Policy properties and political influence in post-delegation: the case of EU agencies[1]

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Introduction

The accelerated process of delegation of powers to specialized European Union (EU) agencies over the last two decades constitutes one of the most outstanding transformations of EU executive politics in the context of the regulatory state (Majone 1994) and regulatory capitalism (Levi-Faur 2005). The establishment of EU decentralized agencies across a wide range of policy sectors was in response to the need to deal with functional needs (Majone 2000), but also raised concern about the need to prevent these organizations from evading political control (Kelemen, 2002). The specialized literature has examined the issue of political control, independence and accountability in EU agency design (e.g. Barbieri and Ongaro 2008, Dehousse 2008, Kelemen 2002, Kelemen and Tarrant 2011, Wonka and Rittberger 2010, Thatcher and Stone Sweet 2002, Thatcher 2011) and in post-delegation (e.g. Buess 2014, Busuioc 2013, Busuioc *et al.* 2011, Egeberg and Trondal 2011, Groenleer 2009, Groenleer *et al.* 2010, Schout 2011, Versluis and Tarr 2013, Wonka and Rittberger 2011). However, studies measuring and accounting for the political influence that parent institutional actors exert in post-delegation across a wide set of EU agencies are missing in the specialized literature. This topic deserves greater attention since EU agencies were structured with management boards dominated by the Member States (Kelemen 2002, Kelemen and Tarrant 2011), while in practice the Commission often wields greater influence over certain agencies and boards than originally mandated (Busuioc 2013, Egeberg and Trondal 2011, Martens 2010). On this background, this study measures and provides accounts for the political influence exerted by the Commission, the Member State and the European Parliament on board decision-making in a large sample of EU agencies. The paper addresses the following questions: How influential is each of the main parent institutional actors on agency boards' decision-making? Furthermore, do agency powers and policy properties affect political influence?

The study combines quantitative and qualitative techniques and is based on an online survey covering 23 EU agencies (see Table 1), documentary analysis and nine semi-structured

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interviews. In this study, EU agencies are defined as EU-level non-majoritarian quasi-autonomous authorities that are created by acts of secondary legislation in order to perform specific tasks (Kelemen 2002). The paper is organized as follows. The first section addresses the theoretical debates and presents a series of hypotheses. This is followed by a discussion of the dataset, methods and operationalization. The empirical findings are then presented. The paper ends with a discussion of the contribution of the study.

Assessing determinants of political control

Functional explanations of delegation suggest that policy-makers grant agencies a certain level of independence in order to deal with the credibility of commitments, policy complexity and uncertainty (Gilardi 2002, McCubbins *et al.* 1987, Majone 2000, Moe 1984, Waterman *et al*. 1998). However, since delegation entails agency insulation in order to secure functional benefits, bureaucratic agents can on occasion behave in ways contrary to the original intended preferences of legislators (McCubbins and Schwartz 1984, Thatcher 2011, Weingast and Moran 1983), a potentiality that enhances the need for political control. Indeed, previous research has demonstrated that even when agencies are designed so as to enjoy a high degree of independence, politicians exert influence on the decisions of such organizations (Verhoest *et al.* 2004, Waterman *et al.* 1998). The specialized literature has examined the conditions under which political control and independence of agencies occur (Christensen and Laegreid 2007, Egeberg 2003, Egeberg and Trondal 2009, Elgie and McMenamin 2005, Gilardi 2002 and 2007, Hanretty and Koop 2013, Koop 2011, Maggetti 2007, Yesilkagit and van Thiel 2008 and 2011). One of the central concerns is whether agency design affects political control once these organizations are operational (Hanretty and Koop 2013, Maggetti 2007, Yesilkagit and van Thiel 2008 and 2011). Research examining the relationship between *de jure* and *de facto* independence of regulatory agencies has produced mixed results. Some studies demonstrate that formal independence is an important determinant of political control and agency autonomy (Egeberg and Trondal 2009, Hanretty and Koop 2013, Yesilkagit and van Thiel 2011), whereas others find no association between agencies' *de jure* and *de facto* independence from legislators (Gilardi and Maggetti 2011, Maggetti 2007). Our first hypothesis is based on the assumption that the design of EU agencies has been the outcome of interactions between legislative institutional actors seeking to maintain their respective levels of political control during post-delegation (Kelemen 2002, Kelemen and Tarrant 2011), and thus that there is an association between formal design and practical behaviour.

H1. The influence of the Commission, the Member States and the European Parliament on EU agency decision-making decreases in agencies with higher formal independence

Nonetheless, the specialized literature favours non-statutory explanations of political control and emphasizes the significance of policy properties (Pollitt 2006). Among these, the main type of tasks performed by agencies has been associated to political control and independence. Gilardi (2002), in his analysis of independent regulatory agencies in European countries, demonstrates that those involved in economic regulation are more formally independent than agencies dealing with social regulation. Bach (2012), in his survey-based study on German federal agencies, demonstrates that task characteristics are important for explaining policy autonomy. In the EU context, scholars normally distinguish between agencies conducting (quasi) regulatory and non-regulatory activities (Egeberg and Trondal 2011, Christensen and Nielsen 2010, Wonka and Rittberger 2010). The former include agencies involved in policy formulation and implementation through, for instance, providing technical assistance to the Commission and the Member States in the preparation of legislation, adopting binding decisions on individual cases, carrying out inspections, issuing certifications and authorizations and formulating recommendations. On the other hand, non-regulatory agencies include those coordinating operational network activities among the Member States and those undertaking information gathering activity. Research assessing the effects of the type of task performed by EU agencies provides ambiguous results. Christensen and Nielsen (2010) do not find that EU agencies dealing with regulatory issues are more autonomous than those dealing with non-regulatory activities, and Wonka and Rittberger (2010) do not find clear results regarding the general variable of regulation. In contrast, Egeberg and Trondal (2011) demonstrate that, once agencies have been created, the Member governments reinforce their position in agencies dealing with quasi regulatory functions, but not to the detriment of the Commission. Since we focus on post-delegation, we formulate the following hypothesis.

H2. The influence of the Commission, the Member States and the European Parliament on EU agency decision-making increases in EU agencies performing (quasi) regulatory tasks

A functional approach would suggest that regulatory agencies are more independent from politicians insofar as these organizations are created to deal with policy complexity. Policy complexity refers to the technical complexity of the issue area when specific technical knowledge is essential to understanding a policy area and crafting effective policy solutions (Ringquist *et al.* 2003). With policies becoming progressively technically complex, delegation of

regulatory powers to independent agencies is expected to deal with problems of knowledge asymmetries. The effects of policy complexity on agency independence have been widely explored by scholars. They have documented that when political actors lack the resources to deal with policies whose formulation and implementation require qualified information and expertise, they have incentives to delegate complex tasks to independent agencies (Elgie and McMenamin 2005, Pollitt 2006, Ringquist *et al.* 2003, and Stone Sweet 2002). As regards EU agencies, Wonka and Rittberger (2010) find no effect of policy complexity on formal independence. However, since the focus in this study is on post-delegation, we propose the following hypothesis.

> H3. The influence of the Commission, the Member States and the European Parliament on EU agency decision-making decreases in agencies performing highly complex policy activities

Political salience is another common explanation put forward to account for variations in political control over agencies. Following Eisner *et al.* (2006), political salience is conceptualized as the degree of public interest and attention paid to a particular policy issue. Previous studies have proposed the idea that policy areas with high levels of political salience provide strong incentives to enhance political control over agencies. In this respect, Calvert *et al.* (1989) indicate that, 'all else equal', American federal agents possess lower degrees of discretion when policy areas are important to politicians. Ringquist *et al.* (2003) demonstrate that political salience has effects on the willingness of policy-makers to exert control over US regulatory agencies. In the European context, Pollitt (2006) suggests that large budget and politically salient agencies attract more attention from ministries, and Egeberg and Trondal (2009) reveal that the political salience of the issue areas is one of the factors making officials in Norwegian ministries and agencies more attentive to political signals. Similarly, Hanretty and Koop (2013) and Koop (2011) demonstrate that political salience is associated to formal independence and formal accountability, respectively. As regards EU-level agencies, Egeberg and Trondal (2011) find that EU political institutions are likely to strengthen their position regarding agencies dealing with highly politicized issues. Based on this theoretical background, the following hypothesis is proposed.

> H4. The influence of the Commission, the Member States and the European Parliament on EU agency decision-making increases in politically salient agencies

Research Design: Data and Operationalization

This study combines a quantitative analysis measuring and accounting for political influence, with a complementary qualitative study exploring the relations between regulatory functions and political influence in the three EU transport agencies: European Aviation Safety Agency (EASA), European Maritime Safety Agency (EMSA) and European Railway Agency (ERA). The dataset includes an online survey, documentary analysis and nine semi-structured interviews. The survey seeks to assess the perceived influence exerted by the Commission, the Member States and the European Parliament on major decision-making of agencies. The foremost justification for this strategy is that obtaining a hard measure of the actual influence of several actors across agencies is problematic (Woods and Baranowski 2006). For instance, our study cannot rely on the minutes of the meetings of agency boards since they do not normally provide information on voting results, outcomes that could possibly be used as a proxy measure for influence. Surveying methods have been successfully employed in a variety of studies to provide a common measure gauging the amount of influence of various actors across bureaucratic agents (Bach 2012, Brudney and Hebert 1987, Egeberg and Trondal 2011, Waterman *et al.* 1998, Woods and Baranowski 2006, Wonka and Rittberger 2011, Yesilkagit and Thiel 2011). Arguably, survey-based perceptions may not accurately capture actual influence. However, we expect to provide empirical insights into political influence across agency boards by assuming that perceptions 'serve as cognitive and normative frames for action, rendering it more likely than not that particular behavioural dynamics are associated with certain perceptional patterns' (Egeberg and Trondal 2011).

Previous survey-based studies of European agencies have mainly sought to capture the everyday routine behaviour of agency staff (Trondal and Jeppesen 2008, Egeberg and Trondal 2011, Wonka and Rittberger 2011) or *de facto* vertical accountability of national board members (Buess 2014). Our survey has the objective of visualizing perceptions of political influence within the political arrangements that were created to secure the Member States control over agencies in post-delegation. We target board members since these actors take part in strategic decision-making and are best positioned to evaluate political influence within agency governing structures (Yesilkagit and Thiel 2011). Given that board members mostly come from the Member States, the survey targeted national appointees. Here some caveats must be made. It might be argued that national members are not the best group to be targeted since they meet no more than six times a year and thus may lack in-depth knowledge about the functioning of agencies. However, this study does not address the functioning of agencies but rather power relations within management boards, and there is no good reason

to suspect that board members are unaware of power relations within boards. To the contrary, they are witnesses as well as players in decision-making (Yesilkagit and Thiel 2011). Also, they constitute the only large and homogeneous category of board members across agencies. An additional reason to survey national board members is that we discarded surveying a single respondent per agency, typically directors, as previous studies have done (e.g. Woods and Baranowski 2006, Yesilkagit and Thiel 2011, Bach and Ruffing 2013). Relying on just one representative per agency would have been problematic in our study given that the small universe of agencies would have not allowed conducting a statistical analysis in the case of not reaching an extremely high response rate. We acknowledge that exclusively targeting national members means that the sample is not purely representative. This means that the measurement tool employed might be biased by an overestimation of the role of the Member States in reporting their own decision-making powers or, on the opposite direction, by an overestimation of the powers of the Commission, for example, if they are overly critical of it. In order to minimize this effect and reduce the risk of obtaining socially desirable answers, respondents were granted anonymity.

The survey was administered online between April and August 2011. The study initially targeted the overall universe of EU agencies created under pre-Lisbon first, second and third pillars that were in effect when this inquiry began. Four agencies from the former second and third pillars (EUROPOL, ISS, EUSC and EDA) refused to cooperate and CdT provided incomplete responses. We obtained a total of 210 responses of a surveyed population of 591. The final sample encompassed 168 responses covering 23 agencies and representing 27.8 per cent of the surveyed population (see Table 1). Given the moderate response rate, although fairly coincident with some of the existing similar studies (e.g. Egeberg and Trondal 2011, Wonka and Rittberger 2011), the findings should be interpreted carefully and be read as suggestive of future research rather than serve to reach generalizations.

The survey contained 9 questions concerning several dimensions of institutional power relations and decision-making. However, this study only employs the following question: 'How influential are each of the following actors in the major decisions taken by your agency: the Commission, the Member States and the European Parliament?' The answers were scored on a five-point scale. Another question asked respondents about their home State in order to ascertain a possible national bias. 80 per cent of the respondents answered this question, which included delegates from all 27 Member States. The dataset includes a minimum of 2 and a maximum of 8 responses per Member State.[i] A final caveat refers to the distribution of responses across agencies, which varied from 1 to 15 (mean = 7; median = 8). Given that the number of

responses provided by each agency was moderate, the statistical exploitation does not allow for individual analysis. Note, however, that our objective is not comparing individual agencies but testing hypothesis on the effects of certain agency/policy properties on political influence and suggesting broad patterns.

Table 1

The documents analysed comprise agencies' founding regulations and information provided on agency websites. Documentary analysis mainly served to operationalize some of the independent variables, which include: formal independence, regulation as main task, policy complexity and political salience, in addition to enlargement and agency age as control variables. In order to operationalize formal independence, we employed Wonka and Rittberger's score for formal-institutional independence of EU agencies, which is based on Gilardi's (2002) index of formal independence. The abovementioned study includes 22 of the 23 agencies covered in this study, with the remaining one being calculated by hand.

Building on previous studies, regulation as the core task of agencies is based on a dummy variable indicating whether agencies primarily perform regulatory tasks as opposed to other functions (Bach 2012, Wonka and Rittberger 2010). The variable takes the value 1 for regulatory agencies and 0 otherwise. The coding coincides with Wonka and Rittberger (2010), except that we code the three oldest agencies –CEDEFOP, EUROFOUND and EU-OSHA- as non-regulatory, done in light of what the founding regulations establish and according to the Commission description (Commission 2008). Our operationalization does not distinguish between decision-making and quasi-regulatory agencies (Busuioc 2013) inasmuch as some of these bodies (e.g. EMA, EFSA, EASA) fall under both categories, as well as because adopting decisions may well be considered a regulatory function. In order to gauge the specific activities performed by non-regulatory agencies, an additional variable dichotomizes non-regulatory agencies into operational and information-gathering.

The literature provides several measures to operationalize policy complexity. Ringquist *et al.* (2003) employ a dichotomous variable but, in our view, this operationalization masks the varying degrees of policy complexity across agencies. Several studies employ the number of

recitals included in the Commission legislative proposals (Rassmussen and Reh 2013). However, such a measure may also capture the scope of a proposal, political salience or controversy (Warntjen 2012). Reh *et al.* (2013) employ the number of European Parliament committees involved in a legislative dossier in the understanding that complex policy issues normally involve a greater number of committees. However, this measure is inappropriate for the current study because of the varying kinds of involvement of the European Parliament in the legislative procedures establishing agencies. Franchino (2000) employs a word count of legislative acts by assuming that long texts are associated to more complex policy areas, although the author later on recognizes that short regulations may reflect how politicians avoid including complex issues in formulating regulations due to shortcomings in their technical knowledge (Franchino 2004). Elgie and McMenamin (2005) calculate the percentage of experts that must be represented on boards. This technique fails to adequately gauge complexity since experts represented in certain EU agency boards are often appointed by, and to a degree are expected to represent, the European Parliament. Our study employs three alternative measures for policy complexity. Drawing on Wonka and Rittberger (2010), agencies' staff size is used as a proxy for policy complexity by assuming that the Member States are expected to agree on expanding the size of staffs only when an agency requires further expertise to fulfil its functions due to the complexity of its tasks. However, since large agencies may undertake non-complex tasks, and the reverse, we employ an alternative measure focusing on technical complexity. Partly building on Franchino (2004), the existence of scientific panels within the structure of agencies can be seen as an indication of the greater need for specialized knowledge about the specific policy domains dealt with by agencies. Hence, the existence of scientific panels in the structure of EU agencies is also employed as a measure of policy complexity. The third measure focuses on the amount of tasks performed by agencies. Based on Barbieri and Ongaro (2008), we calculate the mean score of two binary variables indicating whether an agency delivers heterogeneous outputs and executes more than one category of tasks.

We have operationalized political salience as the salience of the agency *per se*, rather than the salience of the policy sector (Elgie and McMenamin 2005, Koop 2011). The main justification is that if EU agency creation is understood as the result of strategic interactions and distributional conflict (Kelemen and Tarrant 2011), it is questionable whether agencies falling under same policy sectors necessarily present similar degrees of political salience. Given that uncertainty, a measure capturing the political salience of each specific agency is more accurate. Measures of political salience in the EU context include media coverage, text

analysis, public opinion surveys and procedural information, but do not always yield similar results (Warntjen 2012). This study discards several of them either due to the absence of data, e.g. EU-scale opinion surveys on agencies, or the ambiguity of certain procedural measures, e.g. the number of recitals of legislative proposals also capturing complexity (Rasmussen and Reh 2013). In our pursuit of greater reliability, we employ a procedural measure consisting of the frequency of European Parliament questions containing the name of each agency during the parliamentary term in which the regulation was adopted. This measure captures the degree of EU-level political debate for specific agencies. We have counted parliamentary questions asked during parliamentary periods rather than calendar years, thereby avoiding years that coincide with changes in parliamentary term.

The quantitative analysis incorporates two control variables. First, based on recent research on EU legislative politics identifying the effects of the 2004 enlargement on EU legislative procedures (Hertz and Leuffen 2011, Reh *et al.* 2013), the study controls for whether the growing number of Member States negotiating agency design following the 2004 enlargement enhances the national influence during post-delegation. A dummy variable takes the value 1 for agencies established after the 2004 enlargement and 0 otherwise. A second control variable is whether the influence of the three parent institutional actors on EU agency decision-making diminishes in the oldest EU agencies. This is based on the theoretical argument that *de facto* independence is time dependant, this involving that bureaucratic agents become more independent from their political parent institutions over time (Groenleer 2009, Maggetti 2007). Agency age refers to the number of the years the agency had existed as of 2011.

The qualitative analysis assesses whether the nature of the regulatory activity performed by agencies is related to political influence. The cases selected are the three EU transport agencies. They are most similar since they belong to the same policy sector, were established in the second wave of agencification (EASA and EMSA in 2002, ERA in 2004) under the pre-Lisbon first pillar, and are considered 'Commission agencies' working under the *tutelle* of DG MOVE. The three transport agencies perform (quasi) regulatory functions but differ in the scope of their regulatory activity. We interviewed three Commission officials from DG MOVE, five national board members and one agency official between January and May 2011. In the interviews with Commission officials, special emphasis was placed on obtaining cross-agency assessments. Informants were promised anonymity.

Identifying patterns of political control

The results show that the Commission is perceived to be the most influential political actor, closely followed by the Member States, with the European Parliament exerting relatively less influence. On a 1 to 5 scale, the mean score for Commission influence is 3.91 (SD=1.13, 95% CI 3.73 – 4.08), 3.49 for the Member States (SD=1.12, 95% CI 3.31 – 3.65) and 2.63 for the European Parliament (SD=1.27, 95% CI 2.43 – 2.82). The perceived power relations, despite agency boards being predominantly intergovernmental in composition, do not reflect formal allocation of powers, but rather a slight dominance of the Commission. The data also show that while the European Parliament is perceived to be considerably much less influential than the other two institutional actors, it is by no means perceived as unimportant.

The findings also reveal variations in the influence of each of these actors across agencies. In order to identify the most significant predictors of the influence of each of them, we conducted a multivariate analysis by means of an ordinal logistic regression (OLR). Given that we work with ordered variables, and given that the number of responses is substantial (N=168), the most reliable approach to use was odds logistic regressions. Since individual responses are non-independent observations, we adjust for the clustering of agencies and calculate the clustered standard errors. Table 2 reports the odds ratios (e^{β}) instead of B coefficients, inasmuch as the former are more easily interpreted. Odds ratios with values between 0 and 1 indicate a negative effect, and those higher than 1 indicate a positive effect. Four models have been estimated. Model I includes the four independent variables and Model II adds the two control variables. Models III, IV and V produce reduced models for the Commission, the Member States and the European Parliament, respectively. In Model II, the highest VIF-score for the independent variables is 1.9, indicating no detection of multicollinearity. Overall, pseudo R square measures are low. Hence, the results must be interpreted with caution and also underline the need to conduct further research.

Table 2

Table 2 reports the predicted likelihood of the Commission, the Member States and the European Parliament increasing political control over EU agencies' decision-making. Support for Hypothesis 1 on formal independence is unconfirmed for any of the three institutional

actors. Instead, the task consisting of regulation reaches statistical significance for the two supranational actors, but in the reverse direction to that expected in Hypothesis 2. The regulation variable has a negative and significant effect across model specifications. According to Models III and V, moving from no regulation (0) to regulation (1) decreases the odds that the Commission and the European Parliament exert political influence over agencies by .46 ($p<.05$) and .31 ($p<.01$), respectively. One possible explanation is that regulatory agencies are deeply embedded in multilevel regulatory systems, and due to this nesting are highly exposed to strong external pressures and demands. In brief, when EU agencies conduct regulatory tasks, supranational attempts by the Commission and the European Parliament to have a strong say on agency decision-making are more easily downplayed. While the findings on regulation are robust for these two actors across model specifications, this variable fails to approach significance for the Member States. The results do not change when distinguishing operational from informational non-regulatory agencies.

The models reveal that Hypothesis 3 on policy complexity receives support only for the influence of the Member States, when measured through staff size and scientific committees, but not through the mean score of heterogeneous outputs and tasks. Staff size is statistically significant for the influence of the member governments across model specifications. As Model IV shows, the Member States are less likely, by a factor of .65 ($p<.01$), to exert political control in large agencies. The results are confirmed when using scientific committees as an alternative measure, but this variable reaches a lower level of significance ($p<.1$). While these findings must be interpreted carefully, they suggest that member governments encounter difficulties in wielding leverage on bureaucratic organizations that deal with issues requiring significant technical knowledge. It is noteworthy that the findings fail to confirm that the complexity hypothesis applies to the influence of the Commission and the European Parliament. For those two actors, the political salience variable is confirmed in the direction proposed in Hypothesis 4 across model specifications ($p<.05$). That is, the more salient agencies are, the less likely the influence of each of these two actors becomes.

The findings do not change when controlling for enlargement, except for the Member States. The 2004 enlargement variable has a positive and statistically significant effect on the influence of the Member States, by a factor of 2.05 ($p<.05$) in Model IV. One plausible argument is that, in the aftermath of the accession of 10 new members, the intergovernmental dimension of EU legislative processes establishing agencies was notoriously enhanced, this affecting design in ways that would further favour national leverage on boards. When controlling for agency age, the analysis finds a significant but minimal effect of this

variable on the influence of the Commission and the European Parliament in Model II ($p<.05$). However, the association is not maintained in the reduced models, indicating that the influence of parent institutions is not path dependant.

Regulation and political influence: an overview of EU transport agencies

The previous section has identified associations between certain policy properties and political influence. This section offers a more nuanced overview of the relationships between one of such properties, regulatory functions, and political influence, by comparing the three transport agencies. The regulatory functions of these agencies widely differ. EASA certifies aircraft and components, conducts investigations and inspections in the Member States and issues implementing rules on aviation safety. EMSA carries out security inspections and provides support to the Commission in monitoring the Member States' implementation of maritime safety legislation. ERA assists the Commission by formulating recommendations on the dissemination of the railway signalling system to reinforce safety and interoperability. Among the three transport agencies, EASA is the strongest one and ERA is the weakest in terms of regulatory scope, with EMSA being somewhere in between (Groenleer *et al.* 2010, Versluis and Tarr 2013).

The fact that the three agencies belong to the Commission system and are *tutelled* by a single DG (MOVE) does not involve this parent institution exerting similar degrees of influence across boards. The interviews reveal that the political influence wielded by the Commission and the Member States is more balanced on the EASA board than on EMSA and ERA's, with the European Parliament exerting much less influence on the three.[ii] In particular, the Commission needs to devote greater efforts to reach compromises on work programs, and is less influential in regards to appointments in EASA than in EMSA and ERA.[iii] The following assessment by a Commission official illustrates the point:

> 'In EASA we have less power to decide since the director and the sectorial directors are appointed by the board, and there have been discussions on this [...]. In the other two agencies the Commission does the selection procedures'.[iv]

Consistent with this view, a national informant described the relationship between EMSA and the Commission in the following terms:

> 'There is very rarely a purely dialogue between the EMSA itself and the Commission. Sometimes it is difficult to differentiate them. I think with this, all is said'.[v]

Moreover, informants report that the Commission may sometimes be outvoted on the EASA board, while this rarely occurrs on the board of ERA.[vi] A Commission official expressed his views about the latter:

> 'The Commission has 4 votes in the management board and there are 27 Member States, but in reality it does not make any difference. First, in real life, the management board has no role at all. And second, we never vote, we always find consensus'.[vii]

The interviews suggest that stronger and more centralized agencies in terms of regulation generate more tensions and rather balanced relations between the Member States and the Commission. In EASA, following the early difficult years (Groenleer *et al.* 2010, Pierre and Peters 2009, Schout 2011), many Member States still consider that the agency activities on certification and inspection represent a threat to national regulatory systems and rather serve the interests of the Commission.[viii] In particular, the EASA inspection system possibly leading to the initiation of infringement procedures by the Commission has resulted in inadequate support from national authorities as regards investigations and inspections (Groenleer *et al.* 2010) and in subsequent involvement of national authorities in this type of activities. Highly concerned Member States try to exert influence on the agency strategic decision-making by establishing regular contacts with managerial structures and, more specifically, through the management board.[ix] That said, some other national representatives underperform at board meetings because of inadequate preparation and knowledge (Busuioc 2013), or because of unclear national mandates (Buess 2014).[x] Beyond differentiated national behaviour, other factors such as over-formalisation and legalism (Schout 2011), combined with the highly technical profile of the agency, lead the board to often be seen as barely permeable to national influence. As illustration of how complexity hampers national political influence, a representative of a large country with a strong aviation industry indicated that:

> 'The Member States often have the impression that engineers pilot our agency [...]. It is almost impossible to have power because the agency and its board have an extremely high technical profile'.[xi]

Institutional tensions are not absent in the discussions of the board meetings of EMSA. Frequently debated controversial issues include agency task expansion, activity costs and the potential of inspections to initiate infringement procedures.[xii] However, as compared to EASA, EMSA's more decentralized structure has allowed the Member States greater involvement in the preparation and execution phase of inspections and to take a more cooperative approach

with the agency (Groenleer *et al.* 2010). At the board level, national appointees behave unevenly, with some of them underperforming. This happens partly because being a board member is underestimated by some Member States, but also because they are prudent to avoid the Commission arguing that Member States may break a Directive on maritime safety.[xiii] In ERA, the Member States often express similar worries about the costs of adapting technical specifications for railway interoperability across different railway systems.[xiv] This common awareness does not stop them from having different views about the agency benefits for national systems in terms of knowledge and resources (Versluis and Tarr 2013) as well as expanding agency responsibilities.[xv] As compared to EMSA and EASA, the Commission potential to use ERA input to start infringement procedures is downplayed (Versluis and Tarr 2013), potentially relaxing national fears about the impact of ERA activities on domestic regulatory schemes. In brief, while the results cannot be generalized, they help us gaining understanding of how EU agencies performing highly centralized and far-reaching regulatory activity tend to generate power-allocation controversy between parent institutional actors, this affecting political influence in post-delegation.

Discussion and conclusion

This study was designed to advance in our understanding of political influence over EU agencies. We presented a perception-based measure of the political influence of the Commission, the Member States and the European Parliament in the almost complete universe of agencies, and identified the effects of certain policy properties on political influence. The findings should be interpreted cautiously since they rely on perceptions, but they are fully consistent with an important line of research into the institutional dominance of EU agencies which emphasizes the greater proximity of many EU agencies to the Commission than to the Member States (Busuioc 2013, Egeberg and Trondal 2011, Schout and Pereyra 2008). Even though the Commission is underrepresented on management boards and could formally be easily outvoted, this actor seems better able at many agencies to have a significant voice in board meetings, exert leadership and increase guidance in decision-making. The results also confirm the idea that agencies cannot be understood as simply instruments in the hands of any one of the three political institutions (Dehousse 2008). Importantly, the Member States are perceived to be almost as influential as the Commission, whereas the European Parliament is by no means perceived as being without influence.

The findings also reveal that once agencies are operational certain policy properties have effects on the influence of each of the three political actors. Political influence exerted by the Commission and the European Parliament becomes blurred in highly salient agencies, possibly indicating that when agencies strongly attract their attention, multiple political actors with often conflicting preferences become more easily engaged in competitive relationships and play off one another (Moe 1984). This analysis also demonstrates that the likelihood of the two supranational actors exerting influence decreases in regulatory agencies. This might not be exclusively due to the knowledge-intensive tasks undertaken by such agencies, but as well to the pressures of multiple actors, including national governments and stakeholders, in the opposite direction of centralization. These key points nuance the argument of Egeberg and Trondal (2011) that when agencies deal with regulatory and highly salient issues, the Member States become more influential, but not to the detriment of the Commission. Our findings reveal that under such conditions the Commission, as well as the European Parliament, become less influential, but do not find support to the idea that the Member States gain influence. Moreover, as the case study on transport agencies suggests, the scope of regulatory activities has effects on political influence. In agencies performing far-reaching and highly centralized regulatory activities, the Member States display more vigilant and self-protective attitudes. This leaves a well-equipped Commission in terms of legal and organizational resources with less effective capacities to wield leverage on board decision-making. The findings are partly in line Kelemen's (2002) argument since they suggest that the political influence of the Commission –and perhaps less clearly by the European Parliament- is affected by the inter-institutional struggles over the allocation of enforcement-type regulatory tasks during post-delegation.

The political influence of the Member States presents a distinct pattern. They exert progressively diminished sway as agencies become complex bureaucratic structures dealing with policy issues requiring high levels of scientific knowledge. Complex agencies may effectively restrain the Member States' attempts to overcome informational asymmetries and penetrate these organizational clusters. Thus, while complexity is not associated to formal independence in agency design (Wonka and Rittberger 2010), it operates as an attribute that insulates agencies and their boards from national interference once these organizations are operating. This finding is in line with functional accounts for delegation, although it could also be argued that agencies dealing with complex problem-solving are often staffed by teams of highly skilled professionals who define their own interests and develop distinct organizational cultures (Groenleer 2009). Finally, although the boards of practically all agencies increased the

number of national members following the 2004 enlargement, those agencies that were established after this event present enhanced intergovernmental dynamics in post-delegation. This finding is consistent with previous contributions highlighting the effects of enlargement on legislative politics. The identification of differentiated patterns of political influence by supranational and intergovernmental actors constitutes the most relevant empirical contribution of this study. Future lines of research would benefit from employing alternative measures of political influence. Also, further investigation into variations in the inter-institutional politics across various policy sectors would enrich our growing knowledge of the agencification phenomenon in the EU.

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[i] Responses per countries (as reported): Austria (7), Belgium (7), Bulgaria (5), Cyprus (5), Czech Republic (5), Denmark (7), Estonia (5), Finland (8), France (4), Germany (6), Greece (2), Hungary (3), Ireland (4), Italy (5), Latvia (8), Lithuania (3), Luxembourg (5), Malta (4), Netherlands (7), Poland (8), Portugal (5), Romania (4), Slovakia (6), Slovenia (7), Spain (4), Sweden (4), United Kingdom (4).
[ii] Respondents 1, 2, 3, 5, 6, 7, 9.
[iii] Respondents 1, 2, 3, 5, 6, 7, 9.
[iv] Respondent 1.
[v] Respondent 6.
[vi] Respondents 1, 2, 3, 6, 7, 8.
[vii] Respondent 2.
[viii] Respondents 1, 3, 4.
[ix] Respondents 1, 3, 4.
[x] Respondent 1.
[xi] Respondent 4.
[xii] Respondents 1, 6, 5, 8.
[xiii] Respondent 1, 5.
[xiv] Respondent 8.
[xv] Respondent 8.

TABLE 1: Survey response rate

	Responses	Response rate (%)
Community Plant Variety Office	14	52
European Agency for the Management of Operational Cooperation at the External Boarders of the Member States of the EU	3	12
European Agency for Safety and Health at Work	10	37
European Aviation Safety Agency	8	30
European Centre for the Development of Vocational Training	7	26
European Centre for Disease Prevention and Control	8	33
European Chemicals Agency	8	31
European Environment Agency	7	26
European Fisheries Control Agency	5	19
European Food Safety Agency	2	14

European Foundation for the Improvement of Living and Working Conditions	9	33
European GNSS Supervisory Authority	1	4
European Institute for Gender Equality	2	11
European Maritime Safety Agency	11	41
European Medicines Agency	8	30
European Monitoring Centre for Drugs and Drug Addiction	12	44
European Network and Information Security Agency	9	33
European Police College	15	56
European Railway Agency	5	19
European Training Foundation	9	33
EU's Judicial Cooperation Unit	3	11
Fundamental Rights Agency	4	15
Office for Harmonization in the Internal Market	8	30
Total	168	27.8

Source: Author's own 2011 survey

TABLE 2. OLR. Dependent variable: influence of the Commission, the Member States and the European Parliament

	Commission			Member States			European Parliament		
Predictor	Model I e^{β}	Model II e^{β}	Model III e^{β}	Model I e^{β}	Model II e^{β}	Model IV e^{β}	Model I e^{β}	Model II e^{β}	Model V e^{β}
Formal independence	1.00 (0.01)	1.00 (0.01)		0.99 (0.01)	0.99 (0.01)		0.99 (0.01)	0.99 (0.01)	
Regulation	0.36*** (0.12)	0.30*** (0.12)	0.46** (0.14)	0.36 (0.12)	0.16 (0.38)		0.30*** (0.11)	0.25*** (0.10)	0.31*** (0.11)
Complexity	1.22 (0.32)	1.00 (0.32)		0.75** (0.08)	0.68** (0.08)	0.65*** (0.08)	1.13 (0.18)	1.22 (0.19)	
Salience	0.71* (0.10)	0.98* (0.10)	0.74** (0.10)	0.71 (0.31)	0.70 (0.28)		0.71** (0.10)	0.69*** (0.09)	0.74** (0.10)
Enlargement		1.15 (0.49)			1.00*** (0.01)	2.05** (0.59)		0.93 0.36	
Age		0.97** (0.01)			2.13 (0.44)			0.98** (0.01)	
cut 1	-3.33 (0.51)	-3.71 (0.60)	-3.40 (0.33)	-3.35 (0.45)	-2.75 (0.41)	-2.26 (0.38)	-2.13 (0.38)	-2.56 (0.59)	-1.76 (0.17)
cut 2	-2.08 (0.42)	-2.46 (0.61)	-2.14 (0.21)	-2.19 (0.42)	-1.57 (0.32)	-1.12 (0.25)	-0.66 (0.40)	-1.09 (0.57)	-0.30 (0.14)
cut 3	-1.30 (0.35)	-1.68 (0.55)	-1.36 (0.18)	-0.64 (0.36)	-0.02 (0.30)	0.45 (0.30)	-0.27 (0.36)	-0.14 (0.51)	0.64 (0.20)
cut 4	0.38 (0.33)	0.03 (0.60)	0.30 (0.19)	0.88 (0.31)	1.59 (0.28)	1.99 (0.26)	1.61 (0.45)	1.22 (0.53)	1.97 (0.33)
Pseudo R2	0.03	0.03	0.02	0.04	0.04	0.03	0.04	0.04	0.04
N	168	168	168	168	168	168	168	168	168

Clustered robust standard errors by agency in parenthesis

***p<0.01, **p<0.05, *p<0.1