data for a larger number of people. With qualitative data, establishing relationships is a more ambiguous exercise. Surveys are efficient tools for gathering quantitative data, as they allow the researcher to ask the same questions to a large number of people.

Having said this, using survey data also has its down sides. Respondents cannot answer questions differently from the categories included in the survey. It is therefore always uncertain if a given answer accurately represents the situation which the respondent intends. This is especially a problem for the element of consequences in an accountability relationship. As the literature on this offers too few clues for an exhaustive list of options in a survey questions, surveys are not the most appropriate technique to cover this element of accountability. In all these respects, qualitative interviews are more advantageous, as they place the respondent in the spotlight instead of a pre-established set of answer categories. It is, however, a more ambiguous exercise to generalize from this type of data.

Therefore, in the analysis both techniques have been combined. Survey data has been used to present the 'bigger picture', while the interview data has been analyzed separately and used as a validity check. Where results are markedly different between the two types of data, this has been noted and discussed.

This research also uses observation data (see section 4.7) to give examples of how the causal relationships established in the analysis actually materialize in practice. These observations are meant to provide examples from the real world and do not form part of the strategy to answer the questions as specified above.

These, then, are the three methods employed in this research: surveys, interviews and observations. The application of each of these methods will now be discussed.

## 4.5 Surveys

As an accountability relationship involves both the superior and the committee participant, the two were surveyed by means of two separate surveys. All were marked with references towards particular committees,

so that in the analysis the answers of committee participants and superiors could be paired and compared.

### Selection of respondents

For these two surveys, the full population of committee participants was approached, followed by the superiors of the committee participants who actually responded. There are several reasons for not having selected a smaller sample from the population.

First, there is the *problem of prior information*. The previous section mentioned several factors that are likely to shape accountability practices. Even though the literature points towards variations in this, it does not mention where exactly these differences can be found in the population. This made an initial case selection impossible, as the relevance of including a certain case can only be determined after engaging in the research itself.

The second problem is the *problem of the moving target*. It is no longer common among civil servants to occupy the same position for many years. Most of the past empirical research into comitology dates back to the late 1990s, and therefore the respondents of those studies are likely to have switched positions. But also, the comitology committees themselves are on the move. Chapter 2 shows that the number of committees changes over time. In 2005, 225 of these committees were active, but to a considerable extent these were neither the same committees as some years before, nor the same committees as in the years after. Especially the management committees that distribute funds are embedded in financial programmes that are not active for more than five years, after which the committees naturally cease to be. New committees for new topics then replace them.

Both of these problems made respondent selection problematic. Due to the problem of prior information, it would be speculative to generalize towards the population on the basis of a small number of cases. It is not possible to select a small number of cases and adjust the findings on the basis of past research, because then the problem of the moving target is an obstacle.

Therefore, *all* comitology committees that were active in the year 2005 were included in the research.<sup>6</sup> This way, the full range of issues could be covered. For each country, the full population of committee participants was approached by means of a questionnaire, followed a few months later by a questionnaire sent to their immediate superiors. The survey to the Dutch and Danish committee participants was jointly

<sup>6</sup> The empirical research started in early 2006, and 2005 was the most recent year for which a list of active committees could be produced. These committees are listed in Appendix A. For a definition of *activity*, see Chapter 2.

developed with Jens Blom-Hansen from Aarhus University, who at the time intended to survey the same population for a different purpose. The survey of their superiors was not a joint effort, but for that the team in Aarhus was of assistance by tracing many respondents and translating the questionnaire into Danish.

Identifying the agent-respondents on the basis of the list in Appendix A proved to be very difficult. For neither the Netherlands nor Denmark was a list of committee participants readily available.<sup>7</sup> To complicate matters more, member states are free to choose any representative they want to attend the comitology meetings. This means that a variable number of civil servants from sometimes several ministries or agencies attend the various committees. The choice of the representative for a given meeting then depends on the meeting's agenda. Therefore, for each committee the most frequently attending representative was identified. Those committee participants who are part of more than one committee were sent multiple questionnaires. Names were gathered in a variety of ways: via the relevant Commission unit, through the international directorate of the ministries, via snowballing and via units within the civil service. Subsequently, the representative was contacted by phone or, alternatively, e-mail and asked to fill out a questionnaire. This was then sent to him or her by ordinary mail. The questionnaire contained references to the individual committee on the cover page and at various places within the questionnaire, in order to focus attention.

Two strategies were used to identify the principal-respondents. For Denmark, a list of principals was provided by Aarhus University on the basis of publicly accessible government staff registers.<sup>8</sup> For the Netherlands, the principals were found by asking committee participants to the agent-survey by e-mail who their actual superior was.<sup>9</sup> Nearly all Dutch agents responded to this question, but several principals had meanwhile moved elsewhere. Furthermore, and partly due to this, the willingness to participate was lower among the Dutch principals.

In both countries there were several instances where the same person acted as the principal for more than one committee participant in the first survey. Whenever this was the case, he or she was asked to fill out the questionnaire for each committee. Most superiors only needed to answer the questionnaire once or twice. Some principals, however, were in charge of a unit where many people attend committees. In some cases, four to six questionnaires were required.<sup>10</sup> In order to focus the attention of the respondent, the cover page and the questionnaire itself mentioned the name of the committee.

<sup>7</sup> This is not something exclusively typical of these two countries (cf. Beyers and Bursens 2006: 182-184).

<sup>8</sup> Based on the yearly published *Hof & Statskalendern* which is only available in Danish. This list proved to be partly outdated, which led to a lower response rate in Denmark (cf. below).

<sup>9</sup> This question was not asked together with the agent-survey to avoid coordination between principal and agents about the answers to the questionnaire as much as possible.

<sup>10</sup> Exceptional cases were the principals in charge of the Common Agricultural Policy units and the Customs Code units. Under normal circumstances, the principals would have needed to answer the same questions up to sixteen times. As the risk for non-response would become too great here, the number of committees in the questionnaire was limited to six, followed by the question: "Apart from these six committees, there are more committees for your unit. Can you please tick the committee each of the other ten committees resembles most, and in what respect it differs from the one ticked?" All principals in charge of the large units responded.

## Response rate

For the 225 active committees, we managed to send out 191 questionnaires in Denmark and 167 in the Netherlands to the committee participants.<sup>11</sup> In the end, 161 Danish and 133 Dutch questionnaires were returned by the committee participants. This gives an overall response rate of 82 percent among this group. Among the principals, the response rate was lower. In the Netherlands, 108 questionnaires were sent out to this group and 70 were returned. In Denmark, these figures were 153 and 83. This gives an overall response rate of 58.6% among the principals.<sup>12</sup> Based on the estimate of 225 active committees, this means that 34% of all possible accountability relationships have been covered by the two surveys together.<sup>13</sup>

## Reliability and validity

In order to avoid measurement error as much as possible, the survey included multiple items on the same underlying concepts. Most items were presented in the form of Likert scales. Where these items were aggregated into single measures of the intended concept, two checks were carried out. First, a principal components analysis was performed to check the extent to which extent these items actually fit together and can be contrasted with other items. Second, the reliability of the items belonging together was checked by computing the Chronbach's Alpha score for the combination of items. The surveys are included in Appendices B and C.

Surveys traditionally tend to be weak in terms of validity, because their answer categories are pre-defined by the researcher and do not necessarily reflect the true intention of the respondent. These negative effects were reduced in two ways. First, the items in the questionnaire were formulated as straight-forwardly as possible, and each questionnaire was tested with at least two respondents prior to sending out the full batch. Second, the surveys were supplemented by means of twenty-eight interviews (see section 4.6).

## Dependent variables

The dependent variables are the same as the elements presented in section 4.1. In order to come to more general measurements of the degree to which information is transferred from committee participants to their superiors, of the frequency by which they discuss the participant's input in the committee and the intensity of these discussions, these elements

<sup>11</sup> We took the existence of 225 committees as a starting point. Some committee participants could not be identified. In these cases, the committee ceased to exist after 2005, the participants could not be traced, or a combination of these two reasons applied.

<sup>12</sup> Both the response rate and the number of surveys sent out are lower for the principals. This is because surveys were only sent to those principals of whom the agents had already responded to the first survey, because several principals had moved to another position in the meantime, and because the Danish personnel records proved to be slightly outdated. The two questionnaires were not sent together to avoid coordination between principals and agents.

<sup>13</sup> This is a conservative estimate. The most optimistic estimate is slightly higher: if the benchmark is not 225 committees (cf. note 11) but 191, i.e. the maximum number of respondents that could be traced in one country, then 40% of all possible principal-agent relationships were covered in the survey.

were later aggregated in the analysis. The exact procedure underlying this is outlined in Chapters 5 and 6, together with the presentation of the results of the analysis.

### Independent variables

The independent variables are organized by the factors from which they are derived; these being differences in expertise, style of representation and political salience (see section 4.2). Further, a group of control variables has been added to the analysis.

#### Factor 1: Differences in expertise

This factor consists of two segments: differences in expertise between principals and agents, and technical complexity. The difference between principals and agents has been measured from both their perspectives by means of single items. For the agents, the question was presented in the form of the statement “It is difficult for my own superior to understand the cases we work with in my committee”. For the principal, the question was split into two components that were later compared: (1) “How much expertise does the spokesman have about the issues handled by the committee?” and (2) “How much expertise do you have yourself about the issues handled by the committee?”. The difference between the agent and principal measurements constitutes the *knowledge gap*.<sup>14</sup> The two perspectives on the knowledge gap are correlated (0.197, sign. at 0.017), but because they form two different perspectives they are analyzed separately.

The factor of technical complexity was measured by asking the respondents to characterize the cases dealt with by their committees. A set of statements was presented in the survey, to which the agents could express their agreement. They were: (1) The cases in my committee are often technically complex, (2) You need considerable technical insight to work with the cases in my committee and (3) It is difficult for outsiders to understand the cases we work with in my committee. These three items were combined in an index of technical complexity (Chronbach’s Alpha value 0.77), coded from 1 to 5.

#### Factor 2: Style of representation

Style of representation was measured both with the agents and with their principals. For the agents, two items were included in the survey: (1) I take the position in my committee that I think is best according to my

own professional judgment and (2) In reality I have considerable freedom to decide the national position in my committee. These were combined into an index measuring style of representation (Chronbach’s Alpha value 0.55),<sup>15</sup> coded from 1 to 5. Low figures represent delegation and high figures reflect trusteeship.

An extra check was placed on the accuracy of the style of representation index. The agents were asked by means of a simple yes/no question whether they usually receive instructions or a negotiation mandate for votes. A ‘yes’ was coded 1, a ‘no’ was coded 0, and this variable was correlated with the style of representation index. Of course, this question only covers a part of delegation, because instructions can be vague or even drafted by the committee participant and reviewed by his superior. Further, it does not tap into instructions that do not refer to voting but to other input in committee meetings. Nevertheless, a strong negative correlation was found of -0.310, significant below 0.001.

Yet the style of representation employed by the committee participant is not necessarily the role orientation his superior expects of him. Therefore, the superiors have been asked similar questions as to how their agents *should* organize their work. They were presented with three statements in the form of five-point Likert scales, to which they could express their agreement: (1) The spokesman in this committee always has a negotiation mandate, (2) One may never deviate from an instruction and (3) The spokesman in this committee does not really need instructions. These three items were first recoded so that low values reflect delegation and high values trusteeship, and then they were combined in an index of desired style of representation (Chronbach’s Alpha value 0.56), coded from 1 to 5.

#### Factor 3: Political salience

Political interest was measured by means of three questions to the committee participant: How interested are (1) your minister, (2) government and (3) parliament in the work of your committee? Again, these three items were combined in an index of political interest (Chronbach’s Alpha value 0.87), coded from 1 to 5.

But this leaves open the possibility of European affairs ‘hitting’ an organization harder than other organizations, thus not politicizing just a particular issue but rather all EU-related policies. For a measurement of the degree to which Europe ‘hits’ national organizations, a measure was constructed at the organizational level. From Christensen (forthcoming), the degree of European law per ministerial portfolio that is part of national regulation was taken as a proxy for the degree of Europeaniza-

<sup>14</sup> This measurement leaves open the possibility of principals having a knowledge advantage over the agents. As the agents’ question does not allow for this, answers to the principals’ question have been recoded in such a way that advantages of principals were coded as “no knowledge gaps”.

<sup>15</sup> The value of 0.55 is somewhat lower than the usual reliability standard of 0.70. This, however, can be a slightly misleading standard, as Chronbach’s Alpha always has a tendency to be lower with scales consisting of a small number of items (Schmitt 1998).

tion of Danish ministries and agencies. From Geuijen et al (2008: 43), the percentage of Dutch civil servants involved in EU-related work was taken as a proxy. These two measures have been recoded into a five-point scale of Europeanization. The Danish and Dutch findings validate each other, as they produce similar rankings per ministry or issue area. Only with Justice do the Danes score as relatively less Europeanized, which is due to the country's opt-out in this issue area.

### Control variables

As the research was conducted in two countries, control variables for Denmark and the Netherlands have been added. The countries are very similar in most respects, but not in terms of the organizational structure of government departments. Denmark has a different structure from most other countries (even within Scandinavia) when it comes to the tasks of agencies (Martens 2008). The Netherlands, as compared to Denmark, has relatively few agencies. To control for this, three dummy variables were used in the analysis: one each for Danish agencies, Danish ministries and Dutch agencies. Dutch ministries were used as the reference category and therefore were not coded in a fourth dummy variable. Each dummy variable used contrast coding, meaning that in the Danish agency variable the Danish agencies were coded '1' and all other organizations were coded '0', and the same applies to the other variables. In the output of the regression analysis, this means that the coefficients that are mentioned with respect to these dummy variables show how much the according organizations differ from all organizations of which the dummy variables are not included, including the reference category of Dutch ministries.

As it cannot be excluded that the time people occupy their positions affects the accountability for their behaviour, a further set of three control variables tapping into socialization effects was added. The first measured how many years the committee participant had been working in this particular committee, the second measures for how many years the superior had been in his function, and the third shows, on the basis of the first two variables, for how many years the committee participant and his superior have been working together.

### Methods of analysis

For answering the descriptive question, general descriptive measures such as means are used for the survey data, together with the results from the principal components analyses mentioned above.

For answering the explanatory question, a series of linear regression analyses were carried out. This technique is especially appropriate as it allows for the testing of multiple correlations at the same time. In this way an analysis could be performed as to which of the factors explaining accountability matters most. Even though the research includes at least 34 percent of all possible principal-agent relationships in the population, in terms of absolute numbers it is not very high. In statistical terms, this makes it harder to detect significant correlations and therefore a significance level of 0.90 has been used in the analysis. Nevertheless, where higher significance levels were found this has been reported.

As cases are nested (i.e. individuals within organizations, within countries), a multilevel analysis was performed as well in order to check for contextual effects at higher levels. These, however, were not found.<sup>16</sup>

## 4.6 Interviews

### Selection of respondents

The aim of using interview data was to check the validity of the survey results. Because the aforementioned survey could provide information on the population of respondents, it was possible to select respondents for the interviews. The interviewees were not selected randomly. Rather, a selection was made ensuring variation on the independent and dependent variables as used in the survey (cf. sections 4.1 and 4.2). This way, the results of the interviews could be compared with the results of the survey, and differences could be discovered and discussed (cf. below).

In total, 13 committee participants were interviewed. This includes five committee participants interviewed before or after an observation of a committee meeting (cf. section 4.7). Apart from these 13 committee participants, there were also three committee participants who were not approached for an interview, but who sent, unsolicited, quite informative e-mails. The content of those three e-mails was analyzed together with the results of the 13 interviews. Also, 15 superiors of committee participants were interviewed. All but one were in the position of unit head. Interviews were conducted both in Denmark and in the Netherlands.

### Interview set-up

All interviews were semi-structured. The topic list contained six items: information, discussion, consequences, differences in expertise, style of

<sup>16</sup> As will emerge later in this study, dummy variables for organization type do produce significant effects in some of the linear regression models. But even here, multilevel effects do not appear, as there are sometimes only very few observations *per organization*. When the findings are grouped together in classes of, say, agencies or ministries, there are not enough higher level items to perform a meaningful multilevel analysis.

representation or desired style of representation, and political salience. These six items reflect the dependent variables and the three theoretical approaches lying at the heart of the independent variables. The topics were brought up in the interviews in varying order. Depending on the available time, sometimes not all topics could be discussed.

### Method of analysis

The interviews were coded along the lines of the coding tree presented in Appendix D and analysed on that basis. Regarding the descriptive component of the research question, results were presented as a summary of the respective codings. For the explanatory part of the research question, the material was analysed differently. Combinations of codes within interviews were traced, but also specific motivations as formulated by the respondents themselves were investigated. This qualitative analysis was performed independently from the analysis of the survey results, so as to be able to look for and discuss differences in the results of both techniques.

In the presentation of interview results, respondents were indicated by means of a code, appearing as 'R1098-P' or 'R1098-A'. This code refers to the case number in the survey data set, so that survey results and interview results could be compared, plus an extra indicator for committee participants and their superiors: 'A' for agent (committee participant), and 'P' for principal (superior).

## 4.7 Observations

Through the survey and the interviews, the relationships between the independent and dependent variables were investigated. In order to show in a more practical way how the independent variables influence accountability practices, five observations were made. No particular conclusions were drawn from these five observations. Rather, their findings were used to illustrate the way in which the causal mechanisms investigated in this research have an effect in practice.

In the five selected cases, the Dutch participants were not only interviewed (cf. section 4.6), but also joined to a committee meeting in Brussels. There, the committee discussions were observed. When possible, preparatory meetings at the ministry were attended as well. These observations, then, were later compared to the content of the written reports of the committee meetings that the participants sent to their superiors.<sup>17,18</sup>

<sup>17</sup> Discussions between committee participants and their superiors were not observed. As Chapter 6 will show, in terms of timing they can occur at random, which makes it impossible to plan such observations in advance.

<sup>18</sup> In case C, the superior was only informed orally. In the remaining cases, the written reports matched the content of the respective meetings.

Five committee participants were joined, and they were selected in the following way:

Table 4.1 Selection of observations

	Trusteeship	Differences in expertise	Political salience	Europeanization of organization
High	A, B, E	B, E	C	D, E
Medium	C, D	C	D, E	C
Low	-	A, D	A, B	A, B

Table 4.1 shows that for each of the four variables upon which the selection of observed cases was based, cases do actually vary. This ensured that not only extreme cases were selected, which could easily have given rise to false impressions in the empirical chapters. The variables are similar to those mentioned above with respect to the hypotheses. The above selection of observed cases therefore meant that a more or less even spread of cases over the investigated variables was safeguarded.

Nearly all respondents wished to remain anonymous. All names have therefore been replaced, and this study will also refrain from making any statements from which persons, committees or specific organizational units can be retrieved.

## 4.8 Measuring accountability

This chapter presented the operationalizations of the core concepts of this study, specified the research question and outlined the design of this study. Even though this chapter only aimed to explain the strategy pursued in this research, it is also possible to draw a substantial conclusion at this - perhaps unexpected - point. Many studies of accountability have provided a descriptive, narrative account of the state of affairs within specific countries. Several others have discussed the concept of accountability itself, or have used economic modeling to show their workings. This chapter shows that, in addition to this, it is also possible to *measure* accountability empirically by breaking down the concept into three dimensions: information, discussion and possibilities for imposing consequences. The results of this exercise are presented in the following chapters.

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## Chapter 5

# Information: Active agents and passive principals

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Information is one of the three components constituting accountability, together with discussion and possibilities for consequences. The point of this phase of an accountability relationship is to disclose the agent's behaviour to the principal. But how much, and what, information is actually provided by the committee participants to their superiors, and how much information do the superiors obtain from their subordinates and from other sources? Furthermore, why is it that in some cases more information is transferred than in others?

This chapter opens this black box and shows in what way, and to what extent, information on input in comitology committees ends up with the superiors of the committee participants. It is organized in two sections. The first is devoted to the empirical question: *To what extent is there a transfer of information from committee participants to their superiors about the participants' input in comitology committees?* This section focuses on the sort and amount of information that is transferred from the committee participant to his superior. In doing so, the perspectives of both the committee participant and the superior are discussed. Also, the role of intermediaries in this information relationship is analyzed.

The second part of this chapter approaches the question: *How can differences in information transfer between committee participants and their superiors be explained?* This section, thus, attempts to explain empirically the degree to which information is transferred. Do differences in expertise, as the classic principal-agent approach suggests, indeed affect the extent to which a bureaucratic principal is kept advised about the wheelings and dealings of his staff, or do other factors matter as well?

## 5.1 Who gets information, and about what?

There are different *sorts of information* that comitology committee participants transmit to their surroundings. As described in the previous chapter, information about an agent's input in a committee meeting is not enough in itself. Eventually, committees produce official opinions that lead to the adoption of a regulation, directive or decision. Therefore, it is also important to know the outcome of the vote and the content of the discussion in general, so that the agent's own input can be better understood.

Chapters 3 and 4 also argue that this information does not necessarily need to feed from the committee participant to his superior directly, as there can be intermediaries in this relationship. For this, the literature distinguishes between two forms of information arrangements,

covered by the metaphors ‘fire alarms’ and ‘police patrols’. In fire alarm arrangements, the principal does not monitor his agent directly but relies on others to notify him when things diverge from normal standards. This is different from police patrol arrangements, where there are no intermediaries to filter out unimportant information, or when the principal hires someone to continuously monitor the agent’s behaviour on his behalf (McCubbins and Schwartz 1984). Generally, the literature attributes the capacity to act as fire alarms to individual citizens and organized interests, i.e. interest groups and companies (e.g. McCubbins and Schwartz 1984, Lupia and McCubbins 1994, Jensen 2007). As the nature of the cases handled by comitology is most likely to affect businesses and interest groups (e.g. chemical substances, project funding, pollution norms, animal health standards)<sup>1</sup>, this chapter also analyses the role of those two intermediaries.

There are, thus, three parties in this information relationship: the committee participant as the sender, the superior as the receiver, and in some cases also companies and interest groups as intermediaries. This section will now address these three parties in turn.

### Information is sent by cc

To what extent do comitology committee participants inform their superiors and stakeholders? At first thought, it is not unlikely that this information is sent to them in different ways. The superiors may be informed more regularly (and more directly) simply because they are closer to their employees than external parties are, or because the committee participant feels his own superior should be better informed than external stakeholders. Also, information about the agents’ own input and the content of the discussion in the committee may, for strategic reasons, be distributed among their superiors and stakeholders unequally. On the other hand, committee participants could spread information about voting results to a wider audience, as the European Commission is supposed to publish this sort of information anyway (Council Regulation 1999/468/EC).

All evidence suggests that the first arguments prevail. The survey to the agents contained a battery of three items on the different sorts of information, which was repeated three times: once for information sent directly to the principal, once for information sent to interest groups and once for information sent to the major companies in the sector. This approach made it possible to distinguish what sort of information is sent to which actors.<sup>2</sup> It appears that the direct superiors are kept more informed than the others. There is hardly any variation

between different sorts of information the agent gives to his principal: the mean value always is 2.1. Interest groups and companies are informed to a lesser extent than the direct superiors. All their mean scores differ more than one full point with those of the direct principals.<sup>3</sup>

In general, agents inform their principals to a greater extent than they do others. This does not mean that interest groups and companies are *always* informed to a lesser extent. The interview material shows clearly that providing information on participation in committees is a matter of routine. All interviewed committee participants who were asked this question indicated that they prepare a document and send it to several recipients. Such ‘mailing lists’ can include people both within the organization and outside it. As two committee participants put it:

*“I write a short report where I briefly describe which points were discussed and if there was any disagreement. There are several people to whom I always send my reports. If something specific has been discussed which is relevant for a certain party, then I also inform this specific person about this.” (R1001-A)*

*“The Commission does not make minutes, they produce a compte rendu: a short list of decisions. We [committee participants] make the minutes. Officially I make it into a departmental memo, just by putting another header on it, and that is distributed to all interested parties that need to know about it. Especially in other departments. Foreign Affairs, Finances, Economic Affairs, they get it. Colleagues within this ministry, (goes on summing up...)” (R1024-A)*

Informing people, thus, is done by cc. The results of the survey confirm this. The principal components analysis presented in Table 5.1 clearly shows that the above twelve items tap into only three underlying concepts: informing superiors, informing interest groups and informing companies.

<sup>1</sup> See Appendix A for a list of committees.

<sup>2</sup> All answers were given in the form of five-point scales ranging from ‘very often (1)’ to ‘never (5)’.

<sup>3</sup> There is slightly more variation between sending different sorts of information to these two groups of recipients, but the differences are only marginal.

Table 5.1 **Principal component analysis of giving information**

	Loading on factor 'companies'	Loading on factor 'interest groups'	Loading on factor 'superior'
Informing the superior of voting results	.043	.142	<b>.886</b>
Informing the superior of the content of the discussion in Brussels	.044	.080	<b>.941</b>
Informing the superior of the respondent's own input	.073	.135	<b>.917</b>
Informing major companies in the sector of voting results	<b>.880</b>	.249	.108
Informing major companies in the sector of the content of the discussion in Brussels	<b>.932</b>	.253	.049
Informing major companies in the sector of the respondent's own input	<b>.889</b>	.301	.013
Informing interest groups of voting results	.284	<b>.847</b>	.191
Informing interest groups of the content of the discussion in Brussels	.266	<b>.920</b>	.128
Informing interest groups of the respondent's own input	.279	<b>.893</b>	.097
Eigen value	4.472	2.281	1.126
Chronbach's alpha*	0.94	0.93	0.91

\* For additive index of bolded items.

Note: All items are Likert scale statements to which the respondents could answer "Always", "Often", "Now and then", "Seldom", and "Never". Extraction method: Principal component analysis. Rotation method: Varimax with Kaiser normalization.

A principal components analysis summarizes in what way a group of variables optimally fits together. The loadings in Table 5.1 show how well an individual survey item fits to each of the underlying dimensions that the principal components analysis finds. Items that have high loadings on the same dimensions belong together; they tap into the same underlying concepts. When aggregating the respective items along these lines, the resulting three variables are extremely reliable measures of sending

information to various classes of recipients, which is captured by the "Chronbach's Alpha" coefficient. This means that when an agent sends information on, for example, the content of the discussion in Brussels to a recipient, it is almost certain that he also sends information on his own input and the vote results to the same recipient along with it. It also shows that those who inform their principals to a certain extent do not by default inform all others to a fixed lesser extent. It can therefore be concluded that committee participants send the same information together in one batch, but to a varying number of recipients – depending on who they place on their mailing list.

Table 5.2 **Amount of information sent by the agent**

Audience for agent	Mean value
His direct superior	2.104
Interest groups	3.402
Major companies in the sector	3.725
N	291

Note: The mean values are means of the variables constructed in Table 5.1. The scales were re-scaled to five-point scales ranging from 'very often (1)' to 'never (5)'.

The question remains, then, how often committee participants send all this information around. Table 5.2 above shows this. Interest groups and companies are, on average, informed to a lesser extent than the direct superior.

The survey even shows several instances where committee participants only inform their superiors directly and do not inform external stakeholders at all. In total, this is observed in 11 percent of the cases. This finding may not be too surprising, but it does affect the ability of interest groups and companies to act as fire alarms. These figures show that they cannot solely rely on national civil servants to inform them of all committee activities. Perhaps aside from some occasional hearsay through their own contacts, the only information they can get hold of is the official information on comitology committees that is publicly available.<sup>4</sup> As is known from other research, this public information is in most instances not complete and often of poor quality (Brandsma et al. 2008).

<sup>4</sup> [http://ec.europa.eu/transparency/regcomitology/index\\_en.htm](http://ec.europa.eu/transparency/regcomitology/index_en.htm)

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Box 5.1 **Example of a report on a committee meeting**

Five days after the committee meeting, Berend Groot sends his report of the committee meeting to 40 people who could each be interested in some way in the issues discussed in the meeting. It is marked 'confidential', and it first lists the Dutch participants to the meeting and the committee presidents of the Commission, followed by five bullets with 'main points'.

After the short list of 'main points', Groot summarizes in five pages what has been discussed during the meeting. An excerpt:

"DRAFT TEXT FOR FIXING IMPORT DUTIES FOR X

Explanation Commission: Some weeks ago we adopted a regulation that suspends import duties on X until (date). However, if the internal quotes of X fall below 180% of the intervention price and there is sufficient supply of X in the EU, duties will be introduced again.

This draft text shall be applied with a possible reintroduction of duties.

Main points concern the regulation taking effect as mentioned in Article 2 (three days after publication) and Article 1(3) (loaded vessels in third countries have to be imported within 10 days after publication in order to benefit from the suspended duties). (...)

Netherlands: Isn't 10 days much too short, and what is to be done about those who just started loading? Depending on the capacity, loading can take 8 days or more. (...) This will be too complex for the administrative services to inspect.

UK, Poland, Spain, Italy, Germany: Agree with the remark of the Dutch delegation (...)

Commission: Of course we can postpone the date that the regulation takes effect, to 7 days after publication; or we can adjust the suspended duty period for ships. But this would have to be based on reasonable arguments, such as (...)."

The above excerpt shows what the discussion in the committee was about, and it shows the input of the Dutch delegation in this. Other parts of the same report display the results of the votes that were cast in the committee meeting.

Source: *Observation E*

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**Principals are passive**

To what extent are the superiors of the committee participants kept informed about their agents' behaviour in the comitology committees? For the superiors, the picture differs slightly from what the agents report. The superiors were asked in the survey about the same sorts of information as the agents were. This time it was repeated four times: one time each for information received directly from the agent, from interest groups, from major companies in the sector, and directly from the European Commission. The mirror image of the latter category was not included in the survey of the agents. The option of the committee participant informing the European Commission is impossible; because the meeting in Brussels is chaired and secretarially supported by the Commission it has its own accounts of the three types of information. It is possible, however, for the Commission to bypass the agent and inform his superior directly of committee matters.

With mean scores being around 2, superiors report to be informed by the committee participants themselves most often.<sup>5</sup> This figure is similar to what the agents report. The involvement of companies and interest groups appears to be more limited. There is a difference of about 2 full points between the frequency in which the principal is informed by the agent on the one hand, and by interest groups and companies on the other. The European Commission has an in-between position here. On average it keeps the principals informed of the vote results every now and then, though less often of the content of the discussion and hardly ever of the committee participant's own input.

The previous section showed that there were very clear patterns in the information that the committee participants send to a variety of recipients. Each recipient was informed to a degree particular to him, which was always the same, regardless of the sort of information. As for the information the principals receive, these patterns are equally coherent but slightly different, as the principal components analysis in Table 5.3 shows:

<sup>5</sup> All answers were given in the form of five-point scales ranging from 'very often (1)' to 'never (5)'.  

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Table 5.3 Principal component analysis for receiving information

	Loading on factor 'interest groups and companies'	Loading on factor 'committee participant'	Loading on factor 'Commission'
Informed by the committee participant of voting results	.012	<b>.934</b>	.120
Informed by the committee participant of the content of the discussion in Brussels	.210	<b>.887</b>	.003
Informed by the committee participant of his own input	.097	<b>.825</b>	.009
Informed by major companies in the sector of voting results	<b>.896</b>	.150	.019
Informed by major companies in the sector of the content of the discussion in Brussels	<b>.699</b>	.172	.159
Informed by major companies in the sector of the participant's own input	<b>.772</b>	.255	.177
Informed by interest groups of voting results	<b>.895</b>	-.038	.067
Informed by interest groups of the content of the discussion in Brussels	<b>.916</b>	.009	.059
Informed by interest groups of the participant's own input	<b>.926</b>	.017	.069
Informed by the European Commission of voting results	.018	.304	<b>.847</b>
Informed by the European Commission of the content of the discussion in Brussels	.069	-.019	<b>.897</b>
Informed by the European Commission of the participant's own input	.174	-.069	<b>.572</b>
Eigen value	4.885	2.373	1.708
Chronbach's alpha*	0.92	0.90	0.75

\* For additive index of bolded items.

Note: All items are Likert scale statements to which the respondents could answer "Always", "Often", "Now and then", "Seldom", and "Never". Extraction method: Principal component analysis. Rotation method: Varimax with Kaiser normalization.

This principal component analysis also highlights three underlying components, but these are slightly different. There is still a separate dimension for direct information flows from agent to principal, but for the principals the practices of receiving information from non-governmental actors appears similar and loads on the same dimension regardless of the source. Information received from the European Commission loads on a single, separate dimension again. And again, the reliability of the scales for each dimension is very high.

The above suggests that principals have slightly different patterns in receiving information than their agents have in sending it when it comes to indirect channels of information. Table 5.4 below compares how often committee participants inform their superiors with how often they inform various other recipients.

Table 5.4 Comparison of information sent and received

Audience of agent	Mean Value	Source of principal	Mean Value
His direct superior	2.104	The committee participant	1.994
Interest groups	3.402	Interest groups	4.603
Major companies in the sector	3.725	Major companies in the sector	4.471
		The European Commission	3.465
N	291	N	153

Note: The mean values are means of the scales constructed in Tables 5.1 and 5.3. The scales were re-scaled to five-point scales ranging from 'very often (1)' to 'never (5)'.

The difference for the non-governmental stakeholders is biggest. Even though interest groups and companies are informed every now and then by the committee participant, these organizations contact the superiors of committee participants only sporadically. This is not surprising, as companies and interest groups themselves are selective in the bits and pieces of information they forward to the principal.<sup>6</sup> Differences in the direct information flow from agent to principal appear to be only marginal.

But there is one key aspect for which committee participants and superiors differ. Committee participants can send reports to their supervisors, but the supervisors may decide not to read them at all, or just to glance over them quickly. Box 5.2 shows an example of what happened before and

6 See further onwards.

during a committee meeting. In principle, the report that was sent to the unit head contained all three aspects of information outlined before: it showed that the committee voted in favour, it showed how the member state delegations discussed the issues, and it also showed the input the Dutch delegation gave (or rather: no Dutch input was mentioned because there wasn't any). The unit head quickly scanned the report and concluded that no special attention was needed.

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#### Box 5.2 Big money, little attention

Two days before a meeting of one of the committees related to the 7th Research Framework Programme, I met Sandra Tol and several of her colleagues – including people from executive agencies – at the Dutch Education ministry in a pre-meeting. Lots of specific points were raised about the discussion papers that the Commission sent to them, mainly because they are unclear. They resulted in a short list of questions to be asked to the Commission. There were also questions about a programme budget of 57 billion euros that the committee was due to approve. Still, everyone agreed that the Dutch could vote in favour of this programme budget anyway.

Sandra was joined in the committee meeting by a colleague from another ministry. The meeting consisted mainly of presentations. Two professors who had been contracted by the Commission to do a policy review were invited to make a speech, and at several points the Commission gave the member states an update of the latest developments. Finally, there was the official vote. As nobody replied to the question of the chairman “Do we have unanimity?”, this was taken as a vote in favour. The committee thus approved 57 billion euros of spending.

With all the above points, there was discussion between the member states and the Commission. The Dutch, however, never said a word. Even when issues were discussed for which questions had been formulated two days before, they did not speak. After the meeting, Sandra and her colleague briefly discussed what to put in their written report of this meeting. They quickly agreed it would be something of a short list of decisions; there was not much noteworthy to report anyway.

Waiting for the train back to Holland, I asked them why they did not say anything, given the list of questions they had prepared. Sandra replied that she could better ask these questions by telephone, which she had already done in part. Of the list, there was nothing she really needed to ask in the meeting.

A few days later, I visited her unit head. He had read the report of the meeting, but there was nothing in it that demanded action on his part. As he deemed other files to be much more important, he did not give too much attention to it. Committees are only a marginal part of his unit's work.

The report itself was written by Sandra's companion. It contained a short and factual summary of the proceedings of the committee. It showed no trace of the questions that had been asked two days earlier.

Source: Observation A

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The example in Box 5.2 also illustrates why sometimes reports are left unread or do not get much attention. Unit heads and policy staff have a different span of control, and sometimes reading a report of a committee meeting is simply not a priority:<sup>7</sup>

*“I cannot possibly read everything that comes into my inbox during a day. A workday of 8-10 hours is filled out automatically. The question is what you fill it out with.” (R326-P)*

*“Programme committees are only a marginal part of the job. (...) Written reports go onto the reading pile. (...) In the case of the most recent meeting of the committee I did actually read the report.” (R1138-P)*

Even though attention for incoming information may differ, most principals do indicate to be quite satisfied with the information they receive. From the survey it appears that only 5.4 percent of all superiors are unhappy with the information coming in, 11.4 percent answers neutrally, and the remaining 83.2 percent are generally satisfied. They are not informed about the things other than what they want to know about, and they don't feel they get too little information.

Thus, when reviewing how much information in *general* comes from each source, it appears that principals receive most information from their agents and least from interest groups and companies. But then, it also appears that agents are active by writing reports and sending them around to a fixed group of people, and that principals are more passive. They receive documents, sometimes they read them, sometimes they quickly glance over them, and in other cases they do not read them at all because other issues have higher priority.

<sup>7</sup> A more systematic overview is presented in the explanatory section 5.2.

### Indirect information flows are biased

Intermediaries between agent and principal can play a meaningful role. They can take on some of the burden of filtering out unimportant information, so that principals are only informed of important things. Analogous to fire alarms, they do not go off all the time, but when they do something needs attention (McCubbins and Schwartz 1984).

This means that, according to the literature, intermediaries between committee participants and their superiors receive more information than they forward to the principals, and principals are expected to devote a lot of attention to this little bit of information. This little bit of information can in itself be enough to probe the principal to investigate the matter more thoroughly. In other words, there is no need for a large volume of information in order to have an effective fire alarm arrangement.

As mentioned earlier, interest groups and companies have the capacity to act as fire alarms (e.g. McCubbins and Schwartz 1984, Lupia and McCubbins 1994, Jensen 2007), and therefore the role of these actors in the information phase of accountability has been explored. The results of this study indeed suggest that interest groups and companies send less information to the principals of the committee participants than they receive from the committee participant (see Table 5.4 on page 113). Also, they are not the main source of information for the committee participants' superiors. In the survey, the principals report that on average only 4.5 percent of the information they receive comes from interest groups and companies, and approximately double of what comes from the European Commission.<sup>8</sup>

In these respects, interest groups and companies do have the potential to act as fire alarms in this context: they do send information to the principals, albeit relatively little. Nevertheless, attention for information coming from fire alarms is quite low, contrary to expectations. The survey of the superiors of the committee participants shows that the information from the agent is given most attention, but this means between 'much' and 'some' attention. All other information is given 'some' attention, with the information coming from the European Commission being given a little more attention than that from interest groups, companies and 'others', as is shown in Table 5.5:

<sup>8</sup> It is about double, but this figure should be interpreted with caution, as the standard deviation is very high. This means that there are many cases where this figure differs strongly from the average reported here.

Table 5.5 Attention for information

	Mean value	St. dev.	Min. value	Max. value	N
Attention given to information coming from the spokesman	2.22	0.787	1	4	146
Attention given to information coming from the major companies in the sector	3.18	1.297	1	5	60
Attention given to information coming from interest groups	3.18	1.223	1	5	59
Attention given to information coming from the European Commission	2.93	1.026	1	5	96
Attention given to information coming from others	3.11	1.343	0	5	28

Note: All items are Likert scale statements to which the respondents could answer "Very much (1)", "Much (2)", "Some (3)", "Little (4)", and "No (5)".

This, though, is only the general picture. Even though information from third parties attracts less attention than information from the agent himself, it can still reveal individual, specific matters:

*"Sometimes I ask other departments, sometimes I ask the permanent representation. It is meant to be a check. And if I find out I did not get all information, I always say: I have confidence in my staff, but when it is betrayed I become difficult to please." (R1157-P)*

But it should also be noted that the principals generally do not see interest groups and companies as 'neutral' fire alarms. As they are stakeholders, they have political motives to send particular bits of information to the principal. These need not necessarily be unbiased:

*"Often information from interest groups is framed. (...) There is an organization on (a certain topic), and when it publishes a figure based on a source I sometimes think: I read this source to mean something else, what's going on here?" (R1200-P)*

Studies of the role of fire alarms have also noted the biases in information that are inherent to the political motives of companies and interest groups. This is not seen as a problem per se; different stakeholders will

have different points of view, and as long as there is competition between stakeholders the biases will average themselves out and the principal will receive sufficient information (Lupia and McCubbins 1994, Balla and Wright 2001). In the case of this study, though, it seems hard to make the same argument about the neutrality of stakeholder information. With some exceptions, we are speaking of only a few meetings per committee per year, and the amount of information coming from interest groups and companies is generally low, if not even absent in several cases. The existence of competition seems quite unlikely in this respect.

But apart from companies and interest groups, there is another fire alarm of a special kind: the European Commission. Its special role in the information arrangement has been mentioned above already, in the sense that it is completely independent of the agent in obtaining its information. After all, the Commission acts as the secretary to the committees and makes and distributes its own minutes. This also means that the Commission itself is part of the context of the information.

The role of this potential fire alarm is much greater than that of the companies and interest groups. The principals receive more information from the Commission than from the other fire alarms,<sup>9</sup> and it usually also receives this information more frequently – with the exception of the input his own agent gives in the meetings. It therefore appears that the information stemming from the European Commission is geared more towards policy coordination and less toward accountability purposes. Nonetheless, it shows which items are at stake at which moment.

But there are also parallels between the role of the European Commission and the role of interest groups and companies in a fire alarm arrangement. Like the others, the European Commission is not a neutral actor, as it is both controlled by and in cooperation with member state representatives. In exceptional cases, it can try to throw a spanner into the works by contacting domestic principals directly:

*“There have been examples where I’ve had people in (a committee) where... I heard from members of the Commission that the performance of one particular guy was not up to the normal Danish standard. Nobody was really listening to what he was saying. (...) But of course they are saying that about the 26 other member states as well, there could be some members of the committee who are pure enfants terribles; that happens. It is not a major problem. But things can go wrong and you have to be aware of it.” (R413-P)*

When assessing the role of fire alarms in the domestic accountability

arrangement of comitology, the above shows that this role should not be over-emphasized. Indeed, as suggested by the literature on fire alarms, external parties such as the European Commission, interest groups and companies indeed send information to the superior of the committee participant to a lesser degree than the committee participant does himself. But the findings of this study contradict expectations in terms of the attention given to this information. Whereas the literature suggests that principals are likely to pay much attention to information coming from third parties, in the situation studied here this is not the case. In general, these principals tend to pay less attention to information coming from fire alarms, not more.

The role of fire alarms in the accountability arrangement between comitology committee participants and their superiors, thus, is only limited. They are part of the information process in the accountability arrangement - but only a small part. Principals also perceive their interference as a lobbying act, and not necessarily as a fire alarm. A partial exception is the European Commission, the information from which is given slightly more attention than that of the other fire alarms. Yet apart from the exceptional case quoted above, it usually does not provide information on the input of individual member state representatives. In sum, the direct information relationship between the committee participant and his superior is most important and most relevant.

## 5.2 Explaining information transfer

As this chapter has argued thus far, there is a difference between the extent to which an agent informs his principal and the extent to which the principal is informed. It is worthwhile to keep these two aspects separate. As practices of sending and receiving information differ, they might also be explained differently. Given the incidental nature and generally lower relevance of fire alarms, indirect information flows have not been included in these explanations.

Chapter 4 of this study indicated three factors that may influence accountability practices: differences in expertise, style of representation and political salience. It also presented five control variables: organization (with the attributes ‘department’ and ‘agency’), country, the number of years the committee participant has been active in the committee, the number of years the superior has been employed at his current position, and the number of years the two have been working together. For the survey data, a series of linear regression analyses was

<sup>9</sup> It is approximately double, but this figure should be interpreted with caution as the standard deviation is very high. This means that there are many cases where this figure differs strongly from the average reported here.

carried out in an attempt to explain information practices and work towards parsimonious models. This procedure was carried out both for the degree to which agents report to send information to their principals, as well as for the degree to which the superiors report to receive information from their agents. The results of this exercise are shown in Tables 5.6 and 5.7 below, and are thereafter discussed and compared. The patterns emerging from the quantitative analysis are also found in the interviews. Both the quantitative and the qualitative analysis show that all three factors have merit, in terms of both the sending and receiving of information.

Table 5.6 **Regression analysis locating differences in information provision from agents to principals**

	Full model	Parsimonious model
Differences in expertise: · Technical complexity of the issues · Knowledge gap as perceived by agent · Knowledge gap as perceived by principal	0.346** -0.269*** -0.210	0.287*** -0.273*** -
Style of representation <sup>a</sup> : · Style of representation (agent) · Style of representation (agent) as desired by principal	-0.067 -0.136	- -0.180**
Political salience: · Political interest · Europeanization of organisation	0.277** 0.212***	0.270*** 0.183***
Control variables: (ref. cat.: Dutch ministries) · Danish agency dummy · Danish ministry dummy · Dutch agency dummy  · Number of years agent has held position · Number of years principal had held position · Number of years agent and principal have worked together	-0.154 0.217 -0.567  -0.011 0.008 0.000	- - -  - - -
Constant	3.175***	2.759***
R <sup>2</sup>	0.372	0.300
R <sup>2</sup> (adj.)	0.275	0.275
F	3.831***	11.832***
N	97	143

\* $p < 0.1$ ; \*\*  $p < 0.05$ ; \*\*\*  $p < 0.01$ .

Dependent variable: index of agents informing their principals.

Entries are unstandardized OLS-regression coefficients.

<sup>a</sup> High values correspond to trusteeship, low values to delegation.

Table 5.6 shows the results of the analysis investigating the extent to which committee participants send information to their superiors. It first shows the results of a full model including all variables, and then it presents a parsimonious model including only the variables producing significant effects. This procedure brings down the amount of explained variance in the final model a bit, but it comes with the advantage of higher reliability and a clearer overview of the effect of the relevant factors only.

In the end, variables from all explanatory factors add to the explanation of information-giving practices. The first block in Table 5.6 shows the effect of differences in expertise. In line with expectations, it appears that the more the agent believes that his principal finds an issue hard to understand, the less information the agent sends to his principal. At the same time, it seems that they inform their superiors more often about technically complex cases. Why is it that these seemingly contradictory outcomes emerge from the same analysis?

The answer to this puzzle lies in an indirect effect.<sup>10</sup> When looking at these correlations in isolation, it appears that technical complexity in itself has a small, but significant, effect on sending information.<sup>11</sup> But technical complexity has a very strong impact on the belief of the agent that his superior finds the issue hard to understand.<sup>12</sup> The result is that the linear regression analysis shows a much higher impact figure for technical complexity. In itself, it has only a low effect on the amount of information sent to the principal, but because of the strong indirect effect the overall importance of this variable is magnified in the regression analysis in Table 5.6.

The second block of variables shows indicators of style of representation. Of the two variables included, only one has a significant effect. The more principals want their agents to act as trustees, the less information the agent sends to the principal. The degree to which the agents feel autonomous themselves does not affect information-giving practices.

Regarding the political salience factor, both political interest in the issue itself and the degree of Europeanization of the organization relate positively to information provision from the agent to his principal. Finally, the control variables prove to be irrelevant. Neither socialization nor specific country-related or agency-related attributes matter for the amount of information that committee participants send to their superiors. In the end, the parsimonious model explains about 27 percent of the variance, which makes it a very good model.<sup>13</sup>

The same arguments are relevant to the mirror image of the problem discussed above: to what extent are principals being informed by their agents? Again, a series of regression analyses has been performed to determine the relative impact of each factor.

<sup>10</sup> Analyzed by means of a partial correlation analysis.

<sup>11</sup>  $R = 0.125$ , sign.  $< 0.05$ .

<sup>12</sup>  $R = 0.302$ , sign.  $< 0.001$ .

<sup>13</sup> Additionally, the change in explained variance was computed between a classic principal-agent model consisting only of independent variables relating to the first factor, and an extended model including all independent variables. For the full model, the change in  $R^2$  is 0.203 (sign.  $< 0.01$ ), and for the parsimonious model the change in  $R^2$  is 0.171 (sign.  $< 0.001$ ).

Table 5.7 Regression analysis locating differences in the receiving of information by principals from agents

	Full model	Parsimonious model
Differences in expertise: · Technical complexity of the issues · Knowledge gap as perceived by agent · Knowledge gap as perceived by principal	0.171 -0.078 -0.179	- - -
Style of representation <sup>a</sup> : · Style of representation (agent) · Style of representation (agent) as desired by principal	-0.098 -0.240**	- -0.269***
Political salience: · Political interest · Europeanization of organisation	0.006 0.023	- -
Control variables: (ref. cat.: Dutch ministries) · Danish agency dummy · Danish ministry dummy · Dutch agency dummy  · Number of years agent has held position · Number of years principal has held position · Number of years agent and principal have worked together	-0.240 -0.530 -0.904**  -0.007 0.000 0.108*	- -0.552** -  - - 0.078***
Constant	4.678***	4.503***
R <sup>2</sup>	0.273	0.189
R <sup>2</sup> (adj.)	0.161	0.173
F	2.427***	11.610***
N	97	152

\*p<0.1; \*\* p<0.05; \*\*\* p<0.01.

Dependent variable: index of principals being informed by their agents.

Entries are unstandardized OLS-regression coefficients.

<sup>a</sup> High values correspond to trusteeship, low values to delegation.

For an explanation of how much information principals receive, the variables relating to differences in expertise all failed. A stronger predictor is found in the second block of variables. The style of representation as desired by the principal produces strong and highly significant effects. The more agents are supposed to act autonomously, the less their superiors report to be informed by them directly. Further, two control variables come into the picture. They suggest that principals working in Danish ministries receive less information about their agent's behaviour

in Brussels than their colleagues from Danish agencies and from the Netherlands.<sup>14</sup> Further, the effect of the duration which the committee participant and the superior have been working together in the same unit is significant. The longer they have been exposed to one another, the more information the superior reports to receive. The explained variance of this model is about 17 percent, which is somewhat lower than with the previous model but still a good score.<sup>15</sup> The amount of explained variance is lower than in the previous model because the political salience variables produce hardly any affect at all. Even though from the survey no effect of political salience could be distinguished, the results from the interviews are diametrically opposed to it. There, respondents indicated that political salience actually matters a lot.

How can it be that the survey did not pick this up? The discrepancy has everything to do with the wording of the questions in the survey. The survey asked about the level of interest of political actors – these being the minister, the government as a whole and the parliament - in the issues that are discussed in each respective comitology committee, and it used these as indicators of political interest. For the agents, these indicators worked well, as this taps into the involvement of political actors in the issues they are working with.

But the interviews with the superiors showed that many superiors refer to something different when speaking of political salience: they primarily think of it in terms of damage control. Their considerations in getting information in are not only to what extent their ministers are interested in a particular issue, but rather how the interest of their ministers is distributed between different issues, and the effect an issue might have on existing regulation. They have broader concerns than their subordinates have, and therefore they are less quick to think that issues are politically salient. All superiors who mentioned selective reading refer to this reason in various forms:

*“If you have something which is very politically sensitive or if there is a big important meeting you are preparing where ministers appear for the parliament (...), these items may consume your entire day. Therefore when this report from the committee meeting pops up on the inbox, you think: I’ll read that later. (...) Another situation might be that the report from the meeting comes in and it is a quiet day, and (...) you have not spoken to the committee participant for a number of days, giving a good reason to call him.” (R326-P)*

<sup>14</sup> A reason for this might be that Dutch ministries have many more executive tasks than Danish ministries, and therefore attention in Danish ministries for the implementation matters that comitology deals with is crowded out by attention for more strategic matters.

<sup>15</sup> Additionally, the change in explained variance was computed between a classic principal-agent model consisting only of independent variables relating to the first factor, and an extended model including all independent variables. For the full model, the change in R<sup>2</sup> is 0.203 (sign. < 0.05), and for the parsimonious model this statistic cannot be computed, as no variables from the first factor remain.

*“Before we set up this unit, (...) I had also other responsibilities, so there was no time for it. Then it happened that the international issues were put away because when the minister calls you have to answer him. Danish ministers are more nationally oriented than internationally, because in Denmark they may lose the next election.” (R102-P)*

*“In practice we don’t really care. (...) We’re not right on the ball because we lack capacity and because there are no large funds involved. (...) When someone goes to a programme committee, I usually only hear that they’re going and not what’s going on.” (R1065-P)*

The other factors the survey results pointed to were also found in the interviews. Trustees indeed inform their unit heads to a lesser extent than delegates do. A delegate who sends his reports as a routine procedure also notes:

*“My unit head loves detail, he really gets into it.” (R1202-A)*

For trustees, this is markedly different:

*“It is up to me to decide, there are now such fundamental issues under discussion that it could be wise to inform my unit head or my director.” (R1001-A)”*

In general, when superiors trust their committee participants to do the right thing, they are happy with receiving relatively little information (R413-P, R1152-P, R1157-P). In only two cases were outcomes different: one superior said he always reads everything carefully (R1147-P), and another felt policy specialists should behave less autonomously though he still only wanted to be informed of politically relevant things (R1200-P).

Still, committee participants can push the limits of their autonomy. One unit head noted how a committee participant “tries to build his own little kingdom”, without “someone looking over his shoulder”. In this situation, the desired style of representation differs from the actual style of representation, and the requirements for reporting to the management are stricter (R1152-P).

Moving towards the gap in expertise between committee participants and their superiors, without exception all interviewed superiors stated

that insofar as such gaps existed, this was not a problem. They all either pointed to their own experience in a management position or to the ease by which some policy issues can be understood. Taken together, the interviews also show that technical complexity and knowledge gaps can vary, and that it does indeed affect the degree to which superiors take information to them:

*“I’ve been in this unit for 21 years now. I have been in this committee for a number of years as well, so I know what it’s about. I am also much involved in international affairs. I know what they are talking about and what the major issues are.” (R1099-P)*

*“When [reports come in on meetings that are] very technical, there is not much policy in it. And definitely not something - knock on wood - that we should inform the minister about, because very often this is not about very difficult problems and we already solved it in our own way. We have not had any problems as far as that is concerned, so far. (R413-P)*

*“With all due respect for this committee: I never really knew what was going on there. We have a rule that everybody has to report what is going on, and that it is sent out to a large group of people within this directorate. But I get so many reports. Especially this committee is a very technical club, and I often leave it unread. You have to prioritize.” (R1152-P)*

The interviews therefore show that all these factors shape the degree to which information is distributed and read. It is hard to establish the relative impact of each of these factors. But the first reactions of the respondents may be indicative. Of the eleven principals who were asked what leads to a document being read or not (or when they spontaneously talked about this), eight initially mentioned the political aspects of the issue, followed by other arguments. Two principals mentioned that technical aspects came first, and the remaining unit head indicated the style of representation as being the primary reason why a document is read or not.

### 5.3 Problems of information loss

The accountability of backstage Europe is challenged by a paradox. As argued before, there is a tension between the intergovernmental design

of the comitology system and its actual functioning. Apparently, member states feel that implementation of common policies is important enough to install a system of well over 200 committees whose function is to control the Commission. But then, the matters these committees discuss are of such a nature that the participants must be experts, and they do not necessarily bargain on the basis of national preferences.

It is this nature of comitology that makes accountability at the national level relevant. It allows governments to control the wheelings and dealings of their representatives and also to secure the intergovernmental aspect of comitology. Within this process of accountability at the national level, the transfer of information from the committee participant to his superior is of great importance. It allows the national administration to unveil and evaluate the behaviour of its representative in the committees.

This chapter investigated to what extent information is transferred to the superior of the committee participant, whether this information is transmitted directly or via an intermediary, and what factors can explain why in some cases more information is transferred than in others.

The results show that the superiors are generally informed directly by the committee participants about the participants' own input in the comitology committee, about the content of the discussion in Brussels and about vote results. Principals obtain by far the largest share of their incoming information from their agents themselves, and compared to the other sources they are also quite attentive towards it. Principals are also relatively satisfied with the amount and content of the information they receive directly from the agent; about 83 percent of the principals report this.

The indirect route of information is less relevant. About sixteen percent of all information comes from external sources.<sup>16</sup> Of these, the European Commission is the most relevant source, providing approximately nine percent. The literature on fire alarm arrangements suggests that attention for this information tends to be high, but this result was not found in this study. The European Commission receives more attention from the principal than do interest groups and companies, but its information generally does not include the input of individual member state representatives. Agents also tend to inform external parties to a far lesser extent than they do their immediate superior, and other studies have revealed that it is hard to find out what happens during meetings using publicly available resources (Türk 2003, Brandsma et al. 2008).

This chapter also shed light on how differences in the information relationship between committee participants and their superiors can

be explained. An important conclusion is that the classic principal-agent approach offers a too narrow explanation of practices in the information relationship, as factors other than differences in expertise, namely style of representation and political salience, also matter. Within the style of representation, the desires of the principal matter most. Committee participants who see themselves as experts having considerable freedom to determine the national position, and who give input according to their own professional expertise – as 'trustees' so to speak, may be tempted to send less information to their superiors than those who do not enjoy as much autonomy. Nonetheless, the principal's ideas about this have a more tangible impact upon the degree to which information is transferred.

The agents' perceptions matter more when it comes to perceptions of knowledge gaps. Those who think their superiors find it hard to understand the issues that the committee deals with send less information to them. General issue complexity also affects the information relationship, though to a lesser extent. The interest of political actors and the degree to which Europe 'hits' the organization matter to a limited extent. They influence the way in which committee participants inform their superiors, but do not appear to affect the way in which the superior receives this information.

One of the findings is not particularly encouraging in the light of the accountability of comitology. Information is not always transferred from agents to principals in the civil service to a consistently high standard. However, even though this may appear disturbing from a democratic point of view, in itself this should not necessarily be seen as problematic. It is not deplorable that information gets lost as such – it is impossible anyway for ministers, government, parliament or voters to know every detail of what takes place. The link between policy specialists (committee participants) and their superiors (unit heads) is the final link in the chain of delegation that runs from the electorate to civil servants. It is evident that even at this stage some information gets lost on its way up.

What is problematic about this is that the filtering-out of information is not only due to conscious decisions about which important pieces of information should be forwarded to higher management levels, but it is also due to less diligent and selective reading on the part of the principal who has to cope with a high workload, to differences in expertise and to divergent perceptions between unit heads and their staff that lie at the heart of their working relationship in general. When a committee participant sends less information to his superior because he thinks his superior would find the issues difficult to understand, who is going

<sup>16</sup> This percentage is indicative only. Sixteen percent is an average figure, but the standard deviations are very high. This means that the average holds, but there are many cases where the figures differ markedly from this average.

to judge if his actions are appropriate when the principal also does not pay much attention to external sources of information?

The standard principal-agent approach acknowledges this difficulty but fails to take another – at least equally important – aspect into account. Agents and principals also have perceptions on agency autonomy, and this also leads to different information practices. These perceptions affect information practices significantly on both sides, resulting in information loss right at the end of the chain of delegation, where the chain of accountability begins.

Many of these concerns can be remedied by committee participants and their superiors at least exchanging their points of view. This is especially important for those who act more autonomously. For this group, a lower transfer of information is acceptable as long as they align or re-align preferences with their principals in other ways. But do they do that at all? This part of the accountability relationship – the practices of exchanging views – will be addressed in the next chapter.

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## Chapter 6

# Discussions: On substantive talks and deafening silence

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Comitology is an ongoing process. It is rare that issues discussed in a committee meeting are unrelated to other issues, or that issues that suddenly emerge in a meeting are instantly followed by a vote (Alfé et al. 2009). Rather, backstage Europe is repetitive. Issues are repeatedly discussed, and policy proposals are repeatedly changed, until the Commission is confident enough of the committee voting in favour. During this process, member state representatives lobby the Commission to have proposals changed in a way that is favourable to themselves, but they also need time to find out the extent to which their home government can live with the policy alternatives that are discussed within the committee. This is why discussions, apart from evaluating past behaviour, simultaneously serve as a backstage guidance tool for future input in decisions. Discussions can lead to new insights, new preferences and possibly also other input in committee meetings when the issue is again up for discussion. They serve as a means by which the committee participant knows if he is on the right track, and they equip the superior with a management tool.

The first part of this chapter is devoted to the empirical question: *To what extent do committee participants and their superiors discuss the participants' input in comitology committees?* There are two tiers to this question. First is the issue of how often principals and agents actually engage in feedback discussions. Do principals and agents do this regularly, or only after a direct cause? The second part refers to the elements feedback discussions contain. It was discussed in Chapter 3 that it is important for the quality of feedback discussions to include an exchange of views and to consider matters of principle. But are these elements actually present? Is there actually an exchange of views, or is it rather one-way communication? How fundamental are the things that are discussed? The first part of this chapter thus covers both *frequency* and *content*.

The second part of this chapter continues the explanatory exercise that was started in the previous chapter. It answers the question: *How can differences in discussion practices between comitology committee participants and their superiors be explained?* It links the findings of the first section to the factors discussed earlier: differences in expertise, style of representation and political salience.

## 6.1 Talking shop, or not?

### Frequency of feedback discussions

Whether speaking of feedback discussions or of discussions in a more general sense, there is a very large variety of practices. This is a finding that emerges both from the survey and from the interviews.

The survey presented the superiors of the committee participants with two questions for measuring the frequency of feedback discussions. These are listed below in Table 6.1. One of the two items plainly asks how often discussions take place after a meeting. A second item asks to what extent it is true that such discussions only take place after a direct cause.

Table 6.1 Descriptive statistics for frequency of debating

	Mean value	St. dev.	Min. value	Max. value
The input of the spokesman is often discussed with him/her after a meeting	3.10	1.133	1	5
There are only discussions after a meeting when there is a direct reason for them	1.82	1.045	1	5

Note: All items are Likert scales presented to the principals. They could answer "Agree (1)", "Partly agree (2)", "Neither agree nor disagree (3)", "Partly disagree (4)", and "Disagree (5)".

These two items were aggregated into a frequency of discussion index.<sup>12</sup> The average of this index is 2.35, while the index itself ranges from 1 (low frequency) to 5 (high frequency). Even though most results cluster between 2 and 3, the answers are spread out over the entire spectrum, up to the extremes of the scale. In exceptional cases, there are very frequent feedback discussions. The variation in frequency of feedback discussion is great.

These figures show that there are several cases where the number of discussions is very high or very low. In the interviews and observations, the committee participants and their superiors gave several explicit examples of this.

<sup>1</sup> Chronbach's Alpha: 0.585, which is somewhat lower than the usual reliability standard of 0.70. This, however, can be a slightly misleading standard, as Chronbach's Alpha has a tendency to be lower with scales consisting of a small number of items (Schmitt 1998).

<sup>2</sup> Because the two items correlate negatively, one of them has been rescaled so that high values reflect frequent feedback discussions.

### Box 6.1 Available on demand

The committee in which Victor Reinders<sup>a</sup> participates deals with a policy programme that is due to expire. Before lunch, several issues are discussed and voted upon. After lunch, the Commission asks for an 'open discussion'. It aims to receive suggestions from the member states that the Commission can use in its legislative proposal for a follow-up programme.

Even though Reinders did not speak before lunch, he takes the floor very often during the 'open discussion'. He suggests a great many things and skillfully ties them into the comments of other participants. Of all the member state representatives, he speaks most. In two hours' time, the committee, but Reinders in particular, provides the Commission with a large number of suggestions to be incorporated into a follow-up policy.

Waiting for the train back to the Netherlands, Reinders buys himself a beer. He always does so after a committee meeting. I ask him on what he based his contribution to the discussion, and he answers that his comments fit the ideas and experiences of other people within his unit. But, as he told me earlier (see Box 3.1, Chapter 3), his manager allows him a great deal of autonomy and is only informed on an 'abstract level'.

A few days later, I approach his head of unit for an interview. He declines politely, but adds a few words in an e-mail: "I think the EU committees are important, I rely completely on the expert input of my staff, and my own interference is limited (I am available on demand)". And from the survey too, the absence of discussions between him and Reinders stands out.

This absence of discussion and information transfer jeopardizes the accountability of Reinders' behaviour. His formal role is to represent the 'national interest' in the committee, but in practice he is able to defend an interest shared by colleagues in his unit, and to label that as 'the Dutch position'.

<sup>a</sup> For reasons of anonymity, his real name was replaced. Source: Observation B

The example presented in Box 6.1 is an extreme example that says a lot about the risks of the absence of discussions in an accountability arrangement. But this observation, extreme as it is, is not unique with respect to the frequency of discussions:

*“I did coordinate issue X intensively with another ministry and with an agency, but not with my superiors. For this, the issues are too specifically related to implementation in Brussels and too little embedded in national policies. (...) But incidentally, if the content of the discussion induced this, I would send a written report to my unit head, also to account for my behaviour in Brussels.” (R1214-A)*

At the other extreme, there are frequent, organized feedback discussions which are not bilateral between committee participant and superior, but which involve a complete unit:

*“When people return from meetings we have fixed meetings here in the office. Normally they go through the agenda saying what was discussed under the different points, and then we have a discussion of what can we learn from that - what is the position of the Netherlands, Sweden, whatever - trying to get the whole picture. If there is progress which is important if we have to report, and if decisions are taken and we want to give information about them, then we put it on the Internet.” (R102-P)*

These are only a few examples showing that discussions can take place more or less frequently, but they can also appear in various forms. They can be the straightforward one-on-one meetings in the office (R326-P), but also phone calls late in the evening (R102-P), unit meetings (R1021-A, R1024-A, R102-P), or just popping in with a question or remark (R102-A, R1099-P, R1147-P, R1066-P). Yet what is actually said in these discussions? Do they concern fundamental aspects of the issue at hand, or are they rather about unimportant details?

### Content of discussions

The above subsection shows that in general, feedback discussions take place to varying degrees. But what are these discussions actually about? This subsection analyses the content of such feedback discussions.

There are two ways to distinguish the content of feedback discussions. First, there is the *intensity* of discussions, which is of special importance to the bureaucratic representation extension of the principal-agent framework. Second, there also is the *formality* of discussions. Table 6.2 shows the results of a principal component analysis that shows that these two dimensions are empirically separate phenomena. The first three items in the table load on the same dimension and relate to the intensity

of discussions. The last three items refer to the formality of discussions and load on another, separate, dimension.

Table 6.2 **Principal component analysis of the content of feedback discussions**

	Loading on factor 'intensity'	Loading on factor 'formality'
The feedback discussions are about matters of principle	<b>.592</b>	-.219
The feedback discussions are about the vision the [committee] spokesman has on the issue	<b>.870</b>	.008
The feedback discussions are about the vision [the superior has] about the issue	<b>.767</b>	.063
The feedback discussions have an informal character	-.152	<b>.750</b>
The feedback discussions are about specific issues	.362	<b>.633</b>
The feedback discussions are recorded on paper	.149	<b>-.714</b>
Eigen value	1.883	1.512
Chronbach's alpha*	0.636	0.504

\* For additive index of bolded items. The last item of the formality factor has been recoded to allow for additive scaling.

Note: All items are Likert scale statements to which the respondents could answer "Always", "Often", "Now and then", "Seldom", and "Never". Extraction method: Principal component analysis. Rotation method: Varimax with Kaiser normalization.

The above exercise shows that feedback discussions can be summarized in two ways: by their intensity and by their formality. After aggregation of the individual items, the means of both these scales are respectively 3.22 and 3.75. In other words, this means that discussions are, on average, *moderately intensive* and *quite informal*.

The interviews show a similar picture. In terms of formality, it indeed shows that specificity and informality come together often:

*“[My unit head] reads proposed instructions very carefully and sometimes walks in, suggesting to me to take a closer look at certain things.” (R1202-A)*

*“This part of the office, it has less than 10 people. They’d come into my office and we’d discuss [issues that came up in a committee meeting] and know how to do it next time. It’s not making new technical reports and so, just orally these will be discussed. Normally this takes 30 seconds.” (R313-P)*

There is nothing really peculiar about this informal way of discussing specific issues. Policy coordinators and unit heads work in the same unit and see each other quite often. Typically, they all have their own responsibilities and mind their own business. But when something is unclear or should otherwise be discussed, the threshold for seeing one another is low.

In terms of the intensity of discussions, the average result is towards the middle of the scale. The interview results validate this, as the results are certainly less clear-cut than with the degree of formality. There are cases where discussions about the core of the input are clearly present:

*“We have a basic idea of the criteria we lay down in the Netherlands, and within this lies a mandate to work with. You check that once in a while, but not in the situation that you are going to Brussels. (...) If he does not come to see me, I assume he works within his mandate. But I do think it is important to outline the basic idea of where we want to take this policy.” (R1157-P)*

In many other cases, by contrast, these discussions are not present. This can come under two guises. First, there is the guise of *discussing operations*. In such a situation, discussing principles is superfluous, as the operational decisions based on these principles are discussed with the superior as well:

*“When I get the agenda I will brief him on which items are there. And I will tell him that X may be a bit complicated and so on, and maybe we need to involve these people and so on. (...) So I decide with him who will go and that’s his chance to consider if something is politically sensitive or whatever. Normally he listens to what I tell him.” (R149-A)*

Second and much different, there is the guise of *business as usual*. In this case, there is hardly any interaction between superior and committee participant because an issue has been dealt with some time ago, and in the meantime the organizational situation has not changed:

*“Whether or not I discuss extensively with my staff what should be said in a meeting, the basic idea we have will not be any different from last year’s. And luckily we did not have too many staff moving on during the last years, so the people who ran the Council negotiations are now running the committee as well. So they are well informed about this subject.” (R1065-P)*

The guise of ‘business as usual’ is a widespread phenomenon. Many respondents believe it does not make sense to discuss core views when an issue has been dealt with for quite some time already, since the discussions – including political discussions – are likely to have taken place before and an established group of people has been involved in the issue for several years. In other words, there is an established tradition of behaviour upon which both the committee participant and the superior can fall back (cf. Geuijen 2008). In such situations, committee participants come to see their principals when they believe something should be discussed, and the superiors in their turn believe their subordinates only come to see them about the things the superior deems important (R1079-A, R1065-P, R313-P, R413-P, R435-A, R1099-P, R1021-A).

Nevertheless, ‘business as usual’ comes with its problems. Committee participants may take a position in a committee on an issue of which they think it is business as usual, but which in fact is slightly different:

*“I had an approach of which my former unit head said: if you look at this matter in isolation you are absolutely right. But if we do this here, we have to do it with other policies as well and then we have a problem. In policy X there was a proposal for re-allocation of financial support [and for policy Y the respondent’s approach would harm Dutch interests]. Luckily we were able to sort this out before the meeting, but in the corridors my colleagues [from the other member states] wanted to hear why the Dutch suddenly took this new position.” (R1021-A)*

This indicates that policy specialists sometimes think they can vote in favour of a certain proposal when actually they simply cannot tell if it is in fact business as usual. Several superiors refer to using cell phones and wireless Internet to keep in touch with the capital and to discuss certain items during the meeting, in order to indicate that this problem should not be blown out of proportion (R102-P, R413-P, R1200-P). But in itself, this new technology does not solve the main issue. When new issues come up under the guise of ‘business as usual’, it is not likely that participants will contact their capitals to begin with:

“I have seen many times that people go for a practical solution, but after discussion in the capital they needed to move back. But often there is no way back.” (R435-A)

Also, this does not mean that issues of a certain age can never be politicized again. When the European Commission is evaluating its own policies and drafting follow-up legislation, this is the perfect time for national governments to reformulate their preferences and lobby for new, favourable legislation in the committee (R1079-A, R1138-A, R1024-A). In this phase, committee participants and their superiors both believe something important is at stake, and this translates itself into higher discussion intensity.

Discussions, thus, can indeed serve as a means by which principals and agents – when necessary – can discuss core views and realign the interests they defend. But evidence so far shows that these discussions are generally neither very often, nor very intensive. Nonetheless, practices vary. How can the occurrence and intensity of discussions be explained? Several examples from day to day practice have been given in the above discussion. All of them in some way tie in with the theoretical arguments that have been discussed at greater length elsewhere (cf. Chapters 3 and 4). The following section will run through these theoretical explanations more systematically.

## 6.2 Explaining discussion frequency and intensity

### Explaining discussion frequency

To be able to explain why some committee participants and superiors have more or less frequent discussions than others, an analysis was carried out similar to the one presented in the previous chapter. A linear regression analysis was performed that includes a number of factors by which accountability is supposed to vary according to theory, together with a qualitative analysis of the interview results. The quantitative analysis is presented first. Table 6.3 attempts to explain the variation in the *frequency* of the discussions. The dependent variable is derived from the scale that was constructed in the above section. As in the previous chapter, the table consists of two regression analyses: a full model and a parsimonious model that only includes significant relationships.

Table 6.3 Regression analysis mapping differences in frequency of feedback discussions

	Full model	Parsimonious model
Differences in expertise:		
· Technical complexity of the issues	0.022	-
· Knowledge gap as perceived by agent	-0.046	-
· Knowledge gap as perceived by principal	-0.178	-0.201**
Style of representation <sup>a</sup> :		
· Style of representation (agent)	0.075	-
· Style of representation (agent) as desired by principal	-0.330**	-0.265***
Political salience:		
· Political interest	0.175	-
· Europeanization of organization	-0.056	-
Information received by principal:		
· Information received from agent	0.265**	0.202**
· Information received from companies and int. groups	0.068	-
· Information received from EC	0.019	-
Control variables: (ref. cat: Dutch ministries)		
· Danish agency dummy	-0.197	-
· Danish ministry dummy	-0.555	-
· Dutch agency dummy	-0.018	-
· Number of years agent has held position	-0.024	-0.024*
· Number of years principal has held position	0.006	-
· Number of years agent and principal have worked together	0.002	-
Constant	2.292**	2.792***
R <sup>2</sup>	0.284	0.220
R <sup>2</sup> (adj.)	0.120	0.197
F	1.731*	9.316***
N	86	136

\* $p < 0.1$ ; \*\* $p < 0.05$ ; \*\*\* $p < 0.01$ .

Dependent variable: frequency of discussions index

Entries are unstandardized OLS-regression coefficients

<sup>a</sup> High values correspond to trusteeship, low values to delegation

The full model includes variables from several theoretical factors. The first block of variables is related to the classic principal-agent framework and, more specifically, to differences in expertise. Technical complexity does not matter, but knowledge gaps do. When the superiors think they know less about an issue than the committee participants do, they are less likely to engage in feedback discussions. An interesting question here is which causes what. Are there knowledge gaps because the principal does

not organize feedback discussions, or aren't there any feedback discussions because the principal cannot understand the issue the agent works with? In either case, this figure shows that differences in expertise matter for accountability practices. They do not only *necessitate* accountability, but also *affect* the practices resulting from it.

The second section introduces the variables that are related to style of representation. It consists of two variables: the extent to which the agent thinks of himself as being a delegate or a trustee, and the extent to which the principals wants his agent to act as a delegate or as a trustee. The full model shows that the style of representation as desired by the principal produces strong and significant effects. Agents who are expected to be trustees are likely to engage in feedback discussions with their immediate superiors less often than delegates are. The orientation of the committee participant himself in this respect is of little relevance.

The third section includes the political salience variables, but these do not produce significant effects. The fourth section shows how the extent to which the principal is informed relates to the frequency of feedback discussions. This is meant as an extra control to check to what extent the phasing of accountability – information, discussion and consequences – is necessarily sequential. Chapter 3 argued that in some cases the information phase of accountability is not strictly necessary, whereas for others discussion is less relevant. The three variables in the information block in Table 6.3 are supposed to control for this and check to what extent information is a necessary precondition of discussion after all. The three variables included in the analysis are the same variables that were dependent in Chapter 5; they are measures of the transfer of information to the principal. Feedback discussions seem not to compensate for lack of information on the part of the principal, but rather result from information that is actually received. The more information the agent sends to his principal, the more feedback discussions take place. For information coming from companies, interest groups and the European Commission, no significant relationships materialized.

Finally, there is one control variable producing an effect. The longer a committee participant holds his position, the less frequently debates occur. This indicates that policy experts who have built up experience over time are challenged by their managers less often than those who started more recently. It doesn't matter whether the respondents work in Dutch or Danish ministries or agencies, nor does it matter how long the superior of the committee participant has been in his position, or how long the committee participant and his superior have been working in the same unit together – what matters is how long the committee participant

himself has been in his position already. For every year, the discussion frequency drops by 0.02 on the scale.

The parsimonious model was constructed by removing the most insignificant variable from the full model and continuing like this until only significant variables remain. This results in a clearer and more reliable model with a higher adjusted R-square, which is an indicator of both explained variance and parsimony. The parsimonious model explains about 20 percent of the variance.<sup>3</sup>

Even though the classic principal-agent framework does not place emphasis on the function of debates in accountability relationships, the above analysis does show that its intrinsic causal mechanism applies to some extent to explaining discussion frequencies. The stronger a principal believes he knows less about an issue than his subordinate, the less likely it is that frequent feedback discussions occur. But there is also an indirect effect that adds further to this. The frequency of feedback discussion also depends on the amount of information the principal reports to receive from his agent, and the previous chapter demonstrated that agents who think that their principals do not understand certain issues report to send less information to them to begin with. Differences in expertise, thus, do seem to have an effect on the discussion phase of accountability.

There are more factors of influence in this case, showing the merit of opening up the classic principal-agent model and including other variables: a higher degree of trusteeship produces fewer feedback discussions, and the longer a committee participant works on a file the fewer discussions occur. Similar results emerge from the interviews. Here, too, it is obvious that several factors interact. Several respondents mention that information triggers further discussion. It is one of the direct causes to which principals respond:

*“When I read a written report [on a committee], I place some markers in the margin because I would like to hear something more about that. And that can be done really quickly. They're only a few doors away.” (R1147-P)*

*“Typically I would read a written report and if that gives rise to questions I will ask the member of the staff to come in and supplement that report in some way. (...). Typically if we have been discussing one element of the meeting beforehand, the member of staff would automatically go back to me and say I just want to tell you how it all ended and give me this more oral report as a supplement to the written report. That is typically how we work.” (R326-P)*

<sup>3</sup> Additionally, the change in explained variance was computed between a classic principal-agent model consisting only of independent variables relating to the first factor, and an extended model including all independent variables. For the full model, the change in R<sup>2</sup> is 0.209, (not sign.), and for the parsimonious model the change in R<sup>2</sup> is 0.124, (sign. < 0.001).

But then, there are also cases where hardly any discussion takes place at all. Several superiors mention, in different words, that they are available upon request (R1066-P, R1157-P, R1138-P). Comparing this to the survey details, it appears that these superiors all indicate to treat their respective committee participants as trustees. The more a committee participant is supposed to act as a trustee, the less frequently feedback discussions occur. This even applies in a rare occasion of agency loss with a trustee:

*“It once happened that I said I was not happy with it, but we would try and make the best of it. Then he found out too late that he was crossing the lines of his mandate. Things happen, and you don’t need to make a big problem out of that. The alternative would be for us to prepare every single meeting together. Then I could just as well go myself.” (R1157-P)*

Turning to differences in expertise, it appears that the superiors of committee participants do not explicitly mention links between these and the frequency of feedback discussions. In general, they do not consider it to be an issue. Most acknowledge the existence of knowledge gaps, but they indicate that the craft is either in ‘clever asking’, or in ‘keeping on asking’ (R1147-P, R1157-P, R1200-P, R437-P). But things can be different when knowledge gaps are very small:

*“It depends on the subject. If it is on issue X, I would delve rather deeply into it. I am a technician myself, so I can’t help it. It isn’t necessary, but normally I do it anyway. But for instance for issue Y, I have not read the proposals. Someone in the office has read them and tells me it seems good and ok (...) I just think personally that I am lucky I am not a generalist at this point. I would personally not like to say yes to something if I don’t know the implications of it.” (R313-P)*

If people have an information disadvantage, how do they know which questions to ask? Here, most superiors refer to their many years of management experience, which means that they have a general picture of the sort of things they would need to know about. But what exactly makes ‘clever asking’?

*“I have to get a grasp of the key issues involved and whether I need more coordination with things he did not think of. So I challenge assumptions.” (R437-P)*

*“You always have a knowledge disadvantage. The craft is clever asking. You are always looking to consistencies in his general way of thinking. Is this way correct? (...) But of course, there is always the risk of delayed response because they are maintaining a certain world and it is hard to get it under control because you can’t get all the facts straight. But the advantage is that there are always people around this person who you can ask as well.” (R1157-P)*

All of this taken together means that the superiors of committee participants do acknowledge that differences in expertise exist, but they have a coping mechanism that satisfies them.

### Explaining discussion intensity

The analysis so far looked at the conditions under which feedback discussions are more intensive than otherwise. But this goes beyond the question of what these discussions are actually about. Are they intensive or not? This, too, has been analyzed by means of the same factors as were used before. Table 6.4 again presents two regression analyses: a full model and a parsimonious model.

Again, the first block of variables relates to differences in expertise. The classic principal-agent framework in itself does not pay attention to discussions as a part of accountability. Even though in the analysis of discussion frequency this factor did produce an effect, there are no significant correlations between differences in expertise and discussion intensity.

The same is true for the second block of variables: style of representation. This time, neither of the two variables produces a tangible effect. This is an important result, given the importance of discussing basic ideas in the bureaucratic representation literature that lies at the heart of the extension proposed to the classic principal-agent model.

The third set of variables includes the variables on political salience. In this model, Europeanization has the most significant effect. The more European legislation affects the workload of an organization, the less the intensity of feedback discussions. The same is true for political interest. The more interest from the political level, the less intensive the discussions are.

The fourth block of variables consists of the measures of the transfer of information to the principal. The information flows are only relevant to the extent to which principals are informed by companies and interest groups. Neither of the other two variables yields a significant result.

Table 6.4 **Regression analysis mapping differences in intensity of discussions**

	Model 1 (full model)	Model 2 (parsimonious model)
Differences in expertise: · Technical complexity of the issues · Knowledge gap as perceived by agent · Knowledge gap as perceived by principal	0.004 -0.051 0.084	- - -
Style of representation <sup>a</sup> : · Style of representation (agent) · Style of representation (agent) as desired by principal	0.043 -0.108	- -
Political salience: · Political interest · Europeanization of organization	-0.108 -0.145*	-0.132* -0.176***
Information received by principal: · Information received from agent · Information received from companies and int. groups · Information received from EC	0.101 0.063 -0.078	- 0.187* -
Control variables: (ref. cat: Dutch ministries) · Danish agency dummy · Danish ministry dummy · Dutch agency dummy  · Number of years agent has held position · Number of years principal has held position · Number of years agent and principal have worked together	0.397* 0.068 0.387  -0.008 0.003 0.039	0.352** - -  - - -
Constant	3.513	4.814***
R <sup>2</sup>	0.219	0.195
R <sup>2</sup> (adj.)	0.040	0.168
F	1.227	7.279***
N	86	124

\* $p < 0.1$ ; \*\*  $p < 0.05$ ; \*\*\*  $p < 0.01$ .

Dependent variable: *discussion intensity index*

Entries are unstandardized OLS-regression coefficients

<sup>a</sup> High values correspond to *trusteeship*, low values to *delegation*

From the control variables, it appears that respondents in Danish agencies score 0.352 points higher on the discussion scale than those working elsewhere. The number of years a committee participant or a superior hold their positions has no effect.

The parsimonious model only includes the significant relationships from the previous models and is the clearest explanation of the intensity of feedback discussions. Now that the insignificant effects have been removed, only four variables remain. In sum, the parsimonious model explains about 17 percent of the variance in the data set.<sup>4</sup>

These results are quite interesting for theorizing accountability. In the end, neither differences in expertise nor in style of representation seem to affect the intensity of discussions. The political salience variables are better predictors, and they are explaining a large amount of the variance.

In terms of explaining the content of discussions, the interviews give a very mixed picture. Several of their results confirm the findings of the regression model; or rather, they confirm there is no relationship with several independent variables. For style of representation, for example, both cases of discussing principles were found (R437-P, R1157-P) as well as cases of discussing nothing at all (R1066-P, R1214-A). For Europeanization and the effect of the organization dummies, no relationship with discussion intensity could be established from the interviews. But the interviews also supplement the regression model in an important way. Political interest seems to matter not in one, but in two ways. As was noted in Chapter 5, it appears that superiors have a different understanding of what makes an issue politically important than their subordinates have. The survey asked to what extent political actors are interested in a certain issue, this being the political interest variable in the model. As the examples in this chapter already have shown, it is natural that issues in which ministers, government and parliament have a keen interest are not intensively discussed between committee participants and their superiors. The political preferences are already known and need not be debated any longer (R1079-A, R1085-A, R435-A).

Superiors, on the other hand, tend to think differently on this, which results in different debating practices. They are not concerned by the extent to which their ministers are interested in a certain issue, but rather by how the interest of their ministers is distributed between different issues and the effect an issue might have on existing regulation. This is something that the survey does not measure, but which the interviews do disclose. This form of political interest does affect what the discussions are about:

<sup>4</sup> Additionally, the change in explained variance was computed between a classic principal-agent model consisting only of independent variables relating to the first factor, and an extended model including all independent variables. For the full model, the change in R<sup>2</sup> is 0.216, (not sign.), and for the parsimonious model this statistic cannot be computed, as no variables from the first factor remain in the model.

*“You have to make sure [committee participants] have a political feeling. There are no straightforward solutions; it’s always a balancing act. You have to make it explicit that this balancing is political. If this understanding is lacking, people tend to make their own assessment of what people generally tend to agree on. And that is a very dangerous thing.” (R1157-P)*

*“Some things can be discussed [in Brussels] in such detail. For example, issue X can be about standards of what deviation from the norm is tolerated and what is not, and this tolerance can be different from the tolerance we apply now. And this could, for example, mean that a very large group of people that is now allowed to drive a car may suddenly not be allowed to drive a car any longer. This can land you in a lot of trouble (...) so you have to consider all points of view, and discuss this internally and see if the result is acceptable to [the hierarchy]” (R1200-P).*

*“We need to give X an understanding of what the political considerations are in Denmark. You can’t just go there and have a technical discussion. (...) So X’s job is to have a daily dialogue with people sitting close to the minister. So that’s part of the education you can say, to follow the process on both sides: not only European but also national sides. Of course he cannot do that alone. He has organized a group of people around him and we have meetings. We meet several times a week to exchange views and knowledge about this process.” (R149-P)*

To summarize the main findings of this explanatory exercise, it appears that the desired style of representation, the knowledge gap as perceived by the principal and the degree to which the principal is informed by the agent together influence the frequency by which feedback discussions occur. The content of such discussions, however, mainly depends on the political salience of issues.

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#### Box 6.2 Rubber-stamping salient issues

Margot Kijne, Charlotte de Wit and Peter Grotenhuys work in three different departments. Together they work on a policy which is very important to nearly all Dutch farmers, and therefore also to the Dutch Parliament. In a pre-meeting before the committee meeting, they discuss a Commission proposal which has been on the agenda for a number of months and for which a vote is due now. All agree the Netherlands can vote in favour. Margot and Charlotte announce they will send their proposed vote instruction ‘into the system’, and are confident that they can vote in favour as they propose.

Two days later, the Commission proposal makes it. On our way back to Holland, I ask Margot if they discuss these seemingly important issues with their managers at all. “Well,” Margot says, “as for my own unit head, I will just tell her that the Commission proposal made it. If necessary there is always the report of the meeting, but so far this has never been necessary. They don’t think it is very important.” “And,” she adds, “in pre-meetings there is generally no involvement of our unit heads, unless the Dutch government has not determined a position on something at all.”

There is a paradox in this situation. Political interest in the issue is very high, but interest of the management within the departments is low. The reason for this low bureaucratic interest is that there is not much left to do at the management level. The preferences of Parliament and the minister are clear to everyone, so the unit head only needs to rubber-stamp the proposals of her staff.

How often does Margot see her unit head? She answers: “We do sometimes walk into each other in the corridor once or twice a week. But in some steering groups that we both participate in, we meet more often.”

Source: Observation C

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The previous chapter showed that principals who want their agents to work as trustees and who have little knowledge of the subject take less information to them. This chapter shows that this is not balanced by a higher number of feedback discussions; rather, the opposite applies. Apparently, superiors in this situation completely rely on their committee participants to handle issues appropriately. But in doing so, this also involves transferring to them the responsibility for reporting as well as

the initiative for holding debates. It is not just delegation of policy management but also delegation of the initiative for accountability.

### 6.3 Ill-informed principals are left asleep

The people working in backstage Europe have quite some room to maneuver. Several past studies have shown that many committee participants do not receive a negotiation mandate for a meeting, and if they do, these give considerable freedom to a committee participant. Often, they even draft their own mandates (Egeberg et al. 2003, Geuijen et al. 2008).<sup>5</sup> This autonomy for acting in backstage Europe makes it even more important that these unelected decision-makers are held to account for what they ultimately do in Brussels. As an experienced committee participant put it: “In general you can say that we can do whatever we want, as long as we can explain why we did it.” (R1021-A)

It looks as if this committee participant stated the obvious, but the evidence presented in this chapter tells a different story. To put it in a similar fashion: they can do whatever they want to, but often nobody asks them for their reasoning. The superiors of the committee participants are strongly guided by what comes to their desks. If no feedback is given about a committee meeting, the odds that past behaviour is being discussed decrease. As the previous chapter argued, the superiors digest the incoming information differently, depending on the issue and on the person. Principals receive less information from those who are supposed to act autonomously, and if an issue is more detailed or technical than the principal can understand, reading information is not a priority.

This also affects the discussion phase of accountability. The less information comes to the principal, the fewer discussions take place. And even then, there is another effect of differences in expertise and trusteeship: the less principals understand the issues their agents work with, the fewer discussions take place. They also engage in discussions with trustees less often than with delegates, and the number of years someone has been working on a file only diminishes the frequency of discussion.

To a degree this is not a problem. There is no inherent need for frequent debates with trustees; they are supposed to work autonomously, after all. But this role orientation does not relate to the second focus of this chapter: the intensity of discussions. Generally, the discussions are neither very intensive, nor are they very extensive. Mediocrity is what prevails in this respect. But what matters in explaining why some discussions are more intensive than others has to do with political salience.

<sup>5</sup> The people surveyed for this study form no exception to this; see Appendix B, questions 8 and 9.

The evidence shows unequivocally that politically salient issues tend not to be discussed intensively between committee participants and their superiors. In such cases preferences have been discussed elsewhere, such as among ministers or in Parliament. This reduces the need to discuss points of view at an individual level as part of the accountability process. Civil servants work on the basis of tacit assumptions about the preferences of the minister and the Parliament. All involved people know what Parliament thinks about an issue, and act accordingly (see also Damgaard 2000).

Comforting as this thought may be to some extent, this only applies to a minority of issues. Over 90 percent of all committee participants have indicated that political interest in their issues is mediocre or lower. For 22 percent it is even virtually non-existent.<sup>6</sup> By far, most people in backstage Europe work on files that politicians do not care about. But they do place their mark on 60% of the rules, norms and other policies that are adopted by the European Commission (see Chapter 2), which do affect certain groups in society.

Discussions, thus, are to some extent used as a steering tool on the basis of incoming information, but they are not particularly used as a way of keeping autonomously working civil servants in line. As long as the superiors do not have questions about the information they receive – regardless of the extent to which they are actually informed – there are no feedback discussions. Furthermore, there is also no alignment or realignment of views, and no discussion about the principles that underlie actions.

Ill-informed principals are thus left ‘asleep’. When principals are convinced their agents are well-intentioned experts, they do not see this as a problem. And maybe, had there been a discussion, the superior would have concluded that things are all right as they are. But as long as the principal shows little interest, he cannot tell.

Yet sometimes principals do see that it is time for action. What makes them decide to take action, and how do they conclude what sort of measures to take? The next chapter will deal with that matter.

<sup>6</sup> See Appendix B, question 13.

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## Chapter 7

# Consequences: Formal incentives and subtle deterrents

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Sanctions and rewards are the sticks and carrots by which principals can make agents comply with their preferences. They can involve anything from complimenting staff to firing them. In and of themselves, they are unilateral measures: principals impose them upon their agents, and not the other way around. But whereas the 'observable' behaviour of sanctioning or rewarding is a one-way street, there must be something on the part of the agent, too, that allows it to have an effect. In a way, the instruments need to be credible to the agent.

This chapter further explores the way in which principals can sanction or reward their agents for the work they have been doing in backstage Europe. It answers the final two empirical questions: *To what extent are superiors able to sanction or reward the committee participants?* and *How can the extent to which superiors are able to sanction or reward committee participants be explained?*

The topic of this chapter is somewhat different from those of the previous chapters. As the quantitative data will show, although the principals generally have the capacity to impose consequences, they only rarely do so. This finding does not mean that agents are left in a behavioural vacuum in which they can do anything with impunity; it can also mean that there is no real need for using the whip in the first place. Nevertheless, there is a grey zone between the detection of misbehaviour and responding to it.

This chapter first reviews the extent to which the formal consequences as indicated by the principal-agent literature are actually imposed. Do principals have enough capacities at their disposal, are they willing to deploy these, and do their agents actually experience the consequence in the intended way? The analysis shows that the function of these particular instruments is only limited and is not very credible to committee participants. Second, the chapter moves beyond the instruments referred to in the literature and describes the sanctions and rewards that have more impact in the eyes of the people involved. Usually these involve more subtle and less formal means of influencing the behaviour of the staff, but despite this they can have a massive influence on agents' future behaviour. Finally, an attempt will be made to explain why in some cases sanctions and rewards are imposed while in other cases this does not happen. As the actual imposition of consequences turns out to be rare, the findings of this section will necessarily remain only indicative.

Most of the analyses and data presented in this chapter rely on interview data rather than on survey material. This is because of two reasons. First, quantitative data regarding sanctions and rewards could only be gathered from the principals. It would be impossible to ask this to the agents because of selection bias. Agents who have been moved to

other positions, or who have been fired, no longer work on a certain file and thus have not been surveyed. What remains is a population of civil servants attending comitology committees, further defined by the fact that they have not been moved from their current positions. Therefore, survey questions regarding rewarding and sanctioning have been asked to the principals only. The perspective of the agents has only been covered in interviews and gives a better understanding of how they evaluate the credibility of such carrots and sticks. This is also used as a reflection on the information given by the superiors. Second, in the literature there is not much information on either the ways in which superiors in the civil service treat their staff to show their approval or disapproval of certain behaviour, nor on how civil servants experience these incentives or deterrents. A questionnaire is disadvantageous in such a situation.

In this chapter, the choice to rely on interview data comes at the expense of a lower number of respondents, but doing so gives the opportunity to reveal more of this element of accountability of which data in the literature is not systematically available.

## 7.1 Formal sanctions: More harm than good

The principal-agent literature is geared more towards the instrument of sanctioning than to rewarding. Sanctions are understood in a formal sense: they can include firing the agent, redistributing power, or “other specific penalties” (Strøm et al. 2006: 34-35). There are two dimensions to this, which are central to the discussion from here on: *ability* and *actual use*.

First, the principal must be physically able to sanction. This ability is reflected by the repertoire of consequences that he can make the actor face, the options of which were mentioned earlier. The second is the extent to which the principals actually do reward or sanction behaviour. Do principals actually show their teeth when they have them?

Table 7.1 **Formal sanctioning ability of principals**

	Able	Not able	N
Redistributing tasks	96.5%	3.5%	141
Firing staff	75.9%	24.9%	141

Table 7.1 is based on the survey to the principals. It shows that they generally do have the capacity to move their staff to other positions (96.5

percent) or to dismiss them (75.9 percent). Of the two, task redistribution occurs most often, though still less than once a year. Staff are fired only sporadically, as Table 7.2 indicates.

Table 7.2 **Frequency of use of formal sanctions**

	Mean value	N
Redistributing tasks	2.45	136
Firing staff	1.62	107

*Note: These questions were only asked to those principals who have the ability to use these instruments. All items were Likert scales presented to the principals. They could answer “Never (1)”, “Less than once a year (2)”, “Yearly (3)”, “A few times per year (4)”, and “Monthly or more frequent (5)”.*

Even though principals have the capacity to use these instruments, these formal sanctions are rarely used in practice. This is also reflected in the credibility of these sanctions in the eyes of the committee participants, i.e. their view of the likelihood of being subject to one of these options.

### Firing staff and reallocating tasks: No realistic deterrents

The policy specialists staffing the comitology committees in backstage Europe do not consider being dismissed to be a realistic threat. One respondent literally called it “an absolutely incredible option” (R1024-A). More than that, even when agents are positive that their behaviour is against the will of someone further up in the hierarchy, they can still not imagine the prospect of being fired. This is exemplified by another respondent who, at the time of the interview, just came back from a committee meeting where he voted against the preferences of his director-general.<sup>1</sup> He replied: “He could sack me. But I don’t think he will”. After explaining why he voted the way he did, he added: “If the DG thinks differently I’ll surely find out. But I’m not going to lose any sleep over it” (R1021-A).<sup>2</sup>

The lack of credibility of this instrument is not unfounded. For superiors, there are high transaction costs for giving someone notice. As a unit head mentioned, it shows “you are really doing something wrong as a manager. It is an outright humiliation, let there be no misunderstanding about that” (R1157-P). The decision to reallocate tasks, then, seems easier and more credible (R1011-A, R1024-A).

But here too, superiors can have very practical motivations not to reallocate tasks, even in cases where they would prefer to do it:

<sup>1</sup> The director-general is not his immediate superior, but three levels up in the hierarchy.

<sup>2</sup> He guessed correctly. In the two weeks following the incident the matter was never referred to again, not even by means of a phone call.

*“If it goes too far, this could mean someone is taken off a file. It is extreme, but possible. (...) But then, nobody may want to do the job instead, because you have to read a lot and maybe also travel a lot, and there are only few colleagues who really enjoy that. Because you have to get up really early in the morning and you’re home really late, or have to stay away for a night. These jobs are not always popular. And it’s not always much fun to do. There are committees of which you think: damn, I really don’t like it. This can be why sometimes jobs are not reallocated because the others would rather do without it themselves.” (R1200-P)*

This does not mean that the job of participating in a committee is always the least preferred job to do in a unit. It is more a matter of finding the right jobs for the right people. Sometimes, a particular specialist is needed to cover the European aspects of a particular issue (R1152-P, R1157-P), while in other cases anyone could easily be made familiar with a particular subject (R437-P, R102-P). And even then, there can be quite trivial reasons why someone is assigned to handling a committee while someone else is not:

*“One of the key foci of people who enter the civil service has been that they are very interested in international politics. They didn’t choose a career in the foreign office, but they are still very interested in international politics. So I think that for many of the young civil servants it is very interesting to participate in some of the international debates in the EU. And once people get older and have kids, they are not so interested in traveling anymore.” (R437-P)*

Getting the job of dealing with a committee is thus not a sanction in itself. There can be many reasons why people do or don’t want to do this job. And of course, there are always cases where policy specialists are indispensable because of their specialized knowledge. In such cases, a reallocation of tasks is not the most suitable incentive to steer their future behaviour, even when a committee participant does his job in a way that his superior is not particularly pleased with:

*“This person really knows the ropes! He knows more about it than anybody else. I want to keep making use of that. And it would not be very motivating for someone to be moved to a less interesting file.” (R1152-P)*

In short, the evidence shows that the formal incentive of dismissal is only used in exceptional circumstances. The transaction cost of using

this instrument is high, and therefore it is not a credible option to policy specialists. Task reallocation is a more credible threat to policy staff. But here, too, the superiors of the committee participants face transaction costs in applying this incentive. Some individual committee participants may be indispensable on a certain position because of their expertise, or other people may not be interested in doing the job instead. But it must also be noted that task reallocation need not relate to accountability per se. Sometimes heads of unit shuffle positions anyway to avoid tunnel vision among their staff, in which case it is not a sanction for specific behaviour but a more general management instrument (R1138-P).

#### **Reorganization: Not intended as a sanction, but feels as such**

Task reallocation can be done on a rather small scale within a unit, but it can also be done within the context of a large-scale reorganization affecting larger numbers of people at the same time. And despite the fact that such reorganizations may have nothing to do with anything specific someone has done, the staff involved may still experience it as something that they have to lump.

The interviews showed an example of this. Even though not directly related to committee work, reorganizations can have a massive impact on the behaviour of committee participants. Ties between people who used to work together are then suddenly broken. From the perspective of the higher ranks in the organization, reorganizations may be deemed necessary to improve performance in the longer run, but for policy specialists this may not be understandable, and it may be experienced in very negative terms. More specifically, the core of the experience of being sanctioned here is the inability to cooperate with the people who they have always worked together with, and a perceived lack of interest from the ‘new colleagues’:

*“I am deeply unhappy with this [organizational] change. Hierarchically, I am now working in directorate Y which is not involved with issue X policy-wise. The competent authorities of that are directorates X1 and X2, of which the latter will be moved to a different ministry. This (...) now brings very nasty results. This is why I announced to go and look for another job. (...) In the administration, the accent lies with risk avoidance, especially within directorate Y. The only risk of directorate Y is a staff surplus. This is what drives them, and the choices made under these circumstances are not by definition the same as one would make for managing policy X*

*well. The financial risks running from a bad management of policy X are not carried by directorate Y, but by directorate X1. Directorate X1 thus has a strong interest in managing policy X, but it is not able to manage the people who deal with it.” (R1124-A)*

For this respondent, the major issue was that he was forced to work within a unit that could not care less about the content of the policy he was working on, and that he was not able to work with the people who did care. This felt like an outright punishment, and he made the choice to quit.

This paragraph has shown how formal incentives are used and experienced in relation to comitology. The ultimate sanction of firing staff is not thought to be effective, while job reallocation is seen to be more effective but comes with its downsides, too. Reorganizations cannot be used as a measure against individual people, but can lead to a situation in which people feel they should quit. All the above measures have in common that, if at all, they are only rarely used in practice. But it would be wrong to conclude that superiors are not able to impose consequences upon their staff effectively to steer them more in their day-to-day activities. Rather, it appears they have a different understanding of what are effective measures, and this does not only include sanctioning capacities but also giving rewards.

The following section moves beyond the scanty list of formal sanctioning instruments as presented in the accountability literature, and focuses instead on what committee participants and their superiors experience themselves to be effective incentives.

## 7.2 Subtle measures are more effective

There is a wide array of instruments that superiors of committee participants can resort to when they want to give an incentive to their staff. Firing staff and reallocating tasks, however, do not seem like very good incentives. The threshold for using such extreme sanctioning instruments is high and both are, thus, rarely applied.

The literature on accountability has, however, largely overlooked the more common ways of imposing consequences. The remaining part of this chapter opens this black box and describes the sanctions and rewards that have more impact – not based on accountability theory, but rather in the eyes of the people involved. It shows that more subtle and less formal instruments for influencing the behaviour of committee

participants are used much more, and these can also have a huge impact on their behaviour. In general, these incentives can be divided into three main categories: small-scale rewards, small-scale punishments, and credits going to other persons.

### Trifling rewards

*“Committee participant X did a marvelous job. He drafted a new directive, convinced the Commission to adopt it, and shepherded it through the committee. So I gave him a bonus and took him out for dinner.” (R1194-P)*

The bonus instrument this respondent refers to is one of many ways in which principals can reward their agents. It also appears to be a quite ‘organized’ way of rewarding. Many unit heads have a small budget available for bonuses, which is distributed among the staff in a certain pre-defined way. There can be a list of criteria, which can be used as a basis for calculating the size of the bonus:

*“In my evaluation of the members of my staff there will be a mix of a number of different things I take into account (...) which has to do with the quality of their work, their ability to find solutions themselves, how big the workload is, their ability to cooperate with other people and so on. (...) I have a sum of money which I allocate to my staff twice a year. And this distribution is of course determined to a large extent by my evaluation of all these different issues. Taking good care of a committee like this or any other element which is in the portfolio will determine how much money I give them. So therefore there is a strong incentive for them to play by the rules.” (R326-P)*

Bonuses can be awarded for a single outstanding achievement (cf. respondent 1194-P quoted above), or for good performance over a longer time span. Therefore, there can be many criteria by which someone’s performance is judged. But then, what is a criterion and what is not?

*“It differs every year among the staff and how we organize ourselves. We try to make a broad evaluation in this; otherwise it will always be the same people. And good workers who secure their income day by day by sending bills should be considered, too. (...) But here visibility is the tool we use for everyone who got the additional salary this year. So that can be quite a discussion” (R149-P).*

Usually, the head of the personnel unit is also involved in the distribution of bonuses (R423-P, R149-P). According to the superiors it is ‘very small money’, usually about one percent of the salary, but the staff members are very eager to get it (R149-P, R423-P, R326-P).

The trick, thus, for unit heads is to find out what committee participants perceive to be positive and negative incentives. This goes beyond a list of possible positive and negative formal incentives:

*“Sometimes it can be very little things, like allowing people to go to Brussels the day before the meeting, so they can keep some more informal contacts. And when they go about that too easily, then you don’t allow it.” (R1157-P)*

*“I also do their job evaluation meetings. People tend to like being in the picture with the management, including the director. And there are people who say: with all due respect for you as my unit head, I would also appreciate joining in discussions with the director or the DG.” (R1152-P)*

And indeed, people like to be in the picture with the hierarchy. By exception, one respondent spontaneously talked about his encounters with the minister many years ago, and was still proud that the minister hand-picked him to discuss a certain matter because, in his words, the minister wanted to talk to someone “who dared to contradict him” (R1024-A). But in general, involvement of the minister or even higher management strata in comitology issues is absent (R102-P, R437-P, R313-P, R1138-P), and hence the likelihood of individual committee participants to discuss prominent issues with them is equally low.

### **Petty sanctions**

Apart from these small-scale rewards, there are also small-scale sanctions. They are different from the ‘grand sanctions’ mentioned above in the respect that they do not alter the distribution of positions between people in a unit (which dismissal or task redistribution would do), but rather only affect the committee participant himself, or his relationship with his superior, while the work continues to be done. Reasons for this can be manifold. Superiors can have different ideas on what sort of thing is important than the committee participants have, which also guides them in this phase of accountability. In the interviews, nearly all unit heads emphasized the importance of having a political antenna. By exception,

one expressed his annoyance with the tendency of his staff to dive into technical details of issues while ignoring procedural matters:

*“I don’t hit the roof often, but I gave my staff a trashing once because they were in a programme committee and could not tell me the voting procedure. Then what the hell are you doing there? You’re not going to Brussels by train on taxpayers’ money without even thinking about the weight of your vote? But this is really very difficult to overcome because most people don’t think about procedures, but only about content.” (R1065-P)*

This lack of procedural knowledge is not unique to the individual committee participants to which this superior was referring. As question 3 in Appendix B shows, about 30% of all committee participants did not give an answer to the question of voting procedures. Other studies have also shown that a focus on content instead of formal procedures is a more widespread phenomenon for policy specialists working in comitology (see e.g. Joerges and Neyer 1997). But it is possible for superiors to act upon this lack of knowledge. There are courses available for public sector employees to train them in the functioning of European institutions, and even in comitology itself. Sending committee participants to a course, too, can be an incentive (R1065-P).

At any rate, acting upon the behaviour of a committee participant shows that they are ‘being watched’. But being watched can also be experienced as a sanction in its own right. Close supervision schemes can have a huge impact on the performance of individual people:

*“Some people may find it dreadful that they are being supervised more closely and will go and look for another job.” (R1200-P)*

*“Especially thinking of [committee participant X], he is a person who can deal with bigger responsibilities. There is no better way of punishing him than to hold him on a leash. And that is exactly what you can tell him: you get them maneuvering room to do things, but in the confidence that you are doing it well. If I find out things don’t fit, this room will get smaller. So it’s up to you.” (R1157-P)*

As effective as this may appear for people who are behaving too autonomously, this does not mean that this is always the most appropriate sanction for them. In the case that a unit head needs to keep relying on the knowledge of a particular civil servant, closer supervision can be detrimental. It would

curtail a person's autonomy, which would be experienced as a major sanction (R1152-P). In those situations, there are other options:

*"I force him to report to the management team from time to time about the current state of affairs in Brussels. (...) [His over-autonomy] is a point of discussion in job evaluation meetings – like, 'Hey, do realize you are not alone in this world?' And: 'Ensure that account is given to the management team'. This person is then doing as he is told, but well, he takes me a little more effort. He is a senior who knows a lot about this, but he is a loner." (R1152-P)*

Supporting someone in making a career move, or rather putting someone on a dead-end track, is a further step down this path. This is also an instrument that is high in the credibility rankings of committee participants (R1024-A). People can indeed be set back or promoted on the basis of committee activity:

*"The guy who used to do committee X is our EU-coordinator now. He was doing an absolutely excellent job, he knew about all the files, coordinated everything... And then this vacancy came, and it was a true promotion, also in the sense that he got to a higher salary level (R1152-P)."*

In contrast to the more formal incentives presented in the preceding section, it appears from these results that the less formal incentives are considered to be more effective and that the instruments can be tailored to fit certain people.

#### Box 7.1 Reprimands

A few minutes before the chairman opens an agricultural committee meeting, I asked Gerard de Vries and Berend Groot about the accountability instrument of imposing consequences. What do they experience as a punishment? Groot's grin could not be bigger: "Well, Gerard, you know everything about that, don't you?"

It turns out De Vries pushed the limits many years ago in another committee, for which he got an official reprimand. And despite the joyful atmosphere this day, De Vries is not willing to share his experience with me.

Source: Observation E

When looking at this more generally, the survey of the principals confirms this. They were presented with a list of possible sanctions and rewards including several of the items discussed above, and they were asked to indicate if they were able to use each respective mechanism at all.<sup>3</sup> Where they were, they were asked to indicate how often they use them. This way, availability and frequency of rewards and sanctions were measured. The items on compliments and criticism (the fourth and fifth items) appeared to be two sides of the same coin. They perfectly correlated to each other, and therefore these two items have been combined in the analysis of the results.

Table 7.3 Abilities of principals to impose consequences

	Able	Not able	N
Redistributing tasks	96.5%	3.5%	141
Giving bonuses	88.8%	11.2%	143
Firing staff	75.9%	24.9%	141
Openly giving compliments or criticism	99.3%	0.7%	143
Organizing a drink or dinner	92.0%	8.0%	137

The results for the items of redistributing tasks and firing staff were presented earlier, but for the purposes of comparison they have been added to Table 7.3 as well. Most principals have these options available to them. Firing staff is the only option that a somewhat larger proportion of principals do not have. Giving bonuses is beyond the power of a smaller group. In general, thus, abilities seem to be widespread. This is confirmed when counting the number of options available to each superior, as in Table 7.4.

Table 7.4 Incentive repertoire of principals

	Frequency	Percentage
0 options available	1	0.7%
1 option available	1	0.7%
2 options available	5	3.7%
3 options available	5	3.7%
4 options available	28	20.7%
5 options available	95	70.4%
Total	135	99.9%

<sup>3</sup> Great care was taken to prime the respondents to situations following agency behaviour. The three questions preceding the list of sanctions were about information practices and feedback discussions after committee meetings, and the wording of the question itself was: "How often do you use the following means to let your staff know you are very pleased or dissatisfied with their work?". This combination of wording and order of questions was an attempt to validate the responses.

About 70 percent of all principals have all incentive options available to them, with another 20 percent having all but one option available. Only a very small minority is not able to take any action *vis-à-vis* its staff at all, or has only one or two possible ways of sanctioning and rewarding as measured in the survey. Further, there appears to be no hierarchical order between these five options. Therefore it is not the case that, for example, those who have four options available to them can use the exact same four options. This is an indication that, much as the options discussed may seem as if they differ by degree, this is not reflected in the capacities of the superiors in this survey.

Whereas the severity of the sanctions and rewards is not reflected in the number of options *available* to the superiors, it does relate to their actual *use*. Table 7.5 below shows the distribution of responses.

Table 7.5 **Frequency of use of incentives**

	Mean value	N
Redistributing tasks	2.45	136
Giving bonuses	3.09	127
Firing staff	1.62	107
Giving compliments or criticism in public	4.63	142
Organizing a drink or dinner	3.15	126

*Note: These questions were only asked to those principals who have the ability to use these instruments. All items were Likert scales presented to the principals. They could answer "Never (1)", "Less than once a year (2)", "Yearly (3)", "A few times per year (4)", and "Monthly or more frequent (5)".*

The two formal sanction options at the top of Table 7.5 have been discussed before in Table 7.2, but now the ratio to the more informal sanctions becomes clear. The change in N is a direct effect of the availability of these options to the principals (see Table 7.3). Those who did not have certain options available to them did not answer parts of this question.

Relatively informal means of sanction and reward are used most frequently. Public praise or criticism is the most widely used sanctioning mechanism, which a principal uses on average less than once a month. Organizing a drink or dinner comes second, just about yearly. More formal means of reward and sanction come less frequently. Firing staff occurs less often than yearly, but it must be remembered here that about 25 percent of the principals are not in the position to do this at all. Task

redistribution occurs less than yearly, and bonuses are given just about once per year.

In general, thus, principals are able to take action *vis-à-vis* their subordinates, and depending on the situation there are different credible options available to reward or punish the committee participant. In terms of accountability, one can therefore conclude that positive and negative incentives, as the final components of accountability, are generally in place. Nevertheless, one peculiar situation emerged in the interviews in Denmark that deserves attention in this respect. What happens if incentive structures are in place but are directed to other people than the ones doing the job?

### Misrouted incentives

There are also situations where the credits for good performance go to other people. For example, if a unit within the civil service has to meet a certain objective and the superior chases his staff up on this, only to get the reward himself once the target has been reached. Even though aimed at managers within organizations, a system like this can also influence the manner in which the committee participants are held to account by their superiors. The key question is: what exactly is the objective that has to be met?

This system of rewarding managers for achievements of their units is not common in the Dutch civil service, but widespread in Denmark. There, individual performance-related pay was introduced in 1987 for civil servants having managerial responsibilities (Christensen 1994). A few years later, performance contracts between ministries and certain agencies were introduced, stipulating a number of targets to be met for the organization. As these schemes expanded, they also grew more together (Greve and Ejersbo 2005, Gregory and Christensen 2004). The result is a system in which nowadays general performance criteria are specified in contracts between ministries and agencies, and in which managers within the agencies are rewarded if their unit or directorate meets all criteria in time. This is true for all managers within an agency. As a Danish unit head says:

*"We all have contracts. We have an overall contract for this institution with the ministry, and this contract has some specific issues we need to do during the year. It indicates what the director and the head of the department should do. They have a contract with the director in which he has mentioned some specific things he needs to go through.*

*And I have a contract with my own director about the things I have to do. The only consideration is that it should correspond to the institution contract. It should be something that is visible to all the other people. We are servants to the public so it should be some goals that make us effective and public service-minded.” (R149-P)*

For the unit heads who supervise, among others, committee participants, this results in a short list of objectives for the year to come. The amount of money involved when all the requirements are met is generally estimated to be 10 to 15% of the annual salary (R149-A, R149-P, R423-P).

This short list of objectives can also address performance related to comitology committees. For one particular unit, an objective is that a summary of the decisions taken in a comitology committee should be put on the agency’s home page within 24 hours after the meeting. For its unit head, the performance-based reward system then works as follows:

*“The 24-hour report is part of my contract with the system. So I get a profit out of that every year, once a year, if I succeed with all demands they place. That is in my contract with the system. So it is my interest that they are working. (...) And my director has a contract with the ministry. When his heads of divisions are fulfilling their jobs, then he will fulfill his job and he can then claim some extra money at Christmas time.” (R423-P)*

The financial rewards belonging to this achievement can thus be awarded to several people up the hierarchy. But do the people who have been doing the actual work also benefit from the reward scheme?

*“Not in direct connection to these contracts.” (R149-P)*

The employees who are doing the work can thus be forced to walk an extra mile, without getting the credits for it. Even though they loyally comply with the standards (R149-A, R435-A), this is not something policy staff is particularly pleased with.

*“No. That’s the stupid thing about the system. His salary is dependent on how I work, so he has to kick my butt.<sup>4</sup> (...) He gets the bonus he can get if he lives up to these, say, 5 issues. I guess it is 1/6<sup>th</sup> or 1/7<sup>th</sup> of the total salary - if he fulfills all of it. But it is stupid that sometimes you have to prioritize because otherwise your boss does not reach his contract.” (R149-A)*

<sup>4</sup> The unit head in question preferred to refer to this in more diplomatic terms: “I present it to my staff in the beginning of the year, and if there is anything to follow up I’ll talk to my employee.” (R149-P)

Evidence regarding the effects of such performance pay schemes is, at best, mixed. On the one hand, it reconfirms the primacy of politics over bureaucracy by means of these priorities, but it is questionable as to whether the lists equip bureaucratic managers with sufficient maneuvering room to deal with unexpected situations (e.g. Wood 1997, Laegreid 2000). In the cases included in this research, this room still appears to be there to a great extent (R149-P, R423-P). But this practice does show that the credits for good behaviour do not necessarily need to end up with the people who have been doing the work. Instead, they are affected in the way they prioritize their work – not because of the content of the issues they deal with, but because their superior has a personal financial interest. This means that in itself, the system works: preferences are put into action, and undesirable behaviour is discouraged. The according rewards, though, are found elsewhere.

### 7.3 Explaining the choice when to sanction or to reward

Thus far, this chapter has listed a great variety of means by which superiors can give their staff incentives to work in a certain way. It has also presented the concerns managers have when using these incentives and has shown that the choice to reward or punish, and the means by which to do so, depend to a great extent on the specific relationship between the committee participant and his superior. But is it possible to interpret these results more generically? When do principals feel they need to respond to undesired behaviour from their agents, and when don’t they?

Even though no hypotheses were formulated on this matter, it is possible to run through a number of factors tentatively, mainly based on the interview data. The analysis will present again the four factors that are likely to shape accountability practices in general. It integrates the findings from the interviews, and where appropriate also from the survey, factor by factor. Where, in the ‘grey zone’ between dissatisfaction and punishment, is the balance tipped?

#### **Factor 1: Differences in expertise**

For differences in expertise, the relationship with the actual deployment of sanctions and rewards is clear, though scanty. Superiors seem hesitant to act against people who are very knowledgeable, and ‘softer’ sanctions are chosen (R1152-P, R1157-P). When they are very knowledgeable and also

able to work autonomously, they are also more likely to be in the picture for promotion (R1152-P). However, as this argument is only based on two interviews, this finding is only tentative.

### **Factor 2: Style of representation**

The formal ability of a superior to use certain incentive tools is, of course, institutionally determined and not a result of interaction between himself and committee participants. The actual use of these incentives, however, can to some extent be a result of the difference between the actual and the desired style of representation.

As the above interview findings have shown, principals do not seem particularly reluctant to take action against trustees. Reducing discretion is generally seen as an effective deterrent, as it can always be reduced when they are acting too much by themselves – if at all this is considered to be a problem at some point. But whether this punishment is actually given or not also relates, to a great extent, to other factors (cf. below) or even to practical considerations. Principals sometimes feel dependent on the expertise and experience of a certain committee participant and fear that reducing discretion works negatively overall (R1152-P, R1157-P, R1200-P).

The relation of its mirror image (i.e. rewarding good behaviour) to the delegation setting is also unclear. Superiors mentioned rewarding the outstanding performance of a committee participant who more or less created a new policy on his own, just as they mention rewarding those people who do as they are told (R149-P, R326-P, R1157-P, R1194-P). The relationship between these variables, therewith, is quite unclear.

### **Factor 3: Political salience**

In terms of abilities, an interesting result emerged from the survey. The survey points to organizational differences when explaining differences in sanctioning repertoires. On average, superiors working in Dutch agencies have one option less available to them than their colleagues from other Dutch organizations, as well as than their Danish colleagues from both ministries and agencies. It thus seems that while the possibilities for sanctioning seem quite extensive, superiors in Dutch NMIs have less access to them.

An analysis of the differences between organizations in the actual use of these instruments did not produce significant results. Organizational differences therefore do not matter there. In terms of political

salience, it seems that the top of the civil service is willing to reorganize the ministry after a politically very salient fact, as the following example shows.

*“In the mid-1990s, the forerunner of this directorate was a terrible shambles. They just messed around in Brussels. It was the times that this directorate did not want peeping Toms from the rest of the ministry, let alone the minister, the director-general or the permanent secretary. They wanted to be left alone. They operated in [committees X and Y] without instruction. They handled that on their own. From the International Affairs directorate instructions were made once in a while, but they went straight into the bin. The minister then intervened, and a reorganization took place. Function X was released from management duties and was even moved out of the directorate for a while.” (R1152-P)*

However, given the low frequency that such a highly salient issue occurs both in relation to comitology and mismanagement, this is only an indicative result. Nevertheless, it shows that higher and more political levels can act when there is a great need to do so.

In sum, the reason why superiors of committee participants decide to take action against their staff cannot firmly be established. Even when a superior has sufficient information about a committee participant’s behaviour and judges this negatively, there are still occasions where sanctions are not imposed. This sometimes has to do with very trivial reasons: the job may just not ‘fit’ anyone else who is available (R438-P, R1200-P). Generally, there are a large number of options superiors of committee participants can choose from, and these possibilities vary in terms of magnitude. But in the end, does all this effectively put constraints upon the behaviour of the people working in backstage Europe?

## **7.4 Plenty of incentives, but not for everyone**

The definition of accountability as used in this study is “a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgment, and the actor may face consequences” (Bovens 2007b). Consequences are therefore by definition related to certain past behaviour, superiors must know about this past behaviour because otherwise they

cannot judge it, and then incentives can either be applied or not. From a strict perspective on consequences following behaviour in the past, this is where the buck stops. In practice, however, these boundaries are not so clear-cut. It has been mentioned before that certain options that can be used by principals are not credible to the agent. But the opposite can apply as well. There are also occasions where subordinates experience a consequence as a punishment, even though this may have nothing to do with anything specific they have done.

In principle, superiors have a wide range of options available to them which they can use as sanctions or as rewards. In the principal-agent literature, *formal* sanctioning mechanisms are found. These include firing staff or reallocating tasks (Strøm et al. 2006). However, these are considered to be last resorts both by committee participants and by their superiors. Especially for the latter, transaction costs are very high, as firing someone painstakingly shows that those who use that instrument are not able to manage their staff effectively. It is therefore also not considered to be a very credible instrument by their subordinates. The credibility of task reallocation is higher, but this, too, has its problems: the allocation of nice and dull tasks and the motivation of the staff involved.

Moving beyond theory, practice shows a lot more means of creating incentives. The options are manifold: giving bonuses, promoting someone, criticizing staff or altering the informal discretionary space. Depending on the person and the situation, some means are deemed effective and others not.

Superiors are thus able to sanction or reward committee participants to a great extent. The wide array of incentives that is available differs in terms of degree, but ultimately the same goal is served: compliance with the superior's preferences. An explanation of the extent to which superiors are able to reward both in principle and in practice is found in several factors. While the formal abilities to do certain things are institutionally determined and appear to be more limited in the Dutch institutions away from central government, the actual practice of rewarding or sanctioning is more situationally determined.

The interviews show many different options and reasons why sanctions or rewards are applied or not. In most cases, the results show that there are always options present that are an effective response to agency behaviour. But having said that, there are two types of committee participants for whom the prospect of a sanction, or actual application of sanctions, are bound to fail. The first type has a lot of expertise and experience, does his job well in some respects and cannot be missed in a certain position. The second type works on a file that colleagues within

the unit think of as drudgery. If they shirk the information and debate phases of accountability, the principal will only be able to act with a light touch and hope for the best, as he thinks he is worse off when the people in question are not motivated any longer.

This chapter has discussed the element of imposing consequences in the accountability of comitology committee participants. Together with the results from the previous two chapters, each of the three elements of accountability has now been discussed. The emphasis of these chapters was on the overall existence of each of these three elements throughout the entire population of committee participants. But what about their overall accountability? Do the three elements come together, or does one element sometimes come at the expense of another?

The next chapter aggregates the empirical findings of this study. It shows the extent to which the people in backstage Europe are held to account and explains the differences within the accountability relationships between committee participants and their superiors.

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## Chapter 8

# Accountability deficits of comitology

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The European Union is well known for its institutions: the European Commission, the Council of Ministers, the European Parliament and the European Court of Justice. But there are also important aspects of European governance that are not known to most people.

First of all, it is not the Council of Ministers or the European Parliament that adopt most regulations, directives and decisions, but rather it is the Commission, which adopts between 75 and 85 percent of these acts (see Chapter 2). Those which the Commission adopts are more specific, as they are meant to implement the acts adopted by the Council and the European Parliament.

A second unknown aspect is that the Commission does not just act on its own. Rather, the vast majority of Commission acts – about 60 percent – pass through the backstage world of comitology first. Here, policy specialists who represent the member states discuss numerous specific norms, standards, funding schemes and other policies that the Commission can adopt after a favourable committee opinion, ranging from topics such as air quality to zootechnics. What looks like the supra-national executive deciding on lots of detailed implementation measures is in fact a committee of member state civil servants discussing and voting on Commission proposals.

This study has investigated the extent to which the people staffing these committees are held to account. As Chapter 3 demonstrated, there are certain weak spots in the arrangements to hold comitology committees to account at the level of European institutions. But the accountability of the individual people who are members of these committees is an equally important aspect of the accountability of comitology.

This study therefore focused on the individual participants. It presented evidence that was collected in Denmark and the Netherlands: two similar countries of which the institutional make-up closely resembles the ideal-typical single chain of delegation from voters to civil servants that is central to most theoretical models of accountability. In order to show to what degree committee participants are held to account by their immediate superiors, and how the differences between the degrees to which these individuals are held to account can be explained, the concept of accountability was broken down into three elements: information, discussion and sanctions. The purpose of this three-fold distinction was to make accountability empirically measurable. The previous three chapters have shown to what extent information is transferred from agents to principals, to what extent committee participants and their superiors engage in feedback discussions and to what extent

principals are able to impose consequences. But how do the findings with respect to each of these three elements relate to each other? Furthermore, do the findings ultimately add up to a sufficient degree of accountability, or do they give rise to concern?

This concluding chapter answers the central research question of this study: *To what extent are committee participants held to account by their superiors at the national level for their input in comitology committees, and how can this be explained and assessed?*

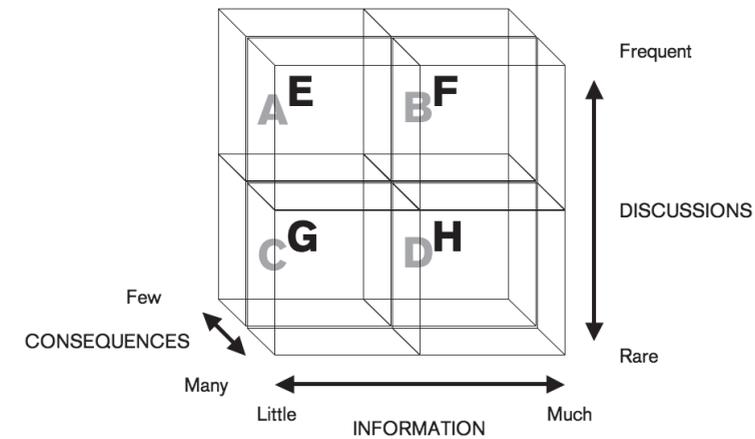
This chapter is organized in seven sections. The first three sections focus on the three respective elements of the research question: observation, explanation and assessment of accountability. The next two sections discuss the broader implications of these findings for both research into accountability and comitology, as well as for the debate on the democratic deficit in the European Union. The final sections of this chapter present a brief look over the horizon by demonstrating the continuing relevance of the conclusions of this study in the light of upcoming changes to the comitology system.

## 8.1 Observing accountability: The chain of accountability is broken

Accountability is a concept that consists of three parts: information, discussion and sanctions (Bovens 2007b). This three-fold distinction has been made throughout this study, and the previous three chapters have shown how each of these three dimensions materializes in practice. But what does this say about the overall accountability of the people working in backstage Europe?

The results of the previous three chapters cannot simply be added up. Accountability is a multidimensional concept, and the three dimensions of accountability have substantially different meanings. For that reason, Chapter 3 introduced the ‘accountability cube’. It is a three-dimensional space which shows in how many cases information, feedback discussions and sanction are high or low, respectively frequent or rare. In total, this cube gives eight possible outcomes for a general characterization of the accountability relationships between committee participants and their immediate superiors. These eight possible outcomes are blocks A through H in the cube displayed in figure 8.1.

Figure 8.1 A three-dimensional measurement of accountability



For the benefit of those readers who are not very familiar with three-dimensional graphic displays, it can be useful to think of an individual case here as an example. The first pages of this study introduced Corné Van Alphen, an agriculture policy specialist who allowed a journalist to join him to a comitology committee meeting and write a newspaper article about his work. The article does not mention the degree to which he is held to account; but suppose, for the sake of example, that he and his superior are in block A of the accountability cube. This would mean that his superior receives relatively little information on the committee meeting and Van Alphen’s input into it, that Van Alphen and his superior discuss committee-related issues quite often and, finally, that his superior is little equipped to take any action against him.

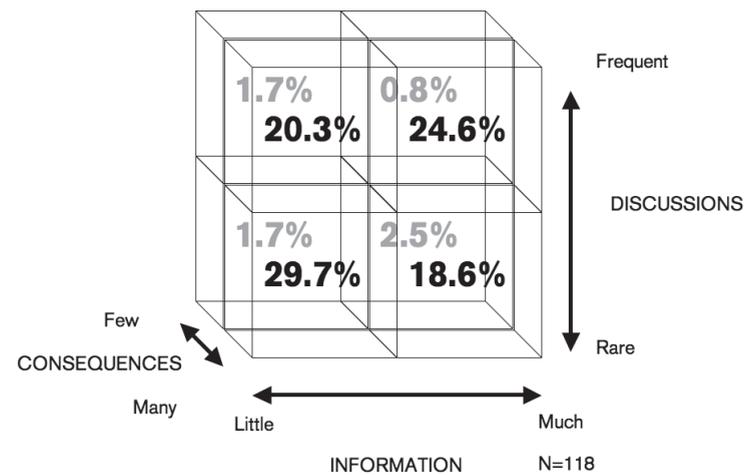
If Van Alphen and his superior would be in block B, the same situation with respect to consequences and discussions apply: low on sanctions, high on discussions. However, in this block much information is transferred from Van Alphen to his superior. Block C, on the other hand, also resembles block A, but here behaviour is low on every aspect of accountability. On all three scales of possibilities for consequences, information transfer and frequency of discussions practices score low. Block D is characterized again by few possibilities for consequences, but also by few discussions and a relatively high degree of information transfer.

If Van Alphen and his superior are in any of blocks A through D, this always means that the superior is not well-equipped to impose consequences. In blocks E through H, the superior is better able to impose consequences. In terms of information transfer and discussion frequency,

practices differ between the blocks. For these blocks, the meaning of each respective block is the same as with blocks A through D, with the only difference being that there are more opportunities for sanctioning.

Figure 8.2 below shows the accountability cube again, but filled with the results from the survey to the superiors of the committee participants.

Figure 8.2 The accountability cube



The results in this figure are based on three elements: the sum of transferred information (weighted by the share of each source in the total), the frequency of discussions scale as introduced in Chapter 6, and the incentive repertoire scale from Chapter 7.<sup>1</sup> Figure 8.2 shows that the block containing 'least accountability' (block C) is rather empty. Only 1.7 percent of all results are found here. The other blocks at the rear of the cube are about equally empty. Only 6.7 percent of all relationships appear to contain 3 or fewer possibilities of making the committee participant face consequences, either in a positive or in a negative way. This, though, is a result that is entirely based on the survey. As the chapter on consequences has shown, there are many more subtle ways of imposing consequences that could not be captured by means of survey data alone. One can thus safely conclude that, insofar as accountability is underdeveloped, this is not particularly due to lack of sanctioning or rewarding capacities.

But there are also many cases where sanctioning capabilities are high, but where relatively little information is transferred or where

relatively few feedback discussions take place. These are the blocks at the front that lie between blocks C and F, being blocks E, G and H. Together, 68.6 percent of all findings fall within these sub-optimal blocks. Only in 24.6 percent of the cases the bureaucratic principal receives relatively much information and engages in regular feedback discussions.

These results show to which degree comitology committee members are held to account at the national level for their input in committee meetings. This answers the descriptive part of the research question. In nearly all instances, superiors have multiple options to formally sanction or reward staff. Further, they can also resort to a wide range of trifling rewards and petty sanctions. The effectiveness of this, however, is quite another matter. Superiors are hesitant to use formal incentives such as dismissal, as this involves high transaction costs for them. Further, there are two situations in which even petty sanctions are doomed to fail. The first is when a committee participant has a lot of expertise and experience, does his job well in some respects, and cannot be missed at a certain position. The second is when committee work is thought of as drudgery within a unit. If a committee participant shirks in such situations, the principal can only hope for the best, as he is worse off when the people in question feel motivated to quit. But generally speaking, the qualitative and quantitative evidence both indicates that there is no lack of sanctioning capacities.

In terms of information transfer and frequency of discussion, cases differ much more, and most results appear to be suboptimal. As has been pointed out throughout this study, there can be several reasons why behaviour related to accountability varies. The content of the agents' work may not be a priority to principals, principals can lack the expertise to understand a certain topic in full and therefore decide not to read the available information, or the agent may send less information because he is expected to act autonomously. But no matter why most results are suboptimal, the effect is the same. When little information is transferred and behaviour is not being discussed, superiors know little about the wheelings and dealings of their staff. A well-developed capacity of imposing consequences does not make any difference in this.

In parliamentary and unitary political systems such as the Netherlands and Denmark, the institutional conditions for accountability are optimal. Not hindered by differences in competences between actors at the national and the sub-national level, or differences between the competences and (electoral) mandate of a president and a parliament, unitary parliamentary systems offer the best conditions for the preferences of the people to be translated into the activities of civil servants,

<sup>1</sup> For a technical specification of how the results of this study translate to the numbers in this figure, see section 4.1 under 'Dimensions in the accountability cube'.

and for civil servants to be held to account. But even in Denmark and the Netherlands, already in the first link in the chain of accountability – the link where accountability itself is most likely – some elements in practice are developed to a lesser extent. In other words, the chain of accountability already crumbles away at the very first link. This is not because the principals in this relationship are little equipped to hold their agents to account, but rather because practices and capabilities do not match.

In itself, however, this is not something that we should be too surprised about. The superiors and civil servants investigated in this research are found at the very end of the chain of delegation that runs from citizens to administrators, and at the very beginning of the chain of accountability (cf. Strøm 2000). These chains can be long, and it is perfectly understandable that some information gets lost on its way up the hierarchy. The pressing question then becomes: in which cases do we find ‘more’ or ‘less’ accountability, and are the committee participants ultimately held to account to a sufficient extent?

The latter question calls for a more normative reflection on the results of this study. Section 3 of this chapter is devoted to that matter, but the answer to the first question is a necessary precondition to be able to make that reflection. The above accountability cube has shown that some committee participants, in practice, are held to account to a lower degree than others. But how can such differences be explained? Why is it that some committee participants are held to account more than others?

This question corresponds to the second part of the research question that is central to this research, and the next section will now work towards an answer to it.

## 8.2 Explaining accountability: The classic principal-agent approach does not suffice

Throughout this study, it emerged that there are clear differences between committee participants in the extent to which they are held to account. Some tend to have more discussions or more intensive discussions with their superiors than their colleagues, or they are subject to a stricter information regime. This section aims to explain these differences. In Chapter 4, the most obvious reasons why accountability practices vary were derived from the literature and listed in the form of eight hypotheses. In the subsequent empirical chapters, these hypotheses have been investigated by means of linear regression models. Box 8.1 repeats the eight hypotheses:

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### Box 8.1 Hypotheses

#### *Factor 1: Differences in expertise*

1. A greater advantage in expertise in favour of the agent leads to lower information transfer to the principal than situations of a smaller advantage in expertise in favour of the agent.
2. High complexity of issues leads to lower information transfer and fewer discussions than low complexity of issues.

#### *Factor 2: Style of representation*

3. Delegation leads to higher information transfer than does trusteeship.
4. Delegation leads to higher discussion frequency than does trusteeship.
5. Delegation leads to lower discussion intensity than does trusteeship.

#### *Factor 3: Political salience*

6. High political salience of issues leads to higher information transfer than low political salience of issues.
  7. High political salience of issues leads to less intensive discussions than issues of low political salience.
  8. Strong Europeanization of departments leads to more information transfer, more frequent discussions and more intensive discussions than weak Europeanization of departments.
- 

The explanatory sections of Chapters 5 and 6 worked towards parsimonious models in which only the significant relationships between independent and dependent variables remained. Table 8.1 summarizes these parsimonious regression models.<sup>2</sup> As in Box 8.1 above, the results are organized by factor.

<sup>2</sup> The full models are displayed in Chapters 5 and 6.

Table 8.1 Parsimonious models explaining aspects of accountability

Independent variables:	Dependent variable:	Information sent by agent to principal	Information received by principal from agent	Frequency of discussions	Intensity of discussions
Differences in expertise: · Technical complexity of the issues · Knowledge gap as perceived by agent · Knowledge gap as perceived by principal		0.287*** -0.273*** -	- - -	- - -0.201**	- - -
Style of representation <sup>a</sup> : · Style of representation (agent) · Style of representation as desired by principal		- -0.180**	- -0.269***	- -0.265***	- -
Political salience: · Political interest · Europeanization of organization		0.270*** 0.183***	- -	- -	-0.132* -0.176***
Information received by principal: · Information received from agent · Information received from companies and int. groups · Information received from EC		X X X	X X X	0.202** - -	- 0.187** -
Control variables: (reference category: Dutch ministries) · Danish agency dummy · Danish ministry dummy · Dutch agency dummy  · Number of years agent has held position · Number of years principal has held position · Number of years agent and principal have worked together		- - -  - - -	- -0.552** -  - - 0.078***	- - -  -0.024* - -	0.352** - -  - - -
Constant		2.759***	4.503***	2.792***	3.694***
R <sup>2</sup>		0.300	0.189	0.220	0.195
R <sup>2</sup> (adj.)		0.275	0.173	0.197	0.168
F		11.832***	11.610***	9.316***	7.279***
N		143	152	136	124

\*p<0.1; \*\*p<0.05; \*\*\*p<0.01.

Entries are unstandardized OLS-regression coefficients. For the same table, the standardised coefficients are displayed in Appendix E.

Variables marked '-' were removed from the model because of insignificance.

Variables marked 'X' are theoretically impossible to include and thus omitted.

<sup>a</sup> High values correspond to trusteeship, low values to delegation.

### Factor 1: Differences in expertise

According to the logic of the classic principal-agent approach, situations of large differences in expertise in favour of the agent go together with lower information transfer than situations of small differences in expertise. This was taken as hypothesis 1. But according to hypothesis 2, issues can also be complex by themselves and hard to understand for the higher management levels. As this impedes accountability, it is also expected that high complexity of issues leads to lower information transfer and fewer discussions.

Hypothesis 2 must be rejected. All available evidence shows that technical complexity either goes together with the opposite of what was expected or does not have any effect to begin with. According to the survey, agents report to send more information to their principals on technically complex issues, but this appeared to be an indirect effect that was magnified in the regression model. From the interviews, no such conclusion can be drawn. The survey to the principals does not show such a correlation, either. All in all, the evidence is scanty and hypothesis 2 must be rejected.

Hypothesis 1, however, can be maintained. As it was not feasible to measure knowledge gaps objectively, subjective questions were asked to both sides. It turns out that the effect of such knowledge gaps differs between principals and agents. When agents believe their principals do not understand the issues that are discussed in a committee, they are less likely to send information to their principals. When principals report to know less of a subject than their agents do, they do not report to receive less information from their agents – but they would not know what more information would be available in the first place. It also appears that a greater knowledge gap as experienced by the principal leads to lower discussion frequency. No relationships were found for the factor of discussion intensity, but these were not hypothesized to begin with.

### Factor 2: Style of representation

The bureaucratic representation literature as discussed in Chapter 3 has been used to modify the commonly used principal-agent model. The classic principal-agent model assumes that preferences and output can be measured on the same yardstick, whereas a representation-based model is broader, as it includes making sure that the principal and agent share the same beliefs and act in the same interests (cf. Luttbeg 1974, Mosher 1982, Lim 2006). As it furthermore accepts the possibility of permitted

autonomous behaviour by the agent, the extended principal-agent model does not take instructions as the only possible preference adjustment mechanism.<sup>3</sup> It also accepts more reciprocal ways of preference adjustment, such as debates on principles and an exchange of views between principals and agents.

This point of departure makes style of representation an important factor to consider (cf. Eulau et al. 1957, Thomassen 1994). It has been hypothesized that delegation and trusteeship affect accountability practices in several ways. First, it is expected that delegation leads to higher levels of information transfer than trusteeship. Chapter 5 has already shown that information sent by the agent is not necessarily read and digested by the principal because of the latter's higher workload and more general than specialist orientations. Sending and receiving information are thus not always two sides of the same coin, even when the exact same information is concerned. Apart from this, it also appeared that principals and agents occasionally have different ideas about the latter's autonomy. Where managers feel the autonomy of their subordinates is a risk rather than a virtue, they sometimes subject their behaviour to more intensive scrutiny.

But for both the superior and the committee participant, the relationship between style of representation and information transfer is clear. Both the survey and the interviews indicate that superiors who want their committee members to work more autonomously report to receive less information from them on their behaviour in Brussels. As Table 8.1 indicates, the perceptions of the committee members on their own autonomy do not matter in this. They, too, send more or less information to their masters depending on how autonomously their superior wants them to operate.

The same is true for the frequency of feedback discussions. Even when other factors than style of representation are also included in the model, its independent effect is still visible and significant, as the parsimonious models show. However, no significant effect can be discerned when the intensity of discussions is the dependent variable. Here, higher discussion intensities were expected for trustees to make up for their lower degree of information transfer, but no effect whatsoever materializes. This implies that preference adjustment for trustees takes place randomly, when at all. From the qualitative material presented in the empirical chapters, it is obvious that principals generally feel that they can rely on their agents to do the right thing. But as the preference adjustment mechanism is missing, the question is whether they can be certain of this.

<sup>3</sup> For all models in Table 8.1, the change in explained variance has been calculated between a classic principal-agent model consisting of independent variables in the first block only, and an extended model. For all parsimonious models, insofar as variables from the first block remain in the parsimonious models, the change in  $R^2$  is significant. This statistic shows that an extended principal-agent model based on bureaucratic representation is superior over a classic principal-agent model in all instances.

Hypotheses 3 and 4, assuming that delegation leads to higher levels of information transfer and more frequent feedback discussions than trusteeship, can thus safely be maintained. But hypothesis 5, which assumes that delegation leads to lower discussion intensity than trusteeship, has to be rejected.

### **Factor 3: Political salience**

To a certain degree, political salience is the very reason why comitology exists at all. Past research has shown that when member states attribute higher political relevance to certain issues, they will choose to apply stricter comitology procedures to new legislation adopted in the Council of Ministers, which leads to more power for the member states in committees (Pollack 2003a: 130-144, Franchino 2000b). As salient issues apparently necessitate restrictive comitology procedures in favour of member states, it is also reasonable to expect the accountability lines between the committee participants and the higher management levels within the government to be stronger than with non-salient issues.

Hypothesis 6 assumes that higher political salience leads to higher information transfer. Furthermore, as higher political salience can also lead to more instructions for behaviour in Brussels, principles need then not be debated any longer. Hypothesis 7 thus expects issues of high political salience to go together with less intensive discussions than issues of low political salience. The data shows that hypothesis 7 can be maintained, but as the interview material shows, it must be borne in mind that this is only true for those issues which already *are* politically salient. In cases that are not politically salient yet, but might become so in due course, the degree to which principles are discussed depend on the political sensitivity of the committee participants.

The results that relate to hypothesis 6 are somewhat ambivalent. The committee participants themselves indicate that they do send more information to their principals when issues bear political salience. But at the side of the principal, no such pattern can be retrieved in the survey. From the interviews, it emerged several times that some principals have other ideas of political relevance than their agents have. When allocating attention to documents to read, the principals are not only guided by the interest their ministers already have in a particular issue, but rather by how their ministers distribute their own attention between different issues, as well as the effect these issues might have on existing regulation. Hypothesis 6 is thus partially maintained – that is, on the part of agents sending information.

Hypothesis 8 expects stronger Europeanization of departments to increase the need for information and debate. Much as this seems to affect the behaviour of committee members in this respect, with strong and significant relationships (see Chapter 5), it has remarkably little impact on the behaviour of their superiors. For information transfer and frequency of discussions there is no impact at all, and for the intensity of discussions it appears that 'more Europe' leads to less room for discussing views and principles, which is the opposite of what was expected. The interview results also show that in departments where Europe has a relatively bigger impact, there appears to be more coordination before the meetings between several people involved in related issues. The hierarchy, however, need not be involved. Hypothesis 8 is thus rejected.

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#### Box 8.2 Overview of maintained and rejected hypotheses

##### *Factor 1: Differences in expertise*

1. A greater advantage in expertise in favour of the agent leads to lower information transfer to the principal than situations of a smaller advantage in expertise in favour of the agent - MAINTAINED
2. High complexity of issues leads to lower information transfer and fewer debates than low complexity of issues - REJECTED

##### *Factor 2: Style of representation*

3. Delegation leads to higher information transfer than does trusteeship - MAINTAINED
4. Delegation leads to higher debate frequency than does trusteeship - MAINTAINED
5. Delegation leads to lower debate intensity than does trusteeship - REJECTED

##### *Factor 3: Political salience*

6. High political salience of issues leads to higher information transfer than low political salience of issues – MAINTAINED FOR AGENTS ONLY
  7. High political salience of issues leads to less intensive debates than issues of low political salience - MAINTAINED
  8. Strong Europeanization of departments leads to more information transfer, more frequent debates and more intensive debates than weak Europeanization of departments - REJECTED
- 

Box 8.2 summarizes the extent to which the hypotheses that were tested in this research can be maintained or rejected. Together, these results answer the explanatory part of the research question. It shows that the classic principal-agent model can be significantly improved when, apart from differences in expertise, two more explanatory factors are taken into account, namely style of representation and political salience.

Substantially less information is transferred to the superiors of committee participants when the according committee participants are trustees, working on politically non-sensitive issues and having a great knowledge advantage over their superiors. In the opposite case, substantially more information is transferred. The frequency of discussions is related to the style of delegation in a similar way, and the intensity of discussion mainly seems to be a product of political salience. The control variables tapping into differences between the Netherlands and Denmark, and between agencies and departments, only produce significant effects in two instances. In Danish ministries, superiors report to receive less information than superiors working in other organizations do, and in Danish agencies there appear to be more intensive discussions between committee participants and their superiors.

Even though this study only uses data from Denmark and the Netherlands, its findings can be generalized beyond these two countries. In other cases with a direct hierarchical relationship between individuals, the same factors underlying the workings of an accountability relationship may well be found: differences in expertise, style of representation and political salience. But in terms of the overall accountability for a particular policy, the institutional structure of a political system is also an important factor to consider. In this respect, Denmark and the Netherlands both closely resemble the ideal-type of a unitary parliamentary democracy. Such systems are characterized by a single chain of delegation from voters, via parliament and government, to civil servants. The chain of accountability goes the other way: from civil servants, via government and parliament, back to the voters. In situations like these, the first step in the chain of accountability is more crucial to the higher management levels and the political level than in differently organized political systems. In federal systems, for example, actors working at the sub-national level sometimes participate in comitology committee meetings while representing the member state as a whole. Then, the distribution of competences between the national and sub-national levels can lead to information not ending up with ministers or with parliament.

But even in unitary parliamentary democracies like Denmark and the Netherlands, which in institutional terms provide the best condi-

tions for accountability along the full chain of delegation, the chain of accountability often appears to be broken at the first step. When accountability shortcomings can be detected in countries like these, it is safe to argue that countries with a different institutional make-up are likely to suffer from those even more. The fact that the publicly available information on the content of comitology committee meetings is generally not very specific, if available at all, means that the link between individual committee participants and their immediate superiors remains crucial for higher level forums at the national level to be able to hold a grip on comitology (Brandsma et al. 2008).

The question of how grave these shortcomings are involves a normative assessment that will be engaged in further on in this chapter. But the fact that shortcomings exist at all is a serious issue in itself because the member states, together with the Commission, make collective binding decisions in comitology. It is therefore also necessary to ensure accountability for comitology matters within the member states – this is a point that is missed by all current pleas for improving comitology (by strengthening the position of the European Parliament). Through comitology, policy experts decide on policy outcomes on behalf of member states, and therefore it is essential to the proper functioning of the system that their actions are accounted for within each respective member state. The finding that there are shortcomings even in two member states that have optimal conditions for accountability is a case in point of how pressing this matter is.

Having said that, no systematic research has been undertaken into how accountability practices of EU-participating bureaucrats from federal or presidential countries *exactly* differ from those that were sketched out in this study. The same is true with respect to countries that are new members to the European Union and that do not yet have an established tradition as to how to behave in its many committees, nor how to account for input in them. It is safe to argue that accountability in all those countries is practiced to a lesser extent than in Denmark and the Netherlands, but it is not clear exactly how much better the latter two countries are expected to perform. Even though this research has demonstrated that accountability is not even practiced perfectly in political systems that seem to have the optimal institutional conditions accountability for that, only a closer look at these matters can bring us closer to a more definitive answer.

### 8.3 Assessing accountability: Serious risk of a deficit

The previous two sections brought together the empirical results of this research and highlighted accountability shortcomings of Denmark and the Netherlands. It showed by means of the ‘accountability cube’ to what degree comitology committee participants are held to account in practice. This analytic tool was developed in order to show how each individual accountability relationship scores on all three elements of accountability together. In about a quarter of all cases, the transfer of information from the committee participant to his superior, the frequency by which committee affairs are discussed, and the extent to which the superior is able to sanction or reward behaviour of the committee participant are all high. In the remainder of cases, either of these elements are developed to a lesser extent. As for explanations of these practices, a different model emerges than the classic principal-agent model. Rather, three sets of variables matter: differences in expertise, style of representation and political salience.

Shortcomings were found, but do they give rise to concern or is what we find emerging in practice good enough? Do the accountability practices that are found at the national level suffice for making the input of comitology participants accountable, or do they fall short? This is a substantial normative question for understanding the extent to which comitology is an accountable form of governance and to what extent it contributes to the democratic legitimacy of the European executive.

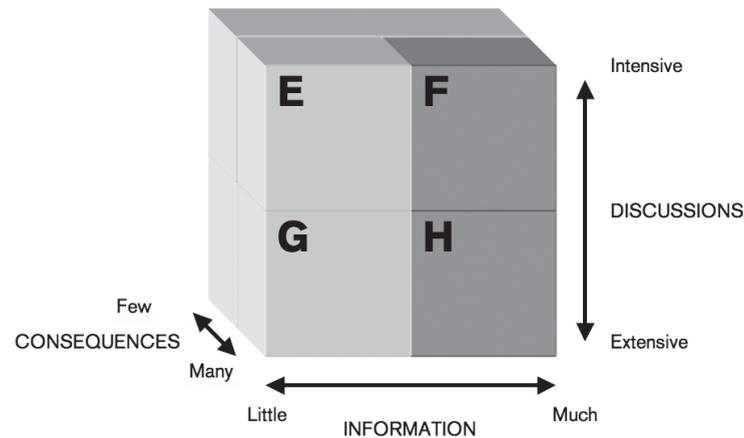
#### Accountability deficits: A matter of standards

Before approaching the question of whether comitology committee participants are sufficiently held to account, we should first resolve what makes accountability sufficient. This, too, is a normative question. When is there a deficit in accountability, and when is there enough of it? Chapter 3 argued that there are different standards depending on how accountability is approached, and that these lead to different answers to this question. Two approaches to accountability have been central to this research: the commonly used *principal-agent approach* and an extension to it based on *bureaucratic representation*. From an empirical perspective, it has been demonstrated that both have merit to a certain extent. Elements that are related to each of these two approaches contribute to explaining the observed variance in the information and discussion phases in accountability.

This is a different sort of question than what constitutes an accountability deficit (which is a normative question). For these two approaches, regardless of their empirical explanatory power, accountability deficits are not the same. According to the classic *principal-agent perspective*, accountability deficits occur when principals are not kept informed and when they are not able to sanction. From a *bureaucratic representation perspective*, a proper accountability arrangement is defined by a large repertoire of sanctioning capacities, in combination with either a high degree of information or high discussion intensity, depending on the style of representation of the actor.

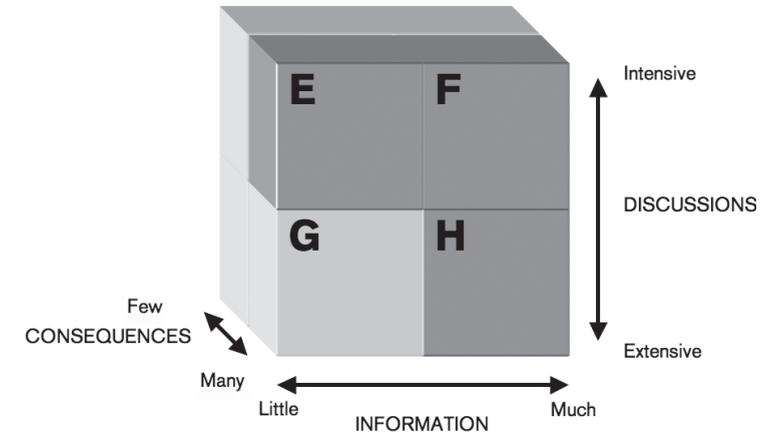
Chapter 3 argued that an assessment of the appropriateness of accountability boils down to choosing a theoretical perspective and then combining the empirical findings on the following three dimensions: (1) the amount of information transferred to the principal, (2) the intensity of discussions and (3) the degree to which the principal is able to sanction. These three dimensions are used to form another accountability cube, which differs slightly from the cube presented before.<sup>4</sup> The dark blocks indicate situations where appropriate accountability relationships are found from each perspective.

Figure 8.3 Assessing accountability from a classic principal-agent perspective



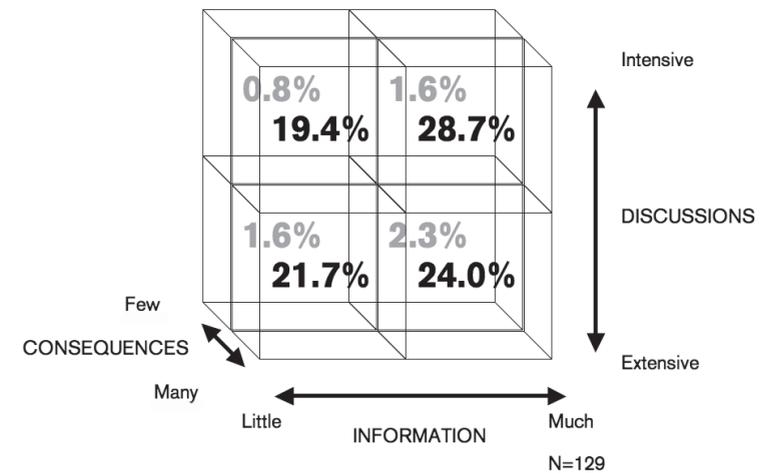
<sup>4</sup> The vertical dimension is about the intensity of discussions as opposed to their frequency (see Chapter 3).

Figure 8.4 Assessing accountability from an extended representation-based perspective



Again, the eight blocks in the cube were filled with empirical results. Figure 8.5 below visualizes again the accountability relationships between committee participants and superiors as observed in this research.

Figure 8.5 The accountability cube



The rear side of the cube contains problematic accountability relationships from either theoretical perspective. The results at this side of Figure 8.5 are similar to those of the previously presented accountability cube in Figure 8.2, and again one can safely conclude that a lack of sanctions is not the major problem in reality. Only in 6.3 percent of the cases included in this cube are sanction capacities low. Most results appear at the front of the cube. In the vast majority of cases, sanction capacities are high. Discussion intensity and information, however, are more variable.

### Assessing accountability deficits in backstage Europe

The blocks in the accountability cube only mention percentages. But how do these percentages relate to the theoretical approaches that are central to this assessment?

According to the *classic principal-agent perspective*, accountability deficits occur when principals are not kept informed and when they are not able to sanction. The latter does not seem to constitute a major problem in this particular setting. Most principals have an extensive repertoire of sanctioning and rewarding instruments available to them. But they need to rely on information to judge what their agents are up to. Both information and sanctioning capacities are vital in an accountability arrangement. As displayed by the accountability cube, this means that the only appropriate situations from the classic principal-agent perspective are blocks F and H. These two blocks together contain 52.7% of the relationships between comitology committee participants and their superiors. This means that accountability deficits occur in the remaining 47.3% of the cases. The explanation for this high percentage lies mostly in a lower extent of incoming information, which is of central importance to the principal-agent literature.

In the *extended representation-based principal-agent perspective*, a proper accountability arrangement is defined by a large repertoire of sanctioning capacities, in combination with either a high degree of information or a high degree of discussion. Situations where both information and discussions occur to a high extent could perhaps do with less of either of the two, but in any case these cases do not show a deficit. In the accountability cube, appropriate regimes are thus found in blocks E, H and F, the latter of which contains more elements of accountability than strictly necessary. Thus, the remaining blocks are symptomatic of accountability deficits, which appear in 28% of the cases. It would, however, be wrong to conclude that the remaining 72 percent of cases consist of appropriate accountability relationships. It must be kept in mind that situations E

and H were deemed to apply to civil servants enjoying different extents of autonomy: delegates and trustees. Do blocks E and H, which contain essentially appropriate accountability regimes, actually apply to the right people? The results from the chapters on information and discussions suggest that they only do to a limited extent. It follows from the analysis of discussions that there is no correlation between the content of these and the style of representation. The analysis of information shows that trusteeship indeed corresponds to lower degrees of information.

A further exploration of this confirms this. When treating style of representation as the role orientation the agent has of himself, it appears that the vast majority (76.9%) of the agents in block E think of themselves as trustees. However, block H consists only 20 percent of delegates. When taking this into account, it appears that only 48.4 percent of the agents is in an accountability relationship that properly fits their own role orientations.<sup>5</sup> If style of representation is taken as the role orientation the superior likes his committee participant to employ, it appears that 33.3 percent of the agents in block E are supposed to be trustees, while 50.0 percent of those in block H are supposed to be delegates. From this point of view, 47.1 percent of all agents are held to account to a proper extent.<sup>6</sup>

The two perspectives thus lead to different outcomes. From a classic principal-agent perspective, about 53 percent of the committee participants are held to account to a proper degree. When insights from the bureaucratic representation literature are added, this figure is not too different (either 47.1 percent or 48.4 percent) – but these figures partly refer to other people. In the remainder of cases, the according elements of accountability are in practice developed under average. In those cases, there is a risk of an accountability deficit.

Table 8.2 **Accountability of committee participants from two perspectives**

Risk of accountability deficits		Bureaucratic representation extension to principal-agent approach		Total
		no risk	risk	
Classic principal-agent approach	no risk	40.7 %	12.0 %	52.7%
	risk	6.4 %	40.9 %	47.3%
Total		47.1%	52.9%	N = 129

<sup>5</sup> Computed as: 76.9% of block E, plus 20.0% of block H, plus all cases in block F.

<sup>6</sup> Computed as: 33.3% of block E, plus 50.0% of block H, plus all cases in block F.

The two approaches set different standards. The same accountability relationships may therefore give rise to concern according to one perspective, but they may not do so according to the other. Table 8.2 therefore shows the results for both perspectives together. The table indicates that for a 'swing group' of 18.4 percent of accountability relationships, different norms indeed lead to different assessments. But the figures also show that 40.9 percent of all accountability relationships between committee participants and their superiors in this study are developed below average from both perspectives. In these cases, the risk of an accountability shortage is most salient.

## 8.4 Implications for accountability and comitology research

The above three sections have answered the main query of this research. But the results of this study also bear relevance, both for the study of accountability in a general sense and for the study of comitology. In particular, the following issues are most relevant for further studies in these fields. Two points relate to accountability research, and three to comitology research.

### Accountability can be measured empirically

Accountability is a contested concept. This regrettably also seems to have been the issue that has dominated the accountability literature for many decades. Instead of using different definitions of accountability and applying those to the political and administrative domain, the debate has been on the meaning of the term itself. Authors distinguish between types and styles of accountability (e.g. Sinclair 1995, Ahrens 1996, Behn 2001, Keohane 2002, Mulgan 2003, Bovens 2007a, Bovens 2007b) and sometimes analyze its workings by means of formal models (Lane 2005, Lupia 2006, Strøm 2006), but all seem reluctant to apply the concept to real-life situations on a large scale (with the notable exception of Brehm and Gates (1997)). The pity of this is that despite all attention to the concept, we only have a picture of the workings of accountability in theory, and in practice the findings tend not to go beyond a small number of cases (e.g. Day and Klein 1987). But accountability is a salient issue, as it touches upon one of the core premises of democratic government. A shift of the focus in the debate from conceptual discussions to empirical studies would therefore be necessary and timely.

This study contributes to that aim. Even though its thematic focus is only on one particular – though very important – aspect of European governance, its take on the matter can have a broader application. The approach and results of this study testify that accountability, when defined as a process as opposed to as a virtue, can be measured empirically. The concept can be broken down into three dimensions – information, discussion and consequences – and systematically investigated. It is also possible to do this in quantitative fashion, on a large scale.

In order to facilitate the presentation and analysis of the quantitative results, a new instrument has been proposed: *the accountability cube*. As this cube allows for presenting the three dimensions of accountability together, it eases a systematic discussion and theoretical interpretation of results. The added value of this instrument, therefore, goes beyond the context of this research.

### Look beyond the classic principal-agent model for explaining accountability practices

Apart from describing accountability practices empirically, this research also aimed to provide an explanation of why in some cases accountability practices were developed to a higher degree than in other cases. The results of that exercise bear some important implications for theories of accountability.

The classic principal-agent framework theorizes the workings of accountability by means of two elements: information and sanctions. Arguing on the basis of formal models, the framework holds, in short, that agents act in their self-interest only and use the information asymmetries between them and their principals in order to shirk (Lupia 2000, Miller 2005).

But the reality of accountability practices appears more complicated than what formal principal-agent models make of it. The summary of conclusions presented above displays that several different factors have an effect on accountability. At any rate, it clearly shows that accountability-related behaviour is not just a matter of differences in expertise, as the classic principal-agent literature suggests. While the size of the agents' information advantage effectively does matter, there is more to it than just this aspect.

This research introduced insights from the bureaucratic representation literature, which allows for the possibility of more factors to have an effect on accountability. When it is acknowledged that preferences are not necessarily clear *ex ante* (cf. Dunsire 1978, Meier and O'Toole 2006, Delreux 2008, Geuijen et al. 2008), discussion becomes a relevant

element of accountability. Further, as shirking is not taken as a given, variables other than differences in expertise may have an effect. The literature on representation and comitology suggested two alternative explanatory factors: style of representation and political salience. The literature on representation suggests that some people are entrusted with more autonomy than others (e.g. Eulau et al. 1957, Thomassen 1994), which affects the way in which they are and should be held to account. The comitology literature showed that political salience is an issue that has put its mark on the functioning of the system ever since it was introduced in the early 1960s; the member states, for the topics comitology deals with, apparently care enough about the implementation of common policies not to give the Commission a free hand in this (Franchino 2000b, Bergström 2005, Blom-Hansen 2008). One would therefore expect political salience of issues to have an effect on accountability of member state representatives.

The analysis shows that both these factors have an effect on accountability practices, indicating that the classic principal agent framework alone is not very helpful to understand accountability within organizations. In all respects, insights from bureaucratic representation prove to be an improvement in the context of this study. For accountability theory, its contribution is that it has shown the relevance of the discussion phase of accountability. Empirically, it shows that variables other than differences in expertise, namely political salience and style of representation, contribute to explanations of accountability practices significantly.

Having said that, principal-agent models have not only been applied to delegation relationships within organizations, but also to those from one institution or organization to another. For example, the issue of delegation to autonomous agencies has often been termed likewise (e.g. McCubbins e.a. 1987, Thatcher and Stone Sweet 2002, Pollack 2002). This study is not concerned with delegation from one institution to another, but rather to delegation settings within organizations only. It is within organizations that classic principal-agent models miss two important factors that shape accountability relationships (i.e. issue salience and style of representation), and it is therefore also in that particular context that the results of this study are of most relevance.

#### **Multi-level governance settings cannot be understood from only one level**

In comitology, the Commission and civil servants from the member states together craft thousands of norms, policies, funding programmes and

other sorts of regulation every year. The high workload of comitology is nowadays widely recognized by many researchers of EU governance (Bergström 2005, Christiansen and Vaccari 2006, Franchino 2000a, 2000b, Neuhold 2008, Pollack 2003a, Vos 1997), and the new evidence presented in Chapter 2 shows that about half of all European directives, regulations and decisions are handled by comitology. This makes comitology one of the most important modes of European policy-making.

It is striking to see that the legitimacy and accountability of comitology, as the most multi-level governance process by far in the European Union, tend not to be understood in multi-level terms. The literature on this subject is very much focused on the institutional arrangements at the European level – with special attention to the position of the European Parliament – but ignores what may be required from arrangements and practices within the member states for a proper functioning of the system. Comitology is multi-level governance in action; it involves a blend of different governmental layers, working together in a European setting. Still, the member state level is surprisingly absent in debates on the committees' legitimacy, even though the link between the member states and the Commission is their *raison d'être*.

Multi-level governance settings also require multi-level systems of accountability. Evidence from the European institutional level shows that some accountability structures are visible for comitology, but in practice they remain only weak in most cases (e.g. Bradley 2008, Neuhold 2008, Dehousse 2003). This study set out to add evidence from the national level to the debate and focused on the individual participants. In principle, the same conclusion can be drawn here. It appears that the structures are in place, but it is a matter of putting accountability into practice. In general, bureaucratic superiors of committee participants are able to sanction or to reward, but in just under 70 percent of the cases they are either relatively little informed, or they hardly discuss input in the committees with their employees, or both. When committee participants are only minimally or weakly held to account by their superiors, and public information on committee activities is not available or of poor quality (Türk 2003, Brandsma et al. 2008), it can safely be expected that they are also beyond ministerial or parliamentary control for the comitology matters they work on. This is a major problem, because committee participants are expected to represent their respective member states, and because the committees produce collective, binding outcomes. Properly functioning accountability arrangements at both the European and the national level are essential for that.

### Comitology is formally intergovernmental, but the government misses out

These findings do not only bear relevance for the study of accountability in relation to comitology, but they are also indicative for an understanding of the working of the comitology system as such. The academic discourse on comitology has thus far mainly been dominated by the contrast between intergovernmentalism and supranationalism (e.g. Steunenberg et al. 1996, Joerges and Neyer 1997, Franchino 2000b, Rhinard 2003, Pollack 2003a, Trondal and Veggeland 2003, Joerges 2006, Krapohl and Zurek 2006). To mention only a few arguments from both sides of the debate, member state representatives are able to influence the policy that the Commission will eventually adopt (Steunenberg et al. 1996), the participants are generally policy experts for whom the quality of the arguments matters most (Joerges and Neyer 1997, Sannerstedt 2005), and the majority of the participants see themselves and their colleagues from the other member states primarily as a government representative and not as an 'independent' expert (Egeberg et al. 2003). Comitology, thus, arguably has traits of both intergovernmentalism and supranationalism (Alfé et al. 2008, Blom-Hansen and Brandsma 2009).

But having said that, when comitology is at least partially to be understood as an intergovernmental device, it should also be specified as to what precisely is intergovernmental about it. It is beyond doubt that member state representatives can influence the policies that the Commission eventually adopts, but to what extent do the committee participants actually represent their member states in a material sense? The results of this study give rise to some serious questions here. Other studies have revealed that comitology committee participants tend to be self-reliant policy makers (Joerges and Neyer 1997, Geuijen et al 2008). They are endowed with the task of managing a certain file, which they do by replicating the existing norms and practices from their unit into new policy positions and by creating their own coordination platforms of specialists from different units and ministries, but which do not necessarily include their hierarchical masters (Geuijen et al 2008, Trondal 2009). This study shows that with respect to accountability, a relatively low involvement of the hierarchy is found as well, and national lines of accountability already begin to break down at the very first link in the chain. As this applies to both behaviour in backstage Europe and accounting for it, it is questionable as to whether there is anything truly 'governmental' about their behaviour and whether the non-deliberative bargaining that is sometimes detected in comitology committees is 'inter-something' rather than intergovernmental.

These key points are not only relevant to consider in future research on either accountability or comitology, but they are also helpful when turning again to the bigger question with which the introduction to this study started out. What do the results of this study contribute to the broader debate on democracy in the European Union?

## 8.5 Comitology and democracy in the European Union

Comitology is generally seen as one of the less legitimate parts of European governance (e.g. Harlow 2002, Rhinard 2002, Dehousse 2003, Bradley 2008).<sup>7</sup> Whereas in the early 1990s hardly anything about these committees was known, there now is an extensive literature on many aspects of comitology, even to the extent that it has a widely used theoretical approach of its own (Joerges and Neyer 1997). The debate on its legitimacy has mainly been of an institutional nature, by focusing on the formal position, the powers and the obligations of comitology *vis-à-vis* the institutions, especially with respect to the European Parliament. Nevertheless, comitology must be understood in a broader context. It generates the bulk of the detailed measures that have a direct impact on European citizens. Implementation acts on air pollution norms, animal health, research funding, safety at sea, water quality and many other things eventually go through a comitology committee. Comitology, thus, generates the bulk of the very detailed and specific implementation measures that have a direct impact on specific groups within Europe. It is an essential part of the European executive, and therefore concerns about the legitimacy of comitology are also of relevance to the European executive as a whole, and vice versa.

As the first chapter of this study already introduced, the debate on the democratic deficit of the European Union is very much inspired by the division of powers between European institutions, and by the difference between member states and the European institutions, even to the extent that it tends to ignore the multi-level character of EU governance. As was stressed in this study on a number of occasions with respect to comitology, the Commission and the member states are interdependent. Because of comitology, the Commission is not in a position to pursue its own policies without sufficient approval from the member states, but in turn the member states cannot cast an official vote without the Commission tabling a draft measure. Bearing this in mind, the findings of this study give some important insights, yet they also raise questions with respect to the debate itself which has mainly been framed in terms

<sup>7</sup> Joerges and Neyer, by contrast, argue that comitology's system of transnational dialogue between policy specialists improves legitimacy, and therefore is a solution rather than a problem (Joerges and Neyer 1997, Joerges 2006).

of supranationalism and intergovernmentalism.<sup>8</sup> What is the contribution of this study to the debate from both these ‘traditional’ perspectives on democracy in the European Union, and what further insights does a multi-level perspective bring?

### Constraints to supranational democratic legitimacy

A supranational perspective on European Union democracy holds that citizen representation and accountability must be ensured at the European level (e.g. Decker, 2002). In this respect, the relation of comitology to the European Parliament is central to the supranational perspective. Relatively much is already known with respect to this relationship, and therefore this study did not engage in collecting and analyzing new empirical material on this. It stands out that in the past comitology was completely beyond the reach of the European Parliament; it was not kept informed and it possessed no powers *vis-à-vis* the committees (Bergström 2005; Toeller 1999: 342). During the past two decades, the Parliament improved its position markedly by gaining information rights (Brandsma et al. 2008), by gaining the ability to adopt resolutions when committees give opinions that lie outside their mandates if the original act was adopted by co-decision (Türk 2000: 217-253), and by being able to revoke positive committee opinions for a limited number of committees that discuss amendments to existing legislation under the regulatory procedure with scrutiny (see Chapter 2 and Christiansen and Vaccari 2006).

But despite all progress, the European Parliament is not on equal footing with the Council of Ministers yet. Member state representatives are welcome at committee meetings, but members of the European Parliament are not, even though both represent legislative institutions. For the majority of cases, the European Parliament is not able to overturn positive committee opinions, but it is only able to adopt resolutions on power abuse in plenary, facing very tight deadlines (Bradley 2008). Furthermore, even though the European Parliament now receives documents on committee affairs, they also need to rely on the general public or organized interests to keep track of comitology (cf. McCubbins and Schwartz 1984). But the publicly available information is often incomplete, incomprehensible, or both (Brandsma et al. 2008). This shows that in the current situation the European Parliament is still somewhat curtailed when it comes to its relation to comitology, even though its formal position towards it is undoubtedly improving. As long as the European Parliament still faces these constraints, a significant part of the European executive will be kept away from it.

<sup>8</sup> A third approach sees European governance as purely regulatory where there is no need for common democratic standards (Majone 1998), but the very existence of comitology is at odds with this perspective. See Chapter 1 note 6.

### No democratic legitimacy for comitology through intergovernmentalism

With respect to intergovernmentalism, Moravcsik’s denial of the existence of any democratic deficit is particularly well-known. He argues that ultimately, the Council of Ministers decides at which pace European integration proceeds, and that the citizens control the Council indirectly via the respective national political systems. In cases where the Council does not decide by unanimity, the European Parliament has substantial competences as well (Moravcsik 2002).

There are a substantial number of arguments against this reasoning (e.g. Follesdal and Hix 2006), and the evidence presented in this study is no exception. Still, it cannot be denied that comitology has certain features of an intergovernmental system. The Council decides which implementation matters are delegated to the Commission, and which of those matters need to be subject to scrutiny by a comitology committee. The comitology committees themselves are composed of member state representatives, making the comitology system an intergovernmental check on issue areas that would otherwise be in the exclusive realm of the Commission.

Nevertheless, on the basis of the results of this study one may question to what extent citizens can actually control the wheelings and dealings of these committees through each respective national political system. The survey shows that the committee participants feel that in about 43% of the cases, their direct superiors are not very interested in the work of the committees. For ministers and the government as a whole, this figure is respectively 84% and 94%.<sup>9</sup> Furthermore, many committee participants enjoy considerable autonomy in their work, and this often does not mesh with an appropriate accountability regime. Also, when turning to the discussions within the committees themselves, many researchers have observed that – in at least a substantial number of committees – technical arguments and expertise supersede member state preferences (e.g. Joerges and Neyer 1997, Blom-Hansen and Brandsma 2009, Sannerstedt 2005, Geuijen et al. 2008, but see also Daemen and Van Schendelen 1998, Krapohl and Zurek 2006).

As the comitology procedure applies to the major part of implementation measures – about 60 percent every year – it is quite representative for the implementation phase as a whole. Given these results, the argument for democratic legitimacy through intergovernmentalism seems untenable, at least as far as it concerns the legitimacy of comitology. While comitology does possess certain intergovernmental features, in daily practice the lines between voters, government, managers within

<sup>9</sup> See Appendix B, question 13.

the civil service and committee participants are blurred – even in the final link of that chain. Therefore, comitology in practice does not contribute to an intergovernmental form of democratic legitimacy of European governance.

### Difficulties with multi-level accountability

The above brief overview shows that the evidence found in this study does not fit easily with either of these perspectives. This is not because comitology is a strange phenomenon, but rather because the logic of the above approaches follows that of the dividing lines between the European institutions and the member states, which is at odds with cooperative arrangements between them. In multi-level governance settings such as comitology, the dividing lines between different layers of government, i.e. between the European institutions and the national administrations, become blurred. In terms of accountability, this leads to the observation that ‘classic’ accountability arrangements do not fit multi-level forms of governance because of their joint decision-making structure. Instead, these tend to develop horizontal or peer forms of accountability, which do not necessarily safeguard democratic accountability (Papadopoulos 2007, Harlow and Rawlings 2007). Chapter 3 argued that multi-level governance settings must come together with multi-level accountability, mirroring the organizational setup of the decision-making structure (cf. Chapter 3). In practice, this means making the output of the organizational entity accountable to a forum at the European level, while making each individual participant accountable to an ultimately democratically elected forum at its own respective level.

The case of comitology shows that it is by no means easy to implement such a complex scheme. At the European level, the observation is that it is hard to call the committees themselves to account – even if it were for the outcomes of their meetings alone. The European Parliament has fought a long uphill battle in order to gain more powers of scrutiny in this respect, but is still not quite able to closely follow the work of the committees.<sup>10</sup> After the Lisbon Treaty enters into force, it will once again gain powers in this respect, but the specifics of how this will materialize have not been agreed upon yet (cf. paragraph 8.6 onwards).

At the level of individual input, this study shows there is a great deal of variance both in the degree to which committee members are autonomous in making their own input for committee meetings, and in the extent to which they are held to account *ex post*. Whereas it is obvious that accountability can break down in the face of discussions between

policy specialists at the European level, the study also shows that there still is a tendency of the committee participants to look for political cues and to relate their input to the issues their colleagues within their national administration are dealing with. This, however, happens by their own initiative. To a great extent, we thus observe accountability by accident: the initiative for sending information lies with the committee participant, and the superior may take this information both as a cue and as a basis for discussion – if he happens to read this information at all.

In itself, however, this situation does not seem to differ from the way in which modern bureaucracies function in general (Dunsire 1978, Page and Jenkins 2005). In this perspective, participation in a comitology committee does not involve substantially different behaviour than in domestic issues. As any civil servant, committee participants exercise discretion and are generally not steered by their immediate superiors as to how to exercise that discretion (Page and Jenkins 2005: 127). At the national level this does not necessarily create a shortage of accountability, because in the end the minister is responsible and can be held to account. But for the legitimacy of European policy-making it does produce a problem. Because of the multi-level structure of comitology it is impossible for a single member state to fully control the outcome of the committee’s deliberations. Therefore, it would be inappropriate to hold single committee participants to account for the decisions made by the committee as a whole.

The only thing for which individual committee participants can be held to account is their own input in the meetings of the committees. This study has shown that in a significant number of instances, the immediate superiors of the committee participants do not keep track of their actions, mainly because the initiative of accountability lies with the committee participant. Therefore, also given the little public information that is available on committee matters (cf. Türk 2003, Brandsma et al. 2008), it is not likely that higher management levels, let alone a minister, cabinet or parliament are aware of the ongoings within comitology committees (cf. Damgaard 2000: 168, Larsson and Trondal 2005). It should also be noted that a properly functioning accountability regime, which has also been found in a significant number of instances, is no safeguard from agency losses because further steps in the chain of accountability have to be made before political actors are reached (Lupia 2006, Strøm 2006).

Nevertheless, there is some cause for optimism. The accountability arrangements at the institutional level are improving step by step, and also some of the deficiencies at the national level can be fixed. The final sections provide a brief look into the future and suggest several measures that key actors can take.

<sup>10</sup> This is an argument of institutional powers, but the question if they *in practice* would be able to scrutinize the often detailed implementation measures is quite another matter, one that is open for discussion.

## 8.6 The road ahead for comitology

Over the past decades, the European Parliament has been quite successful in increasing its powers of scrutiny over the backstage world of comitology. It gained the right to be informed of agendas, vote results and draft measures, as well as of receiving summary records and attendance lists. When a committee opinion falls outside the scope foreseen in the according basic act, the European Parliament may adopt an ‘*ultra vires*’ resolution. Since 2005 it is also able to overturn committee opinions in cases where the ‘regulatory procedure with scrutiny’ applies, being cases where comitology committees may change certain elements of a basic act, for example by amending annexes.

The Lisbon Treaty again improves the position of the European Parliament. The new Treaty will also have a strong impact on the domain in which comitology can still be applied, and in what specific form. It distinguishes between legislative delegation (i.e. cases in which the executive acts in the field of competence of the legislator) and executive delegation (i.e. cases in which the executive acts in its own field of competence). At present, this distinction is not made and both types of delegation are subject to comitology procedures.

Under the Treaty of Lisbon, the comitology system is replaced in cases of legislative delegation by an arrangement under which the Commission is directly controlled by the legislator, i.e. both the Council of Ministers and the European Parliament (Craig 2008, Ponzano 2008, Hofmann 2009). Of the 269 comitology committees that formally were reported to exist in 2007, 14 deal with legislative delegation (i.e. those acting under the regulatory procedure with scrutiny) (European Commission 2008). Any expertise that the Commission still needs to draw upon will in the new situation be gathered from a different set of actors that meet behind the scenes: expert groups (Ponzano 2008).<sup>11</sup> Expert groups are different, as the Commission can control who participates in an expert group, and it does not necessarily need to take the opinion of an expert group into account (Larsson 2003a).

For implementing measures in the strict sense, i.e. executive delegation, formal consultation of committees of member state representatives will continue to exist. But if this will be set up in a way that is analogous to the current comitology system is not clear yet. Article 291 (3) of the Treaty of Lisbon explicitly envisages mechanisms for control by the member states of the Commission’s implementation powers (Craig 2008, Hofmann 2009). However, it seems unlikely that this mechanism for control will be a full continuation of the existing comitology procedures, as

<sup>11</sup> An exception to this is legislative delegation in the area of financial services, where an intergovernmental conference adopted a declaration that ‘the member states agreed not to request that the existing committees be retained, provided that the Commission maintained the current practice’ (i.e. comitology) (Ponzano 2008).

the same article is not framed in terms of control by the Council and does not mention a role for the European Parliament (Craig 2008, Ponzano 2008).<sup>12</sup> Furthermore, as specific procedures for this form of control have not been agreed upon yet, it is likely that the Commission will attempt to reduce the application of comitology procedures or new similar procedures that limit its powers, as it has unsuccessfully attempted this in recent history on a number of occasions (Dogan 1997: 44, Demmke 1998: 18, Dehousse 2003: 802, Schusterschitz and Kotz 2007: 73, Bergström et al. 2007, Craig 2008, Hofmann 2009). It will thus remain to be seen what specific form will be chosen, but in any event the Treaty of Lisbon foresees that control by the member states of the Commission by means of committees will continue to exist as long as the adoption of implementing acts is concerned (Craig 2008, Ponzano 2008, Hofmann 2009, Vos 2009). As it is evident that this new form will involve both the Commission and member state administrations, the same concerns as those with comitology can be raised with respect to accountability.

In the inter-institutional negotiations on the application of this scheme, thus, the European Parliament is advised to persist in making sure that it gains full scrutiny powers over the backstage world of committee governance. But apart from measures to be taken at the institutional level, it is also essential to act in the national context.

## 8.7 The road ahead for Van Alphen (and his superior)

Chapters 5 through 7 of this study may well read as an account of normal, daily conduct of national administrators. Indeed, the findings of this research fit perfectly with other accounts of day-to-day routines within the civil service (Page and Jenkins 2005, Dunsire 1978). Low-ranking officers are typically policy specialists, and they work fairly autonomously. Together with the deepening of common policies, it has become increasingly ‘normal’ for the national civil service to deal with European affairs. Whereas in the past international affairs were in the exclusive domain of the diplomatic service, nowadays policy specialists from other services are working on this as well (Geuijen et al. 2008, Trondal 2009). Typically, they are working on European affairs with the same behavioural routines as they have in the national arena. This means that they do not consider European affairs to be something special, but rather an international extension of the policy they manage. It is ordinary bureaucratic politics, but by other means (ibid). At the national level, thus, European affairs have become normalized.

<sup>12</sup> At the same time, it does not explicitly rule out a role for the EP. In any event further details will need to be agreed upon, and the European Parliament has a role to play in that (Hofmann 2009).

This normalization of Europe, however, does come with its downsides. This study also shows how all the many, seemingly trivial, details about the behaviour of national civil servants add up to a risk of accountability deficits. To some extent, there is accountability by accident – committee affairs are discussed because a committee participant happens to send a memo to his superior, who also happens to have read it. This haphazardness is dangerous, especially for comitology. Because of its multi-level character, no single entity can be held responsible for its outcomes. The Commission depends on the member states and vice versa, and within the member states the national parliaments are supposed to scrutinize the government. However, no single minister can justifiably be held individually responsible for the formal opinions of committees that consist of twenty-seven member state representatives. But he may be for the contribution of his own state to the committees' deliberations, and as binding agreements are worked out in such comitology committee meetings, accountability for input in this must be safeguarded. For there to be a healthy accountability of comitology, all involved actors need to make the most of it, even for affairs that will not make a national politician lose an election.

Managers within the civil service are therefore advised to spend more systematic effort in holding committee participants to account for their input in comitology. This does not mean that for every single case the behaviour of their staff needs to be scrutinized meticulously. At the very least one may expect autonomously working policy specialists to engage in fundamental discussions on a more abstract level, even if they occur irregularly. At the moment, even that is missing for many autonomously working committee participants – bringing with it the risk of policies being decided upon that have effects for specific groups in society, without anyone but the committee participant judging if this is the right way forward. If committee participants are not held to account by their superiors, not even to a minimal degree, it is certain that the matters they work on are beyond the control of frontstage actors such as ministers or parliaments as well.

Corné Van Alphen brought the backstage world of comitology to the fore. By allowing a journalist to follow him, he lifted the veil to a part of the European bureaucracy that was literally sealed off to observers from outside. Probably beyond his knowledge, he also became a sort of a symbol for colleagues – not just within his own ministry, but also in other departments. In the interviews for this study, even three years after publication of the original article, both respondents attending committees and their superiors occasionally referred to him as a point of identification.

But in the end, Van Alphen met with the same fate as most of his colleagues: he accepted a different job in the civil service – this time a job without comitology. Nowadays, policy specialists tend not to stay at a certain position for much longer than 6 years. This is also true for their managers. But in general, the structures underlying behaviour remain the same. Policy specialists and their superiors find new ways of dealing with autonomy, differences in expertise and political salience. In this respect, everything will remain as varied as it always has been.

But with an ever closer Union the sheer number of Van Alphen's only increases. Their collective impact at the European level increases together with its deepening, whereas their individual impact decreases together with enlargement. The search for their democratic legitimacy will thus continue. Accountability is part of that quest. The trick is to find a balance between arrangements holding the committees to account at the European level, while each individual is held to account at the national level. The collective arrangements at the European level are definitely improving, but because of the multi-level nature of policy-making in backstage Europe this cannot make up for deficits persisting at the national level.

This research has shown that in principle, the structures are in place to make the arrangements at the national level work. There are no new Treaties necessary to make this happen. The burden rests instead mainly on the shoulders of the superiors of the committee participants. In some cases, the accountability arrangements are working at full speed now. But in many cases, the people working in backstage Europe can just as well limit themselves to sending postcards. From the edge.

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# Appendices

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## Appendix A List of comitology committees active in 2005

The following list of committees active in 2005 was used as a basis for research, organized by Commission DG or office.

### **Agriculture and Rural Development (26)**

Committee on Agricultural Structures and Rural Development (STAR Committee)/Rural Development Committee

Committee on the conservation, characterisation, collection and utilisation of genetic resources in agriculture

Committee on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OAP)

Community Committee on the Farm Accountancy Data Network (FADN)

European Agricultural Guidance and Guarantee Fund Committee

Implementation Committee for spirit drinks

Management Committee for bananas

Management Committee for beef and veal

Management Committee for cereals

Management Committee for direct payments

Management Committee for dried fodder

Management Committee for fruit and vegetables

Management Committee for milk and milk products

Management Committee for Natural Fibres

Management Committee for Olive Oil and Table Olives

Management Committee for pigmeat

Management Committee for poultrymeat and eggs

Management Committee for products processed from fruit and vegetables

Management Committee for promotions

Management Committee for raw tobacco

Management Committee for sheepmeat and goatmeat

Management Committee for sugar

Management Committee for Trade Mechanisms

Management Committee for wines

Regulatory Committee on Organic Farming

Standing Forestry Committee (SFC)

## **Budget (2)**

Advisory Committee on the Communities' Own Resources (ACOR)

Committee for Executive Agencies

## **Education and Culture (7)**

Committee for implementation of the actions laid down in the second phase of the Community vocational training action programme 'Leonardo da Vinci' (2000-2006)

Committee for implementation of the programme establishing a single financing and programming instrument for cultural cooperation ("Culture 2000") (2000-2004)

Committee for implementation of the second phase of the Community action programme in the field of education 'Socrates' (2000-2006)

Committee for implementation of the third phase of the trans-European cooperation scheme for higher education (Tempus III) (2000-2006)

Committee on the Community action programme concerning cooperation policy in the youth field, including European voluntary service and youth exchanges within the Community and with third countries (YOUTH) (2000-2006)

eLearning Committee

Programme for the enhancement of quality in higher education and the promotion of intercultural understanding through cooperation with third countries (Erasmus Mundus) (2004 to 2008)

## **Employment, Social Affairs and Equal Opportunities (5)**

Committee for the implementation of the Programme relating to the Community framework strategy on gender equality

Committee for the technical adaptation of legislation on the introduction of measures to encourage improvements in the safety and health of workers at work

Committee of the Community Action Programme to combat discrimination

Committee of the Community action programme to encourage co-operation between Member States to combat social exclusion

Employment Incentive Measures

## **Energy and Transport (23)**

Advisory Committee on application of the legislation on access for Community air carriers to intra-Community air routes

Committee for the adaptation to technical progress of legislation on the adoption of a harmonised method of analysis of the risks concerning minimum safety requirements for tunnels in the trans-European road network

Combined heat and power committee (Cogeneration)

Committee for harmonisation of national measures on the indication by labelling and standard product information of the consumption of energy and other resources by household appliances

Committee for implementation of the multiannual framework programme for actions in the energy sector (2003-2006)

Committee for the establishment of conditions for the interoperability of the trans-European high-speed/conventional rail system

Committee for the implementation of the series of guidelines for trans-European energy networks

Committee on adaptation of the legislation concerning reciprocal recognition of national boatmasters' certificates for the carriage of goods and passengers by inland waterway

Committee on application of the legislation on enhancing ship and port facility security (MARSEC)

Committee on application of the legislation on harmonisation of technical requirements and administrative procedures in the field of civil aviation

Committee on application of the legislation on harmonisation of technical requirements and administrative procedures in the field of civil aviation security

Committee on driving licences

Committee on energy demand management

Committee on safe seas and prevention of pollution from ships

Committee on the transport of dangerous goods

Developing European Railways Committee

EASA Committee

Marco Polo Committee

Single Sky Committee

Technical Adaptation Committee on Roadworthiness Testing

Ten-Energy Financial Assistance Committee

Ten-Transport Financial Assistance Committee

Ten-Transport Policy Committee

### **Enlargement (2)**

CARDS: Committee for the implementation of Community Assistance to Reconstruction, Development & Stabilisation for Albania, Bosnia and Herzegovina, Croatia, Serbia and Montenegro (including province of Kosovo) and Fyrom

Committee on economic assistance to certain central and eastern European countries and for coordinating aid to the applicant countries in the framework of the pre-accession strategy ("PHARE")

### **Enterprise and Industry (20)**

Advisory Committee on the approximation of the laws of the Member States relating to machinery

Advisory Committee on the approximation of the laws of the Member States relating to medical devices

Committee for the adaptation to technical progress of legislation on the removal of technical barriers to trade in agricultural and forestry tractors

Committee for the adaptation to technical progress of legislation on the removal of technical barriers to trade in detergents (CATP-DETERGENTS)

Committee for the adaptation to technical progress of legislation on the removal of technical barriers to trade in fertilisers (CATP-FERTILISERS)

Committee for the adaptation to technical progress of legislation on the removal of technical barriers to trade in motor vehicles and their trailers

Committee for the adaptation to technical progress of the directives on the removal of technical barriers to trade in cosmetic products (CATP/ COSM)

Committee for the approximation of the laws of the Member States relating to noise emission in the environment by equipment for use outdoors

Committee for the harmonisation of national legislation relating to recreational craft

Committee on directives relating to textile names and labelling

Committee on drug precursors

Lifts Committee

Management Committee for the fourth multiannual programme for small and medium-sized enterprises in the European Union (2001-2005) (SMEs) (EPMC)

Management Committee on horizontal questions concerning trade in processed agricultural products not listed in Annex I

Pan-European eGovernment Services Committee (PEGSCO)

Standing Committee on approximation of the laws relating to construction products

Standing Committee on medicinal products for human use

Standing Committee on the approximation of the laws of the Member States concerning equipment and protective systems intended for use in potentially explosive atmospheres (ATEX)

Standing Committee on veterinary medicinal products

Telecommunications Conformity Assessment and Market Surveillance Committee (TCAM)

## Environment (24)

Climate Change Committee

Committee for application of the regulation authorising voluntary participation by undertakings in the industrial sector in a Community eco-management and audit scheme (EMAS)

Committee for implementation of the directive on integrated pollution prevention and control (IPPC)

Committee for implementation of the directive on packaging and packaging waste

Committee for implementing the Community action programme in the field of civil protection (CPC) (2000-2006)

Committee for implementing the framework directive regarding water

Committee for the adaptation to scientific and technical progress and implementation of the directive on protection of waters against pollution caused by nitrates from agricultural sources

Committee for the adaptation to scientific and technical progress and implementation of the directive on urban waste water treatment

Committee for the adaptation to scientific and technical progress and implementation of the directives on waste

Committee for the adaptation to scientific and technical progress of the directive on conservation of wild birds (ORNIS)

Committee for the adaptation to technical and scientific progress of the directive on the quality of water intended for human consumption

Committee for the adaptation to technical progress and application of the Community award scheme for an eco-label (ECO-LABEL)

Committee for the adaptation to technical progress and implementation of the directive on the deliberate release into the environment of genetically modified organisms

Committee for the adaptation to technical progress and implementation of the regulation on the evaluation and control of the risks of existing substances

Committee for the adaptation to technical progress of legislation to remove technical barriers to trade in dangerous substances and preparations

Committee for the protection of species of wild fauna and flora by regulating trade therein (CITES)

Committee on implementing legislation on ambient air quality assessment and management

Committee on the conservation of natural habitats and of wild fauna and flora (HABITAT)

Committee on the financial instrument for the environment (LIFE)

Management Committee for application of the directive on the standardisation and rationalisation of reports on the implementation of certain directives relating to the environment

Management Committee on Marine Pollution

Management Committee to monitor production and consumption of substances that deplete the ozone layer (SDO)

Standing Committee for implementation of the directive concerning the placing of biocidal products on the market

Standing Committee for implementation of the directive on the control of major accidental hazards involving dangerous substances

#### **EuropeAid Cooperation Office (8)**

Committee on development co-operation with South Africa (meets under the EDF Committee, in accordance with the basic rules in force)

Committee on Food Security and Food Aid

Human Rights and Democracy: Committee for implementation of development cooperation operations which contribute to the general objective of developing and consolidating democracy and the rule of law and to that of respecting human rights and fundamental freedoms

MED: Committee on financial and technical cooperation between the Community and Mediterranean non-member countries

ONG: Committee on co-financing operations with European non-governmental development organisations in fields of interest to the developing countries

PVD-ALA: Committee for management of financial and technical assistance to and economic cooperation with the developing countries in Asia and Latin America

TACIS: Committee for the implementation of the provision of assistance to the partner States in Eastern Europe and Central Asia

AENEAS Committee

#### **European Anti-Fraud Office (1)**

Committee on mutual assistance in customs and agricultural matters

#### **Eurostat (6)**

Balance of Payments Committee

Committee on statistics relating to the trading of goods between Member States/non-member states (Intrastat/Extrastat)

Committee on the harmonisation of gross national income at market prices (GNI Committee)

Confidentiality of Statistics Committee

Standing Committee for Agricultural Statistics (SCAS)

Statistical Programme Committee (SPC)

### **External Relations (2)**

Committee on certification and control of imports and exports of rough diamonds for the purpose of the Kimberley Process certification scheme

Committee on the implementation of projects promoting cooperation and commercial relations between the EU and the industrialised countries of North America, the Far East and Australasia (EXPROM)

### **Health and Consumers (21)**

Committee for community actions in support of consumer policy (2004-2007)

Committee for the implementation of the Community action programme on public health (2003-2008)

Committee of the general product safety directive (2001/95/EC)

Regulatory Committee on the quality and safety of blood

Standing Committee for Community protection of plant variety rights

Standing Committee on plant health (SCPH)

Standing Committee on propagating material and ornamental plants

Standing Committee on propagating material and plants of fruit genera and species

Standing Committee on seeds and propagating material for agriculture, horticulture and forestry (SCS)

Standing Committee on the Food Chain and Animal Health - Section "Genetically modified food and feed and environmental risk"

Standing Committee on the Food Chain and Animal Health - Section "Phytopharmaceuticals - Pesticide residues"

Standing Committee on the Food Chain and Animal Health - Section: "Animal health and animal welfare"

Standing Committee on the Food Chain and Animal Health - Section: "Biological safety of the food chain"

Standing Committee on the Food Chain and Animal Health - Section: "Controls and import conditions"

Standing Committee on the Food Chain and Animal Health - Section: "General food law"

Standing Committee on the Food Chain and Animal Health - Section: "Legislation Plant Protection Products"

Standing Committee on the Food Chain and Animal Health - Section: "Novel Foods"

Standing Committee on the Food Chain and Animal Health - Section: "Toxicological safety of the food chain"

Standing Committee on Zootechnics (SCZ)

Tissues and Cells Committee

Tobacco products regulatory committee

### **Humanitarian Aid (1)**

Committee on humanitarian aid measures (HAC)

### **Information Society and Media (8)**

Committee for the implementation of a multiannual Community programme on promoting safer use of the Internet and new online technologies (Safer Internet Plus) (2005-2008)

Committee for the implementation of a multiannual Community programme to make digital content in Europe more accessible, usable and exploitable (eContentPlus) (2005-2008)

Committee for the implementation of the series of guidelines for trans-European energy networks (TEN-TELECOM)

Committee for the implementation of the training programme for professionals in the European audiovisual programme industry and of the programme to encourage the development, distribution and promotion of European audiovisual works (MEDIA-Training/Media Plus) (2001-2005)

Committee of the multi-annual programme (2003-2005) for the monitoring of eEurope, dissemination of good practices and the improvement of network and information security (MODINIS)

Communications Committee- framework directive 2002/21/EC (COCOM)

eTEN Financial Regulation Committee (Regulation n° 2236/95)

Radio Spectrum Committee (RSC) - Decision n° 676/2002/EC (RSC)

#### **Internal Market and Services (8)**

Accounting Regulatory Committee

Advisory Committee on Public Procurement (ACPC)

Committee for application of the legislation concerning common rules for the development of the internal market of Community postal services and the improvement of quality of service

Committee on fees, implementation rules and the procedure of the boards of appeal of the Office for Harmonisation in the Internal Market (trade marks and designs)

Committee on the second general system for the recognition of professional education and training

European Banking Committee

European Insurance and Occupational Pensions Committee

Financial Conglomerates Committee

#### **Justice, Freedom and Security (11)**

Advisory Committee Brussels I

AGIS Committee

ARGO-Committee

Committee Article 6 Visa

Committee for the Framework Programme for civil judicial cooperation

Committee for the implementation of Daphne Programme

Committee on the protection of personal data

Crime victims committee

European Refugee Fund Advisory Committee

Sirene Manual Committee

SIS II Committee

#### **Maritime Affairs and Fisheries (3)**

Committee for the Fisheries and Aquaculture Sector (CFAS)

Management Committee for Fisheries Products (MCFP)

Management Committee for the Fisheries and Aquaculture Sector (MCFAS)

#### **Regional Policy (2)**

Committee on the Development and Conversion of Regions (CDCR)

Committee on the regulation establishing an Instrument for Structural Policies for Pre-Accession (ISPA)

## Research (17)

7th Framework Programme Research, Research & Development; capacities; International cooperation

7th Framework Programme Research, Research & Development; capacities; regions of knowledge, research potential, coherence

7th Framework Programme Research, Research & Development; capacities; research infrastructures

7th Framework Programme Research, Research & Development; capacities; science and society

7th Framework Programme Research, Research & Development; co-operation; Energy

7th Framework Programme Research, Research & Development; co-operation; Environment

7th Framework Programme Research, Research & Development; co-operation; food, agriculture, biotechnology

7th Framework Programme Research, Research & Development; co-operation; health

7th Framework Programme Research, Research & Development; co-operation; ICT

7th Framework Programme Research, Research & Development; co-operation; NMP

7th Framework Programme Research, Research & Development; co-operation; Security and Space

7th Framework Programme Research, Research & Development; co-operation; Socio-economic sciences and humanities

7th Framework Programme Research, Research & Development; co-operation; specific configuration

7th Framework Programme Research, Research & Development; Euratom; fusion

7th Framework Programme Research, Research & Development; ideas

7th Framework Programme Research, Research & Development; people

Standing Committee on Agricultural Research (SCAR)

## Taxation and Customs Union (22)

Committee for implementation of the action programme for customs in the Community (Customs 2007)

Committee for monitoring trade in substances used for the illicit manufacture of narcotic drugs or psychotropic substances (precursors)

Committee on excise duties

Committee on the export and return of cultural goods

Community programme to improve the operation of taxation systems in the internal market (Fiscalis programme 2003-2007)

Customs Code Committee - counterfeit and pirated goods

Customs Code Committee - customs procedures with economic impact

Customs Code Committee - customs valuation

Customs Code Committee - customs warehouses and free zones.

Customs Code Committee - general legislation

Customs Code Committee - origin

Customs Code Committee - repayment

Customs Code Committee - single administrative document

Customs Code Committee - tariff and statistical nomenclature - Agriculture and chemicals

Customs Code Committee - tariff and statistical nomenclature - BTI

Customs Code Committee - tariff and statistical nomenclature - HS-NC

Customs Code Committee - tariff and statistical nomenclature - Mechanical appliances

Customs Code Committee - tariff and statistical nomenclature - quotas

Customs Code Committee - tariff and statistical nomenclature - Taric

Customs Code Committee - tariff and statistical nomenclature - Textiles

Customs Code Committee - transit

Standing Committee on Administrative Cooperation

#### **Trade (6)**

Advisory Committee on the implementation of activities relating to the Community market access strategy

Committee on Access to Medicines

Committee on common rules for imports of textile products from certain third countries (autonomous regime)

Committee on defence against obstacles to trade which affect the market of the Community or a non-member country (TBR)

Generalised System of Preferences Committee (GSPC)

Textile Committee (conventional regime)

**Total: 225 committees**

List compiled from <http://ec.europa.eu/transparency/regcomitology/registre.cfm?CL=en> by Harmen van der Veer, and checked for accuracy against European Commission (2006).

## Appendix B Results of the survey to the committee participants

Unless otherwise noted, entries in the tables are percentages.

### 1. For how long have you participated in the work in the committee?

No. of years	%
0.0	0.36
0.1	0.36
0.4	0.36
0.5	3.57
0.8	0.71
1.0	11.43
1.5	3.21
2.0	11.07
2.5	1.07
3.0	14.64
3.5	0.36
4.0	10.71
5.0	10.36
5.5	0.36
6.0	8.93
7.0	2.14
8.0	4.64
9.0	1.79
10.0	3.57
11.0	0.71
12.0	2.14
13.0	0.36
14.0	1.07
15.0	1.43
16.0	1.07
17.0	0.36
18.0	0.71
20.0	1.07
21.0	0.36
22.0	0.36
28.0	0.71
Total	100
N 280	

### 2. How much do you agree with the following statements about the meetings in your comitology committee?

	Agree	Partly agree	Neither agree nor disagree	Partly disagree	Disagree	Total	N
All participants can freely express their opinion	70.0	24.8	3.1	0.7	1.4	100	290
We listen to the EU Commission	71.4	24.1	4.1	0.3	0.0	100	290
The participants normally present detailed arguments for their positions	25.4	47.1	21.3	5.8	0.3	100	291
We listen to the most technically insightful participants	44.1	38.6	13.1	4.1	0.0	100	290
It is really the large countries that decide	1.7	21.3	32.3	27.1	17.5	100	291
Compromises are normally political horse trades	1.0	13.5	31.8	34.9	18.7	100	289
Arguments on common solutions are especially important	26.1	44.6	21.6	5.9	1.7	100	287
The participants are normally equipped with a negotiation mandate before the meetings	23.1	38.8	25.2	11.2	1.7	100	286
It happens that participants are persuaded by good arguments to change their position	12.7	47.8	19.2	17.5	2.7	100	291
We take votes in a formal way	54.2	17.0	7.3	8.7	12.8	100	288
The participants mostly behave like independent experts	3.1	19.3	27.2	32.8	17.6	100	290
National interests dominate our work	16.5	48.5	25.8	7.9	1.4	100	291
The participants mostly behave like representatives of their national governments	30.1	43.3	18.0	6.6	2.1	100	289
The most important is to find technically correct solutions	9.3	35.3	38.1	15.2	2.1	100	289
We try to find solutions that are acceptable to all	23.7	51.9	18.2	5.5	0.7	100	291
There is seldom real disagreement	2.4	22.8	21.1	32.9	20.8	100	289
The participants often resort to bluffing	0.3	1.7	21.0	34.8	42.1	100	290
Countries are regularly voted down	10.4	21.9	22.9	18.8	26.0	100	288
The participants only make concessions reluctantly	1.7	20.8	40.5	26.6	10.4	100	289
Special conditions in individual member states are often taken into consideration	8.0	48.4	26.8	9.8	7.0	100	287
The participants sometimes threaten each other	0.0	0.3	3.8	11.4	84.4	100	289

There is great understanding of the special conditions in the various member states	10.1	50.7	26.0	10.1	3.1	100	288
We quickly proceed to a formal vote once it is clear that the participants disagree	0.3	4.5	19.9	29.3	46.0	100	287

**3. Some comitology committees operate with more than one decision procedure. If this is the case for your committee, could you please indicate how much time your committee spends on matters that fall under the:**

**- ADVISORY PROCEDURE:**

Percentage advisory procedure	%
0	53.43
5	2.94
10	5.39
15	0.49
20	3.43
25	1.96
30	1.96
33	1.47
40	3.43
50	4.90
60	1.47
70	1.47
75	0.49
80	5.88
89	0.49
90	1.96
95	1.47
99	0.49
100	6.86
Total	100
N 204	

**- MANAGEMENT PROCEDURE:**

Percentage management procedure	%
0	34.65
1	0.50
2	0.50
5	2.48
10	5.94
15	0.50
20	5.45
25	2.48
30	2.97
33	1.49
35	0.50
40	0.99
50	4.95
60	3.96
65	0.50
70	0.99
75	0.50
80	2.97
90	0.50
95	0.50
99	0.50
100	26.24
Total	100
N 202	

**- REGULATORY PROCEDURE:**

Percentage regulatory procedure	%
0	42.16
1	0.98
5	1.96
10	4.90
15	0.98
20	4.41
25	1.96
30	2.94
33	1.47
35	0.49
40	1.96
50	5.88
60	2.45
65	0.98
70	2.45
80	0.98
85	0.49
90	1.96
98	0.49
100	20.10
Total	100
N 204	

**4. How often does the EU Commission play the following roles in your comitology committee?**

	Always	Often	Now and then	Seldom	Never	Total	N
The one who investigates and explains things	41.8	53.3	4.2	0.3	0.3	100	287
The one who mediates	11.9	45.1	30.8	10.5	1.7	100	286
The one who prepares things	59.0	36.5	4.5	0.0	0.0	100	288
The one who makes sure that everybody feels comfortable	9.2	38.4	35.6	13.0	3.9	100	284
The one who drives negotiations forward	28.2	55.7	13.6	2.4	0.0	100	287
The one who makes sure that the result is satisfactory to everybody	6.6	52.1	33.0	8.0	0.3	100	288
The one who tests what the majority in the committee think	35.0	44.4	13.6	5.9	1.0	100	286
The one who promotes his own proposals	32.9	48.1	16.3	2.1	0.7	100	289

**5. How much do you agree with the following statements about the EU Commission?**

	Agree	Partly agree	Neither agree nor disagree	Partly disagree	Disagree	Total	N
In my committee the Commission's proposals are normally adapted to the majority position in advance	12.7	41.9	27.1	14.8	3.4	100	291
The EU Commission pays constant attention to what the majority in my committee thinks	25.8	39.2	26.8	6.2	2.1	100	291
The EU Commission seldom knows what the majority in my committee want	0.7	4.5	20.3	42.4	32.1	100	290

**6. How much do you agree with the following statements?  
(on you own role in the committee)**

	Agree	Partly agree	Neither agree nor disagree	Partly disagree	Disagree	Total	N
It is important for me to defend the national interest in the committee	60.6	31.8	5.5	1.7	0.3	100	292
It is important for me that the committee reaches the technically best solution	31.2	48.3	17.5	2.7	0.3	100	292
It is important for me to observe my negotiation mandate	58.7	27.1	12.8	0.7	0.7	100	288
It is important for me that I can defend the technical contents of the committee decisions	40.3	42.4	14.8	2.4	0.0	100	290
The input I give is of a highly technical nature	8.9	33.6	31.8	15.8	9.9	100	292

**7. Which of the following three tasks is the most important one for you in your comitology committee?**

	Not most important	Most important	Total	N
To promote the national interest is most important	47.6	52.4	100	286
To find the technically best solutions is most important	65.0	35.0	100	286
To find solutions acceptable to all is most important	87.1	12.9	100	286

**8. How much do you agree with the following statements?**

	Agree	Partly agree	Neither agree nor disagree	Partly disagree	Disagree	Total	N
I take the position that I think is in the best national interest	58.2	32.8	8.4	0.7	0.0	100	287
I take the position in my committee that I think is best according to own professional judgment	29.9	46.6	18.1	3.9	1.4	100	281
In reality I have considerable freedom to decide the national position in my committee	31.7	29.9	20.1	14.1	4.2	100	284

**9. Are you normally equipped with a negotiation mandate before votes take place in your comitology committee?**

	%	Frequency
No	46.7	136
Yes	53.3	155
N 291		

**10. If you answered “yes” to question 9: How much do you agree with the following statements on your mandate?**

	Agree	Partly agree	Neither agree nor disagree	Partly disagree	Disagree	Total	N
My negotiation mandate is normally in writing	40.4	19.2	9.6	9.0	21.8	100	156
My negotiation mandate is normally precise	28.4	37.4	18.1	11.6	4.5	100	155
My negotiation mandate makes it possible for me to accommodate objections from the other member states during the meetings	23.6	50.3	14.6	9.6	1.9	100	157
My negotiation mandate is normally coordinated with the Foreign Office (or another coordinating ministry)	18.6	9.6	14.7	12.8	44.2	100	156
I normally formulate my negotiation mandate myself	26.9	32.1	16.0	13.5	11.5	100	156
My negotiation mandate is normally coordinated with all relevant ministries	28.4	27.1	17.4	11.6	15.5	100	155
My negotiation mandate is normally coordinated with the relevant Danish 'Special Committee' (Denmark only)	20.5	15.7	22.9	15.7	25.3	100	83
My negotiation mandate is normally coordinated with the Parliament's EU Committee (Denmark only)	17.3	13.6	16.0	12.3	40.7	100	81
My negotiation mandate is normally coordinated with the Dutch permanent representation (Netherlands only)	13.7	11.0	21.9	24.7	28.8	100	73
My negotiation mandate is normally coordinated with all relevant interest organizations	16.0	28.8	23.7	10.3	21.2	100	156
My negotiation mandate is normally coordinated with major companies in the sector	10.3	20.6	21.3	15.5	32.3	100	155

**11. If you answered “yes” to question 9: Who authorizes your negotiation mandate?**

	No	Yes	Total	N
No one	72.0	28.0	100	207
Your head of unit	50.2	49.8	100	207
Your director	68.6	31.4	100	207
Your director-general	81.2	18.8	100	207
Your secretary-general (Netherlands only)	97.6	2.4	100	124
Your minister	75.8	24.2	100	207
The Government	89.9	10.1	100	207
The Permanent Representation (Netherlands only)	97.6	2.4	100	124
Another ministry (Netherlands only)	94.4	5.6	100	124
The Parliament's EU committee (Denmark only)	74.7	25.3	100	83

**12. How often do you participate in the EU Commission's preparation of the cases that are voted on in your comitology committee?**

Very often	13.5
Often	19.4
Now and then	25.0
Rarely	27.1
Never	14.9
Total	100
N 288	

**13. How much are the following actors interested in the work in your comitology committee?**

	Very much	Much	Somewhat	A little	Not at all	Total	N
Your direct superior	25.2	31.7	23.4	15.9	3.8	100	290
Your minister	3.2	13.1	30.1	27.0	26.6	100	282
The government	0.4	4.3	19.4	35.1	40.9	100	279
The Parliament	0.7	4.3	19.9	32.4	42.7	100	281
The press	1.4	5.3	17.7	35.3	40.3	100	283
Interest organizations	20.5	24.7	25.0	17.4	12.5	100	288
Major companies in the sector	21.2	20.8	17.3	18.4	22.3	100	283

**14. How often do you brief the following actors on the following issues?**

**- YOUR DIRECT SUPERIOR**

	Very often	Often	Now and then	Rarely	Never	Total	N
Issues on agenda	37.3	32.5	18.5	7.5	4.1	100	292
Voting results	40.6	27.8	18.1	8.0	5.6	100	288
Content of discussion in Brussels	33.3	33.7	24.4	6.2	2.4	100	291
Own input in committee	32.9	35.6	23.2	5.5	2.8	100	289

**- MAJOR COMPANIES IN THE SECTOR**

	Very often	Often	Now and then	Rarely	Never	Total	N
Issues on agenda	9.6	14.2	23.4	18.8	34.0	100	282
Voting results	10.0	12.2	19.7	17.2	40.9	100	279
Content of discussion in Brussels	6.8	11.8	23.3	17.6	40.5	100	279
Your own input in committee	6.5	11.1	20.8	21.5	40.1	100	279

**- INTEREST GROUPS**

	Very often	Often	Now and then	Rarely	Never	Total	N
Issues on agenda	13.8	19.0	27.3	15.2	24.6	100	289
Voting results	13.3	16.1	23.5	14.0	33.0	100	285
Content of discussion in Brussels	10.5	16.4	27.5	18.5	27.2	100	287
Your own input in committee	8.7	14.7	26.6	21.7	28.3	100	286

**15. How often do you brief the following actors on the individual cases in your comitology committee?**

	Very often	Often	Now and then	Rarely	Never	Total	N
Your minister	2.8	8.7	29.7	35.0	23.8	100	286
The government	0.7	2.8	13.3	30.9	52.3	100	285
The Parliament	0.7	2.8	16.1	32.3	48.1	100	285

**16. How much do you agree with the following statements? (on the character of the committee's cases)**

	Agree	Partly agree	Neither agree nor disagree	Partly disagree	Disagree	Total	N
The cases in my committee are often technically complex	39.9	35.7	11.3	12.7	0.3	100	291
The individual cases in my committee resemble each other quite a lot	11.4	35.6	24.2	22.5	6.2	100	289
You need considerable technical insight to work with the cases in my committee	31.0	40.7	16.2	10.3	1.7	100	290
The cases in my committee have great importance for certain member states	33.7	32.0	22.7	6.5	5.2	100	291
It is difficult for my own superior to understand the cases we work with in my committee	3.4	15.5	26.5	27.5	27.1	100	291
The cases in my committee have great importance for certain member states' national rules	22.3	25.4	24.4	13.4	14.4	100	291
The cases in my committee have great importance for national decision making procedures (Denmark only)	7.9	12.7	41.2	19.4	18.8	100	165
The cases in my committee have great economic importance for certain member states	20.6	27.8	27.5	11.3	12.7	100	291
It is difficult for outsiders to understand the cases we work with in my committee	17.5	38.5	23.7	16.8	3.4	100	291

**17. When were you born?**

Year	%
1938	0.35
1939	2.43
1940	0.35
1941	0.69
1942	2.78
1943	0.35
1944	0.35
1945	3.13
1946	4.86
1947	2.43
1948	5.56
1949	3.13
1950	4.17
1951	2.08
1952	1.39
1953	5.21
1954	1.04
1955	3.13
1956	1.39
1957	4.51
1958	3.82
1959	2.43
1960	3.47
1961	3.47
1962	1.74
1963	2.78
1964	2.78
1965	2.08
1966	2.78
1967	1.39
1968	3.13
1969	1.74
1970	2.08
1971	2.43
1972	3.82

1973	1.04
1974	2.08
1975	1.74
1976	1.74
1977	2.43
1978	0.69
1979	0.35
1980	0.69
Total	100
N 160	

**18. How much of your weekly working time do you spend on EU matters?**

Approx. %	%
0.1	0.35
1	1.06
2	1.41
4	0.35
5	9.51
8	0.35
10	9.51
13	0.70
15	6.34
20	6.34
25	5.28
30	3.52
33	1.06
35	0.70
36	0.35
40	4.23
45	0.35
50	9.86
60	5.63
65	0.35
70	3.52
75	4.93
80	8.80
85	1.76
90	5.99
95	1.06
99	0.35
100	6.34
Total	100.0
N 284	

**19. Which education do you have? (Danish version)**

	%
Primary	4.3
Secondary	3.7
Medium-length tertiary	4.3
Long tertiary	87.6
Total	100
N 161	

**19. Which education do you have? (Dutch version)**

	%
Middelbare school	2.3
MBO	0.8
HBO	10.8
Universiteit	86.2
Total	100
N 130	

**20. Do you have any relevant supplementary education?**

No	71.1
Yes	28.9
Total	100
N 294	

**21. How often do you participate in meetings at the EU Commission except comitology committees?**

At least once a week	2.1
About 2-3 times per month	16.2
About once a month	22.8
About once every two months	19.7
Less frequently	39.3
Total	100
N 290	

**22. For how many years have you had frequent contact with the EU Commission?**

Approx. no. of years	%
0	0.3
1	6.6
2	9.7
3	6.9
4	3.5
5	12.1
6	8.3
7	3.1
8	3.5
9	2.1
10	11.5
11	0.3
12	2.1
13	0.3
14	0.7
15	7.3
16	2.8
17	1.4
18	0.7
20	6.9
21	0.3
25	3.8
26	0.3
28	1.7
30	3.1
33	0.3
Total	100
N 288	

**Appendix C  
Results of the survey to the superiors of the committee participants**

Unless otherwise noted, entries in the tables are percentages

**1. For how long have you been working in your current policy sector?**

No. of years	%
0.0	0.82
0.5	1.64
1.0	1.64
1.5	1.64
2.0	13.93
2.5	1.64
3.0	9.02
4.0	4.92
5.0	5.74
6.0	0.82
7.0	2.46
8.0	8.20
9.0	1.64
10.0	4.10
12.0	0.82
13.0	1.64
15.0	13.93
16.0	0.82
18.0	2.46
20.0	13.93
21.0	0.82
23.0	0.82
25.0	4.92
31.0	1.64
Total	100
N 122	

2. For how long have you been in your current position?

No. of years	%
0.0	1.61
0.5	2.42
0.8	0.81
1.0	6.45
1.5	1.61
2.0	29.84
2.5	1.61
3.0	12.10
3.5	1.61
4.0	12.90
5.0	12.10
7.0	4.03
8.0	4.03
9.0	1.61
10.0	0.81
12.0	0.81
13.0	1.61
18.0	0.81
20.0	2.42
25.0	0.81
Total	100
N 124	

3. To what extent do you agree with the following statements?

	Agree	Partly agree	Neither agree nor disagree	Partly disagree	Disagree	Total	N
The spokesman in this committee always has an instruction or a mandate	43.8	38.6	5.2	5.9	6.5	100	153
I am always closely involved with making the mandate or instruction	18.4	41.4	11.8	17.1	11.2	100	152
The spokesman and I always agree in advance about missions and targets, even without coordination or discussion	30.9	42.8	19.1	5.3	2.0	100	152
One may never deviate from an instruction	11.3	48.0	12.7	10.0	18.0	100	150
Instructions always offer room for negotiation	42.2	46.9	5.4	4.1	1.4	100	147
There are often conflicting views on the proposed policies between the spokesman and myself	0.0	0.0	0.7	23.8	75.5	100	151
The spokesman in this committee does not really need instructions	21.7	35.5	7.9	19.1	15.8	100	152
I am joining the committee delegation myself regularly	7.2	3.3	0.7	19.0	69.9	100	153
When unexpected issues come up in the meeting, the spokesman always contacts me from the meeting	24.7	21.3	24.7	19.3	10.0	100	150
There are often conflicting views on the proposed policies between the higher management levels and myself	0.0	0.7	3.9	20.3	75.2	100	153
I am positive that the spokesman in this committee always secures the best deals	50.7	32.9	14.5	1.3	0.7	100	152

The higher management levels are not interested in this dossier	5.2	28.1	18.3	27.5	20.9	100	153
For this committee I am coordinating the national input with companies myself	2.6	21.1	5.9	21.7	48.7	100	152
For this committee I am coordinating the national input with interest groups myself	12.5	15.1	5.9	22.4	44.1	100	152
For this committee I am coordinating the national input with other ministries myself	3.3	30.3	5.9	15.1	45.4	100	152
I regularly inform the higher management levels about the developments in this committee	20.3	30.1	22.9	13.1	13.7	100	153

**4. How often are you informed by the following actors on the following issues?**

**- THE COMMITTEE PARTICIPANT**

	Always	Often	Now and then	Rarely	Never	Total	N
Issues on agenda	41.2	33.3	16.3	5.9	3.3	100	153
Voting results	39.7	39.7	15.9	4.0	0.7	100	151
Content of discussion in Brussels	32.7	29.4	34.0	3.3	0.7	100	153
Own input in committee	27.5	49.7	17.6	4.6	0.7	100	153

**- MAJOR COMPANIES IN THE SECTOR**

	Always	Often	Now and then	Rarely	Never	Total	N
Issues on agenda	0.0	19.1	12.5	21.3	47.1	100	136
Voting results	0.0	0.8	6.8	24.1	68.4	100	133
Content of discussion in Brussels	1.5	5.4	6.9	31.5	54.6	100	130
Your own input in committee	0.0	3.8	11.5	19.2	65.4	100	130

**- INTEREST GROUPS**

	Always	Often	Now and then	Rarely	Never	Total	N
Issues on agenda	0.0	2.2	13.9	38.0	46.0	100	137
Voting results	0.0	0.7	7.4	19.3	72.6	100	135
Content of discussion in Brussels	0.0	1.5	9.6	20.0	68.9	100	135
Your own input in committee	0.0	1.5	5.9	23.0	69.6	100	135

**- THE EUROPEAN COMMISSION**

	Always	Often	Now and then	Rarely	Never	Total	N
Issues on agenda	34.4	7.9	16.6	13.2	27.8	100	151
Voting results	39.7	4.6	13.9	18.5	23.2	100	151
Content of discussion in Brussels	30.7	4.0	7.3	25.3	32.7	100	150
Your own input in committee	2.7	3.4	8.7	30.9	54.4	100	149

**- OTHERS**

	Always	Often	Now and then	Rarely	Never	Total	N
Issues on agenda	4.6	1.5	3.1	16.9	73.8	100	65
Voting results	3.1	3.1	3.1	12.3	78.5	100	65
Content of discussion in Brussels	4.6	3.1	1.5	12.3	78.5	100	65
Your own input in committee	3.1	1.5	3.1	12.3	80.0	100	65

**Which others? Please specify:**

	%
No answer	63.1
Embassies	4.6
Permanent Representation	7.7
Colleagues from other countries	3.1
Colleagues within organisation	15.4
Yet others	6.1
N = 65	

**5. How much expertise do you think the following actors have with the issues that come up in this committee?**

	Very much	Much	Some	Little	None	Total	N
The spokesman in the committee	47.7	39.9	11.8	0.7	0.0	100	153
Interest groups	12.0	33.8	42.9	8.3	3.0	100	133
Major companies in the sector	23.1	32.8	28.4	9.0	6.7	100	134
You	7.4	33.8	49.3	8.1	1.4	100	148

**6. Which of the following tasks do you consider most important for the participant to this comitology committee?**

	Not most important	Most important	Total	N
To defend the national interest is most important	50.3	49.7	100	145
To find the technically best solutions is most important	87.8	12.2	100	147
To find solutions acceptable to all is most important	83.4	16.6	100	145
To find solutions in the common European interest is most important	76.2	23.8	100	147

**7. How much of the information that you get on committee proceedings comes from the spokesman?**

(Share in percentages)	%
0	1.37
25	0.68
30	0.68
50	4.79
60	4.11
65	0.68
67	0.68
70	10.96
75	4.79
80	13.70
85	0.68
90	19.18
95	2.05
98	0.68
100	34.93
Total	100
N 146	

**How much of the information that you get on committee proceedings comes from major companies in the sector?**

(Share in percentages)	%
0	73.97
1	1.37
2	2.05
3	2.74
5	6.85
10	8.90
15	0.68
30	3.42
Total	100
N 146	

How much of the information that you get on committee proceedings comes from interest groups?

(Share in percentages)	%
0	78.08
1	1.37
2	0.68
3	2.74
5	6.85
8	2.05
10	4.79
20	2.05
25	0.68
70	0.68
Total	100
N 146	

How much of the information that you get on committee proceedings comes from the European Commission?

(Share in percentages)	%
0	52.38
1	0.68
2	0.68
3	2.04
4	0.68
5	6.80
8	0.68
10	12.24
15	0.68
20	8.84
25	3.40
30	4.76
50	4.08
70	0.68
100	1.36
Total	100
N 147	

How much of the information that you get on committee proceedings comes from others (as specified in Question 4)?

(Share in percentages)	%
0	85.62
1	1.37
5	2.05
10	7.53
20	1.37
33	0.68
40	0.68
50	0.68
Total	100
N 146	

8. How much attention do you give to information coming from the following sources?

	Very much	Much	Some	Little	No	Total	N
The spokesman	16.4	50.0	28.8	4.8	0.0	100	146
Major companies in the sector	11.7	18.3	30.0	21.7	18.3	100	60
Interest groups	5.1	27.1	33.9	13.6	20.3	100	59
The European Commission	6.2	29.2	43.8	11.5	9.4	100	96
Others (as specified in Question 4)	3.6	25.0	39.3	3.6	28.6	100	28

9. How much do you agree with the following statements on this committee?

	Agree	Partly agree	Neither agree nor disagree	Partly disagree	Disagree	Total	N
I am being informed on too many things	2.0	10.7	34.2	20.8	32.2	100	149
I am only informed on things I have asked for myself	2.7	12.1	10.1	38.9	36.2	100	149
I am only informed on very important issues	14.1	30.2	22.8	12.1	20.8	100	149
Actually I would like to get more information on the issues	2.0	5.4	20.1	22.8	49.7	100	149
I am often informed on other things than the things I want to know about	1.3	4.0	20.1	22.1	52.3	100	149
I am not looking for information myself: I am being informed	48.3	34.9	10.1	4.7	2.0	100	149
I am often looking for more information	11.4	10.7	13.4	28.2	36.2	100	149
I would like to have more expertise in the issues that come up in this committee	0.7	7.2	30.9	37.4	23.7	100	139

10. How much do you agree with the following statements on this committee?

	Agree	Partly agree	Neither agree nor disagree	Partly disagree	Disagree	Total	N
The input of the spokesman is often discussed with him/her after the meeting	10.9	15.0	38.8	23.8	11.6	100	147
There are only such discussions when there is a direct cause for them	47.6	36.7	4.1	8.8	2.7	100	147
The evaluation discussions I have with him/her have an informal character	60.4	25.0	10.4	2.1	2.1	100	144
The evaluation discussions are on matters of principle	14.7	25.2	37.1	14.7	8.4	100	143
The evaluation discussions are about the ideas the spokesman has himself on the issues	7.7	42.0	35.0	9.8	5.6	100	143
The evaluation discussions are on specific issues	29.2	46.5	18.1	4.2	2.1	100	144
The evaluation discussions are on the vision I have myself on the subject	3.6	33.6	37.1	15.7	10.0	100	140
The discussions are recorded on paper	1.4	2.7	16.4	15.8	63.7	100	146

**11. How often do you use the following options to let your staff know you are very satisfied or very dissatisfied with their work?**

	Monthly or more often	A few times per year	Yearly	Less than once a year	Never	I am not able to	Total	N
Redistribute tasks among the staff	2.1	23.4	11.3	38.3	21.3	3.5	100	141
Give bonuses	1.4	13.3	68.5	3.5	2.1	11.2	100	143
Fire staff	0.0	0.0	2.1	42.6	31.2	24.1	100	141
Give compliments openly	0.0	0.0	65.0	31.5	2.8	0.7	100	143
Give criticism openly	13.3	28.7	4.9	23.8	28.7	0.7	100	143
Organize a drink or dinner	0.0	42.3	29.2	12.4	8.0	8.0	100	137

**12. To what extent do you agree with the following statements?**

	Agree	Partly agree	Neither agree nor disagree	Partly disagree	Disagree	Total	N
I need more control mechanisms	1.4	2.1	18.1	25.7	52.8	100	144
I have to render account to my superiors on too many things	2.1	8.5	7.8	25.5	56.0	100	141
I am satisfied with the way in which accountability is handled in my organization	45.5	42.0	8.4	2.1	2.1	100	143

## Appendix D Coding tree for interviews

- Country
  - ..Netherlands
  - ..Denmark
- A\_Ministries/agencies
  - ..A1\_Ministry
  - ..A2\_Agency
- B\_Information
  - ..B1\_Information towards colleagues
  - ..B2\_Information towards superior/from committee participant
  - ..B3\_Information towards companies
  - ..B4\_Information towards interest groups
- C\_Discussion
  - ..C1\_frequency
  - ..C2\_exchanging views/principles
  - ..C3\_form of the discussion
- D\_Consequences
  - ..D1\_Type
  - ..D2\_Credibility
- E\_Europeanization of organisation
- F\_Political interest in issue
  - ..F1\_Political interest from minister / parliament
  - ..F2\_Interest from within the organization
- G\_Technical complexity/info asymmetry
- H\_Style of representation
  - ..H1\_Instructions
  - ..H2\_Autonomy
- I\_Interest from civil society, business, etc.
- J\_Preparation for meetings (other)
- K\_Behaviour of other Member States in the committee
- L\_Behaviour of Commission in committees
- M\_Organisation of the meetings
  - ..M1\_Frequency of meetings
  - ..M2\_Organisation of voting

## Appendix E

### Parsimonious models explaining aspects of accountability

Independent variables:	Dependent variable:	Information sent by agent to principal	Information received by principal from agent	Frequency of discussions	Intensity of discussions
Differences in expertise: · Technical complexity of the issues · Knowledge gap as perceived by agent · Knowledge gap as perceived by principal		0.240*** -0.312*** -	- - -	- - -0.185**	- - -
Style of representation <sup>a</sup> : · Style of representation (agent) · Style of representation as desired by principal		- -0.172**	- -0.314***	- -0.268***	- -
Political salience: · Political interest · Europeanization of organisation		0.240*** 0.269***	- -	- -	-0.143* -0.323***
Information received by principal: · Information received from agent · Information received from companies and int. groups · Information received from EC		X X X	X X X	0.173** - -	- 0.149** -
Control variables: (reference category: Dutch ministries) · Danish agency dummy · Danish ministry dummy · Dutch agency dummy  · Number of years agent has held position · Number of years principal has held position · Number of years agent and principal have worked together		- - -  - - -	- -0.180** -  - - 0.267***	- - -  -0.132* - -	0.216** - -  - - -
Constant		2.759***	4.503***	2.792***	3.694***
R <sup>2</sup>		0.300	0.189	0.220	0.195
R <sup>2</sup> (adj.)		0.275	0.173	0.197	0.168
F		11.832***	11.610***	9.316***	7.279***
N		143	152	136	124

\* $p < 0.1$ ; \*\* $p < 0.05$ ; \*\*\* $p < 0.01$ .

Entries are standardised OLS-regression coefficients. The unstandardized coefficients are displayed in Table 8.1.

Variables marked '-' were removed from the model because of insignificance.

Variables marked 'X' are theoretically impossible to include and thus omitted.

<sup>a</sup> High values correspond to trusteeship, low values to delegation.

# Samenvatting

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Samenvatting in het Nederlands

## Verborgen macht: Europa achter de schermen

Wie aan de Europese Unie denkt, denkt meteen aan haar instituties: de Raad van Ministers, het Europees Parlement en de Europese Commissie. Dat de EU er achter de schermen heel anders uitziet is minder bekend. Daar blijkt de EU uit comités te bestaan. Verreweg de belangrijkste groep comités heet in het Brusselse jargon 'comitologie'. In comitologie presenteert de Commissie voorstellen van uitvoeringsmaatregelen. De comités bespreken deze voorstellen en stemmen erover. Daarin schuilt ook hun kracht. Als zij zich tegen de voorstellen verzetten, wordt het voorstel naar de Raad van Ministers doorverwezen en mag de Commissie niet direct haar voorstellen in regelgeving omzetten.

In totaal bestaat comitologie uit 236 comités. Zij zijn betrokken bij 60 procent van alle regelgeving die door de Commissie wordt aangenomen. Dat is 45 tot 50 procent van alle Europese richtlijnen, verordeningen en beschikkingen bij elkaar. De comités houden zich bezig met vrijwel alle onderwerpen die onder de eerste pijler vallen: van akkerbouw tot zwavelzuur. Daarbinnen gaat het vaak om gedetailleerde aspecten waarvan de implicaties voor buitenstaanders moeilijk te begrijpen zijn. De discussies in comitologie gaan vaak over details, maar gedetailleerde afspraken kunnen grote gevolgen hebben. Bijvoorbeeld bij besluiten over vaccinaties tegen dierziekten, of over de hoeveelheid schadelijke stoffen die in de lucht aanwezig mag zijn en hoe dat moet worden gemeten.

De lidstaten sturen vakambtenaren naar de comités. Zij zijn specialist in de onderwerpen die worden besproken en behandelen hetzelfde onderwerp meestal ook al op nationaal niveau. Eerder onderzoek heeft uitgewezen dat zij hun handelen regelmatig baseren op hun eigen professionele expertise in plaats van op nationale belangen. Dit maakt de vraag relevant of de deelnemers aan comitologie voldoende ter verantwoording worden gehouden.

Deze studie betoogt dat de verantwoordingsvraag op meerdere niveaus onderzocht dient te worden, omdat comitologie een samensmelting is van meerdere beleidsniveaus: Europese instituties en lidstaten. Andere studies naar comitologie gaan echter vooral in op de formele relaties tussen de comités en de Europese instituties en negeren daarbij het nationale niveau. Verder is de literatuur over verantwoording vooral gericht op definities en typologieën van het concept zelf, en niet zozeer op praktijken. In dit proefschrift staan daarom de verantwoordingshandelingen

op het nationale niveau centraal. De onderzoeksvraag bestaat uit drie elementen:

1. *In hoeverre worden comitologie-deelnemers daadwerkelijk ter verantwoording gehouden door hun nationale leidinggevendenden voor hun inbreng in de comitévergaderingen?*
2. *Hoe kunnen verschillen daarin worden verklaard?*
3. *Hoe moeten de bevindingen worden beoordeeld?*

#### **Dataverzameling en methoden: Twee landen, alle comités**

Het onderzoek is uitgevoerd onder woordvoerders in comitologie-comités en hun directe leidinggevendenden. Daar is voor gekozen omdat de directe leidinggevendenden de eerste schakel in een verantwoordingsketen zijn, die uiteindelijk doorloopt naar ministers en het parlement. Als zij niet op de hoogte zijn van de inbreng van hun medewerkers in de comités, zijn hogere leidinggevendenden dat ook niet. Het onderzoek is uitgevoerd in Denemarken en Nederland omdat de verantwoordingsketens daar het meest rechtlijnig zijn georganiseerd; dit in tegenstelling tot federale staten of presidentiële stelsels.

In deze twee landen zijn de woordvoerders in alle comités getraceerd en benaderd om een schriftelijke vragenlijst in te vullen. Van de woordvoerders die hierop gereageerd hebben, zijn ook de directe leidinggevendenden benaderd met een vragenlijst. Tevens zijn dertien comité-deelnemers en vijftien leidinggevendenden in Nederland en Denemarken geïnterviewd. In vijf gevallen zijn deze interviews uitgebreid met een observatie van een comitévergadering in Brussel, en waar mogelijk ook met voorbereidende besprekingen op een ministerie.

#### **Analysekader: Voorbij het principaal-agentmodel**

Om verschillen in verantwoordingspraktijken te kunnen verklaren, maakt deze studie gebruik van een uitgebreid 'principaal-agent'-model. Dit is een veelgebruikt analytisch model om situaties van delegatie mee te analyseren. In de doorgaans gebruikte, niet-uitgebreide versie van dit model bestaat verantwoording uit informatieoverdracht van een medewerker (de agent) naar zijn superieur (de principaal). De superieur kan vervolgens beslissen om sancties toe te passen. De informatie die de superieur ontvangt is echter vertekend, omdat de agent – gebruikmakend van zijn specifieke kennis – informatie kan achterhouden. Dit stelt hem in staat om ongestraft ongewenst gedrag te vertonen. Het model impli-

ceert echter ook dat een leidinggevende een precies beeld heeft van wat hij wil bereiken en dat de medewerker daarvan op de hoogte is, zodat de leidinggevende het gedrag van zijn medewerkers naar die maatstaf kan beoordelen.

Ambtenaren worden in de praktijk echter lang niet altijd met een specifieke instructie op pad gestuurd. Deze studie houdt daar rekening mee en breidt daarmee het principaal-agentmodel uit. Gebruikmakend van inzichten uit de literatuur over representatie maakt deze studie een onderscheid tussen 'uitvoerders' (delegates) en 'vertrouwelingen' (trustees), dat wil zeggen: zij die, in lijn met het standaard principaal-agentmodel, slechts instructies uitvoeren en zij die hun werk vrij invullen. Het is te verwachten dat vertrouwelingen hun leidinggevendenden minder informeren dan uitvoerders doen, maar dat zij meer op hoofdlijnen bespreken wat de langetermijnprioriteiten in een bepaald dossier zijn. Daarom is voor vertrouwelingen het regelmatig verstrekken van informatie minder belangrijk, en zijn discussies juist relevanter.

#### **Verantwoording in de praktijk: Drie elementen**

De studie behandelt drie elementen van verantwoording: *informatie, discussie en consequenties*. Voor de comitédeelnemers is het *sturen van informatie* een routineklus. Zij hebben verzendlijsten, met daarop een diverse groep ontvangers - inclusief hun leidinggevende, waarnaar zij informatie sturen over zaken die op de agenda stonden, hun eigen inbreng, hoe de discussie in het comité verliep en hoe er uiteindelijk gestemd is. Maar hoe uitgewerkt deze rapportage is, en welke informatie er precies in terecht komt, verschilt. De leidinggevendenden, echter, lezen deze rapportages lang niet altijd. Zij hebben een andere 'span of control' en dat resulteert erin dat zij vaak andere prioriteiten hebben en daarom selectief lezen, een snelle blik werpen of het document direct wegleggen. Toch heeft ruim 80 procent van de leidinggevendenden niet het gevoel onvoldoende geïnformeerd te zijn.

De verschillen in het verstrekken van informatie, respectievelijk het tot zich nemen van informatie, kunnen met verschillende factoren worden verklaard. De beleidsambtenaren die denken dat hun leidinggevendenden te weinig kennis van zaken hebben om de thematiek binnen een comité te begrijpen, sturen hen duidelijk minder informatie toe. De ambtenaren van wie door hun leidinggevende een grote mate van zelfstandigheid wordt verwacht, rapporteren ook minder. De verwachting dat een minister interesse heeft in een onderwerp vergroot de hoeveelheid informatie juist weer.

Wat betreft *discussies* blijkt dat de leidinggevendenden zich sterk laten beïnvloeden door de documenten die zij ontvangen. Als zij geen of weinig schriftelijke informatie krijgen over een bepaalde comitévergadering zal er ook niet of nauwelijks over worden gepraat. Verschillen in informatieoverdracht werken dan ook door in de hoeveelheid discussies. Verder blijken een (door zichzelf geconstateerd) gebrek aan kennis bij de leidinggevende, een gewenste grote mate van zelfstandigheid van de comitéwoordvoerder en een groter aantal jaren dat deze hetzelfde werk doet ook tot minder discussies te leiden.

Zolang de leidinggevendenden geen vragen hebben over de informatie die zij hebben ontvangen – los van de mate waarin zij daadwerkelijk zijn geïnformeerd – zullen er ook geen discussies plaatsvinden. Er wordt dan ook niet gesproken over de uitgangspunten die ten grondslag liggen aan de inbreng van de woordvoerders in de comités. De intensiteit van de discussies wordt vooral bepaald door de mate van politieke gevoeligheid van een onderwerp. Als onderwerpen aandacht krijgen van het parlement hoeven er op ambtelijk niveau geen algemene uitgangspunten meer besproken te worden.

Er is een grote verscheidenheid aan *consequenties* die de leidinggevendenden kunnen verbinden aan het handelen van de comitéwoordvoerders. Hoewel formele consequenties zoals ontslag of een herverdeling van taken centraal staan in de literatuur, blijkt dat deze in de praktijk voor zowel de comitéwoordvoerders als hun leidinggevendenden volstrekt geen reële opties zijn. Minder formele instrumenten, zoals kritiek leveren of het informeel vergroten of beperken van autonome handelingsruimte, hebben een groter effect. Niettemin blijven er gevallen bestaan waarin ook dit type consequenties niet wordt toegepast of geen effect heeft, namelijk wanneer de betrokken medewerker een zeer grote technische expertise heeft of wanneer andere medewerkers in dezelfde afdeling het comitéwerk niet graag zelf op zich zouden nemen. In zulke gevallen is het risico dat een medewerker motivatie verliest groter dan dat er winst behaald kan worden met het toepassen van (informele) sancties.

#### **Conclusies: Verantwoording is niet gewaarborgd**

Alle resultaten bij elkaar laten zien dat in 24,6 procent van de gevallen er een relatief grote mate van informatieoverdracht is, gecombineerd met regelmatige discussies en een grote variëteit aan consequenties die toegepast kunnen worden. In deze gevallen is er dus sprake van relatief veel verantwoording. In nog eens 68,6 procent van de gevallen is er wel sprake van een groot aantal mogelijke consequenties, maar waar relatief

weinig informatieoverdracht en/of relatief weinig discussie plaatsvindt. In de resterende gevallen is er daarnaast ook nog eens sprake van weinig sanctiemechanismen. Deze bevindingen laten zien dat er een variëteit is in de mate van verantwoording van comitédeelnemers en dat de doorwerking van een verantwoordingsproces in de hele keten van verantwoording niet is gewaarborgd.

De gevonden variëteit aan verantwoordingspraktijken kan met meer factoren worden verklaard dan die in een standaard principaal-agentmodel voorkomen. Naast verschillen in expertise speelt ook de stijl van vertegenwoordiging van de comitédeelnemer een rol, net als politieke gevoeligheid.

Dat er verschillen in verantwoordingspraktijken bestaan roept tevens de vraag op hoe erg dat is. Hier bestaan verschillende visies op. In een standaard principaal-agentmodel kunnen verantwoordingstekorten voorkomen als er een gebrek aan sanctiemogelijkheden is en/of als er weinig informatie wordt overgedragen. Dit blijkt voor 47,3 procent van de onderzochte gevallen te gelden. In de uitbreiding van het principaal-agentmodel die in deze studie wordt voorgesteld bestaan er verschillende criteria om dit te beoordelen, afhankelijk van of de comitédeelnemer een uitvoerder of een vertrouweling is. Bij uitvoerders gelden dezelfde criteria als in het standaard principaal-agentmodel. Bij vertrouwelingen, echter, bestaan verantwoordingstekorten als er een gebrek aan sanctiemogelijkheden is en/of als er geen discussie is over de uitgangspunten van het te voeren beleid. Ook hier bestaan er verantwoordingstekorten in ruim 47 procent van de gevallen, maar dit heeft deels betrekking op andere mensen. Als er rekening wordt gehouden met deze overlap blijkt dat in 40,9 procent van de gevallen verantwoordingstekorten kunnen voorkomen volgens allebei de perspectieven.

#### **Implicaties**

Zoals gezegd is het concept verantwoording in deze studie empirisch uitgewerkt en zijn er concrete verantwoordingspraktijken mee blootgelegd. In de literatuur over verantwoording wordt echter al decennialang de betekenis van het concept besproken zonder zicht te geven op de daadwerkelijke structuren, processen en praktijken. In de principaal-agentliteratuur wordt hier op zich wel aandacht aan besteed, maar is de argumentatie geheel gestoeld op mathematische modellen die niet gebaseerd zijn op gegevens uit de praktijk. Dit proefschrift laat zien dat verantwoording meetbaar is, zelfs op grote schaal. Om de presentatie van de resultaten te vergemakkelijken stellen de hoofdstukken 3 en 8 een kubus voor waarin staat aangegeven hoeveel gevallen hoog of laag scoren

op elk van de drie elementen van verantwoording. Zowel de empirische aanpak als de presentatievorm kunnen van pas komen bij verdere studies naar verantwoording.

Dit onderzoek heeft ook laten zien dat het principaal-agentmodel maar een beperkte zeggingskracht heeft als het gaat om een verklaring van de inhoud van een verantwoordingsproces. In dit model staan kennisverschillen tussen een leidinggevende en een uitvoerder centraal. Op zich blijken deze inderdaad verschillen in verantwoordingspraktijken te veroorzaken, maar zoals gezegd zijn er meer factoren die ertoe doen. De inzichten uit de representatieliteratuur die in dit onderzoek zijn gebruikt dragen duidelijk bij aan een verklaring van verantwoordingspraktijken, en het is aannemelijk dat dit buiten de context van dit specifieke onderzoek ook zou moeten gelden.

Ten slotte komt uit deze studie naar voren dat de werking van bestuursystemen waarin meerdere beleidsniveaus samensmelten (zoals het nationale en het Europese) pas goed begrepen kan worden als alle relevante beleidsniveaus in het onderzoek zijn opgenomen. Zoals gezegd is in de literatuur de verantwoording van comitologie alleen op Europees institutioneel niveau onderzocht. Uit deze studie blijkt dat de verantwoordingslink tussen een comitédeelnemer en de lidstaat die hij of zij vertegenwoordigt niet klakkeloos voor bestaand kan worden aangenomen. Op zich is comitologie wel (deels) een intergouvernementele bestuursvorm, maar er wordt op nationaal niveau lang niet altijd verantwoording afgelegd – zelfs niet in twee Europese lidstaten waar de verantwoordingslijnen het meest eenduidig zijn. Dit is een probleem, omdat de 236 comités uiteindelijk beslissingen produceren die voor burgers en voor lidstaten bindend zijn. Goed functionerende verantwoordingsmechanismen op Europees en nationaal niveau zijn daarom onontbeerlijk.

## Curriculum Vitae

Gijs Jan Brandsma was born on 26 October 1983 in Amsterdam. He studied Political Science at Leiden University, the Netherlands, and obtained his Master's degree in 2005. During his study, he was a research assistant in various research projects, such as European party politics, party position measurement, Euroscepticism and access of interest groups to decision-makers.

From 2005 to 2009, Gijs Jan was a Ph.D. fellow at the Utrecht School of Governance. Next to this thesis, he also published articles in *Journal of Common Market Studies*, *European Law Journal*, *Journal of European Public Policy*, *Public Administration*, *European Integration Online Papers*, as well as chapters in several edited volumes. He also taught several courses on Dutch and European governance and participated in several contracted research projects, such as whistleblowing in the Dutch civil service and public service provision via internet.

Since 2009, Gijs Jan continues to work as a post-doctoral research fellow at the Utrecht School of Governance. His current research includes the relationship between the European Commission and the European Parliament in terms of open government.



Half of all European directives, decisions and regulations are not made by European politicians, but rather by national civil servants. They make detailed decisions that can sometimes have major consequences. Which airlines are unsafe and must therefore be banned? Does livestock need to be vaccinated or exterminated in case of an animal disease? For these and many more subjects, the member states send policy experts from their civil services to 'comitology committees' to work out policies together.

**Backstage Europe** investigates if the participants to these comitology committees are held to account. Moving beyond formal arrangements, it reveals, explains and assesses the practices of accountability. Using both quantitative and qualitative evidence in a multi-methods research design, it challenges current theory about the workings of accountability.

**Backstage Europe** will be of interest to scholars and students of European governance as well as to those of accountability, especially those focused on analyzing and explaining practices.

**Gijs Jan Brandsma** is a post-doctoral Research Fellow at the Utrecht University School of Governance, the Netherlands.