

**Access of Experts:
Information and EU decision making**

by

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Abstract:

Who provides the European Union with information? This paper examines patterns of participation in the large expert group system under the European Commission. We explore competing propositions about the character of the Commission's information system, and test four hypothesis about what affects participation in the EU expert group system. We separate between three kinds of information providers: scientists, societal actors and government officials. The empirical section of the paper builds upon an analysis of a data set covering all of Commission expert groups (N=1237). Although scientists, and interest groups, industries and NGOs are prevalent information providers for the Commission, we show that the informational foundation is strongly biased towards officials from national administrations. We argue that these distinct patterns of participation increase the ability of the Commission to anticipate reactions to its proposals and initiatives.

Key words:

European Commission, European Union, expertise, information, Committee, decision making.

Who provides the European Union with information? Information, the communication or reception of knowledge or intelligence, is a precondition for governance and a core aspect of decision-making. In a multi-level inter-institutional system, like the EU, access to decision making, as well as the access to arenas for supplying and receiving information, is closely related to the distribution of powers and influence. Both in the political and scholarly debate we find claims that the informational basis in the EU is biased towards either scientists (Joerges and Neyer, 1997), or industries and societal actors (Green Cowles, 1995; Mazey and Richardson, 2001), or national governments (Moravcsik, 1998; Pollack, 1997; Thomson, 2008).

This paper examines some basic propositions regarding the informational foundation of European Union (EU) decision making by analyzing the access of information providers to decision making in the European Commission (Commission).¹ The informational basis of Commission decision making is central to its autonomy and for reducing uncertainty. On the one hand, the Commission is dependent upon relevant and timely information in order to develop sound and effective political and legal initiatives in different policy areas, some of which are highly technical, posing high demands on the level of expert knowledge. On the other hand, information is important for identifying the range of possible and acceptable political initiatives and solutions in EU's inter-institutional environment. Information on the preferences and positions of the member states, societal actors as well as academic expertise, is important for adjusting and calibrating Commission proposals. Consultation with interest groups, national officials and independent scientific experts may enable the Commission to

assess the interests and constraints defended by these parties and to develop win-win solutions (Scharpf, 2006). Information is thus critical for both problem-solving and conflict resolution.

Research shows that the Commission seeks to anticipate future reactions in the interinstitutional debacle. For instance, when political issues are salient, the Commission tends to promote proposals that can be supported as a compromise between the member states and the European parliament (König, 2008; Pollack, 1997). Although there is a rich literature on the agenda-setting role of the Commission, and the likelihood for proposals to be accepted by the Council and the European Parliament, the literature has paid less attention to the mechanisms and processes that precede formal legal initiatives, and the processes that increase the Commission's anticipating capacity (Tsebelis and Yatağan, 2002). Our paper examines this crucial early stage in EU policy making by analyzing access to the Commission expert groups.

Formally, an expert group is a consultative entity comprising external experts advising the Commission in the preparation of legislative proposals and policy initiatives as well as in its tasks of monitoring, coordinating and cooperating with the member states. Over time, an extensive system for expert consultation and involvement has emerged in the EU. There were 1237 such committees in the beginning of 2007, making it the largest organized information system in the EU. The political significance of this system is also recognised by the other EU institutions. The European Parliament has actively pushed for information about Commission expert groups as a key issue of EU governance transparency.² The access to this system has thus become an object of inter-institutional and public scrutiny.

We examine the composition of the expert groups in order to identify patterns of participation by three types of participants: scientists, societal actors and national officials.³ The analysis shows that although scientists, and various interest groups, industries and NGOs play an important role in providing information in the EU, the informational foundation in the Commission is strongly biased towards officials from public administrations and in particular from the national ministries. In addition, we observe considerable variation in patterns of participation in different policy areas. We argue that this variation can in part be explained by the varying inter-institutional and environmental conditions that affect the Commission's capacity for autonomous action and its task uncertainty. In particular we examine the importance of four factors - legal competence, policy age, in-house expertise and the density of interest groups - in a given policy area for the configuration of expert groups

The article proceeds as follows: First, we develop three competing ideas about access to the Commission; we do so with reference to different theoretical conceptions of European governance as well as to different general notions about the role of information and informational systems in decision-making. In section two, we give a brief presentation of what an expert group is, our data set, and discuss some methodological issues. In section three, we provide an empirical analysis of the general pattern of participation in the expert groups. We map out and analyze the various configurations of participants, that is, the combinations of different sets of actors that are involved in the expert groups. In addition, we explain why participation varies across different policy areas. In the concluding section, we outline some implications of

these patterns for the understanding of governance in an inter-institutional system like the EU.

What types of information providers for what kind of Commission?

We separate between three types of information providers in EU policy making; one emphasising participation by scientific experts, one participation by societal interests, and one emphasising national governmental involvement. Each of these three types articulates different principles of organization and public policy making. They are grounded in different basic assumptions about what bolsters the autonomy and authority of bureaucracies as agenda setters and policy managers, and they provide different answers to who the relevant providers of information are, and what the underlying rationale is for structuring the informational basis of public decision making. All of these actors possess resources, responsibilities, knowledge, information and experiences that EU policy makers rely upon. At the same time, these sets of actors might “hurt” the system, either as formal veto players or as social reference groups or key institutional environments that might impact on the legitimacy and effectiveness of decision making.

Scientific expertise type:

According to this type we expect that expert groups are composed primarily by scientific experts. The underlying rationality of this view is that a bureaucracy is

organized to house and foster specialized expertise. The very term itself “expert group”, should indicate that these are groups composed by technocratic and scientific experts. The claim to autonomy and influence in a political system is intricately linked to its ability to present itself as neutral, grounding its acts and actions on updated and specialized information. The administration is seen as deriving its legitimacy from principles of enlightened, knowledge-based government (Olsen, 2008b: 17). Being seen by other actors as incompetent, unprofessional and uninformed is then anathema. Yet, bureaucratic organisations have limited resources as repositories of knowledge and for gathering and processing new specialised information by themselves. Hence we would expect them to seek their informational partners in the institutions that embody the neutral professional-technical expertise more than any other, i.e. the scientific-academic community that represent the ultimate long-term specialization of knowledge. Expertise is then understood as scientific information produced and validated through the scientific method that ensures impartial information into the policy making process.

Studies show that international organizations are particularly influential when they draw on independent expert sources to provide information that is scarce and valuable to the member states (Barnett and Finnemore, 2004; Martin and Simmons, 1998: 742). As part of governance beyond and between nation-states, international organizations often establish formal and informal channels for scientific input to the policy process (Andresen, 2000; Haas et al., 1977; Miller, 2007; Underdal, 2008; Keohane et al., 2009). Scientific expertise has the added attraction as source of information because it might transcend the bias of information imbued with national interests. The links that the Commission as a bureaucracy can forge with outside expertise can lift it above “partisan

and national squabbles” and accentuate its independence and authority derived from its technical-professional competence. The role of science is central to the idea that epistemic communities shape the interests and ideas pursued through international organisations (Haas, 1990: 11). It is also argued that EU policies are geared more and more towards exploiting and nurturing scientific knowledge and technical expertise (Jasanoff, 2005), and that the increasing role of scientific arguments, especially under conditions of “technical” uncertainty, has furthered the role of expertise (Radaelli, 1999).

In addition, because national governments are represented in the Council, and societal interests might be seen as having formal and informal ties to representative channels, especially the European Parliament; we would expect the technical scientific expertise to be particularly strongly represented in the Commission’s expert groups. Drawing on scientists as the main information providers would thus underline and legitimise the Commission’s autonomous basis for action, independent of national, societal and partisan interests. We would therefore expect that scientific experts would be the main set of actors in the expert groups.

The Society type

According to this type, we expect that the expert groups are composed primarily by different societal actors and interests. A Society type posits a direct relationship between societal actors and public administration. There are different views on what this relationship is founded on. One is based on the pluralist idea that societal interests and

affected parties have a legitimate right to be heard and have their views incorporated into policy-making. Authority and legitimacy of a bureaucracy is derived from opening up to, channel and mediate different political forces coming from diverse interest groups, i.e. the society type of participation reflects deference to principles of input legitimacy. A second interpretation, is linked to resource dependency made famous by Rokkan's (1966) identification of the corporate channel. The two are in a mutual relationship: administrators need information and support from such groups for making and defending their policies in their relationship with other political institutions; and such groups can use these organised links to further their interest and perspectives on policy issues (Peters, 1995: 181). Some countries, at the domestic level, have developed a web of consultative bodies ensuring the representation of affected parties in policy making (Christiansen and Rommetvedt, 1999; institutionalised in an elaborated system of committee rule. Such stable, routinized interaction and functional coalitions between organised interests and highly sectorized administrative system is one of the constitutive elements of a segmented state (Egeberg et al., 1978; Olsen, 1983: 115-118). In such a perspective, societal actors compete for access in order to give information to, make claims on, and put pressure upon governmental policy makers, and by doing so, they also provide links between citizens and governments (Olsen, 1983).

This line of reasoning would lead us to expect that experts groups will be dominated by different societal actors. This resonates with the idea that the Commission is captured by for instance economic interests and corporate actors, and it also links to the research literature on the importance of big business in lobbying the EU (Andersen and Eliassen, 1991; Coen, 1997; Eising, 2007). Interest groups in general have adjusted to the multi-

arena policy-making at the European level in a variety of sectors (Richardson, 2000), as new venues for interest promotion have opened up. The Commission's rationale for devising its information system according to a Society type would be manifold. The Commission's civil servants would be interested in cultivating a relationship to business groups and organised interests as providers of factual information in complex policy areas and of information about grass root preferences (Broscheid and Coen, 2007; Mahoney, 2004 Bouwen, 2004). Constructing stable and manageable relationships with interest groups would also be important for a bureaucracy seeking to secure a stable environment and to enhance its political effectiveness towards other EU institutions (Mazey and Richardson, 2001).

Government type

According to the Government type we assume that officials from national administrations will be the main participants in the expert groups. There are two different theoretical underpinnings of the government type, one indicating member state capture of the Commission and one indicating administrative co-operation and integration. The first interpretation, consistent with intergovernmentalism, emphasises the interest and ability of national governments to influence, monitor and control the expert groups of the Commission. They do so by penetrating the expert group system and thereby increasing their role in EU agenda setting.

In the alternative interpretation, the Commission is seen as inviting national governments into the decision making process in order to increase information as well

as to promote administrative integration. Through these exchanges the Commission can get to know more about member states' interests, events, perspectives and experiences than any single member state can know about one another. Moreover, since the Commission is dependent upon the member states administrations for implementing policies, the Commission is interested in developing and promoting administrative infrastructures and networks that can serve to facilitate administrative interaction and integration (Egeberg, 2006). High degree of involvement of national officials in the expert groups, can thus be seen as a model for the Commission to develop a structured and organized connection with national administrations and thereby also perforating national administrations. Interaction between national officials could also lead to the development of ownership to proposals, and it might even contribute to officials "going native" (Beyers, 2005; Checkel, 2003; 2005; Egeberg, 1999; Hooghe, 2005; Lewis, 2005).

These three types – scientific, society and government - can be seen as different ideal types of organizing access to decision making. In practice, we could also expect that groups could appear as different kinds of combinations. If the expert groups are composed by a huge variety of actors from different levels of governance and representatives from a combination of public, private and academic organizations and institutions, we might even consider it as a multi-level, multi-actor system, where the authority relies on creating an arena or meeting place reflecting the interests and ideas of multiple actors (Eising and Kohler-Koch, 1999). Finally, in such a multi-level system, participation is perhaps also seen as more open (Olsen, 2007: 124-125), loosely

organised around issue networks rather than around closed policy segments or established epistemic communities (Richardson, 2000).

A composite Commission

The Commission cannot be treated as a unitary actor. Specialisation according to sectoral and functional terms is a prime characteristic of the Commission (Curtin and Egeberg, 2008), Hence it can be perceived as a multi-organisation (Cram, 1994) that operates in diverse ways. Role conceptions and behaviour for Commission official vary according to the features of the organisational structure within which decision -makers are embedded (Egeberg, 1999; Egeberg, 2004). It also faces varying environmental uncertainties and formal rules that affect the Commission's basis for autonomous action. This is reflected in the DGs use of expert groups. Some DGs use this mode of consultation much more extensively than others (Gornitzka and Sverdrup, 2008; Larsson, 2003). It is therefore important to examine how and to what extent variation in access of experts is dependent upon different features of the policy area at stake: under what conditions are the three types of participation patterns most prevalent? We assume that the different DG face varying types of uncertainties or are faced with different task environments, and that this variation leads to variation in patterns of participations in their expert groups. We test four variables in order to explain participatory variation; each related to the three different types:

Legal competence: In the treaties the member states have delegated legal competences and powers to the EU in different policy areas. In some areas the EU holds

exclusive competence, in others, competencies are shared, and in some areas the competences of the EU are more limited and primarily related to supporting and supplementing the national level. We expect that increased legal competence of the EU increases Commission autonomy and therefore also reduces the need for the Commission to consult national officials. *H 1: "The more exclusive legal competence of the EU in a policy field, the less likelihood for including national officials in the expert groups".* In order to test the hypothesis we attributed the competence distribution in the treaties to the various DGs responsible for these policy areas. 1= supporting/complementary, 2= coordinating, 3=shared, 4=exclusive.

Policy age: Different policy fields have been subjected to European governance for a longer period of time than others. According to institutional theory we could expect that over time, disputes and uncertainties about the allocation of legal competence, norms and appropriate procedures is likely to decrease, hence allowing for more Commission discretion in older policy fields than in the new ones. In addition, over time, as a policy field matures the Commission is likely to develop institutions and experience in handling issues in effective and legitimate ways, which in itself will reduce uncertainty. *H 2 "The older the policy field is, the more autonomous the European Commission is, and hence the less likelihood for including national officials in the expert groups".* In order to test this hypothesis about policy age we use data on year for the creation of the portfolio, as measured by Broscheid and Coen (2003).

Societal supply-side pressure: Social actors recognize expert groups as an important policy venue, for instance, business associations target the European Commission working level most frequently in their efforts to influence EU decision making (Eising,

2007; Kriesi et al., 2007). Yet, the various DGs are subjected to different environments and pressure groups. In some policy areas the interest group activity is dense, while in other areas there is a much lower interest group density. *H 3: "The higher the density of interest groups in a policy area, the more likelihood that expert groups have societal actors as participants"*. In order to test the hypothesis we use data on the CONNECS data base on interest group, indicating the number of civil society organizations operating at the EU level in relation to various DGs.

Size of in-house expertise: Developing policies requires scientific and technical expertise. Although the Commission holds considerable in-house expertise, its capacity is limited and it often also makes use of external expertise. Different DGs have different size of their in-house expertise and professional staff. In order to increase the scientific quality of the policy making process, different DGs might use expert groups as a way of outsourcing tasks, or increasing their own scientific knowledge base and we can expect this factor to especially affect the use of scientists to gather information through expert groups. *H 4: "DGs with a limited staff will tend to have a higher share of their expert groups with external scientific experts"* In order to test this hypothesis we use data on *staff size per DG*.

Expert groups, data and methods

Until now systematic data on the participants in the expert groups have been lacking. In order to study the patterns of participation in the expert groups we have created a data base of the Commission expert groups. Our data base provides information on key

properties of these groups such as the lead services in the Commission, policy area and composition of the group. It classifies the participants in broad categories (scientists, academics, practitioners, industry, NGOs) but it does not contain information on individuals. When constructing the data base we have used information from the Commission's register of expert groups. Information was downloaded from the register, coded and entered in our data base in January 2007.⁴ Times series data is not yet available. The register is updated regularly and it only contains active groups, although data on meeting frequencies is lacking. Failure to report data on the expert groups will result the European Paymaster's Office denying the reimbursement of expenses connected to a group.

We define the variables as follows: (i) The definition of scientific expertise corresponds to the two types of actors that the register labels "Scientists" and "Academics". (ii) Societal actors are here defined as a category comprised of several sub-groups of actors; "NGOs", "Industries", "Enterprises", "Social partners" (Unions and Employer's associations), "Practitioners" and "Consumers". (iii) The government group of actors comprises "National administrations", "Competent national authorities" (authorities at national/federal level outside of national ministries, often referred to as national agencies), and "Regional and Local authorities". In addition, (iv) we have coded the participation of experts recruited from "International organizations".

Before turning to the analysis, some reservations are in order. Firstly, there are of course numerous formal and informal sources of information in any politico-administrative system, ranging from statistics, scientific journals, media reports, lobbying, parties and other EU institutions, as well as the more informal exchanges of

information and gossip. This paper makes no attempt to cover the full spectre of informational sources, but focuses instead on the largest and most organized information system, namely the expert groups in the Commission. Secondly, when examining patterns of participation and access, we should keep in mind that access does not necessarily equal influence. Our data does not allow us to examine the dynamics within these groups, or the relative influence of the advice provided by the expert groups on policy making and implementation. Nor can we examine the role played by the individual members. We can assume that there is a link between institutional affiliation, and the type of expertise and information they represent, for instance, actors from scientific institutions are assumed to act as scientists, while actors from national ministries are assumed to act as governmental representatives. But, since roles might be blurred and since participants might operate with mixed allegiances, for instance bureaucrats acting as scientists, we should be cautious about making claims about the actual behavior of the groups or their impact on decision making.

Who has access?

Table 1 presents the distribution of participants in the expert groups according to the three types. The table shows that governmental actors are the principal actors in the expert groups, providing strong support for the Government type. Four out of five expert groups have participants from national administrative bodies. The most frequently used constellation of participation in the expert groups is the one where national administrative officials only meet other national administrative actors. In fact, if you happen to open a door at any randomly selected expert group meeting, it is about fifty

per cent chance that you will find only national officials seated around the table. Less than 20 per cent of the groups have no participation by officials from the national administrations.

(TABLE 1 HERE)

Table 1 also shows that expert groups composed only by societal actors, or only by scientists, are rarely found. Only 65 groups, or 5,2 per cent, are composed by scientists alone. Although few expert groups are exclusively composed by scientific experts, this does not imply that scientific expertise is unimportant in the expert group system. As we see in Table 1, scientists participate in one out of three expert groups, but they do so most often in combination with other actors, and primarily when societal actors are involved and to a lesser extent when national officials are involved. The relative absence of pure scientific groups, and the many mixed compositions, illustrates the thoroughly political and composite nature of EU decision making, and it can be regarded as an attempt by the Commission in some policy areas to build and organize a broad societal, governmental and scientific base for its policies.

Similar to what we see regarding science, we also observe that societal actors are strongly involved in the expert group system. Societal actors are involved in 40 per cent of all the expert groups, making this an important feature of the EU informational system. However, only 92, or 7 per cent, of the expert groups are composed only by

societal actors, indicating that the Society type also gets limited support as a “pure” model. Table 1 also shows that the mixed, multi-actor configuration is quite frequently present in the expert groups. 14 per cent of all expert groups are multi-level conglomerates where representatives from national officials, scientist and societal actors come together in providing information to the Commission. For instance in DG Education and Culture this mixed mode of participation is the dominant way of composing expert groups, and this configuration is as frequently used as the pure governmental type in DG Environment, DG External Relations and DG Development.

When we unpack the three main categories of participants, another set of questions arises. What kind of configurations of participants is most frequently used by the Commission? Who is actually meeting with whom in the expert groups? Is it so that there are certain clusters of participants that are more frequently used than others? If so, what is the standard configuration of participation in the Commission expert groups?

(TABLE 2)

Table 2 lists the number of expert groups that each of the different types of actors participates in. There are several points to make. First, national officials from ministries are the principal group, and they are involved in seven out of ten of the expert groups. The high degree of access of officials from national ministries provides additional support for the Government type. Second, we also find some support for the idea that

expert groups are part of policy networks that penetrate deep into the national administrative system and incorporate national agencies. In one out of three expert groups, the participants come from national agencies, making it the second largest group. This observation illustrates the multi-level character of the European Union administration and shows that national agencies are also involved to a large extent in European governance, and that these agencies might serve different roles and principals (Egeberg, 2006).

A third feature is that representatives from industries and enterprises form quite a large group, participating in around 30 per cent of the expert groups. There has currently been considerable discussion in Europe regarding the role of industry and business interests in influencing EU policy making, and the process of increasing transparency and regulations related to participation. Some has claimed that industrial interest capture large parts of the expert groups (AlterEU, 2008). Our data shows that the involvement of business interests at the general level is not that prevalent. For instance, business participation is way below the level of governmental involvement and participation by scientists. Finally, we observe that representatives from international organizations hardly participate in the Commission expert groups at all. This is somewhat surprising if we take into account that a high share of EU legislation is related to defining and implementing international agreements.

Although there is a magnitude of possible forms of configurations, these data clearly show that the expert group system is not a chaotic system, or a system with large and incomprehensible variation. In fact, it is a fairly simple system with some clear, stable and recurring patterns of participation, and it is easy to identify some distinct clusters of

participants. The most frequently used configurations of expert groups are: National administrations only (26 per cent), National administrations and Competent national authorities (11 per cent), Competent national authorities only (6 per cent), Scientists only (5 per cent), NGOs, Social partners, Industry and Consumers (3 per cent), Industry (2 per cent), National administration, Competent national authorities and Industry (2 per cent), National administrations and Regional and local governments (2 per cent), National administrations and Science (2 per cent) Science and Industry (1 per cent). In total, these top ten configurations of participant account for 61 per cent of all the expert groups.

Factors affecting access

Another striking feature in the data is that there is strong variation across policy areas when it comes to patterns of participation. In Figure 1 we map the ratio of expert groups that are only composed by national officials in the total number of expert groups per DG. This demonstrates the variations in the extent to which this type is the dominant one within different DGs expert group portfolio. Consequently, DGs with a low ratio of expert groups composed purely by national government officials use a different composition of information providers.

(FIGURE 1 HERE)

As we can see from Figure 1, in some DGs, (Eurostat , DG Taxation and DG Trade), almost all of the groups are composed purely by officials from the member states. This

should not come as a surprise since most of the groups in these fields are related to functions that are typically conducted by national governments, such as developing statistics, settling taxation and customs standards and rules, as well as engaging in revisions of internal and external trading standards and regulations. Although these three DGs are on the extreme side, we see that the national governmental involvement is high in most DGs and in most policy fields. In fact, approximately half of the DGs have more than 50 per cent of their expert groups composed purely by national officials.

Table 3 shows the result of the logistic regression analysis using a model with four independent variables that tap characteristics of the policy area expert groups are linked to. We present the result of the model on three different dependent variables; participation by government officials, societal actors and scientific expertise.

(TABLE 3 HERE)

We find that legal competence is significantly related to the pattern of participation. But, as concerns the expert groups composed purely by national officials the relationship is inverse to what we expected in H 1. National officials are even more frequently included in areas where the EU holds strong legal competence. Somewhat surprisingly we find that in areas of exclusive competence, the Commission is more, not less, likely to use expert groups composed only of national officials. This indicates that national governments are the most vital parties for the Commission to consult even in

such policy areas. We find that the DGs that do not correspond to the Government type represent very diverse types of policy areas with different level of legal competence. DG Research, DG Environment, DG Education and Culture and DG Agriculture, all have less than 25 of their expert groups composed only by national governmental officials (see Figure 2), and the top three users of expert groups (DG Research, DG Environment and DG Enterprise), each having more than 100 expert groups, all have less than 30 percent of their group composed purely by governmental actors. Our measure of legal competence is crude and do not allow us to tap potential significant for variation in legal competences *within* one policy area. Our results nonetheless indicate that the formal legal basis for autonomous action given to the Commission does not increase the informational autonomy of the Commission vis a vis the member states administration. Rather the opposite is the case.

However, the data suggests that such autonomy can be gained over time: Table 3 also shows that the more established a policy area is, the less likely is that the Commission call upon national government officials for advice, indicating that Commission autonomy increases across time as a policy field matures. There is thus support for the institutionalization argument suggested by H 2. We also find a significant negative relationship between DG staff size and participation by national officials. DGs with a limited staff tend to use groups composed purely by national officials to a larger extent. One possible reason for this relationship is that the use of expert groups can be seen as a way of outsourcing and increasing administrative resources.

If we turn to the groups that have included societal actors as participants, we find, as expected, that this is positively related to the density of interest groups operating at the

European level. H 3 is thus supported, indicating that composition of the expert groups is related to societal demand and pressure. The number of interest groups working in a policy field increases the likelihood for involvement of societal actors in EU policy making in the same field. In addition, we observe that DGs with a larger staff tend to bring in societal actors at a higher rate than DGs with a smaller staff. There is no significant relationship between legal competence and the inclusion of societal actors. DG Agriculture is an example of a DG where the primary expertise structure fits the Society type (see Figure 1). About one third of the groups exclusively composed by societal actors groups are related to the agricultural segment. Although agriculture policy is a field of exclusive competence, with considerable financial and administrative resources at its disposal, this DG does not cater for its own expertise. Rather, these observations suggest that participation is related to a desire for consulting affected parties, and EU policy making can be viewed as following a segmented pattern that has been the traditional hallmark of agricultural policy making in many West-European political systems (Steen, 1988).

Under what conditions are scientists the most prevalent type of information providers? Table 3 shows a positive relationship between the size of in-house expertise and the inclusion of experts. This is opposite of what we expected in hypothesis 4. It seems that increased size of the DG increases the likelihood for the inclusion of scientific experts. We also find a negative relationship between legal competence and the involvement of scientific expertise in the committees. This fits well with the notion of the Scientific model, indicating that lack of legal authority and legitimacy can be substituted with scientific authority and legitimacy. Science groups are typically found in

DG Environment, DG Health and Consumers (Sanco), DG Information Society and to some extent in DG Employment. This corresponds to some other observations that are made in these policy areas. For instance, study of environmental international regimes finds a strong role of scientific expertise in this policy field (Underdal, 2008), and case studies of EU's food safety policy, which is an important domain for DG Health and Consumers, also underscores the prominence of scientific expertise in the policy process in this highly contested and risk-ridden policy area (Ugland and Veggeland, 2006). Since many groups with scientists are found in DG Research and DG Education and Culture, we might even suspect that scientists are sometimes involved more as affected parties, rather than in the capacity as independent scientific experts. The table also points to a negative relationship between interest groups density and the inclusion of scientific expertise, indicating that societal pressure tend to drive out the involvement of scientists.

Conclusions

Our analysis answers the call for returning to some of the basic questions in European governance, that is, who governs and who has access to decision making (Olsen, 2008a). In this paper, we have showed that the Commission relies on a large expert group system for developing, monitoring and implementing European policies. The EU is often regarded as a multi-level system driven by incrementally adding bits and pieces to the functional responsibilities of the Community, resulting in a patch-work polity, highly segmented and complex (Christiansen, 1997; Kohler-Koch, 1997).

However, our analysis shows that, even though the information system is large, including participants from all levels of governance, private and public actors, scientific experts and businesses, there are some strikingly regular patterns of participation and composition and clear elements of an ordered rule. The expert group information system can not be regarded merely as a technical or scientific problem solving instrument, but it must also be regarded as a system for resolving political conflicts and for building legitimacy for EU policy making. The term “expert group” signals both a mode for including a wide set of actors at an early stage around an agenda, a set of standards and some shared goals, however, it is also a mode of ordering, that is, both including and excluding, the access of participants.

We have separated between three types of information providers, scientific expertise, societal interests and national governments. Our data demonstrates that officials from the national governments are the principal actors in the expert group system. Approximately half of the expert groups are composed only by officials from national administrations. In fact, the European level is to some extent inseparable from the national governments, making it part of a larger Union administration and a more integrated European administrative system. The expert group system acts as a channel and filter for national administrative information into the EU system, and vice versa. In short, there is a predominance of the Government type. It follows from these findings, that in order to understand European level developments we therefore need to pay more attention to the national level and the inter-linkage between national and European governance. However, we have also shown that the DGs operate in different

task environments, and that they differ in terms of scope and type of actors that they activate.

We find modest empirical support for the other types of information providers. The assertion that the Commission is captured by businesses and economic interests is not supported by our findings. However, others have documented their dominance in other channels, such as lobbying and campaigning (Broscheid and Coen, 2007). The Scientific type rarely appears as a “pure” form, as one could observe in many international organizations. Scientists and academics are frequently involved in the EU, but they are often brought in combination with other actors. The Society type also appears rarely as a “pure” form. Societal actors are frequently involved, but typically they are engaged in cooperation with national officials or with scientists. We have also observed that when societal interests are involved, the composition of the groups are fairly heterogeneous, indicating that participation by some groups appear together with its significant other (Unions- Industry, Consumers-Enterprises). The Multi-actor configuration, including three sets of participants, is found in 14 per cent of the expert groups, indicating that the expert group system is a site for multi-level governance. These groups involve a wide range of public and private, governmental and non-governmental, civil society, scientific and economic interests.

In addition, we have showed that there is considerable variation between different DGs in the number of expert groups they use and who they bring in as participants. There are several factors than can explain these patterns, and we have pointed to the need for legitimacy and the balanced involvement of societal actors, as well as the need for the Commission to have a sound scientific basis for its policies. The analysis showed

that the degree of involvement of governmental officials is related to the legal competence held by the EU in the specific policy field. Areas of high legal competence tend to have more national government officials involved in their expert groups. In addition, we found that governmental involvement is reduced in more mature policy areas. The analysis also showed that increased density of interest organizations in a field increases the likelihood for participation by societal actors in the expert groups, and that the size of the staff of the various DGs affects the likelihood for including scientific experts.

These findings have some implications for how we perceive European governance. The scale, regularity and patterns of participation in the expert groups represent a significant element of EU governance, and it might contribute to create an informational advantage for the Commission, increasing the probability of successful policy initiatives. In addition, the high degree of governmental involvement in expert groups is likely to foster administrative integration and increase the degree of continuity in the EU policy making and thereby also contribute to reduce the level of inter-institutional conflicts and uncertainty. It follows from this, that the informational independence or autonomy of the Commission might be constrained by the biased composition of the expert group system, but these patterns of participation might nevertheless increase the likelihood for conflict resolution rather than escalation when it comes to drafting and implementing policies.

References

- AlterEU (2008). 'Secrecy and corporate dominance - A study on the composition and transparency of European Commission Expert Groups', AlterEU, Brussels, <http://www.alter-eu.org/en/system/files/publications/expertgroupsreport.pdf>.
- Andersen, Svein S. and Kjell A. Eliassen (1991) 'European Community lobbying', *European Journal of Political Research* 20(2): 173-87.
- Andresen, Steinar (2000) *Science and politics in international environmental regimes: between integrity and involvement*, Manchester: Manchester University Press.
- Barnett, Michael N. and Martha Finnemore (2004) *Rules for the world: international organizations in global politics*, Ithaca, N.Y.: Cornell University Press.
- Beyers, Jan (2005) 'Multiple Embeddedness and Socialization in Europe: The Case of Council Officials', *International Organization* 59(04): 899-936.
- Bouwen, Pieter (2004) 'The logic of access to the European Parliament: Business lobbying in the committee on economic and monetary affairs', *Journal of Common Market Studies* 42(3): 473-96.
- Broscheid, Andreas and David Coen (2007) 'Lobbying activity and fora creation in the EU: empirically exploring the nature of the policy good', *Journal of European Public Policy* 14(3): 346-65.

- Checkel, Jeffrey T. (2003) "'Going native" in Europe? Theorizing social interaction in European institutions', *Comparative Political Studies* 36(1-2): 209-31.
- Checkel, Jeffrey T. (2005) 'International Institutions and Socialization in Europe: Introduction and Framework', *International Organization* 59(04): 801-26.
- Christiansen, Peter M. and Hilmar Rommetvedt (1999) 'From corporatism to lobbyism? Parliaments, executives, and organized interests in Denmark and Norway', *Scandinavian Political Studies* 22(3): 195-220.
- Christiansen, Thomas (1997) 'Tensions of European governance: Politicized bureaucracy and multiple accountability in the European Commission', *Journal of European Public Policy* 4(1): 73-90.
- Coen, David (1997) 'The evolution of the large firm as a political actor in the European Union', *Journal of European Public Policy* 4(1): 91-108.
- Cram, Laura (1994) 'The European Commission as a multi-organization: social policy and IT policy in the EU', *Journal of European Public Policy* 1(2): 195-217.
- Curtin, Deidre and Morten Egeberg (2008) 'Tradition and innovation: Europe's accumulated executive order', *West European Politics* 31(4): 639-661.
- Egeberg, Morten (1999) 'Transcending intergovernmentalism? Identity and role perceptions of national officials in EU decision-making', *Journal of European Public Policy* 6(3): 456-74.

- Egeberg, M. (2004) 'An organisational approach to European integration: Outline of a complementary perspective', *European Journal of Political Research* 43(2): 199-219.
- Egeberg, Morten, ed (2006). *Multilevel Union Administration - The transformation of Executive Politics in Europe*, London: Palgrave.
- Egeberg, Morten, Johan P. Olsen and Harald Sætren (1978) 'Organisasjonssamfunnet og den segmenterte stat', in Johan P. Olsen (ed), *Politisk organisering*, Bergen: Universitetsforlaget, 115-42.
- Eising, Rainer (2007) 'Institutional context, organizational resources and strategic choices', *European Union Politics* 8(3): 329-62.
- Eising, Rainer and Beate Kohler-Koch (1999) 'Governance in the European Union: A Comparative Assessment ', in Beate Kohler-Koch and Rainer Eising (eds), *The Transformation of Governance in the European Union* London: Routledge, 3-13.
- Fouilleux, E., J. de Maillard and A. Smith (2005) 'Technical or political? The working groups of the EU Council of Ministers', *Journal of European Public Policy* 12(4): 609-623.
- Gornitzka, Åse and Ulf Sverdrup (2008) 'Who Consults? The Configuration of Expert Groups in the European Union', *West European Politics* 31(4): 725-50.
- Green Cowles, Maria (1995) 'Setting the agenda for a New Europe: The ERT and EC 1992', *Journal of Common Market Studies* 33(4): 501-526.

- Hooghe, Liesbet (2005) 'Several Roads Lead to International Norms, but Few Via International Socialization: A Case Study of the European Commission', *International Organization* 59(04): 861-98.
- Häge, Frank M. (2007) 'Committee Decision-making in the Council of the European Union ', *European Union Politics* 8(3): 299-328.
- Haas, Ernst B. (1990) *When Knowledge is Power. Three Models of Change in International Organizations*, Berkeley: University of California Press.
- Haas, Ernst B., Mary Pat Williams and Don Babai (1977) *Scientists and world order: the uses of technical knowledge in international organizations*, Berkeley: University of California Press.
- Jasanoff, Sheila (2005) *Designs on Nature - Science and Democracy in Europe and the United States*, Princeton: Princeton University Press.
- Joerges, Christian and Jurgen Neyer (1997) 'Transforming strategic interaction into deliberative problem-solving: European comitology in the foodstuffs sector ', *Journal of European Public Policy* 4(1): 609-25.
- Keohane, Robert O., Stephen Macedo and Andrew Moravcsik (2009) 'Democracy-Enhancing Multilateralism', *International Organization* 63(1): 1-31.
- Kohler-Koch, Beate (1997) 'Organized Interests in the EC and the European Parliament', *European Integration online Papers (EIoP)* 1(9): 1-14.

- Kriesi, Hanspeter, Anke Tresch and Margit Jochum (2007) 'Going public in the European Union - Action repertoires of Western European collective political actors', *Comparative Political Studies* 40(1): 48-73.
- König, Thomas (2008). 'Why do Veto Players waste their Time? Proposal Power and Legislative Oversight in the Decision making Process of the European Union', in *Paper presented at the ECPR Joint Sessions*. Rennes.
- Larsson, Torbjörn (2003). 'Precooking in the European Union - The World of Expert Groups', ESO - The Expert Group on Public Finance, Stockholm.
- Lewis, Jeffrey (2005) 'The Janus Face of Brussels: Socialization and Everyday Decision Making in the European Union', *International Organization* 59(04): 937-71.
- Mahoney, C. (2004) 'The power of institutions - State and interest group activity in the European Union', *European Union Politics* 5(4): 441-66.
- Martin, Lisa L. and Beth A. Simmons (1998) 'Theories and empirical studies of international institutions', *International Organization* 52(4): 729-57.
- Mazey, Sonia and Jeremy Richardson (2001) 'Institutionalizing Promiscuity: Commission-Interest Group Relations in the European Union', in Alec Stone Sweet, Wayne Sandholtz and Neil Fligstein (eds), *The Institutionalization of Europe*, Oxford: Oxford University Press, 71-93.

- Miller, Clark A. (2007) 'Democratization, international knowledge institutions, and global governance', *Governance- an International Journal of Policy and Administration* 20(2): 325-57.
- Moravcsik, Andrew (1998) *The Choice for Europe – Social Purpose & State Power from Messina to Maastricht*, Ithaca: Cornell University Press.
- Olsen, Johan P. (1983) *Organized democracy: political institutions in a welfare state : the case of Norway*, Bergen: Universitetsforlaget.
- Olsen, Johan P. (2007) *Europe in Search of Political Order. An institutional perspective on unity/diversity, citizens/their helpers, democratic design/historical drift, and the co-existence of orders.*, Oxford: Oxford University Press.
- Olsen, Johan P. (2008a) 'EU Governance: Where do we go from here?' in Beate Kohler-Koch and Fabrice Larat (eds), *European Multi-level Governance: Contrasting Images in National Research*, Cheltenham: Edward Elgar Publishing (forthcoming).
- Olsen, Johan P. (2008b) 'The Ups and Downs of Bureaucratic Organization', *Annual Review of Political Science* 11 13-37.
- Peters, B. Guy (1995) *The politics of bureaucracy*, New York: Longman Publishers USA.
- Pollack, Mark A (1997) 'Delegation, agency, and agenda-setting in the European Community', *International Organization* 51(1): 99-134.

- Pollack, Mark A. (2003) 'Control mechanism or deliberative democracy? Two images of comitology', *Comparative Political Studies* 36(1-2): 125-155.
- Radaelli, Claudio M. (1999) 'The public policy of the European Union: whither politics of expertise?' *Journal of European Public Policy* 6(5): 757-74.
- Radaelli, Claudio M. (2003). 'The Open Method of Coordination: A new governance architecture for the European Union?' SIEPS 1, Swedish Institute for European Policy Studies, Stockholm.
- Richardson, Jeremy (2000) 'Government, interest groups and policy change', *Political Studies* 48(5): 1006-25.
- Rokkan, Stein (1966) 'Norway: Numerical democracy and corporate pluralism', in Robert A. Dahl (ed), *Political oppositions in Western democracies*, New Haven: Yale University Press, 70-115.
- Scharpf, Fritz W. (2006) 'The Joint-Decision Trap Revisited', *Journal of Common Market Studies* 44(4): 845-864.
- Schattschneider, Elmer E. (1975) *The Semisovereign people. A Realist View of Democracy in America*, Hinsdale Il.: Dryden Press.
- Schout, Adrian and Andrew Jordan (2005) 'Coordinated European governance: Self-organizing or centrally steered?' *Public Administration* 83(1): 201-20.

Steen, Anton (1988) *Landbruket, Staten og Sosialdemokratene. En komparativ studie av interessekonflikter i landbrukspolitikken i Norge, Sverige og England 1945-1985*, Oslo: Universitetsforlaget.

Thomson, Robert (2008) 'National actors in international organizations - The case of the European Commission', *Comparative Political Studies* 41(2): 169-92.

Tsebelis, George and Xenophon Yataganas (2002) 'Veto players and decision-making in the EU after Nice: Policy stability and bureaucratic/judicial discretion', *Journal of Common Market Studies* 40(2): 283-307.

Ugland, Trygve and Frode Veggeland (2006) 'The European Commission and the Integration of Food Safety Policies across Levels', in Morten Egeberg (ed), *Multilevel Union Administration: The Transformation of Executive Politics in Europe*, Houndmills: Palgrave Macmillan, 143-62.

Underdal, Arild (2008) 'The Organizational Infrastructure of International Environmental Regimes', in U. Sverdrup and J. Trondal (eds), *The Organizational Dimension of Politics*, Oslo: Fagbokforlaget, 186-205.

Table 1: Participants in Commission expert groups, by category. Percent.

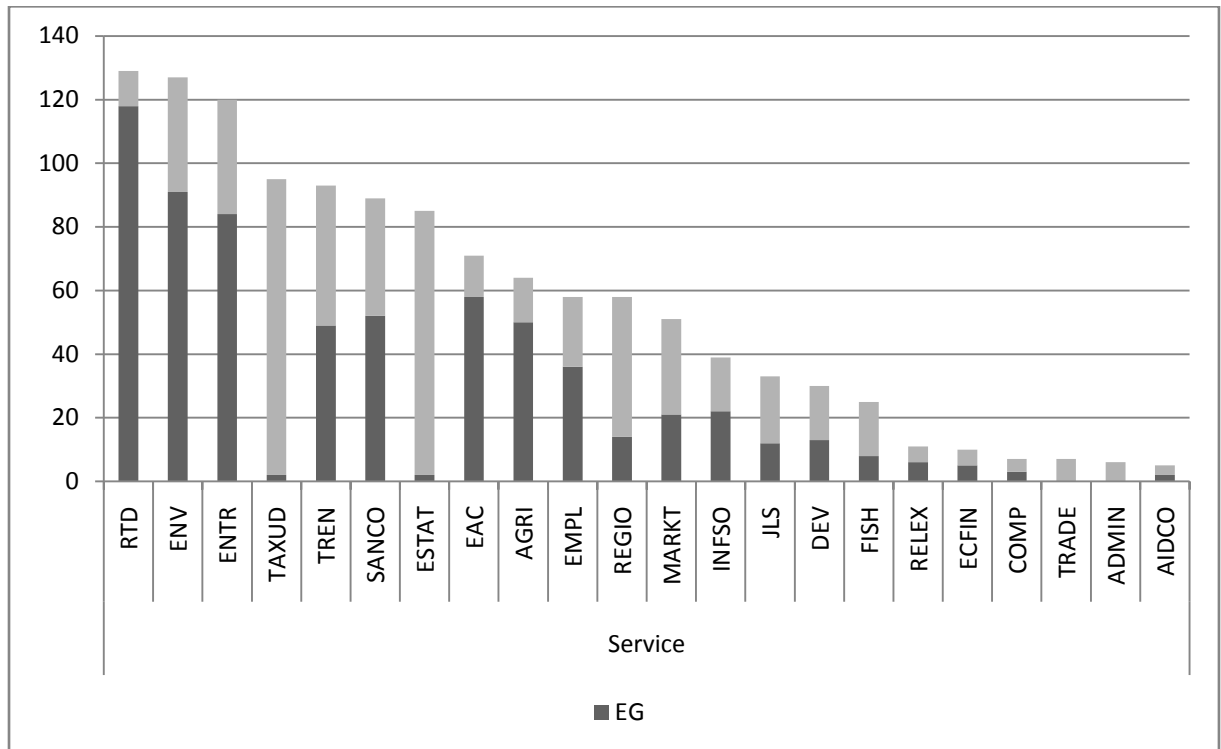
		Society				Total % (N)
		No		Yes		
		Scientists		Scientists		
		No	Yes	No	Yes	
Government	No	0,2	5,2	7,4	5,9	18,7 (231)
	Yes	46,6	7,8	12,7	14,2	81,3 (1005)
Total		46,8	12,9	20,1	20,1	100 (1236)

Table 2: Participation in Commission expert groups according to type of actor.

	Number of expert groups	% of N (1237)
National Administration	864	69,8
Competent National Authority	422	34,1
Academics/Scientists	412	33,3
Industry/ Enterprise	352	28,5
NGO	207	16,7
Practitioners	157	12,7
Social Partners/ Unions	146	11,8
Regional and Local Administration	100	8,1
Consumers	96	7,8
International Organizations	27	2,2

Figure 1: Number of expert groups and share of groups composed by only national officials per

DG



Only DGs with more than five expert groups are included.

Table 3: Logistic regression model of access to Commission expert groups

	Pure government			Society			Science		
	Beta	Standard error	Predicted probabilities	Beta	Standard error	Predicted probabilities	Beta	Standard error	Predicted probabilities
Legal competence	.163*	,075	1,176	-.092	,075	,912	-.284***	,076	,753
Policy age	-.012*	,005	,988	-.001	,005	,781	.030***	,005	1,030
Staff (in house expertise)	-.003***	,000	,997	.002***	,000	1,002	.003***	,000	1,003
Interest group density	-.007***	,001	,993	.010***	,001	1,010	-.003**	,001	,997
Constant	25,624**	10,026	1,3 E+011	.504	9,,747	1,656	-60.196***	9,733	,000
N		1127			1127			1127	
-2 log likelihood		1344,71			1397,90			1344,52	
Nagelkerke's pseudo R ²		.210			,162			,142	

Note: Logistic regression.

*** p<0.001; ** p<0.01, * p<0.05

* Acknowledgement: *to be added*. The dataset will be made publically available for replication purposes.

¹ For studies of Committees in the Council, see Beyers and Dierickx (1998), Pollack (2003), Fouilleux et al. (2005), and Häge (2007).

² According to 'Framework Agreement on relations between the European parliament and the Commission' (art 16) "The Commission shall inform Parliament of the list of its expert groups set up in order to assist the Commission in the exercise of its right of initiative. That list shall be updated on a regular basis and made public." See full agreement here:
http://ec.europa.eu/dgs/secretariat_general/relations/relations_other/docs/framework_agreement_ep-ec_en.pdf

³ By the term bias, we do not imply that there is an underlying distribution that is fair or balanced, but we follow Schattschneider (1975) who argues that any group that is organized has some kind of political or ideational bias, because organization is itself a mobilization of bias in preparation for action.

⁴ It does not cover all expert groups and committees that are linked to the Commission. The following broad categories of entities are not included in our data base: 1) independent experts charged with assisting the Commission in the implementation of R&D framework programmes; 2) Sectoral and cross-industry social dialogue committees, whose work is particularly aimed at the conclusion of agreements implemented by the Council. There were about 70 such committees in 2004; 3) Comitology committees (about 250 committees in 2004). 4) Joint entities arising from international agreements (170 joint entities in 2004). See: <http://ec.europa.eu/transparency/regexpert/faq/faq.cfm?aide=2>