

NETWORKING WITH NATIONAL AUTHORITIES: Information Sharing and Bureaucratic Accountability in the European Union

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Paper presented at the EUSA Ninth Biennial International Conference, March 31- April 2, 2005, Austin, Texas. This is a working draft. Please, do not cite without permission from the author.

A. Introduction

How can European Union (EU) institutions ensure that member-state public officials implement Community policies? Given the diversity of administrative traditions and the variation of bureaucratic effectiveness among member states, does the EU simply trust national accountability mechanisms to guarantee a uniform application of its policies? I argue that the EU seeks additional guarantees. Specifically, I focus on the *informal networks* of those officials form with both EU and national institutions, who investigate accounting irregularities and citizen complaints. Unlike the traditional hierarchical mechanisms of bureaucratic control, not only do networks make the typically insulated bureaucratic activity more transparent, but also they overcome an EU-specific problem, namely that supranational institutions are prohibited from exercising control on member-state authorities. In particular, I examine the networks created around the *European Ombudsman* and the *European Court of Auditors*. In those networks, national officials share information with their EU and member-state counterparts as equals. I find that, as a result, national officials become more informed about and more sensitive to the application of EU policies. Consequently, they are more prone to enforce Community policies or refer any instances of insufficient or deficient EU policy application to the appropriate national or EU bodies.

B. Implementation and Accountability in the EU

The implementation of public policy is a vital task for any polity, regardless of size and composition (multi-level or unitary). Needless to say, in a democratic system making policy is an important and, as some would argue, a very exciting endeavor indeed. It is a political game that involves competing constituent interests. However, what good can a perfectly constructed policy do, assuming that such a thing even exists, if it is not properly implemented? Compliance with laws and policies is not automatic and cannot be taken for granted, as Pressman and Wildawsky (1973) have famously demonstrated. The ability of a political system to implement properly the policies it makes is the ultimate determinant for the success or failure of those policies. The discretion public officials exercise in administering public policies can make implementation the outcome of an equally exciting game, as Lipsky (1980) has made evident.

A policy is properly implemented when it produces the goals which policy-makers intended it to have, both in terms of *outputs* and *outcomes* (Winter 2003). In an ideal world, all policies would produce the intended results. In real life however one big problem is that institutional and cultural factors interfere with the way public officials enforce policy. In a liberal democratic system, such as arguably that of the EU, one way to ensure that public officials do their best to

attain intended policy objectives is by creating structures and processes through which they are held accountable. Hence, the idea of proper policy implementation is intrinsically intertwined with the concept of accountability.

B.1 Implementation Problems

One of the major goals of the EU has been the establishment of a Single Market. Although the nominal target date for its creation was the end of year 1992, some of its elements were not completed by that time (Young and Wallace 2000). With regard to the implementation of EU directives, problems persist both with their *incorporation* and their *application* (Peters 1997). More specifically, there are still problems across member-states both with the pace and effectiveness of transposition of directives into the corpus of national legislation (Haas 1998; Treib 2003) and with their ‘ground level’ application (Maher 1998; Previdi 1997). This reality is the cause of concern because uneven implementation of EU rules may jeopardize the objective of creating a *level playing field*, which is a basic goal of the Single Market (Cini 2003).

Unlike national polities, the EU does not possess an implementation apparatus of its own. Both legs of EU policy implementation (that is, *incorporation* and *application*) are the task of member-states. The major exceptions are a handful of policies for which the Community has exclusive competence and implements directly (e.g. competition, monetary policy, fisheries), as well as a number of weak implementation functions which have been delegated to the newly constituted European Regulatory Agencies (Dehousse 1997; Majone 1997). Hence, the rule in the EU is that after a policy has been codified in secondary legislation at the European level, “the ball is in the member-states’ court.” This process resembles in many respects similar arrangements in federal systems (Halberstam 2001; Kelemen 2004). What constitutes the uniqueness of the EU system is that it involves national sovereign polities, which makes the whole process more sensitive politically and the cultural and jurisdictional demarcation lines sharper.

In this paper, I am interested in the even *application* rather than in the *incorporation* of EU directives. The regulatory nature of most EU policies (Majone 1994) makes them particularly prone to uneven *application*. Regulatory policies are constituted mainly of rules and guidelines. The individuals, firms and organizations which have to abide by these rules are the ones who bear the cost for their enforcement (Majone 1994). Therefore, one can expect the tendency for non-compliance to be high. Consequently, in a regulatory environment, public officials need to be constantly on high alert, and definitely not look the other way, if rules are to be applied to everyone targeted by them.

Policy enforcement across the EU is further complicated by the diversity of Common policy styles and of member-state administrative traditions. Hence, first, there is an absence of a single regulatory model in the EU. Instead, one encounters a “regulatory patchwork” (Héritier 1996), namely, a multitude of different regulation styles across different policy areas. This diversity of styles requires that each member-state possesses a number of different resources, both in material and human capital terms, which certain member states may find difficult to obtain.

Second, matters are made even more complicated by structural and cultural traits in the member-states. It is well known that different countries have different administrative structures and styles. For example, the degree of centralization, the existence of independent control mechanisms or the recruitment of officials are variables with different values across different countries (Peters 2001). In addition, the diversity of societal conditions and attitudes (Maher

1998), the different degrees of political will by central governments (Haas 1998) and diligence by public administrators (Previdi 1997) make the application of Community Policies look rather “patchy” (Peterson and Bomberg 1999) and asymmetrical across national jurisdictions, rather than even and homogeneous. Furthermore, the culture of compliance with the law varies significantly among member-states. For example, whereas some member-states are characterized by a tradition of high degree of compliance to rules and regulations, some others have a culture which does not put particular emphasis on compliance, or even encourages non-compliance (Dimitrakopoulos and Richardson 2001: p.337).

The system known as *comitology* contributes to the mitigation of such differences. Based on Article 202 of the EC Treaty, *comitology* is a system of numerous committees, which are composed of Commission and national officials. Their role is to recommend implementation measures to the Commission and the Council. These measures are based on their past experience of compliance both in the member-states and the EU as a whole. (Haibach 1999; Neuhold 2001) The *comitology* system is important because it helps reduce non-compliance *ex ante*, that is, by enhancing the *design* of EU policies. It has been argued that the formulation of balanced and attainable policies may actually be the best way to effective policy implementation (May 2003). Nevertheless, some additional, more robust *ex post* mechanisms of accountability control are also necessary.

B.2 Treaty-Based Accountability Remedies

The Treaties explicitly provide for two institutional mechanisms which serve the purpose of making member-state governments comply to EU rules by holding them accountable: the *infringement procedure* and the *preliminary ruling procedure* (Tallberg 2003). Hence, unlike *comitology* (which contributes to the *prevention* of breaches by enhancing *policy design*), these two procedures aim at holding national governments accountable by punishing them *after* a breach of EU law has occurred.

In a few words, according to the *infringement procedure* (EC Treaty, Article 226), when the Commission detects a case in which an EU rule is not applied -or not applied properly- by a member-state, it can follow an escalating strategy, which starts with a warning, continues with a referral of the case to the European Court of Justice (ECJ) and, since the Maastricht Treaty, it can ultimately lead to the imposition of a fine on the national government by the ECJ. Concerning the *preliminary ruling procedure* (EC Treaty, Article 234), if a case of breach of Community law is brought to national courts, the latter can refer the case to the ECJ, the ruling of which they are obliged to uphold. This process relies on the inputs by private domestic actors (people, firms, organizations) and national courts. In that sense, it advances member-state compliance “from the inside.”

Thus, the Treaties outline two procedures of accountability that emphasize hierarchical and judicial control. The key actors in these processes are the European Commission and the ECJ. Specifically, the Commission and the ECJ hold national governments to account when failures occur. Although inputs from private actors do play a role in the case of *preliminary rulings*, the accountability mechanisms discussed above are basically used at the discretion of the Commission and the ECJ. One cannot fail to notice that the Treaties make no provisions for holding accountable those entities which *apply* EU policy “on the ground,” namely, the public administrators of the member-states. The Commission and the ECJ *do not* have a mandate to control national civil servants directly. However, the latter can be controlled *indirectly*, by

calling their respective national governments to account for their actions. In fact, even when the Commission delegates certain tasks directly to subnational entities, it is their respective central governments -not the subnational units- which are held accountable if something goes wrong (Commission of the European Communities 2002). It follows then that the logic underlying Treaty provisions is that national administrators should be held accountable for implementing EU policies according to the mechanisms available in each member-state.

This arrangement is understandable. First, the Treaties are intergovernmental agreements, and as such the emphasis in them lies on the relations between entities at the national and the supranational level, as opposed to the sub-national level. Second, some of the public officials involved in the enforcement of Community law are independent regulators who, by definition, are largely insulated from external political control. Third, this arrangement is consistent with a long-standing tradition in modern states to keep public administrators insulated from direct outside political control. External control is considered to compromise their independence and impartiality. Nevertheless, it has been consistently debated whether bureaucrats are in fact as impartial as they are purported to be, and consequently serious objections have been raised concerning their claim of immunity from external control (Thomas 1998). In fact, many of the national governments in EU member-states have taken steps to make their respective public administrations more transparent and answerable for their actions through a number of external mechanisms (Pierre 1998). These developments enhance the proper application of national laws, of which Community law becomes a part after *incorporation*.

Yet, if the objective of a *level playing field* is to be materialized in the highly regulatory environment of EU policy, public administrators need not only enforce EU rules but they also need to do so with a certain degree of *consistency* across all member states. In other words, there is a need for *coordination* among national administrations. Needless to say, national or regional sensitivities need to be taken into account, but they should not serve as excuses for the asymmetrical application of EU rules. Given the fact that the Treaties do not address this issue, and after taking into account the special characteristics of each nation and each policy, how is symmetrical *application* possible?

C. Networks Created around the Commission

The role of the Commission in monitoring member-states for the enforcement of EU directives is pivotal but it is compromised by two main problems. First, a very important resource for the monitoring process is the supply of *information* on the behavior of member-state administrations. As I already discussed however, the Commission does not have a mandate to collect information on its own on the behavior of national public administrations. It can only call central governments into account through the *infringement procedure*. Second, even if the Commission did have such a mandate, its miniscule size in relation to the enormity of such a task would probably not lead to the effective monitoring of national officials (Nicolaidis 2004; Previdi 1997). In order to alleviate these two monitoring problems (lack of information and small size), the Commission has resorted to creating networks both with private entities (e.g. lobby groups, citizens) and national public authorities, such as regulatory bodies and civil service departments (Peterson and Bomberg 1999).

It has been argued that “a policy’s *target group* is the best monitoring mechanism (Dimitrakopoulos and Richardson 2001, p. 349, emphasis in original). The need for more contact between the Commission and those affected by EU policies as an effective mechanism

for enhancing policy implementation was recognized as early as 1992 in the Sutherland Report. It was further re-enforced by the Single Market Action Plan, which member-states endorsed at the Amsterdam European Council of 1997 on the Commission's recommendation. Even before these initiatives took place, the Commission had gradually established procedures through which private citizens and organizations can submit their complaints on the improper implementation of Community law (Young and Wallace 2000). These "tip-offs" however rely on *ad hoc* relations with groups and individuals which may actually bias monitoring in favor of those segments of the population that have more activist members (Dimitrakopoulos and Richardson 2001).

In contrast, the existence of "policy networks" contributes to the creation of more permanent relations between Commission officials on the one hand and national administrators or private groups on the other. These networks vary in their degree of cohesiveness and structure (Peterson and Bomberg 1999; Previdi 1997). Furthermore, their composition varies as well: some of them involve sectoral lobbies, such as farmer associations (Pappi and Henning 1999; Ray and Henning 1999), while some others include national independent regulators (Nicolaidis 2004) or regional and local authorities (Ward and Williams 1997). Here I am interested in networks the Commission has established with domestic public authorities, because they are the ones charged with the task of enforcing EU rules.

In spite of any variations, network activity is characterized by a number of distinguishable features. First, each policy sector (e.g. environment, agriculture) has a different network and therefore policy networks are independent of each other (Previdi 1997). As a result, there is not an overall monitoring mechanism for the *application* of Single Market rules. Instead, monitoring by networks is *fragmented* into policy domains. Second, policy networks are *informal* and in them there is no hierarchical relationship between supranational and national officials. In the words of Metcalfe, the Commission plays the role of a communication "hub," rather than that of the apex of a pyramid (Metcalfe 2000).

Third, networks perform a socialization function through their role as managers of information. Just by virtue of the fact that national officials are members of these networks, they become recipients and transmitters of information about the application of EU rules, which increasingly play an important role in the lives of Europeans. Inevitably, they become more sensitive to the importance of these rules. The socialization role of networks is further reinforced by the fact that their reputation relies on the capacity of its members to collect and disseminate credible information. Reputation is an important asset because it determines the credibility, and thus the power, of the information they provide. In order to safeguard their reputation, networks socialize their members to informal standards of behavior which aim at guaranteeing credibility (Majone 1997). Although typically the Commission has to take the initiative to create and coordinate networks (Metcalfe 2000), eventually the subnational units that end up becoming their members learn to rely on them for information and advice. Continuing to receive these benefits becomes an incentive for them to avoid behavior that may jeopardize the reputation, both of them individually and of the network as a whole, such as unwarranted political influence or unprofessional behavior (Majone 1997).

We can gather then, that in order to increase their reputation, network members need to become more diligent in the enforcement of Community rules. To put it differently, implementation failures can blemish their reputation and therefore they need to do their best to avoid any such failures. However, even when failures occur, network members are expected to report them in order to be perceived as credible and to receive advice from their peers. Thus,

instead of making national authorities subject to scrutiny (which would be very difficult because of the Commission's size), the Commission now can count on its fellow network participants for the more effective and even implementation of EU legislation.

Hence, we can detect a shift in the attitude toward accountability in the EU. In order to accommodate the diverse record of policy *application* by member-state administrations, the hierarchical accountability relationships of the Treaties increasingly co-exist with and rely on more decentralized and horizontal mechanisms. Policy networks contribute to the symmetric and even application of Community policies in two ways. The first is by supplying the Commission with information, which it can use in order to call member-state central governments into account for breaches of Community law. The second is that they "raise the behavioral bar" for sub-national bodies, which become more diligent and effective in the application of Community law through mutual support, cooperation and peer review.

D. Networks Created around Other Community Institutions

So far, I have discussed the literature on networks of national and Commission officials, which have been created with the Commission as their motivator and "communication hub." In this section, I argue that other EU institutions have taken up the same role. In particular, I discuss the networks that have been created around the Office of the European Ombudsman and the European Court of Auditors. Just like the Commission, these two EU bodies also have to deal with a sharp distinction between implementation at the national level and supervision at the national level in a highly regulatory environment. In the remaining of the paper, I present a short profile of these two networks, and I discuss the institutional context in which they are located. Then I proceed with a comparison to Commission-based networks.

D.1 The European Ombudsman and the "Liaison Network"

The Office of the European Ombudsman is one of the newest institutions in the EU. It was established as a Community Institution in 1992 by the Maastricht Treaty, as a result of a Spanish proposal. The Spanish government's rationale was that the inclusion of provisions on citizenship in the new Treaty should be accompanied with an independent institution that would guard the rights emanating from citizenship of the Union (Marias 1994). The tasks of the Ombudsman, as well as the procedure of his appointment, are outlined in Article 195 (EC Treaty), and in the European Parliament's *Rules of Procedure* (European Parliament 2005). The Ombudsman is appointed by the European Parliament. Although his office works closely with the Parliament, it is completely independent in its actions. The Ombudsman's main task is to investigate complaints by citizens, private groups or firms, regarding instances of maladministration by "Eurocrats," that is, the members of the EU bureaucracy. More specifically, it can investigate the actions of officials that work for all Community institutions and bodies, except for the ECJ and the Court of First Instance.

In spite of the fact that the original Spanish proposal suggested that the European Ombudsman should cooperate with the national and regional ombudsmen in the member-states (Marias 1994), the Treaties do not include any specific provisions regarding such cooperation. However, Article 5 of the *European Ombudsman Statute* states that "Insofar as it may help to make his inquiries more efficient and better safeguard the rights and interests of persons... the Ombudsman may cooperate with authorities of the same type in certain Member States..." (European Parliament 1994).

Hence, on the basis of Article 5 of its statute, the European Ombudsman has been engaged in establishing relations with its national counterparts. Since 1996, his office has established the *Liaison Network*, which includes the national ombudsmen of thirteen member-states, the regional ombudsmen of Italy, which does not have a national ombudsman, as well as the Petition Committees of the German *Bundestag* and of the Belgian Parliament. Cooperation with the new member-states had begun even before their recent accession, and currently each one of the new members is represented as well. In addition, local and regional ombudsmen or similar bodies are included in a separate but parallel network. The creation of these networks reflects the realization that ombudsmen in member-states are instrumental in guaranteeing the application of EU rules, as for example, research on the Spanish Ombudsman has indicated (Retuerto Buades 1994).

The *Liaison Network* has an informal nature and its purpose is to disseminate information to its members “through seminars, newsletters and day to day contact” (European Ombudsman 2001, p. 233). The European Ombudsman and each national office have designated a liaison officer who is assigned with the responsibility of communicating with the rest of the network. In addition, an electronic network (which has been appropriately named “EUOMB-National”) as well as a virtual newspaper (“Ombudsman Daily”) has been created in order to further facilitate the flow of information among the members of the network.

A brief overview of the *Liaison Network* activity is included in a separate section of the European Ombudsman’s *Annual Report*, which is presented every year to the European Parliament. I would like to stress however that no information that brought to the attention of the European Ombudsman on the activity of member-state authorities can be included in the Report. This is explicitly prohibited by the *European Ombudsman Statute*.

The role of the *Liaison Network* is to alert national and regional ombudsmen about specific instances of non-compliance with EU law. In the words of the drafters of the 2001 *Annual Report*, “[t]he liaison network was created [...] to promote a free flow of information about Community law and its implementation and to make possible the transfer of complaints to the body best able to deal with them” (European Ombudsman 2001, p. 233). Later on the same page, it is stated that “[i]n particular, matters relating to the implementation of Community law at the Member State level have been discussed.” We can gather then, that the network was created with the intention to promote the effectiveness and homogeneity of EU law application in mind.

D.2 The European Court of Auditors and the “Contact Committee”

The Court of Auditors of the EU was established in 1977 by the Budget Treaty of 1975. It replaced two previously existing institutions with similar but more limited functions, the European Communities Audit Office and the Auditor of the European Coal and Steel Community (Laffan 2002b). However, it was not until 1992, when the Treaty of Maastricht came into effect, that the Court’s status was elevated from “other body,” to “institution of the Union.” This was more than a change in semantics. The Treaty of Maastricht made the Court responsible for publishing the *Statement of Assurance*, a report on which the Union’s *Budget Discharge Procedure* is based (Laffan 2002a).

The Court of Auditor’s (ECA) other responsibilities, as well as its relations with other Community institutions, are outlined in the Treaties, in the section titled *Financial Provisions* (Articles 268-280, EC Treaty). As its name implies, the ECA’s task is to perform audits on the

finances of the Union and discover any cases of improper financial management. The Court is an independent institution, but it cooperates very closely with the European Parliament, and in particular with the Parliament's *Budget Control Committee*, which has significant say in approving the Union's budget. Every year, the ECA publishes its *Annual Report* on the state of the finances of the Union, as well as countless other specialized reports.

Hence, the Court's main task is to provide an independent audit of the management of the EU budget. Its main role is to audit the Commission and not member-state administrations, which are responsible for the final disbursement of Community funds. However, if the ECA is to conduct its audits effectively, inevitably it has to "follow the money trail all the way down" to the final beneficiaries, who are located in member-state territories. In order to overcome this problem, the ECA works closely with the national auditing authorities of the member-states. The EC Treaty provides legal basis for such cooperation in Article 248 (3). In practice, this cooperation involves joint audits performed by both national and European auditors. In undertaking such joint enterprises, the national Supreme Auditing Institution (SAI) and the ECA maintain their independence, which means that they treat each other as equals and not as a hierarchical superior or inferior.

In its *Annual Report*, the Court compares the results of its own field inspection on certain applications of Community programs with the reports the member-states themselves have provided through the *Integrated Administrative and Control System* (IACS). For example, in the *Annual Report* of 2001, along with the Court's evaluation of the situation in member-states, which is quite general and does not refer to individual countries, the Report includes a table which includes the amounts each country claims as spent, and how much the ECA itself found had actually been spent as a result of its audits. In addition, it publishes graphs that show the level of error for each country (European Court of Auditors 2002, p.39-43).

Yet, the scope of cooperation between the member-states auditing institutions and the ECA does not stop there. In a special declaration attached to the Treaty of Nice, the President of the ECA was provided with the mandate to create a *Contact Committee*. The committee forms the heart of a network which connects national auditing bodies with the ECA. It meets as a body once a year. Its membership includes basically the heads of all member-state SAIs. In addition, each participating institution has a liaison officer, who takes part in the work of the committee. Working groups of national and ECA officials who are experts on specific topics are also included on an *ad hoc* basis. Furthermore, the liaison officers themselves meet separately twice a year in order to prepare the committee meetings and take care of coordination issues between the national SAIs and the ECA. .

The *Contact Committee* has two interrelated tasks. On the one hand, its role is to facilitate the coordination of joint audits between SAIs and the ECA on the basis of Article 248 (3). On the other hand, it contributes to the consistency of auditing practices across the Union. More specifically, its agenda includes the exchange of information and the harmonization of auditing standards in the areas for which the Community has competence, such as the allocation of Common Agricultural Policy (CAP) funds, the Value Added Tax (VAT) or the Structural Funds. Thus, "[c]ooperation between the European Court of Auditors and the national audit bodies has... developed from a simple legal obligation to a practical necessity dictated by the fact that Community and national administrations have become more and more closely linked" (European Court of Auditors 2005)

E. Evaluation of Networks

The *ultimate goal* of all the networks I presented so far, both the ones in which the Commission participates and those of which the European Ombudsman and the ECA are part, is to contribute to a more rigorous and homogeneous *application* of Community policies. I would like to stress however that networks themselves cannot hold national authorities to account. They are not components of a controlling hierarchy, although, as I will argue soon, they can work with one. Their power lies in their capacity to manage and disseminate information across national territories and levels of governance.

In order to analyze the role networks play concerning implementation in the EU, it is important to distinguish between the actual *process* of information management inside networks (*internal dimension*), on the one hand, and the *outputs* of this process on the other (*external dimension*). The *process* itself has an effect on the members of a network, and this effect is similar across different networks. In contrast, the *outputs* have an effect on the political systems that surround the networks. Since the internal dimension was already discussed in Section C (see paragraph on socialization), I would like to turn immediately to the external dimension.

The role and competence assigned to the authorities who participate in a network by the political systems in which they are embedded determines the kind of outputs they deliver. Hence, a difference between the Commission networks on the one hand, the *Liaison Network* and the *Contact Committee* on the other, is that whereas the first include national bodies which are themselves responsible for the enforcement of EU directives (henceforth dubbed as “enforcers”), the latter two are composed of “watchdog” organizations, namely, their main responsibility is to make sure that other institutions in their countries perform their enforcement tasks adequately. “Watchdog” organizations, by their nature, have a specific mandate to ensure that other institutions in their particular geographical jurisdiction and in their area of competence (financial management, citizen rights) are held accountable. Consequently, although the Commission networks aim at changing the behavior of the “enforcers” *directly* through their participation in them, the “watchdog” networks seek to enhance compliance *indirectly*: the network has influence on the behavior of the “watchdog,” which in turn seeks to change the behavior of the enforcer accordingly. In that sense, “watchdog” networks use information in order to enhance the *external control* of national public officials who are not their members, whereas “enforcer” networks use information in for the purpose of increasing the level of compliance of their own members.

In addition, networks create outputs in member-states by facilitating the division of labor among their members. More specifically, they alert the “right” institution to take action, depending on whether a problem is local or has EU-wide implications. Then, the “right” institution can take action based on the discretion it has been provided in its jurisdictional territory and sphere of competence. Since each network member is embedded in a different political system, its actions, which are based on the information it has received through the network, create outputs in that system. However, the intensity of outputs a certain member of the network can produce depends on the legal mandate and the competence that it has. In particular, as far as the supranational institutions I have discussed so far are concerned, they have different degrees of discretion in using the information they obtain through the network. On the one hand, the COA can include information about member-states in its *Annual Report* and forward this information to the Commission and the Council, which can take action as a result. On the other, the Commission can initiate an *infringement procedure*. In contrast, the

Ombudsman does not have legally established mandate to transmit information about the behavior of member-state authorities to other EU institutions and therefore the network in which it participates relies exclusively on the local outputs by national bodies in the member-states. We can then conclude that although network outputs are produced through a horizontal process of information sharing, they can be potentially used to facilitate the effectiveness of hierarchical control mechanisms in the political systems to which network participants belong.

An additional point is that, unlike the outputs of “enforcer” networks, the outputs of “watchdog” networks are not divided into policy areas. Instead, they are determined by the function of the participating institutions. As a result, they deal with a wide range of policies, provided that the Community has competence in them and that they fall within their institutional mandate. This is explained by the fact that unlike the Commission, which has the responsibility of monitoring implementation of EU policies in their entirety, the functions of the COA, the European Ombudsman and their national counterparts only concentrate on certain aspects of these policies.

Lastly, I would like to make one more observation. One similarity across networks is that, as Metcalfe (2000) has observed, all of them have been created by an initiative at the Community level. I am not aware of evidence on the exact process that leads to their creation. However, we can argue at this point is that the creation of all of the networks I discussed was triggered by the establishment of a legal basis at the EU level-- either in the Treaties or in secondary legislation. The conditions of network creation lie in the nature of the EU as multi-tiered system of governance. Networks spring out of a practical necessity stemming from the sharp division between supervision, which takes place at the supranational level, and implementation, which happens at the national level. This division disrupts the usual “sequence of regulatory management,” and more specifically its feedback flows between those who supervise and those who implement (Previdi 1997). The recognition of the need for unified regulatory management leads to the realization that national authorities need supranational institutions and *vice versa*. More specifically, on the one hand, supranational institutions need their national counterparts for the local monitoring or enforcement of EU policies and for their local expertise. On the other hand, national authorities recognize that they need their supranational counterparts as a “communication hub” and as a natural source of expertise on Community affairs. Networks can serve all these needs without compromising the independence and without reducing the sphere of influence of their members. However, further research is necessary in order to establish the exact causal mechanism that leads to the creation of networks that span across different governance tiers in the EU.

F. Conclusion

The even and symmetrical application of Community rules is a basic precondition for the creation of a true Single Market. Yet, member-state public administrations are still characterized by a number of cultural and structural problems, which hinder the achievement of this goal. As a rule, Community institutions do not have the competence to monitor member state public officials when they apply EU directives. However, given the importance of the Single Market as the linchpin of the EU, member-states are not left to their own devices. The solution that has been advanced so far is the creation of networks, which include EU and member-state public officials who can exchange information, while each one of them maintains his/her independence. In this paper, I have sought to demonstrate that these networks are not concentrated solely around the European Commission, which carries the responsibility of overseeing the

implementation of EU secondary legislation. Gradually other institutions with more limited supervisory roles have resorted to the creation of networks as well, in order to enhance implementation. In particular, I have examined the roles of the European Ombudsman and of the European Court of Auditors and their participation in the *Liaison Network* and the *Contact Committee* respectively.

One additional point I wanted to make is that institutions both at the national and at the supranational levels are restricted by their legal mandates. Networks cannot change that and therefore they cannot solve the problem of uneven implementation by themselves. Yet, they should not be brushed aside as mere forums of discussion. They have power which lies in their capacity to supply and distribute information to organizations which can use it in order to fulfill their legal mandate in the particular political systems in which they are situated. By making their members aware of the need to apply EU rules consistently and by empowering them with information and advice, networks tackle the problem of implementation in the EU across levels of governance and across national jurisdictions.

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