Agencification in the enlarged EU

Paper to be presented at the NIG Annual Workconference
Leiden, 12-3 November 2009

Panel 13

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Introduction

In line with the international trend of 'agencification' an increasing number of (quasi-) autonomous agencies have been set up within the European Union (EU) (e.g. Pollitt et al 2004).[1] Such administrative units as agencies are expected to provide additional expertise distanced from the political tugs of war and thus to increase the credibility of policy making. In the EU context agencification can also be interpreted as integration through the backdoor since it does not involve the direct transfer of competencies to the European Commission.[2] EU agencies have so far been created on an ad hoc basis over the decades and no common legislative framework or generally accepted definition exists.[3] As a yardstick one can perceive EU agencies as organizations with an independent administrative structure and legal personality, they are governed by European public law and not mentioned in the treaties but set up with an act of secondary legislation (European Commission 2008: 4).[4] The fields of activity of these agencies are spread over a variety of policy fields and their mandates vary considerably between regulation and mere policy-observation and –execution.[5] Most agencies are designed as decentralized organizations, i.e. as networks linking the agency with national administrative units.

All in all EU agencies have become a flourishing feature of EU governance since the 1990s and can be understood as complementing the administrative capacities of the European Commission and the Member States. Accordingly, academic research on EU agencies has thrived and today provides a plethora of insights from a variety of angles (e.g. Dehousse 1997; Majone 1997; Shapiro 1997; Vos 2000a; Geradin and Petit 2004; Christensen and Laegreid 2005). The literature is dominated by questions related to

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[1] For the current overview see http://europa.eu/agencies/index_en.htm. A list of current agencies showing their abbreviation can also be found in the annex.

[2] In some cases the establishment of an agency is particularly credited to the personal preferences of high-level politicians (e.g. former Commission President Jacques Delors and the environmental agency EEA.

[3] The ad hoc nature is reflected by the fact that agencies are also sometimes refereed to as "office", "centre", "foundation" or "authority".

[4] The European Police Office Europol as exception is mentioned in the treaties since the Treaty of Maastricht.

[5] Agencies such as the trademark office OHIM or the medicines agency EMEA for instance have a strong regulatory mandate since they grant licenses for products designated for the common market. Others such

delegation and accountability as well as 'capturing the nature of the beast' by classifying agencies. The role of national administrations and their perception as regards the agency networks they are participating in have gained prominence only recently (Kreher 1997; Egeberg and Trondal 2007; Barbieri and Ongaro 2008; Pierre and Peters 2009). The relative neglect of the national level is rather surprising given that the importance of national actors within agency networks has long been recognised (Chiti 2000).

Hence, this paper sets out a first step into a more in-depth investigation of EU agencies impact on national administrations. It aims to investigate whether the establishment of a particular agency triggers change or is faced with inertia. More importantly, when it comes to adaptational pressures exerted by EU agencies it aims to explore which factors are dominant in response to induced change. The analysis is guided by the so called Europeanization perspective in EU studies which is concerned with the domestic changes caused by EU integration and the varying opportunities and power shifts at the (sub) national level (among others Heritier 1993; Rhodes, Bache and George 1996; Goetz and Hix 2001; Featherstone and Radaelli 2003). After giving a general overview of the organisational set up of agencies the basic tenets of the Europeanization perspective are presented. Empirical examples from a variety of agencies are given to support the argumentation. A small case study on the aviation agency EASA with special consideration of two former Central and Eastern European Countries (CEEC) complements this part. Based on this material the paper aims to show that dynamics of change and inertia as a response to EU agencies are complementing rather than competing phenomena. The paper concludes with a summary and given these ambiguous results with a brief outlook for further research.

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as the EEA or the drugs agency EMCDDA are policy observers by means of collecting, analyzing and disseminating information without possessing a regulatory mandate in their respective areas.

EU Agencies as compounded administrations

Although, there is no general template for the design of EU agencies, some institutional features appear in most of them. Strategic steering is provided by a Management Board in which the Member States are represented, mostly with Commission representatives or other stakeholders.[6] The Board is generally responsible for setting up the budget and work programme and for monitoring its implementation. It also holds the Executive Director of the agency accountable who is representing the agency and managing the day-to-day activities. The procedure of budgetary discharge varies and depends naturally on the sources of income the agency has at its disposal.[7]

In contrast to the Commission, agency headquarters are not centrally located in Brussels but spread all over Europe. This fact might partly explain the 'agency fever' of the last two decades since the distribution of headquarters became a political issues with Member States trying to pull "their" agency into national territory. EU agencies are single-purpose organizations which are devoted to a particular policy field or task such as trademarks, environmental issues, vocational training, chemicals, maritime safety and so on. As already indicated their mandate can vary between adopting legally binding decisions (e.g. OHIM and EASA), providing assistance to the Commission in the form of technical and scientific advice (e.g. EMEA) and observing policy fields by gathering, analysing and forwarding information (e.g. EEA and EMCDDA).[8] Within this paper I shall refer to the first two categories as regulatory agencies and the latter as observatory agencies. In terms of internal organisation, EU agencies are structured along the principle of functional differentiation with separate departments or units, mainly reflecting their remit.

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[6] The agency for vocational training CEDEFOP for instance has a Board which also comprises representatives of the social partners. The Board of the Food Safety Authority EFSA consists of independent experts which are appointed by the Council in consultation with the European Parliament (EP) from a list drawn up by the Commission.

[7] Europol for instance is solely financed by Member States' contribution and therefore accountable to the Member States. Agencies mainly funded by Community sources are either accountable to the Council or the Council and the European Parliament depending on the legislative act setting up the agency.

[8] Agencies like EMEA giving technical or scientific advice are a special case here. Although EMEA does not have formal decision making power it can still be regarded as 'quasi regulatory'. When it comes to the authorization of medicinal products, in most cases opinions of its expert committees are given consent by the Commission (Gehring and Krapohl 2007).

Most agencies maintain close relationships to the Commission. Not only can the Commission propose candidates for the position of the Executive Director, it can also exert some influence on the work programme. Agencies such as EMEA or the food agency EFSA are preceding formal decisions made by the Commission by giving scientific advice. The Commission also plays an important role with regard to the issuing of sanctions within the regulatory activities of EASA. Regulation of sectors with a high level of uncertainty such as medicines, foodstuffs and chemicals is thus divided into risk assessment (done by the agency) and risk management (done by the Commission). Although agencies have been created in order to adhere to a non-politicised, technocratic policy making based on expertise, it seems more realistic to assume that a strict division between scientific and managerial tasks is hardly possible (Vos 2000b). As will be seen in the case of EASA the intermingled relation between the agency and the Commission is somewhat problematic since the former is seen as a purely technocratic organisation whereas the latter is seen as more politicised.

Similarly important are the agencies' relationships with the Member States. They are not only represented in the respective boards but also play an important part in the day-to-day activities of the agencies. As indicated above, most agencies are organised as network organisations (both regulatory and observatory). The EU agency is therefore at the hub of an institutional network linking the agency with designated national organisations (either independent agencies or focal points within the corresponding ministry; in the following I will refer to these administrative units as focal points). These focal points are essential for the functioning of the agency since they link the agency with the respective institutions in the Member States within the same policy area. The specific tasks of the contact points depend on the task and the mandate of the agency but the institutional network provides channels for essential policy information. Agencies with a regulatory mandate like EMEA rely on national agencies for e.g. the provision of technical data to support the authorization of a pharmaceutical product. Agencies with an observatory mandate like the EEA or EMCDDA rely on national data to produce policy reports.

The network structure of EU agencies reconciles the need for a common policy approach with the decentralized administrative structure prevalent in the EU governance system (Dehousse 1997; Chiti 2004). The network is supposed to not only foster the exchange of information among Member States but also to facilitate the development of common behavioural standards (Majone 1997). According to this logic, repeated interactions within the network create social incentives of performing well which in turn have a positive correlation with the effectiveness of the functioning of the agency network. The behavioural expectations here resemble those formulated in the context of EU comitology research and address the issue whether the participation in working group may foster shared norms geared towards European solutions rather than national preferences.[9] The former explanatory model expects national representatives to develop a kind of esprit de corps. The dominating form of negotiation is deliberation in which rational arguments prevail over exogenous national preferences. The latter expects a classical situation of international bargaining in which representatives of Member States try to push through their preferences.

Although agencies provide for a higher level of institutionalization as compared to the comitology system, similar behavioural dynamics still can be expected. Although Majone for instance framed his argument with regard to observatory agencies, the developments of shared norms and a common culture can also be observed within agencies in the regulatory department. In turn, observatory agencies are far from depoliticised institutions assuming that even highly technical policy information is political due to its impact on the eventual distribution of costs and benefits of certain policies (Börzel 2002; Shapiro 1997). Hence, policy making in both regulatory and observatory agencies can be expected to entail 'sociological' and 'rational' elements embodied in actors' behaviour. As will be seen in the following section these two complementing approaches can be utilized for investigating Europeanization dynamics.

As indicated above most scholars take the position that the administrative environment of Member States is indeed changing due to the existence of agencies. These changes are

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[9] For a comprehensive overview see Blom-Hansen and Brandsma (2009).

most evident in those cases in which regulatory powers have been transferred to or are shared with the EU level. But also in cases in which the agency lacks a powerful mandate as is the case in agencies such as the EEA and the EMCDDA, the mere existence of an institutionalized platform for cooperation and information sharing is expected to induce severe challenges for domestic institutions (Kreher 1997; Majone 1997). By all means, whether agencies at the EU level induce some sort of change depends among other factors on the behaviour of national focal points. Since they are literally sitting on the fence it is important here to stress again their rather awkward institutional position. They are part of the national administration and at the same time a newly emerging Community administration. As Egeberg (2006) put it, the national focal points are 'double-hatted' in the sense that they may face competing policy expectations that are hard to reconcile. In the following section I will try to further conceptualize this situation by drawing on the Europeanization literature which is focussed on the Member States' domestic system in order to fully understand EU integration and politics. In contrast to classic integration theory the Europeanization focus lies on the impact of EU policies on the national level. Domestic change is then conceptualized by drawing on institutionalist theories which resemble the behavioural arguments within the comitology debate.

Agency networks from a Europeanization perspective

Although the term Europeanization is often used for describing the 'EUization' of politics in general I will adopt here a rather parsimonious understanding.[10] The attention thus lies on the national level 'when Europe hits home' (Börzel and Risse 2000).[11] Ladrech (1994: 69) providing one of the earliest definitions sees Europeanization as 'a process reorienting the direction and shape of politics to the degree that EC political and economic dynamics become part of the organizational logic of national politics and

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[10] For an overview of various meanings of the concept see Featherstone (2003).
[11] This differentiation between two distinct levels has been iterated by such concepts of 'uploading' national preferences to EU settings and 'downloading' EU policies to national settings. It goes without

policy making'. Europeanization thus effects polity, policy and politics and highlights the significance of institutional adjustments and domestic adaptation to a changing environment.

Dimensions of change

With regard to EU agencies the polity dimension is relatively straightforward. The establishment of an agency network provides a clear stimulus since the Member States are obliged to set up or designate national focal points taking part in the network. The establishment of the EMCDDA for instance influenced the establishment of an independent agency in France in this area (Estievenart 1996). The exact organizational form however is left to the Member States and as will be seen below this might have important repercussions on the politics dimensions. In terms of policy, the focal points have to fulfil at least on paper certain obligations which are either specified in the founding regulation or in subsequent working agreements. An important part here is the harmonization of national polices in order to facilitate network collaboration. Whether this concerns regulation or data sharing, it might be necessary to adopt common techniques, methodologies and reporting systems in order to ensure a common understanding. Given that these methodologies are deeply rooted within national systems it is close to assume that such harmonization efforts are disputed processes.[12]

Therefore, the delivery of services and data might be resisted by national focal points. In such cases the response to EU agencies is not institutional or policy change but inertia. Thus, as regards change in the politics dimension, agency networks may allow national actors to alter their domestic position by either embracing change or displaying inertia. This point is pertinent with regard to regulatory agencies. National trademark offices are facing severe challenges posed by OHIM which is delivering services to national enterprises on a European scale. Given the relatively low costs of an EU trademark

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saying that such a differentiation is highly artificial given the various feedback loops and the compounded nature of EU governance. This will also become clear with the subsequent case study.

[12] I cannot go into detail here but for brief images revert to Sverdrup (2005) and Stauffacher and Kokkevi (1999) for statistics and drugs policy respectively.

compared with the EU-wide applicability, it is hardly surprising that the national trademark offices are outstripped by OHIM. It goes without saying that trademark policy has become a highly contested field despite its 'apolitical' nature (Over in Alicante 2006). But the same holds true with regard to observatory agencies where national techniques in gathering and analyzing policy date have to be adjusted to agency standards. As Everson et al. (1999) point out with regard to the EEA, the delivery of data by Member States does not always meet the expectations of the agency which is faced by focal points showing deliberate inertia.

The question is then how the conditions can be conceptualized under which change and inertia are appearing. Here, institutionalist accounts fit well with the Europeanization perspective (Börzel and Risse 2003; Featherstone 2003). The research agenda of the so called 'new institutionalism' emerged in the 1980s and gained prominence in the following years (see Hall and Taylor 1996; March and Olsen 1998). Among the three strands of the new institutionalism I concentrate on sociological institutionalism (SI) and rational choice institutionalism (RCI) thus drawing on Börzel and Risse (2003). According to SI institutions are able to foster collective norms and a common understanding among participants (logic of appropriateness). Such a development is facilitated by the general political culture and norm entrepreneurs. According to RCI changes in the domestic political opportunity structure depend on the capacity of actors to exploit these opportunities (logic of consequentialism). Means of doing so are provided by formal institutions (e.g. competences, capacities and resources) or veto points. In the following section I will give some examples of EU agency Europeanization in which these conditions are present.

Conditions of change and inertia

It can be expected that the logic of appropriateness is a strong force within agency networks since EU agencies are not developed from scratch but are built upon existing

schemes of multinational cooperation.[13] They operate in an institution-dense policy environment and the long-lasting exchanges within such policy communities support the assumption of a common political culture. However, the notion of political culture is not stable and the regulation of medicinal products for instance has made tremendous changes in the recent decades (see Hauray and Urfalino 2009). A few decades ago pharmaceutical markets were predominantly national and Member States' policies were meant to protect national industries. The growing internationalization of markets, the increasing number of applications and the amount of data needed for certification led to the creation of specialized regulators. The ensuing competition amongst national regulators was transferred into the medicines agency EMEA founded in 1993.[14] As (Börzel and Risse 2003: 59) assert, the process of Europeanization might lead "to domestic change through a socialization and collective learning process, resulting in norm internalization and the development of new identities". In turn, such changes in policy norms might be fed back into agencies. At the time when EMEA was established, preceding multinational cooperation has paved the way for considerable convergence in national policy approaches by long term interaction among regulators, policy specialists and industrialists.

The stronger institutional character of agencies, as compared to comitology committees very likely facilitates such social dynamics. The repeated interaction within these networks very likely facilitates constructive behaviour by national administrative actors. As was reported with regard to the EEA despite of some degree of inertia such dynamics do take place since Member States do not want to "appear as a blank spot on the map" by failing to deliver data (Everson et al. 1999: 130). According to SI intensive networking facilitates a common European approach and fosters policy harmonization. However, this is not a predetermined process and competing factors such as formal institutions or veto points might actually work against it. Although harmonization of data gathering for

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[13] The network formed by the EMCDDA for instance is built upon the so called REITOX network, those of the EEA on the so called EIONET.

[14] Within the so called centralized procedure national regulatory authorities are responsible for assessing the required data handed in by the applying pharmaceutical company. The so called decentralized procedure rests on the principle of mutual recognition, i.e. the authorization of a medicinal product by one Member State is automatically valid in another Member State.

instance has been agreed on, effective implementation might lack behind within agency networks. The increased demand in national data might easily exceed the administrative resources of national focal points.[15] They are often understaffed and underfinanced and their position in the national arena is correspondingly weak.

Since the focal point is supposed to be the link between agency and national system important coordination functions are expected by these points. The quality of reporting thus depends highly on whether the focal point is able to establish itself as the hub of the national policy network (Everson et al. 1999; Gerspacher 2005). It can only be speculated here whether a focal point as part of the national ministry or as independent agency is better suited to do so. As Egeberg and Trondal (2007) argue agencies organized at arms' length from their respective ministries tend to enjoy more autonomy when it comes to decision-making as compared to those within ministerial departments. On the other hand it might be easier for ministerial units to coordinate national activities by using the leverage of the parental ministry. By all means, a sufficient groundwork of resources is required to do so.

In addition to administrative capacities, political preferences also play an important role here. The hesitation of Northern countries to deliver environmental data for instance can thus not be attributed to the lack of capabilities since those countries have a long history in collecting environmental data (Everson et al. 1999: 141). As was mentioned in the previous section, Member states might wish not to adhere to reporting requirements since it might contradict rational interests.[16] In this case the naming and shaming within agency networks is not able to create a sufficient level of reporting discipline. But even if the quality and comprehensiveness of the data is poor, Member States can hardly be forced to deliver data given their weak mandate (this holds especially for observatory agencies). Interestingly, even if the agency would be able to coerce the focal points by withdrawing funds for example this is practically no option since such a move would counteract the

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[15] Everson et al (1999: 259) demonstrate this point with regard to the EEA.
[16] National focal points not only withhold data they also provide them in a "twisted' form. Interview with an EMCDDA official, 14 May 2009.

cooperative culture in agency networks.[17]

These examples illustrate the aforementioned 'double-hattedness' of national focal points between emerging agency norms and national ministerial interests. The national focal points have to bear social and political pressures from both sides. In case of limited administrative capacities the effectiveness of agency networks is then severely hampered (especially as regards observatory agencies). But at the other hand, limited capacities may enhance the opportunities for national focal points vis-à-vis the ministry. According to RI logic Europeanization may then "to domestic change through a differential empowerment of actors resulting from a redistribution of resources at the domestic level" (Börzel and Risse 2003: 58). As will be seen in the following case study, Europeanization dynamics may then be utilized to alter the domestic position. The case study deals with general tendencies of national responses but focuses specifically on Polish and Bulgarian aviation regulation.

The case of EASA

As many other policy fields which are dealt with by EU agencies, aviation regulation is built upon previous multilateral cooperation. The main forum used to be the International Civil Aviation Organisation (ICAO) which had the aim to ensure the safety of flying by agreeing on a common air navigation system. With the aim of a more locally organized regulation in Europe the Joint Aviation Authority (JAA) was created in 1970, linking national aviation authorities (NAAs) in an informal network. The JAA was characterized by a low level of formalization and the civil servants in the respective Member States' ministries enjoyed a high level of discretion and played an important part in running the JAA (Pierre and Peters 2009). Current EASA regulation builds to a considerable extent on JAA regulation and national regulators still play a major role in aviation regulation.

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[17] This is the case with regard to EMCDDA. Rather contrasting however, since the EU agency is dependent on the data provided by national focal points they have to be treated with "silk gloves". Interview with an

However, since the NAAs have to share their tasks now with a more institutionalized, bureaucratic structure (in the form of EASA as compared to JAA) adaptational pressure stemming from the EU level can still be expected.

In 2002 EASA was established by way of a regulation adopted by the Council and the EP.[18] The main rationale for establishing EASA was the aim to increase the level of implementation as compared to JAA where inspections of potential competitors used to be a sensitive issue within the multilateral framework.[19] The Management Board in which Member States are represented is responsible for defining the agency's work priorities, the establishment of the budget and the monitoring of the agency's operation. It is headed by an Executive Director (currently Frenchman Patrick Goudou) whereas the departmental structure reflects the designated tasks. EASA opened its headquarters in Cologne in 2004 and in the early years had to struggle with many organizational difficulties (Schout 2008).[20] Staff and budget increased considerably in the following years and reached about 450 employees and about 85 million Euro in 2008 (European Parliament 2007).[21] The basic regulation was eventually replaced in 2008 by a new regulation extending the remit of the agency. The tasks of EASA are threefold: firstly, it has regulatory tasks by drafting legislative texts for the Commission within aviation policy. Secondly, it is concerned with standardization by checking whether rules are applied properly (infringement however is left to the Commission). Finally, EASA is entitled to check the airworthiness of technical equipment and to issue certifications.

EASA is entitled to conduct inspections 'on the ground' and therefore somewhat stands out in comparison to other agencies. However, as Schout (2008) points out, EASA

EMCDDA official, 14 May 2009.

[18] Regulation (EC) 1592/2002 of the European Parliament and of the Council of 15 July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency (OJ L 240, 07/09/2002, p. 1).

[19] See "Director: EASA to improve stakeholder consultation" (Published: Friday 8 May 2009); http://www.euractiv.com/en/transport/director-easa-improve-stakeholder-consultation/article-182168 (accessed at 15 October 2009). (See also recital 18 of the basic regulation in 2002.)

[20] The basic regulation was formulated very loosely so that many issues just as how to organize inspections had to be settled parallel to actually doing these things. Furthermore, the limited number of staff and financial resources made close collaboration with the NAAs practically inevitable.

resembles the other 'quasi-regulatory' EU agencies and is therefore rather 'more of the same' than a 'true' centralized, regulatory agency. This case can best be exemplified with regard to its inspection tasks. Rather than taking these tasks over from national regulatory authorities, EASA is inspecting the inspectors by checking whether NAAs conduct their job properly. These inspections are done under strict national control and EASA inspectors are not allowed to investigate aviation firms unscheduled.[22] Therefore, as Schout (2008) emphasizes, Member States made sure that the NAAs still play an important part with regard to the inspection tasks of EASA.[23]

Institutionalization and the national level

However, despite these limitations we can still expect some adaptational pressure. As compared to the rather loose JAA structure with strong autonomy of national administrative actors, EASA provides a challenge due to its stronger institutionalization. Now national regulators have to cope with a strong bureaucracy, comprising the agency and the Commission, instead of solely dealing with international peers within a loose network. As Pierre and Peters (2009: 337) demonstrate, institutionalization processes do not only depend on intra-organisational factors such as organisational structure finances and so on, but considerably on "the degree to which the organizational environment accepts, tolerates and complies with the emerging institution". As will be seen, EASA is not wholeheartedly embraced by national regulators and it displays an interesting case of how national regulators react to a changing institutional environment.[24]

In this respect an ambivalent picture appears and both dynamics of change and tendencies of inertia appear. Pierre and Peters (2009: 348) cite a senior EASA official with the statement: "We compete and we co-operate. It is a power game." At the same time EASA

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[21] Around one third is coming from the Community budget the rest is made up of fees for agency services levied from the industry.

[22] A team of inspectors normally comprises EASA staff, members of the inspected NAA and members of another countries' NAA.

[23] From a Europeanization perspective one might conclude that the Member States were successfully uploading their national preferences in order to ease subsequent adaptational pressures.

[24] In this regard Pierre and Peters (2009: 348) cite an EASA official stating that the most problems emerge from national administrations.

director Patrick Goudou stresses that cooperation with national regulators is highly regarded despite the now sufficient administrative capacities of EASA.[25] Polish regulators welcome EASA in a similar vein. According to their view, standardization procedures have enhanced and the increased contacts with qualified staff from more experienced countries are much appreciated.[26] The aspect of learning is facilitated by EASA by providing best practice and capacity building.[27] However since EASA reports are confidential and only discussed between the Member State concerned, EASA and the Commission the spread rate can be expected to be rather slow. In this respect, the importance of norm entrepreneurs cannot be underestimated. Therefore learning is primarily taking place rather informally between NAAs and via the participation in inspection teams. Consequently, the involvement of EASA in inspections and the changing procedures as regards inspections is embraced by Polish regulators.

At the same time, tendencies of inertia are also present. The transition from JAA to EASA was meant to increase the level of compliance with international rules and thus to foster widespread harmonization of regulation. This was also pursued by the aviation industry which wanted to deal with uniform rules in all Member States. Within the JAA implementation however was often poor due to the close linkages between regulators and the national industry. As is highlighted within EU compliance research, especially inspectors in the CEEC often have very close ties to the industry they are expected to control (Falkner and Treib 2008: 306). With regard to of aviation regulation this is a widespread phenomenon. This policy community is tightly knit, not only among regulators but also between regulators and the national industry. Within the JAA system national regulators were formally and informally linked with major industrial players. The establishment of EASA put some considerable pressure on this system. It is thus hardly surprising that the JAA system is still highly regarded by national regulators (Schout 2008). EASA officials in turn accuse NAAs of still thinking "in the national

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[25] See "Director: EASA to improve stakeholder consultation" (Published: Friday 8 May 2009); http://www.euractiv.com/en/transport/director-easa-improve-stakeholder-consultation/article-182168 (accessed at 15 October 2009).
[26] One respondent explicitly states that this influences the quality of supervision in Poland positively. Interview with an official from the Polish Civil Aviation Office (a) (telephonic); 26 June 2008.

paradigm" (Pierre and Peters 2009: 348).

The main reason for this is the enforcement power EASA with the Commission behind it. Although, there are still close relations between the NAAs and the industry (in both Poland and Bulgaria one inspector has one stable set of companies he works with) the level of administrative discretion is severely reduced.[28] Whereas JAA was trying to ensure compliance by the involvement of national regulators the EASA system refers to possible infringement procedures initiated by the Commission. The changing nature of regulation however does not automatically entail better implementation. Whereas national regulators used to be part of drafting decisions under the JAA system there is no hardly any involvement under the EASA system. At the one hand implementation used to be easy due to the involvement in decision making, at the other hand implementation now ensured by the strong position of the Commission albeit with little transparency as regards decision making.[29] Hence, the tendencies of inertia displayed by NAAs to adapt to the current system stems to a large degree from the role the Commission plays in aviation regulation (Schout 2008: 276-7). Given that EASA is merely assisting the Commission in terms of inspections, the technocratic approach attached to an agency is seen as being undermined since is the Commission is regarded as a political body in comparison to EASA.

Furthermore, the higher level institutionalization is also regarded as an administrative burden.[30] As was indicated above, pressure on administrative capacities may enhance the opportunities for national actors. The Bulgarian case deserves special attention here. After EASA had identified considerable shortcomings in the administrative capacity of the Bulgarian NAA, the Commission imposed air traffic restrictions on Bulgaria in

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[27] Due to its higher level EASA is able to put more effort into capacity building than the JAA was able to do (Schout 2008).
[28] As regards role perception, Polish regulators see themselves as 'expert' and 'controller' and consider their relationship with the industry as cooperative.
[29] Interview with an official from the Swedish Aviation Office; 14 May 2009. In general, aviation regulation is faced with the rather paradoxical situation that both systems bring sub-optimal results.
[30] As one respondent expressed it, lightest changes need to go "through Cologne". Interview with an official from the Polish Civil Aviation Office (b) (telephonic); 26 June 2008.

December 2006.[31] According to the Commission both the number of staff and the level of training were considered as being insufficient. This let the Commission to invoke a safeguard clause in Bulgaria's Accession Treaty.[32] Therefore, although Bulgaria became a Member of the EU from January 2007 on, it could not enjoy all the benefits of the common aviation regulation since it was treated as a non-member in this respect. This meant in practice that authorisations and certificates issued by the Bulgarian regulators were not automatically accepted by its fellow NAAs. The inspections by EASA and the following safeguard procedure had thus tremendous impact on the Bulgarian NAA since it was able to claim more money from the government.[33] Based on the technical complaints issued by EASA Bulgarian inspectors were able to acquire a considerable in terms of financial resources.

Conclusion and Outlook

In recent years the EU has witnessed an increasing trend of 'agencification' with the emergence of a number of regulatory and observatory agencies. With respect to the flourishing academic literature, the role of national administrations within agency networks has gained mounting prominence. The scholarly interest in the national level is highly justified given the importance of national actors in this respect. They not only constitute important institutional elements in the network formation of agencies, they are evenly essential in the recognition of changing institutional dynamics at the EU level. Without the acceptance of major national players, the effective functioning of EU agencies is severely hampered.

This paper aimed at being a first step into a more in-depth investigation of EU agencies impact on national administrations. The interpretation of first empirical data has shown

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[31] See Agence Europe, Sofia partially excluded from internal air market, Brussels, 20/12/2006.
[32] The safeguard clause was introduced during the 2004 enlargement round and it was the first time that the Commission had actually activated it with an applicant country.
[33] Interview with an official from the Bulgarian Aviation Office (telephonic); 29 December 2007.

that national administrative actors may embrace and resist adaptational pressures from the EU at the same time. Hence, one might conclude that both opportunistic and normative behaviour is conceivable, and that it depends on the specific case which type prevails. These ambiguous results however pose more puzzles than they answer questions. Firstly, more empirical material is needed in order to derive conclusions which are more valid and reliable. It is quite intriguing that these contradictory results stem from different peaces of original research conducted by means of exploratory and/or expert interviews. Without challenging the validity of these results, such conflicting interpretations nevertheless pose important challenges in terms of comparability and reproducibility of empirical results in social science research. Secondly, the theoretical approach applied needs further refinement. This critique is stronger geared towards the content of this paper and the application of theory thereof but it is nevertheless related to the first point. Accepting the ambiguous results mentioned in the former point inevitably implies the need for developing a more fine-tuned approach for accounting such ambiguity. The Europeanization approaches utilized here have indeed been elaborated by various scholars in this respect (e.g. by conceptualizing the sequencing of rational and sociological explanations).

Annex

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List of EU agencies

Community Agencies

CFCA	Community Fisheries Control Agency
CPVO	Community Plant Variety Office
EU-OSHA	European Agency for Safety and Health at Work
FRONTEX	European Agency for the Management of Operational Cooperation at the External Borders
EASA	European Aviation Safety Agency
ECDC	European Centre for Disease Prevention and Control
Cedefop	European Centre for the Development of Vocational Training
ECHA	European Chemicals Agency
EEA	European Environment Agency
EFSA	European Food Safety Authority
EUROFOUND	European Foundation for the Improvement of Living and Working Conditions
GSA	European GNSS Supervisory Authority
EMSA	European Maritime Safety Agency
EMEA	European Medicines Agency
EMCDDA	European Monitoring Centre for Drugs and Drug Addiction
ENISA	European Network and Information Security Agency
ERA	European Railway Agency
ETF	European Training Foundation
FRA	European Union Agency for Fundamental Rights
OHIM	Office for Harmonisation in the Internal Market (Trade Marks and Design)
CdT	Translation Centre for the Bodies of the European Union

Common Foreign and Security Policy agencies

EDA	European Defence Agency
ISS	European Union Institute for Security Studies
EUSC	European Union Statellite Centre (EUSC)

Police and judicial cooperation in criminal matters agencies

CEPOL	European Police College
EUROPOL	European Police Office
EUROJUST	The European Union's Judicial Cooperation Unit