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# THE POLITICS BEHIND THE CONSULTATION OF EXPERT GROUPS: AN INSTRUMENT TO REDUCE UNCERTAINTY OR A STRATEGY TO OFFSET SALIENCE?

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## **INTRODUCTION**

“Expertise is crucial for sound policies” or at least so argues the European Commission.<sup>1</sup> Indeed, it is quite common for the Commission to seek advice from experts due to which it has created a large amount of expert groups throughout the years. These groups are consulted, i.e. asked for advice and expertise regarding the preparation of policy, delegated acts and more broadly about policy implementation. At one side, experts are often better endowed with policy-relevant information than the European Commission because the latter experiences difficulty managing a policy portfolio that is becoming increasingly diverse and complex while its administration remained relatively understaffed. On the other side and besides having cognitive merits, experts also act as representatives of member states and interest groups which is relevant for the European Commission since it can consult these expert groups to work towards early political agreements. Previous research focused mainly on the politics inside these groups and took these rather universal claims for granted. By doing so scholars never tested empirically whether these groups are actually used in response to the uncertainty or salience associated with an issue or policy initiative. This is remarkable because the tasks that are assigned to these expert groups clearly reflect the different stages of the policy process. This article addresses that gap and asks: *How do the uncertainty and salience related to an issue affect the European Commission’s use of expert groups during policy formulation?*

Since the European Commission created a register for expert groups in 2005, scholars have noted an increase in the Commission’s use of expert groups (Gornitzka & Sverdrup, 2008; Larsson & Murk, 2007; Robert, 2012). Their proliferation in number was one reason for a renewed interest amongst academics in the phenomenon. Pioneer contributions focused on who these experts actually were and how these groups were configured (Gornitzka & Sverdrup, 2008; Larsson & Murk, 2007). Another reason for interest resided in the transparency issues regarding these groups’ composition and use. Others tried to determine the logic(s) underlying the use of expertise. Their efforts were mainly aimed at demonstrating that expertise is not used a priori in a neutral, objective or apolitical way (Rimkutė & Haverland, 2013;

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<sup>1</sup> European Commission. Register of Expert Groups. Accessed via <http://ec.europa.eu/transparency/regexpert/>

Robert, 2010, 2012). However, the mushrooming of expert groups has now stabilized at little over eight hundred groups.<sup>2</sup> Controversies about transparency have remained, but in retrospect do not seem all that different anymore from concerns addressed at other forms of committee governance in the European Union such as comitology or Council Working Groups (Brandsma, 2010; Häge, 2012). Given that expert groups are not omnipresent and that normative controversies will likely remain, this article changes perspective by testing whether issue characteristics affect politics during policy formulation.

Hereafter issue characteristics are studied along two lines, namely that of 'uncertainty' and 'salience'. First, uncertainty points to the incapability of policy-makers to understand an issue. While the use of expert groups is usually considered information-driven due to the Commission's presumably stable resource-dependency, this does not explain why the Commission sometimes makes extensive use of expert groups regarding one issue while not consulting a single expert group regarding another one. Hence, there is ample reason to study whether uncertainty varies per issue. Second, salience thereby refers to the sensitivity of an issue and the amount of attention it receives from member states and interest groups. Considering that expertise can be used more strategic as well, the recommendations made by an expert group may depoliticize decision-making as they grant scientific authority to some policy positions while discarding others as unfounded. However this only makes sense when the outlook for efficient decision-making is troublesome which is usually so for salient issues.

The paper contributes to the state of the art in two ways. First, the level of analysis is further disaggregated by studying expert groups in relation to issues or policy initiatives whereas most research retained its focus on policy areas. Second, a set of quantitative measures is developed and tested in order to facilitate future empirical studies on uncertainty and salience at issue-level. The article is structured as follows: Hereafter state of the art literature is presented after which relevant theory is discussed. Then the research design is presented and a preliminary empirical analysis is conducted on a dataset containing 93 cases. These data were retrieved through mainly through EUR-Lex. Finally, some provisional conclusions are drawn in relation to the outlook of the research.

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<sup>2</sup> Exactly 837 groups were registered as being active on January 27<sup>th</sup>, 2014 in the 'Register of Expert Groups and Other Similar Entities'. Sub-groups were not included in the search.

## **STATE OF THE ART**

Literature on expert groups provides little impetus to study the uncertainty and salience of issues. Gornitzka and Sverdrup (2008) compared the use of expert groups across policy areas and argued that the use of expert groups by Commission services strongly differs per policy area which in turn further amplifies sectoral differentiation within EU policy-making. However, an important nuance was made by acknowledging that such differentiation is only partially explained by comparing policy areas. In fact, "different policy areas form issue- and policy-specific constituencies that evolve according to different logics" (Gornitzka & Sverdrup, 2008, p. 746). It is revealing that this claim was never put under further scrutiny by comparing the use of expert groups at a further disaggregated level, namely at the level of an issue.

Other quantitative research on expert groups is also scarce and chose a different angle for study. Again Gornitzka and Sverdrup (2010, 2011) were the first to study in more detail who these experts actually were. Most recent Rimkutė and Haverland (2013) aimed to explain why the European Commission actually uses expert groups. In doing so, their main contribution consisted of integrating insights from the literature on knowledge-utilization in the research field of expert groups. Yet, how can the absence of attention for policy initiatives be explained? Put simply, it seems that large-N research struggles with obtaining data suitable for issue comparisons. Data provided in the Register of Expert Groups is namely insufficient for such purpose and it seems necessary to look for other sources of information to book progress on this research agenda.

One could alternatively expect uncertainty and salience to play a more prominent role in small-N studies about expert groups, but such studies are usually constructivist in nature and share a strong interest in socialization processes that occur within these settings (Bergeron, 2011; Hrabanski, 2010; Robert, 2010). They stress the importance of experts to increase the political legitimacy of an initiative through political negotiations as experts frequently engage in European consensus-building due to their representative character (Douillet & de Maillard, 2011; Robert, 2012, pp. 431-433). As a minimum these studies provide further theoretical and empirical ground for the argument that expert groups are consulted on politically sensitive matters. Given that the present paper is functionalist in nature, the potential for cross-fertilization remains further limited.

Literature on knowledge-utilization then seems more promising to study expert groups in relation to issues. Building further on the work of Radaelli (1999) and Boswell (2008) it stresses that expert

knowledge can serve various functions in politics and one can distinguish an instrumental use from a more strategic (Schrefler, 2013) or substantiating use of knowledge (Boswell, 2008; Rimkuté & Haverland, 2013). The instrumental use of knowledge entails that policy-makers seek expertise about issues that they do not understand adequately. In that way knowledge is used to enhance problem-solving. Assuming that expert groups are sometimes used for instrumental reasons, it should be relevant to study uncertainty. The strategic use of knowledge implies that policy-makers seek expertise to substantiate a predetermined policy position (Rimkuté & Haverland, 2013). In this case they are more concerned with how to frame an issue to ensure its adoption. Knowledge might namely help to frame a policy initiative as sound and objective although it should be reminded that "knowledge always enters the policy process in combination with interests, never alone" (Radaelli, 1999, p. 17). The issue at hand is then envisioned primarily through a scientific lens in order to frame it as objective. The issue is 'substantiated' or 'objectified' so to speak (Boswell, 2008). Assuming that expert groups are sometimes used strategically, it should be relevant to study salience as well.

## **THEORY**

**Uncertainty**, sometimes also referred to as policy uncertainty, is defined as the incapability of policy-makers to understand a policy problem and hence to formulate a solution. Hence, the Commission has reason to seek external expertise in order to improve its capacity to handle that issue and it will consult expert groups for instrumental reasons. This means that an expert group is used as "an instrument to solve policy-problems and increase problem-solving capacity" (Rimkuté & Haverland, 2013, p. 8; see also Boswell (2008), Radaelli (1999), Schrefler (2010)).<sup>3</sup> Henceforth, functionalism links uncertainty to the use of expert groups in a straightforward way. However, it should be noted that uncertainty is not well-defined for quantitative research due to the thickness of the concept.<sup>4</sup> That is why uncertainty is here theoretically decomposed in two distinct properties: scope and specificity.

First, **scope** here refers to the range of policy impact. Policy initiatives that are broad in scope will comprise interdependencies between policy niches or even policy areas. As such, there is a trade-off between policy scope and the Commission's problem-solving capacity. The working units that are occupied with policy formulation namely reflect the Commission's organizational structure which is functionally specialized. This means that a working unit's capacity to comprehend a policy problem

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<sup>3</sup> Outsourcing consultation and contracting a private consultancy are alternative options, but these are relatively expensive and thus less preferable. A DG will instead consult directly with external actors.

<sup>4</sup> The same can be said of concepts such as 'complexity' and 'technicity' which have become nearly interchangeable in much literature.

decreases when that problem requires a broad and multi-faceted understanding. So when uncertainty increases along the level of scope, a DG does not require a narrowly defined set of expertise. Instead diverse, but complementary skills or managerial competences seem more useful for problem-solving because the European Commission needs to manage its current policy portfolio in a cohesive manner (Schön-Quinlivan, 2013). Integrating new initiatives into existing policy frameworks forms an essential part of that task and henceforth expert groups might be asked to oversee and guide policy formulation rather than to engage in the actual drafting of initiatives (Larsson & Murk, 2007, p. 71).

**H<sub>1</sub>: The broader the scope of an issue, the more likely a DG will consult an expert group.**

Second, *specificity* entails the extent to which quantified data are relevant for policy formulation. Specificity is relevant because the bulk of legislative action in the EU is regulatory in nature meaning that it should outline policy objectives, state how policy should be implemented, monitored and which sanctions should be applied in case of non-compliance. In that respect quantified data, indicators, standards, etc. are deemed essential for policy formulation. At one hand, the Commission should have a strong incentive to consult an expert group to gather data about issues with high specificity. Such information is typically possessed by actors who are more closely involved with the implementation of policy on the ground and who deal with operational activities on a daily basis, i.e. national administrations, stakeholders, etc. On the other hand, the Commission might already have quantified data at its disposal but it could still need an expert group to assess those data correctly in the context of an issue with high specificity. Quite often experts are better capable of assessing information at value simply because they are more acquainted with the details of it. Thus, another way in which the issue at hand might explain the use of expert groups is because issues with high specificity require the latter to gather and/or assess quantified data.

**H<sub>2</sub>: The higher the specificity of an issue, the more likely a DG will consult an expert group.**

In sum, uncertainty is reasoned to vary along with the scope and/or specificity of an issue. Both of which are assumed to confront the Commission with distinct policy problems which require a different set of skills or expertise as a solution. Under such circumstances the Commission is believed to appeal to expert groups for instrumental reasons.

Salience refers to the sensitivity of an issue and the amount of attention that this issue receives from member states and interest groups (Leuffen, Malang, & Woerle, 2013). Theoretically speaking, there is

ample reason to study the relation between issue salience and the use of expert groups as functionalist and constructivist theory each account for the relation between issue salience and the use of expert groups in a different way. Nonetheless both theories assume that salience is detrimental for decision-making (Radaelli, 1999), especially where there is a preference to strive for consensus-voting.

Functionalist theory therefore stresses that expert groups are used in such context for a strategic reason, namely to pave the way for the adoption of a policy initiative. In this sense, science-based arguments need to be set aside from arguments that lack scientific-based evidence. Science-based arguments are namely used to 'substantiate' or 'objectify' predetermined policy positions, meaning that the issue at hand is envisioned primarily through a scientific lens in order to frame it as objective (Boswell, 2008). Arguments that lack scientific-based evidence are harder to maintain as a basis for decisions because they can be easily discharged by opponents as dubious and biased. Given the political relevance of science-based information to consolidate political arguments in negotiations, expert groups are likely to function as pre-negotiation arenas by Commission services to consolidate a policy initiative for decision-making/implementation (Larsson & Murk, 2007, p. 92). An expert group namely lends credibility to a policy initiative and is used in that capacity to enlarge the Commission its political authority (Boswell, 2008). Therefore the European Commission is expected to consult an expert group in particular about salient issues.

Such expectation corresponds well with recent organizational changes within the administration of the Commission. Given that the Commission houses various functional, national and ideological interests (Egeberg, 2012; Wonka, 2008), scholars in bureaucratic politics noted that organizational reforms under the Barroso presidency are aimed exactly at keeping the Commission internally manageable by promoting tighter horizontal coordination between DG services (Kassim et al., 2013; Wille, 2013). This is well reflected in the impact assessment procedure through which science-based argumentation gradually gained in importance over value-based, ideological arguments. Taken together it appears that 'objective information' now plays a key role in accommodating different policy positions between Commission services or DGs (Larsson & Murk, 2007, p. 92). In a similar vein the Commission could use expert advice to mediate discord between member states about salient issues.

Alternatively, constructivist theory stresses that expert groups are institutions that promote diffuse reciprocity between participants. The European Commission namely oversees that expert groups are balanced in terms of nationality. In addition, the Commission is also reported to require experts to be

familiar with European decision-making and capable of making compromises. Given that these experts meet regularly in closed meetings, expert groups are considered ideally suited for supranational deliberation (Hrabanski, 2010; Robert, 2010, 2012). Put differently, expert groups are believed to operate in an institutional environment that structurally favors the common or European interest over particular or national interests and this will be reflected in their recommendations. This in turn explains why the European Commission might decide to consult expert groups about politically sensitive issues for reasons unrelated to problem-solving. The argument goes that if national and sectoral experts who are familiar with an issue are capable to agree with each other at this stage of policy formulation, then their political peers will have little substantive ground to keep opposing a political agreement later on. Thus, expert groups have potential to facilitate decision-making as they aim to depoliticize salient issues even before the onset of legislative decision-making.

Despite differences in theoretical foundations, the arguments stressed above give way to a similar expectation about the relation between issue salience and expert groups. The third hypothesis therefore goes as follows:

**H<sub>3</sub>: The more salient an issue is, the more likely a DG will consult an expert group.**

#### **DATA AND METHOD**

A case is defined as an issue or policy initiative. The research sample is marked by three boundaries. First, it comprises policy initiatives that were prepared by the Commission. More in detail it involves legislative proposals and non-legislative initiatives such as communications, green papers and recommendations. Second, these policy initiatives were all formulated in the period 2010-2013 which coincides with the cabinet term of the second Barroso Commission. Third, this article only discusses the output of two Commission services, namely DG Climate Action (CLIMA) and DG Environment (ENV). Nonetheless the sample will ultimately be extended to two other Commission services as well, namely DG Communications Networks, Content & Technology (CNECT) and DG Internal Market and Services (MARKT). This way the study wants to control for the effect of DGs and aims to generalize its findings to all DGs that produce regulatory output. The sample is chosen to be diverse in respect to two criteria: the age or maturity of respective policy areas at the EU level (Gornitzka & Sverdrup, 2011) and the core activity of a DG (Kassim et al., 2013).

Cross-sectional data are retrieved mainly from two sources: Cases were first identified using EUR-Lex and most information was gathered by studying the COM-documents corresponding to each case. These data are supplemented with information retrieved from a wide range of sources in order to encode study variables. Amongst these are activity reports of expert groups, documentation about Impact Assessments and Council minutes. The database currently contains 93 cases of which 73 issues are formulated by DG Environment and the remaining 20 are adopted by DG Climate Action.

### **OPERATIONALIZATION**

The dependent variable ***use of expert group*** is measured by looking whether the COM-documents mentioned the words 'expert', 'consultation', 'stakeholder' or 'working group'. Search hits were cross-checked with the Register of Expert Groups and when an expert group could be linked to the preparation of a particular issue, the dependent variable was coded '1'. However expert groups are not the only way through which the Commission can obtain expert advice and for that reason mentions like 'consultation taking place at expert level' are considered too imprecise to assess that an expert group was actually used. In addition, an overview of expert groups that give advice for policy formulation in the selected policy areas was generated from the Register of Expert Group. For each expert group the activity reports were then checked to see whether any initiatives were mentioned. If this was the case the dependent variable was also coded as '1'. This way one can establish whether expert groups are used in relation to specific issues. The current form of operationalization does however not enable us to make qualitative inferences about the impact of those groups on policy formulation.

Independent variables are measured by multiple indicators based on procedural information. Given that salience and uncertainty are thick concepts, multiple-indicator measurement offers two advantages. First, measurement validity or reliability benefits from triangulation. Second, large-N analysis is facilitated by decomposing a thick concept into several thin indicators (Coppedge, 1999, p. 469). Such indicators are more suited for large-N measurement because they have potential to capture the broader meaning of a thick concept by focusing on distinct properties of it.

The operationalization of uncertainty separately gauges for issue scope and specificity in order to assess the empirical relevance of this theoretical distinction. Regarding ***scope***, it is first noted how many DGs are appointed as lead service for policy formulation. It is argued that issues with a broader scope will more likely impact on multiple policy areas which in turn should trigger the interest of other DGs working

in those areas.<sup>5</sup> Second, a similar argument is made with regard to the number of EP committees that wanted to be kept informed about an issue in the course of decision-making. Relevant information was retrieved via the Legislative Observatory. Third, issues that are likely to have significant impact require an impact assessment. This is relevant because an impact assessment report is submitted to quality checks by the Secretariat-General until the latter issues a positive opinion. Hence, the number of opinions given by the Secretariat-General can be considered as a proxy for uncertainty arising from the scope of an issue.

Regarding *specificity*, it is first checked whether certain regulatory agencies provided information for policy formulation. Following the classification used by the European Commission, interest here only goes to agencies that are providing technical or scientific advice to the Commission or that are responsible for gathering, analyzing and making available relevant information (European Commission, 2008, p. 7). The link with the use of expert groups is explained in one of the Commission documents as follows: “the European Food Safety Authority (EFSA) has compiled all occurrence data available [which] are the basis for the discussion with the experts from the Member States in the Expert Committee ‘Persistent Organic Pollutants (POPs) in Food’ [. . .]”. Put differently, an expert group is asked here to assess data provided by a regulatory agency in relation to an issue with high specificity. A word search was performed on relevant COM-documents and when the search hit corresponded with the term ‘agency’ or relevant organizational abbreviations, the variable was coded ‘1’. Second, it is also seen whether the European Commission ever made a standardization request to so-called European standardization organizations regarding the issue. Such a request is in fact a demand “to draw up and adopt harmonized standards in support of European policies and legislation”. Even though the use of an expert group then would not reflect any involvement in the formulation of these standards themselves, the existence of such voluntary standards could provide the European Commission with an incentive to formulate “standards-receptive” legislation.

By proposing these indicators, this article distances itself from other recent efforts that used a different set of indicators including the number of words, recitals, legislative articles, annexes, etc. all of which concern adopted legislation (Franchino, 2000; Héritier, 2012; Klüver, 2012; Neshkova, 2012; Reh, Héritier, Koop, & Bressanelli, 2013; Steunenberg & Kaeding, 2009). The argument goes that complex or difficult issues simply require more explanation which is reflected in the length of legislation, the number

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<sup>5</sup> While it would be more useful to know the number of DGs that is invited to take part in inter-service steering groups during policy formulation, such information is currently still unavailable for most issues.

of recitals, etc. However these indicators are largely left aside for two reasons: First, these indicators harm internal validity due to a misfit between theory and operationalization. The amounts of words, legislative articles, recitals, etc. all namely cover one particular and very similar aspect of uncertainty. Thus, these studies define uncertainty very broadly while only measuring a small portion of that concept. Second, this article studies both legislative and non-legislative initiatives while the abovementioned indicators relate to adopted legislation and could therefore only apply on legislative proposals at most. Nonetheless the length of the relevant COM-document accompanying a policy initiative is checked as an additional indicator in order to keep some track with this literature. A word count is performed on the English versions of these documents using Microsoft Word.

The operationalization of **saliency** is actor-specific and captures mainly how the European Commission perceives issue sensitivity. Saliency is measured by three dichotomous indicators: First, it is noted whether there was ever a green paper published about an issue. Green papers are issued rarely and tend to touch upon sensitive matters. Moreover, the Commission uses green papers to encourage discussion amongst stakeholders about potential EU action in the field. Second, it is noted whether the Commission organized a public consultation regarding an initiative in which case the latter is perceived as salient. The number of interest group responses to such consultations would be a more precise measure for saliency (Klüver, 2013, pp. 135-136) but there are simply too many initiatives in the database for which no public consultation was organized. Third, it is measured whether the Commission already presented information about the initiative to the member states at a formal Council meeting before policy formulation was concluded. For this reason, the initiative should be mentioned in the meeting agenda under the heading 'Any Other Business' (AOB) as the other headings concern initiatives which are already adopted by the Commission. Later on, this procedure will be repeated for informal Council meetings.<sup>6</sup>

## **ANALYSIS**

The empirical analysis proceeds in two parts. First, the overall involvement of expert groups in policy formulation is mapped. Second, association measures are presented to give a first clue about the empirical relevance of the presented operationalization scheme. The ultimate goal is to explain the relation between issue saliency and uncertainty on one hand and the use of expert groups on the other

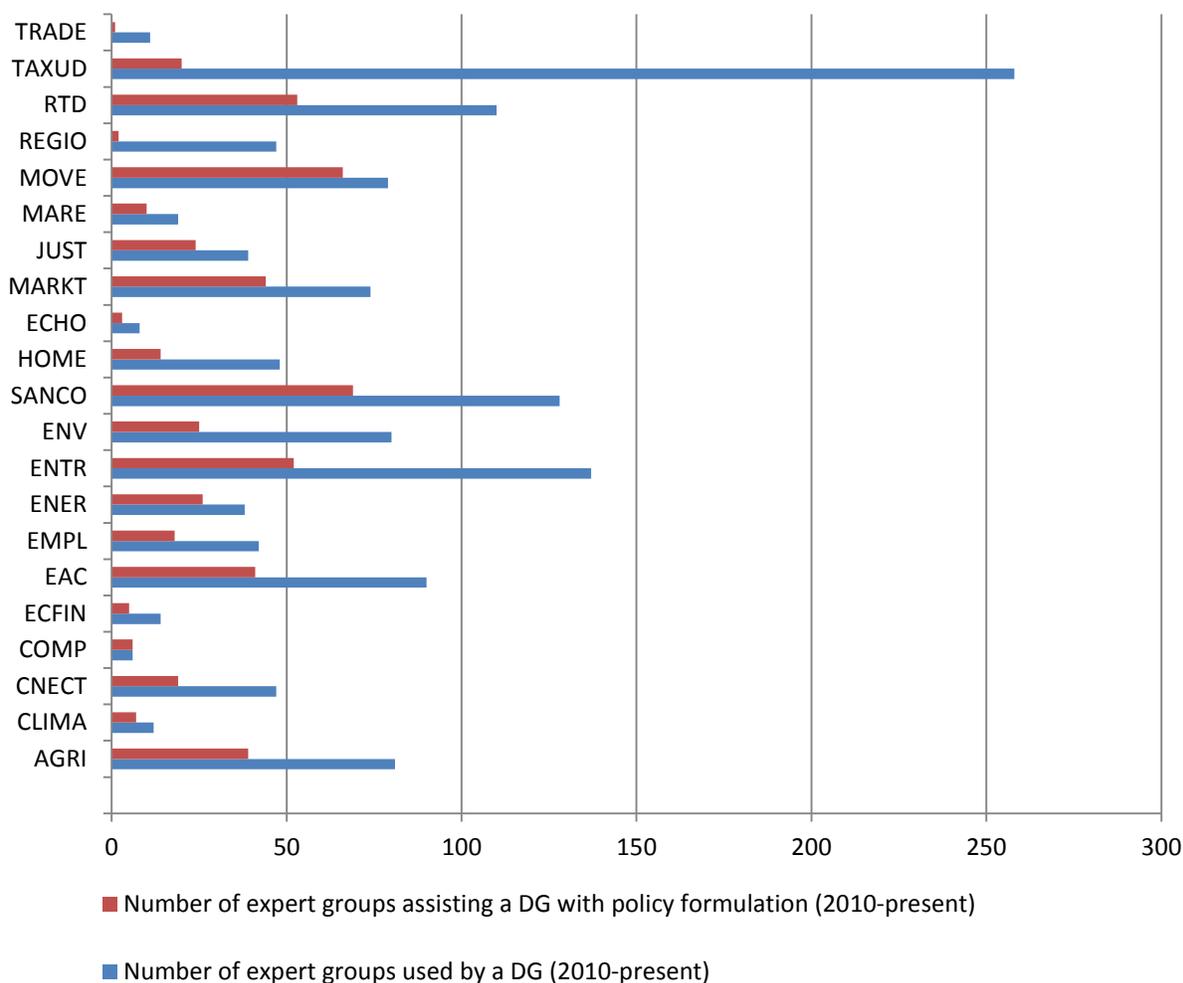
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<sup>6</sup> Meeting agendas of these informal meetings are not always made publicly available due to which news coverage in Agence Europe is chosen as an alternative indicator. Early attention at such high-level meetings signals either the issue's sensitivity or the Commission's precaution to anticipate such sensitivity.

hand. However, the research sample is incomplete at the time of writing and contains insufficient cases for multivariate regression analysis. Later on a binary logistic regression model will be used because the dependent variable is dichotomous (use of expert groups vs no use expert groups).

Figure 1 gives an overview of expert groups that were set up by Commission services that produce EU policy. These aggregated data are generated using the Register of Expert Groups. The bottom bars in blue represent the total number of expert groups that were set up by each DG between 2010 and 2013 but as stated before these can serve a variety of purposes. In total it involves 1368 expert groups although only 691 groups are currently active. This means that almost half of all the expert groups are closed down in the period under scrutiny. However, attention here goes to the expert groups whose task it is to assist in the preparation of legislative proposals and policy initiatives and these are presented in Figure 1 by the upper bars in red.

**Figure 1: Use of expert groups by Commission policy DGs**



Overall, 544 out of 1368 expert groups were created for this purpose which indicates that the consultation of such expert groups is a custom practice in EU policy-making. It is noted that the use of expert groups in absolute numbers strongly varies per DG and this applies for both the blue and red bars. Therefore one should withhold of making strong universal claims. When looking at the proportion between expert groups that are used for policy formulation and the remaining expert groups that are used by each DG, one also observes some variation but to a much lesser extent. On average, it seems as if expert groups are frequently involved in policy formulation by nearly all Commission services. This is certainly the case for the DGs in the research sample: DG Climate Action uses respectively 7 out of 12 for policy formulation while DG Environment uses 25 out of 80 expert groups for this purpose. DG Communications Networks, Content & Technology and DG Internal Market and Services use respectively 19 out of 47 and 44 out of 74 expert groups for policy formulation. However, such figures shed an incomplete picture without information about the number of initiatives that is prepared.

The database built using EUR-Lex currently contains 93 cases of which 73 issues are formulated by DG Environment and the remaining 20 are adopted by DG Climate Action. The difference in output is easily explained because the coverage of climate policy is much more modest when compared to environmental policy.<sup>7</sup> The involvement of an expert group in policy formulation could be established for 41 initiatives, or almost half of the research sample. At first sight this is a considerable number though some nuances are in place due to the measurement level of the dependent variable. First, measurement might be misleading regarding the frequency with which expert groups are used. On one hand, not all expert groups are namely as active and especially expert groups that house high-level officials are consulted on multiple issues. Thus, such high-level groups somewhat exaggerate absolute figures. On the other hand, it is quite common for the European Commission to consult more than one expert group about the same issue given that their recommendations are voluntary in nature. As a consequence absolute figures rather underestimate the overall use of expert groups. For instance, both the "Expert Group on Climate Policy for LULUCF under the European Climate Change Programme" and the "European Climate Policy Group" worked on the same initiative but the involvement of the latter also spreads out to a handful of other initiatives. Second, it should be reminded that figures about the use of expert groups don't reveal much about the qualitative involvement or the influence of such groups on the substance of policy. In formal terms expert groups only give non-binding recommendations and their

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<sup>7</sup> It was also until 2010 that the European Commission created a service with specific attention for climate policy; before 2010 climate policy was for the most part handled by DG Environment. Furthermore DG Climate Action has less staff and resources to its disposal than DG Environment.

input can vary from discussing guidelines for policy formulation to the drafting of substantive proposals. Besides that they might be asked for advice on the entire initiative or only about a part of it.

Curiously 'DG' and 'use of expert group' are not meaningfully associated which is illustrated by an insignificant Cramer's V in Table 1. This runs counter to what aggregated data from the Register of Expert Groups suggested. Furthermore Table 1 shows that DG Climate Action consulted expert groups on 11 issues while DG Environment used an expert group in relation to 30 issues. This could be relevant because based on the relative numbers DG Climate Action appears to be the more active user of both DGs. Despite being amongst the smallest users in absolute terms, expert groups were used in 55 percent of the issues about climate policy. DG Environment asked for advice about 42 percent of environmental issues during policy formulation. Clearly it would be too expeditious to make big claims given the insignificance of Cramer's V but knowing that the research sample is incomplete this is something worth keeping an eye on. These preliminary results could potentially shed different light on the absolute figures presented in Figure 1 which would illustrate the limits in using aggregated data obtained from the Register of Expert Groups.

**Table 1: 'Use of expert group' per 'DG'**

Leading DG		Use of expert group		Total
		No	Yes	
DG Climate Action	Abs. number	9	11	20
	% of total	9,9%	12,1%	22,0%
DG Environment	Abs. number	41	30	71
	% of total	45,1%	30,0%	78,0%
	Abs. number	50	41	91
	% of total	54,9%	45,1%	100,0%

Note: Cramer's V has a value of 0,106 which is insignificant (0,312)

Given that the association between DG and use of expert group failed significance testing, one would expect the issue variables to do better. In the following part indicators for scope, specificity and salience are discussed in similar order in relation to the dependent variable. Cramer's V is chosen as an association measure since categorical variables are juxtaposed with a dichotomous variable. Table 2 shows how strongly the separate indicators for issue scope are associated with use of expert group and these results are quite promising. The number of EP committees is significantly associated at a 0,05 level

and provides the strongest substantive link with use of expert group. More detailed information is provided in the form of a cross table in Annex 1 (p. 18). Ideally speaking one could compare this measure with the number of DGs that is invited by a leading DG in an inter-service steering group in order to arrive at a more reliable measure for scope through triangulation. This would further strengthen the claim that the number of sectoral departments involved in policy-making is positively associated with the scope or impact range of that issue. Results are less straight forward for the number of IAB opinions because the attributed value exceeds the significance threshold. At first sight this makes the claim that expert group are used in an instrumental way somewhat doubtful. However, after taking a closer look upon the data it seems more desirable to simply discern cases that do not require an impact assessment from those that do follow this procedure. In that respect it should be noted that 70 percent of the issues did not receive any opinion since the leading DG was not obliged to submit an Impact Assessment report. For 30 percent of the issues a leading DG did prepare an impact assessment report due to which the number of opinions could vary. When offsetting policy initiatives based on whether they were accompanied by an impact assessment report or not, the indicator shows an overall significant value.

**Table 2: Strength of association of 'issue scope' with 'use of expert group'**

<b>Indicators for Scope</b>	<b>Cramer's V</b>	
	<i>Value</i>	<i>Significance</i>
EP Committee	0,295	0,048
IA	0,244	0,021
IAB opinion	0,277	0,075

Table 3 contains the measures of association between indicators for specificity and use of expert groups. However, all values of Cramer's V are insignificant and by consequence further analysis makes little sense. The existence of a European standard regarding an issue is not significantly related. This is probably because not all standards used in environmental and by extension also EU policy fall under the system of European standardization which entails a rather specific kind of standard. In similar vein involvement of a regulatory agency is not associated with expert groups in a meaningful way. Put simply, the European Commission uses expert groups disregarding the fact whether a regulatory agency provided information. The insignificance of word count comes somewhat expected because the theoretical link between issue specificity and the length of official documents is not entirely convincing.

Admittedly such an argument might hold partly for formal legal document who are much more uniform in structure but in the present context it seems especially artificial.

These poor results give food for thought about the conceptual validity of regulatory agency and European standard. Upon closer scrutiny quite some initiatives where expert groups assisted in policy formulation actually involved the setting or assessing of quantitative standards even though no regulatory agency was involved and no European standard existed. A clear example of such an initiative is the *Proposal for a COUNCIL REGULATION establishing criteria determining when copper scrap ceases to be waste under Directive 2008/98/EC of the European Parliament and of the Council*. This means that issues with high specificity are still inadequately captured through measurement. Admittedly the difficulty here lies in the fact that almost all initiatives regarding EU regulatory policy involve quantitative data to some extent and so it seems necessary to develop a weighting factor of some sort in order to differentiate between cases.

**Table 3: Strength of association of 'issue specificity' with 'use of expert group'**

Indicators for Specificity	Cramer's V	
	Value	Significance
European standard	0,159	0,135
Regulatory agency	0,133	0,206
Word count	0,286	0,113

Regarding salience the results are mixed. Although timely discussions about an issue in formal Council are overall insignificant, this might still have relevant implications for the study as explained below. Early announcements of EU action through the adoption of a green paper are overall insignificant, though the indicators scores significant for issues formulated by DG Climate Action. Green papers are rarely issued and therefore seem poorly placed to explain total variance. It probably is coincidental that they associate significantly in relation to expert groups used by DG Climate Action because it involves only a very limited number of cases. The result is better ignored due to the small sample size. In contrast, public consultation is clearly significantly related to the use of an expert group. Furthermore the overall strength of association is the second strongest of all individual indicators. More detailed information is provided in the form of a cross table in Annex 2 (p. 19). So while the Commission does not use expert groups systematically in relation to issues that are salient for member states, it seems more probable to

do so when an issue is salient for interest groups. Public consultations are namely dominated by interest groups and by consequence the organization of such consultations especially trigger attention among these groups. If these results are maintained during further analysis, they suggest that the emphasis on characterizing expert groups as political negotiation arenas for member states would be misplaced. Though such dynamics might frequently occur, they should be understood rather as an (un)intentional side-effect than as the main purpose underlying the use of these groups. Otherwise the Commission should have used expert groups more often regarding issues that were discussed in formal Council meetings.

**Table 4: Strength of association of 'issue salience' with 'use of expert group'**

<b>Indicators for Salience</b>	<b>Cramer's V</b>	
	<i>Value</i>	<i>Significance</i>
Formal Council	0,156	0,138
Green paper	0,04	0,706
Public consultation	0,281	0,007

### **PRELIMINARY CONCLUSIONS**

Does the European Commission use expert groups as instruments to reduce uncertainty or does it rather use them strategically to offset salience? The question certainly is relevant given the frequency with which these groups are used to assist in policy formulation. The results are mixed but also indefinite. Even at an early stage scope and salience each reveal interesting associations with the dependent variable. This stands in stark contrast with the associations regarding specificity which were disappointing. The meaning of the concept 'specificity' is probably inadequately captured through measurement which in turn leads to contaminated results. Moreover it is too soon to draw conclusions as moderate changes in the sample might still fundamentally change findings due to the limited size of the sample. This is also the reason why any advanced statistical methods are included in the present paper. In that respect the inclusion of issues prepared by DG CNECT and especially DG MARKT will give findings much more weight. If one does want to make inferences based on the present paper it should be that a) the potential of issue uncertainty and salience to explain differences in the use of expert groups seems more promising than by comparing DGs and their respective policy areas and b) the theoretical distinction between scope and specificity seems relevant insofar that the indicators for scope showed hopeful results. Taking these remarks into account the two main priorities for this research in

the upcoming weeks and months will be to expand the research sample and to create alternative measures for issue specificity in order to ensure that respective findings are internally valid.

**APPENDICES:**

**Annex 1: Cross table 'EP Committees' and 'Use of expert group' per DG**

Number of EP committees informed about an issue		Use of expert group		Total
		No	Yes	
<i>DG Climate Action</i>				
No committee	Abs. number	2	3	5
	% of total	10%	15%	25%
1 to 3 committees	Abs. number	2	4	6
	% of total	10%	20%	30%
4 to 6 committees	Abs. number	3	3	6
	% of total	15%	15%	30%
More than 6 committees	Abs. number	2	1	3
	% of total	10%	5%	15%
Total	Abs. number	9	11	20
	% of total	45%	55%	100%
<i>DG Environment</i>				
No committee	Abs. number	20	7	27
	% of total	28,2%	9,9%	38,0%
1 to 3 committees	Abs. number	5	11	16
	% of total	7%	16%	23%
4 to 6 committees	Abs. number	16	10	26
	% of total	22,5%	14,1%	36,6%
More than 6 committees	Abs. number	0	2	2
	% of total	0%	2,8%	2,8%
Total	Abs. number	41	30	71
	% of total	57,7%	42,3%	100%
<i>Both DGs</i>				
No committee	Abs. number	22	10	32
	% of total	24,2%	11,0%	35,2%
1 to 3 committees	Abs. number	7	15	22
	% of total	7,7%	16,5%	24,2%
4 to 6 committees	Abs. number	19	13	32
	% of total	20,9%	14,3%	35,2%
More than 6 committees	Abs. number	2	3	5
	% of total	2,2%	3,3%	5,5%
Total	Abs. number	50	41	91
	% of total	54,9%	45,1%	100,0%

Note: Cramer's V is insignificant (0,799) for DG CLIMA but significant (0,015) for DG ENV with a value of 0,383. Cramer's V has a value of 0,295 and is significant (0,048) for the total sample comprising both DGs.

**Annex 2: Cross table 'Public consultation' and 'Use of expert group' per 'DG'**

Use of public consultation about an issue		Use of expert group		Total
		No	Yes	
<i>DG Climate Action</i>				
No public consultation	Abs. number	6	4	10
	% of total	30%	20%	50%
Public consultation	Abs. number	3	7	10
	% of total	15%	35%	50%
Total	Abs. number	9	11	20
	% of total	45%	55%	100%
<i>DG Environment</i>				
No public consultation	Abs. number	33	17	50
	% of total	46,5%	23,9%	70,4%
Public consultation	Abs. number	8	13	21
	% of total	11,3%	18,3%	29,6%
Total	Abs. number	41	30	71
	% of total	57,7%	42,3%	100%
<i>Both DGs</i>				
No public consultation	Abs. number	39	21	60
	% of total	42,9%	23,1%	65,9%
Public consultation	Abs. number	11	20	31
	% of total	12,1%	22,0%	34,1%
Total	Abs. number	50	41	91
	% of total	54,9%	45,1%	100%

Note: Cramer's V is insignificant (0,178) for DG CLIMA but significant (0,03) for DG ENV with a value of 0,258. Cramer's V has a value of 0,281 and is significant (0,007) for the total sample comprising both DGs.

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