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The Politics of Policy Formulation within the European Commission

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BOOK REVIEW

The Politics of Policy Formulation within the European Commission

Which policy for Europe?: power and conflict inside the European Commission
Miriam Hartlapp, Julia Metz, and Christian Rauh
Oxford: Oxford University Press, 2014, ISBN: 978-0-19-968803-6

The European Commission of the twenty-first century
Hussein Kassim, John Peterson, Michael W. Bauer, Sara Connolly,
Renaud Dehousse, Liesbet Hooghe, and Andrew Thompson
Oxford: Oxford University Press, 2013, ISBN: 978-0-19-959952-3

Lobbying in the European Union: interest groups, lobbying coalitions, and policy change
Heike Klüver
Oxford: Oxford University Press, 2013, ISBN: 978-0-19-965744-5

De-mystification of participatory democracy: EU-governance and civil society
Beate Kohler-Koch, and Christine Quittkat
Oxford: Oxford University Press, 2013, ISBN: 978-0-19-967459-6

Due to its formal monopoly to propose legislative policies, the European Commission stands at the centerpiece of EU policy formulation. The politics surrounding policy formulation within the European Commission are of great importance for scholars in EU policy-making and EU politics because the Commission's proposals form the basis for ensuing inter-/intra-institutional negotiations. However, many theories of European integration all too easily assume that the European Commission is a unitary actor with unidimensional preferences. Recently, two books exposed this misunderstanding by treating the European Commission as an inward-looking institution. As reflected in their book title *Which Policy for Europe: Power and Conflict Inside the European Commission*, Hartlapp, Metz, and Rauh analyze preference heterogeneity between Commission services to explain which policy outcomes are adopted by the European Commission. Kassim

and colleagues in turn study organizational change within *The European Commission of the Twenty-First Century* and explain how its institutional structures evolved in line with the current zeitgeist.

As a complement to this inward perspective, two other recent books treat the European Commission as an outward-looking organization that is particularly responsive to external stakeholders when it is preparing policy proposals. Klüver analyzes policy outcomes in *Lobbying in the European Union: Interest Groups, Lobbying Coalitions and Policy Change*, but she does so by studying the receptiveness of the European Commission for input provided by interest groups. In *De-mystification of Participatory Democracy: EU Governance and Civil Society*, Kohler-Koch and Quittkat point their attention to the institutional structures that the Commission creates for stakeholder participation in the formulation process.

By juxtaposing their respective findings, these four books together contribute significantly to our understanding of the politics inherent to EU policy formulation. Hereafter, each book is first presented individually after which mutual (dis)similarities are discussed along two dimensions shown in Table 1.

First, Kassim *et al.* study organizational change within the European Commission as perceived by its own officials. Based on a 'once-in-a-generation' survey (see also Hooghe 2001) and qualitative interviews, the authors describe the individual profiles of the Commission officials, as well as the internal functioning of the Commission. They find that officials differ considerably in terms of their educational/professional backgrounds, career trajectories, as well as beliefs. Officials are sketched as having a nuanced self-image and pragmatic beliefs, not at least regarding the future course of the European integration project and the role of the European Commission therein. This further downplays the credibility of assuming a pro-integrationist bias on part of this supranational institution (e.g. Pollack 2003), as it is increasingly shown in recent literature (Bickerton *et al.* 2014). However, the theoretical assumption that such individual attitudes substantially affect decision-making processes (and consequently even policy outcomes) is neither justified nor tested. Regarding institutional structures, intra-Commission decision-making has changed in two related ways. First, horizontal and vertical structures for internal coordination have been developed to keep decision-making manageable and to increase policy cohesiveness. Second, the authors especially observe increasing centralization inside the Commission through a strengthened Secretariat General.

Table 1.   Reviewed books along two dimensions

Perspective on the European Commission	Subject of interest	
	Institutional structures	Policy outcomes
Inward-looking	Kassim *et al.* (2013)	Hartlapp *et al.* (2014)
Outward-looking	Kohler-Koch and Quittkat (2013)	Klüver (2013)

Second, Hartlapp *et al.* explain how the European Commission arrives at adopting common policy proposals, in spite of functional differentiation in its organizational structure — the Commission being organized in sectoral Directorate-Generals (DGs). Combining deductive with inductive reasoning, the authors analyze the policy formulation process (or 'internal position formation process' in accordance with the book) for 48 legislative proposals. Based on official documents and semi-structured interviews, complex processes and conflictual relations between DGs are revealed. One of the main findings is that DGs behave according to three types of agencies — being technocratic problem-solving, organizational competence-seeking or ideologically driven policy-seeking. *Technocratic* agency means that DGs balance between external stakeholder interests to pursue efficient problem-solving. In contrast, competence- and policy-seeking cover more strategic agency. *Competence-seeking* implies that DGs try to extend their competences in order to please external stakeholders. Lastly, *policy-seeking* means DGs pursue ideological preferences. Each of the 48 proposals is first presented as a separate case study, illustrating internal decision-making in a detailed manner and in a variety of circumstances, followed by a generalizing analysis across and beyond these cases. The wide range of case studies shows that technocratic, policy-seeking, and competence-seeking agencies can play out separately as well as jointly and depending on factors that can be policy-specific, societal as well as intra-/inter-institutional in nature.

Third, Kohler-Koch and Quittkat analyze in their book on EU participatory governance whether EU consultations — where civil society provides input on the drafting of policies — actually increases the democratic legitimacy of the EU. Relying on normative theory, they assess the democratic quality of such consultations based on four normative yardsticks — equal and effective participation, publicity, and accountability. They find that, on the one hand, the European Commission makes considerable effort to expand and open up its consultation regime, meant, respectively, to enable equal participation and to improve publicity, transparency, and accountability. On the other hand, these efforts are not reflected in unequivocal democratization. The authors also find that consultations still frequently recur to informal governance modes, such as expert groups, thereby weakening the same principles. Equally important, they identify obstacles to democratization in the EU polity surpassing the consultation framework and extending beyond the Commission its capabilities. Given that consultations are so strongly tailored to the formulation of policies, interest groups need to adapt to a complex policy environment through professionalization. This in turn risks distancing interest representatives from their constituencies, weakening their representative basis in a time when citizens systematically refrain from participating. The main conclusion of the book is, therefore, that there is limited use for consultations to improve the democratic legitimacy of the EU institutions.

Finally, Klüver studies the influence of interest groups by analyzing their political preferences in relation to changes in the policy position of the European Commission (as formulated in its draft and adopted proposal). In an updated account of the resource-based exchange model, interest

groups are hypothesized to influence the formulation of policies based on their capacity to provide three resources — being policy-relevant information, citizen support, and economic power — to the Commission. This theoretical model was developed further by stressing that lobbying is essentially a collective process in which multiple interest groups simultaneously try to attain their preferences — referring to the title of the book, policy-makers consider likeminded *interest groups* as members of de facto *lobbying coalitions* pursuing similar *policy change*. The combined resources of a lobbying coalition determine its ability of exerting influence on policy outcomes. Citizen support and economic power turn out the most influential resources (in the context of policy formulation and decision-making). Information supply also empowers interest groups to influence public policy, but to a lesser extent. Others followed up on this collectivist perspective, which has recently led to an appreciation of network ties in addition to resource-based explanations (Bernhagen *et al.* 2015; Beyers and Braun 2014; Bunea 2014b).

Inward-looking Perspective: Horizontal versus Vertical Cleavages Inside the Commission

Hartlapp *et al.* and Kassim *et al.* uncover the internal functioning of the European Commission. Analyzing policy outcomes, the former focus on horizontal coordination between the DGs responsible for the drafting of proposals. They emphasize the turf disputes between DGs and confirm that the main cleavage dividing the Commission and its staff is indeed functional in nature (Egeberg 2012). DGs are even argued to follow their own agenda, rather than the overall Commission hierarchy (Trondal 2012). Hartlapp *et al.* primarily show that internal decision-making procedures are biased toward preferences of particular DGs. Especially a lead DG remains powerful in the drafting process. By contrast, Kassim *et al.*'s study stresses the importance of hierarchic relations and argues that the Commission is evolving toward a centralized bureaucracy. Indeed, the College of Commissioners holds executive responsibility for adopted policies and establishes political priorities — or multiannual policy goals — whilst the DGs should assist with implementing these goals into specific proposals. Moreover, the College recently created additional procedural guidelines and mechanisms to oversee DGs in order to ensure policy cohesiveness across policy areas.

The friction between these vertical and horizontal perspectives frequently recurs in these books, but two arguments enable us to find some ground for complementarity. On one hand, Hartlapp *et al.* and Kassim *et al.* agree that horizontal Commission services — such as the Secretariat General, DG Budget, and Legal Service — constrain a lead DG in policy formulation, although their power depends on the nature of the proposal being prepared. Due to methodological limitations, on the other hand, Kassim *et al.* cannot verify the extent to which top-down guidelines have effectively been implemented in drafting processes. Instead, their arguments provide insights on the political intentions of the College and anticipate a

process of long-term centralization, but for the time being DGs appear to resent too strong, too sudden a change as their in-house expertise is essential for drafting.

Outward-looking Perspective: Outcome- versus Process-based Consultations

Whilst depicting the European Commission as mainly outward-looking in a complex policy environment, Klüver, Kohler-Koch, and Quittkat differ in their perspective on stakeholder consultations. Klüver considers consultations as opportunity structures enabling stakeholders to deploy their resources in order to influence policy outcomes. She focuses exclusively on public consultation for which empirical data are widely available. This exclusive approach is frequently replicated by researchers (Bunea 2014a; Bunea and Thomson 2014; Chalmers 2014; Rasmussen and Carroll 2013), but it also remains subject to analytical limitations. First, interaction between bureaucrats and interest groups takes place through multiple venues (as argued by Kohler-Koch and Quittkat) and according to different logics (Braun 2012), which allows for systematic variation in interaction through consultation. Second, formal consultations only capture interaction between interest groups and the lead DG that organizes such consultations. However, building on Hartlapp *et al.* interest groups can equally influence policies by approaching other DGs whose preferences are more proximate.

Kohler-Koch and Quittkat study consultation in a comprehensive way before revealing that the Commission's efforts to improve EU democratic legitimacy require much more complementary changes. These conclusions are consistent with previous research (for instance, van Deth and Maloney 2012), raising the question in which direction future research grounded in normative theory should be heading. Cross-fertilization with research on public administration could, for instance, put these claims into perspective as the European Commission uses consultation equivocally. Besides as a process contributing to EU legitimacy, DGs primarily use consultation as an instrument to increase their problem-solving capacity and/or to empower themselves vis-à-vis other political actors (Bunea and Thomson 2014; Hartlapp *et al.* 2014). There really is a need for policy recommendations on how to reconcile these legitimacy- and policy-oriented perspectives on consultations.

Policy Outcomes: Revaluation of the Issue/Policy Context

Hartlapp *et al.* as well as Klüver analyze policy outcomes in the European Commission. Their arguments are illustrative for two recent trends in research on EU policy-making. First, the issue context receives theoretical revaluation as a factor impacting on political behavior throughout the policy process (see also Bunea 2013; Klüver *et al.* 2015). Ceteris paribus, issue complexity increases the dependency of DGs on external information providers such as expert groups and lobbying coalitions. Issue salience impacts in a twofold way and makes DGs less susceptible for arguments provided by

particular lobbying coalitions (see Klüver), but also more sensitive for public criticism (see Hartlapp *et al.*). The sampling of issues interestingly mirrors research on legislative decision-making (Bailer 2013; Reh *et al.* 2013) as the authors only select proposals for legislation which hold inter-institutional relevance. Most policies adopted by the Commission (communications, green papers, roadmaps, etc.) therefore escape systematic scrutiny.

Second, different policy stages are considered interrelated, rather than theoretically distinct or analytically separate (opposed to Versluis *et al.* 2011). As the 'early stage' is characteristic for ensuing political dynamics, the formulation stage thus becomes increasingly relevant to study. Accordingly, Hartlapp *et al.* demonstrate that internal conflicts in the European Commission about draft proposals frequently anticipate controversies likely to arise anew in the inter-institutional process. Intra-Commission politics seem at least partially susceptible to known dynamics in EU policy-making, and thus unpacking the black box does not add exponentially to the complexity of EU politics. Klüver shows in similar vein that the determinants for interest group influence are nearly identical in the formulation and decision-making stage. More specifically, the Commission is reasoned to anticipate the preferences of the Council/Parliament when processing interest groups comments on its draft proposal, which explains why the Commission generally appreciates resources as citizen support and economic power higher than information supply. More broadly, these findings are consistent with other recent work embodying a holistic approach to the policy process (Bunea and Thomson 2014; Chalmers 2014; Rasmussen and Toshkov 2013).

Institutional Structures: A Multifaceted Organization in Motion

Kassim *et al.* as well as Kohler-Koch and Quittkat focus on institutional structures, although the former deal with internal structures, whilst the latter study consultation structures reaching out to external stakeholders. Nevertheless, two commonalities stand out in their research. First, Commission officials are sensitive for political arguments as much as for technocratic ones. Multifaceted considerations form part of the general mindset inside the Commission as apparent from the individual testimonies in Kassim *et al.*, but they play out differently in specific policy processes (see Hartlapp *et al.*) and consultation structures (see Kohler-Koch and Quittkat).

Second, the misfit between political discourse and administrative practice still lacks explanation. Consistent with the argument by Kassim *et al.*, Kohler-Koch and Quittkat note that the Secretariat-General recently imposed additional procedural guidelines on the DGs about consultation. Yet again, the DGs partially manage to escape top-down scrutiny, making Kohler-Koch and Quittkat to conclude that consultation practices vary between DGs. Tension between the horizontal and sectoral services inside the Commission is thus also traceable in the consultation field where especially the Secretariat-General, as the administrative extension of the Commission President, plays an adversarial and increasingly political role using impact assessment procedures to instruct DGs. This is also highly topical

as the new working methods issued by the Juncker Commission continue this trend. However, future research still needs to figure out why DGs implement guidelines for consultation — and for horizontal coordination in general — with such varying notice and vice versa why DGs succeed in maintaining discretion from the central level with very mixed results. These research agendas are not novel and appear to have passed into a state of flux, although they are still in need of *demystification*.

References

Bailer, S. 2013. An agent dependent on the EU member states? The determinants of the European Commission's Legislative Success in the European Union. *Journal of European Integration* 36, no. 1: 37–53.

Bernhagen, P., A. Dür, and D. Marshall. 2015. Information or context: what accounts for positional proximity between the European Commission and lobbyists? *Journal of European Public Policy* 22, no. 4: 570–87.

Beyers, J., and C. Braun. 2014. Ties that count: explaining interest group access to policymakers. *Journal of Public Policy* 34, no. 1: 93–121.

Bickerton, C.J., D. Hodson, and U. Puetter. 2014. The new intergovernmentalism: European integration in the post-maastricht era. *JCMS: Journal of Common Market Studies*. doi: 10.1111/jcms.12212

Braun, C. 2012. The captive or the broker? Explaining public agency-interest group interactions *Governance* 25, no. 2: 291–314.

Bunea, A. 2013. Issues, preferences and ties: determinants of interest groups' preference attainment in the EU environmental policy. *Journal of European Public Policy* 20, no. 4: 552–70.

Bunea, A. 2014a. Explaining interest groups' articulation of policy preferences in the European Commission's open consultations: an analysis of the environmental policy area. *JCMS: Journal of Common Market Studies* 52, no. 6: 1224–41.

Bunea, A. 2014b. Sharing ties and preferences: stakeholders' position alignments in the European Commission's open consultations. *European Union Politics*. doi: 10.1177/1465116514558338

Bunea, A., and R. Thomson. 2014. Consultations with interest groups and the empowerment of executives: evidence from the European Union. *Governance*. doi:10.1111/gove.12119

Chalmers, A. W. 2014. In over their heads: public consultation, administrative capacity and legislative duration in the European Union. *European Union Politics* 15, no. 4: 595–613.

Egeberg, M. 2012. Experiments in supranational institution-building: the European Commission as a laboratory. *Journal of European Public Policy* 19, no. 6: 939–50.

Hartlapp, M., J. Metz, and C. Rauh. 2014. *Which policy for Europe?: power and conflict inside the European Commission*. Oxford: Oxford University Press.

Hooghe, L. 2001. *The European Commission and the integration of Europe: images of governance*. Cambridge: Cambridge University Press.

Kassim, H., J. Peterson, M.W. Bauer, S. Connolly, R. Dehousse, L. Hooghe, and A. Thompson. 2013. *The European Commission of the twenty-first century*. Oxford: Oxford University Press.

Klüver, H. 2013. *Lobbying in the European Union: interest groups, lobbying coalitions, and policy change*. Oxford: Oxford University Press.

Klüver, H., C. Braun, and J. Beyers. 2015. Legislative lobbying in context: towards a conceptual framework of interest group lobbying in the European union. *Journal of European Public Policy* 22, no. 4: 447–61.

Kohler-Koch, B., and C. Quittkat. 2013. *De-mystification of participatory democracy*. Oxford: Oxford University Press.

Pollack, M.A. 2003. *The engines of European integration*. Oxford: Oxford University Press.

Rasmussen, A., and B.J. Carroll. 2013. Determinants of upper-class dominance in the Heavenly Chorus: lessons from European Union online consultations. *British Journal of Political Science* 44, no. 2: 445–59.

Rasmussen, A., and D. Toshkov. 2013. The effect of stakeholder involvement on legislative duration: consultation of external actors and legislative duration in the European Union. *European Union Politics* 14, no. 3: 366–87.

Reh, C., A. Héritier, E. Bressanelli, and C. Koop. 2013. The informal politics of legislation: explaining secluded decision-making in the European Union. *Comparative Political Studies* 46, no. 9: 1112–42.

Trondal, J. 2012. On bureaucratic centre formation in government institutions: lessons from the European Commission. *International Review of Administrative Sciences* 78, no. 3: 425–46.

van Deth, J.W., and W.A. Maloney. 2012. *New participatory dimensions in civil society: professionalization and individualized collective action.* London: Routledge.

Versluis, E., M. Van Keulen, and P. Stephenson. 2011. *Analyzing the European Union policy process.* Basingstoke: Palgrave Macmillan.

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