



**TRANSNATIONAL BUREAUCRATIC POLITICS: AN  
INSTITUTIONAL RIVALRY PERSPECTIVE ON EU NETWORK  
GOVERNANCE**

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Review

## TRANSNATIONAL BUREAUCRATIC POLITICS: AN INSTITUTIONAL RIVALRY PERSPECTIVE ON EU NETWORK GOVERNANCE

### Abstract

This contribution introduces our symposium by highlighting four distinctive aspects of transnational governance from a bureaucratic politics perspective: the emergence of transnational institutions, their functioning, their impact on the domestic level, and the diffusion of regulatory standards. The general argument is that many accounts of transnational governance seem to be overly optimistic about the conditions for effective problem-solving and fail to take into account that institutional rivalry may either support or constrain the implementation of supranational policies. The aim of this piece is to review existing research, to highlight the contribution of the symposium articles in furthering an institutional rivalry perspective on transnational governance, and to sketch pertinent areas for further research building upon this perspective.

Keywords: bureaucratic politics, European Union, multilevel governance, transnational regulatory bureaucracies, administrative networks

### INTRODUCTION

This symposium focuses on administrative power struggles as an explanation for the development, actual functioning and effects of transnational administrative networks in the European Union (EU) and beyond. These networks address transboundary policy problems, and they facilitate the functioning of the internal market of the EU. They are a fundamental component of modern regulatory governance in the absence of centralized coordination capacity at the global (Slaughter 2004) or EU level (Dehousse 1997). Such transnational networks are composed of specialized domestic officials and regulators who directly interact with each other, often with minimal ministerial supervision (Raustiala 2002). Recent research has addressed the emergence of networks of national regulatory agencies as a means to deliver coherent

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3 implementation of EU policies (e.g. Coen and Thatcher 2008; Eberlein and Newman  
4 2008; Maggetti and Gilardi 2014). Moreover, the literature on EU agencies – which  
5 often work as hubs for networks of national agencies – also provides insights into the  
6 structures, processes and effects of transnational governance (Dehousse 1997;  
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8 Egeberg 2006; Levi-Faur 2011).  
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13 Yet, as much of the literature focuses on functional explanations, taking network  
14 building and effective coordination for granted as a result of functional necessities  
15 (e.g. Majone 1997), we still lack systematic empirical knowledge on the actual  
16 development, functioning and effects of transnational networks (Kelemen 2002;  
17 O’Toole 2015). The functional perspective has been complemented by recent research  
18 highlighting the influence of political interests on transnational governing structures  
19 (Groenleer 2011; Kelemen and Tarrant 2011; Blauburger and Rittberger 2014).  
20 However, the strategic motivations of administrative actors have hitherto not played a  
21 major role in theoretical and empirical research on transnational governance (but see  
22 Thatcher 2011; Groenleer 2014). This is surprising, considering that bureaucratic self-  
23 interest and resulting turf battles are considered major impediments to bureaucratic  
24 coordination at the national level (Wilson 1989; Peters 1998; Heidbreder 2014). The  
25 bureaucratic politics approach elaborated in this contribution synthesizes existing  
26 research on the emergence, actual functioning, and effects of agency networks and  
27 networked governance and suggests directions for further research. It builds upon and  
28 further develops existing research viewing institutional design as power struggles  
29 between national and supranational interests, and it provides theoretical  
30 underpinnings based on the institutional interests of executive bodies regarding the  
31 conditions under which transnational cooperation is likely to solve pressing policy  
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48 The aim of this article is to systematically shed light on the ‘administrative factor’ in  
49 transnational network governance. First, we uncover the role of bureaucratic politics,  
50 i.e. the institutional interests of public sector organizations and networks thereof, in  
51 the emergence and change of institutions of transnational governance. This  
52 contribution argues that functional explanations which emphasize the need for  
53 transnational coordination fall short of recognizing the role of bureaucratic politics in  
54 shaping cross-level interactions. Transnational agencies (which usually are  
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3 'networked agencies') emerge in a crowded environment consisting of various  
4 organizations all pursuing their own distinct interests, which will affect the politics of  
5 institutional design.  
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10 Second, we claim that the actual functioning and the effectiveness of transnational  
11 agencies and networks can be fruitfully analysed through an institutional rivalry  
12 perspective. Much of the literature analyses EU agencies and transnational networks  
13 as means to tackle coordination problems, such as dealing with interdependent policy  
14 problems or ensuring a consistent implementation of EU policies across member  
15 states. However, as evidenced by scholarship on coordination within and between  
16 national bureaucracies, effective coordination across organizations seems to be the  
17 exception rather than the rule. Arguably, this is especially relevant in the case of  
18 voluntary coordination, as opposed to horizontal coordination 'in the shadow of  
19 hierarchy' (Scharpf 1997). We therefore suggest considering the institutional interests  
20 of national agencies to provide a more realistic picture of the effectiveness of  
21 administrative coordination 'after delegation'.  
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31 Third, there is a lack of systematic knowledge regarding the impact of the  
32 'transnationalization' of executive decision-making on bureaucratic autonomy in the  
33 national setting (Mastenbroek and Princen 2010; Yesilkagit 2011). Egeberg and  
34 Trondal (2009) characterize national agencies as double-hatted, meaning that they  
35 serve both ministerial departments and the Commission. As members of transnational  
36 networks, national agencies keep fulfilling many of their traditional tasks and have to  
37 deal with well-established political, societal and economic actors. At the international  
38 level, though, they become part of an entirely new constellation of actors and thereby  
39 potentially gain new channels of influence, but also have to face new restrictions  
40 (Ruffing 2015). As a result, the agencies' parent ministries compete with the  
41 Commission over who controls the agencies (Egeberg and Trondal 2009). Moreover,  
42 the agencies' participation in EU administrative networks strengthens their role in  
43 domestic policy making (Bach et al. 2015).  
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54 Finally, an analytical perspective emphasizing institutional rivalry provides additional  
55 leverage for the analysis of the EU's external governance, in particular with regard to  
56 competition, diffusion and harmonization of regulatory standards in international  
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3 trade. Diffusion approaches typically adopt a macro perspective and understate actor-  
4 level explanations. Nonetheless, as shown by Schulze and Tosun (2015) in this  
5 symposium, institutional rivalry matters in diffusion studies, in two ways. On the one  
6 hand, rivalry exists at the international level, with respect to standards inspired by  
7 different regulatory styles and politico-administrative traditions. On the other hand,  
8 they highlight that a dynamic of rivalry can be at work across levels, whereby  
9 domestic actors' interests are more important than international power politics in  
10 affecting national regulations, even when the latter are enshrined in international  
11 regimes. Before developing each of these four aspects (analysed so far in isolation) in  
12 depth, the next section gives an overview of different regimes of organizing  
13 transnational regulation  
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## 22 23 **TRANSNATIONAL NETWORKS AND INTERNATIONAL REGULATORY** 24 **COOPERATION** 25 26

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28 The growing internationalization of markets and the interdependence of policy issues  
29 require common policies and institutional arrangements to avoid negative externalities  
30 and regulatory loopholes. In the absence of a global authority, international  
31 organizations and transnational networks are set up to achieve regulatory coordination  
32 among nation states (Slaughter 2004). In the EU, the question of coordination is  
33 particularly pressing: the EU is facing the dilemma of being confronted with a weak  
34 legitimacy of deeper integration while the necessity for European coordination to  
35 reduce the negative externalities arising from diverging national approaches arguably  
36 increases over time (Dehousse 1997; Eberlein and Grande 2005; Eberlein and  
37 Newman 2008). In turn, domestic regulatory authorities are confronted with different  
38 political preferences, institutional endowments, administrative traditions, market  
39 structures and business cultures. To tackle these challenges, several types of sector-  
40 specific regulatory regimes have been created for harmonizing standards and  
41 regulations, and for ensuring multilevel regulatory cooperation.  
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53 The first type of regime involves the creation of transnational agencies to facilitate  
54 cooperation among national agencies. In the EU, the process of 'agencification' has  
55 been on the political agenda for at least the last two decades (Rittberger and Wonka  
56 2011; Busuioc et al. 2012). Agencification is often justified by the need to ensure  
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3 uniform implementation of EU legislation and to ensure the long-term credibility of  
4 regulatory policies, a crucial condition for investors and other market actors  
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6 (Dehousse 1997; Majone 1997).  
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10 The second type of regime consists of transnational networks of both EU institutions  
11 and national administrations. Following Coen and Thatcher (2008), these networks  
12 configure a weaker institutionalized solution to further the harmonization of European  
13 regulation, provide expert-based advice and promote pro-competition rules, given  
14 member states' unwillingness to disempower their domestic authorities and delegate  
15 more power to the EU level in some key areas. Some such networks were created  
16 'from scratch' by supranational legislation, a prominent example being the European  
17 Competition Network (ECN), which comprises the Commission and national  
18 competition authorities (see Wilks 2005; Kassim and Wright 2009). Other networks  
19 were built on pre-existing bottom-up structures, with which they largely overlap, as in  
20 the case of the European Regulators Group for Electricity and Gas (EREG). This  
21 network was set up by the Commission in 2003, to provide a platform for further  
22 developing the internal energy market within the framework of the second Internal  
23 Energy Market Directive, in close association with an earlier, voluntary network, the  
24 Council of European Energy Regulators. These networks have proved to be, perhaps  
25 unexpectedly, remarkably influential, in particular in comitology (Vos 2005; Krapohl  
26 2008). Furthermore, soft rules developed at the network level have been quite  
27 consistently adopted as binding national regulations by member states' regulatory  
28 authorities (Maggetti and Gilardi 2014). On the other hand, these networks have  
29 allowed domestic regulators to gain new regulatory powers, through the opportunity  
30 to play a two-level game (Yesilkagit 2011; Bach and Ruffing 2013; Maggetti 2014).  
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46 The third type of regime is related to the role of the EU in promoting the  
47 establishment of international regulatory cooperation through global networks (Stone  
48 and Ladi 2015). A crucial element is the EU's external governance, through which its  
49 eastern and southern European neighbours are 'associated', in a process designed to  
50 manage interdependence on issues such as justice and home affairs, the environment  
51 and energy (Lavenex and Schimmelfennig 2009). This form of governance,  
52 exemplified by the creation of the European Economic Area and the 'European  
53 neighbourhood' policy, represents a way to extend the scope of EU policies and  
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3 regulatory reach beyond the EU's borders, notwithstanding the limited institutional  
4 involvement of third parties in EU decision-making processes (Lavenex and  
5 Schimmelfennig 2009). Other specific international regimes where the EU is actively  
6 involved in fostering regulatory cooperation are constituted by bilateral agreements,  
7 namely with Switzerland, and by several multilateral initiatives that are more or less  
8 formalized, such as participation in the World Trade Organization and in the  
9 negotiation of agreements concerning public health or human rights in the context of  
10 inter-regional relations, for instance with the ASEM, Mercosur, ASEAN and the Gulf  
11 Co-operation Council (Elgström and Smith 2006).  
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20 By 'getting other actors to behave in a way that *generally satisfies or conforms to*  
21 *European rules*' (Damro 2015 p. 1344, emphasis in original), externalization of EU  
22 regulatory regimes occurs not only among neighbouring countries. The economic  
23 power of the single market as well as the normative power of European governance  
24 principles and values, such as democracy, human rights, rule of law and modes of  
25 cooperation (Newman and Posner 2015), have enabled the EU to set rules and  
26 standards for global markets (Young 2015). The size of the single market, the  
27 stringency of its rules and the administrative capacity to enforce them allow the EU to  
28 compete with other global standard setters. These mechanisms of external influence  
29 are power resources that allow the EU to be a strategic actor which aims to attain its  
30 policy goals within the global regulatory context (Newman and Posner 2015).  
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## 41 **THE POLITICS OF INSTITUTIONAL CHOICE: FROM FUNCTIONAL TO** 42 **POLITICAL EXPLANATIONS** 43 44

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46 Having outlined the different types of international regulatory regimes, this section  
47 addresses how supranational agencies and transnational networks emerge. There is a  
48 growing body of scholarship studying the growth of supranational agencies and  
49 transnational administrative networks. There are two noticeable trends in this area.  
50 Firstly, whereas the early literature tended to focus on either agencies or networks,  
51 more recent scholarship sees agencies and networks as functional equivalents or  
52 complementary structures of multilevel coordination, which therefore need to be  
53 jointly analysed (Groenleer 2011; Levi-Faur 2011; Blauburger and Rittberger 2014).  
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3 For instance, in 2011, the ERGEG network was replaced by the Agency for the  
4 Cooperation of Energy Regulators (ACER), in which senior representatives of all  
5 national regulators are members of the Regulatory Board, which plays a key role in  
6 ACER's decision-making (Ruffing 2015a). Since domestic agencies have not been  
7 dismantled, the newly created EU agencies, although more formalized and powerful  
8 than transnational networks, still function as networked organizations (Levi-Faur  
9 2011). Moreover, formal and informal networks of regulators often continue to exist  
10 side by side, allowing national regulators to coordinate also without the involvement  
11 of the Commission.  
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20 Secondly, whereas most early accounts of the emergence of agencies and networks  
21 relied heavily on functional explanations (Dehousse 1997; Majone 1997; Eberlein and  
22 Grande 2005), more recent scholarship has embarked on political explanations,  
23 stressing the relevance of power struggles between supranational and national  
24 interests (Kelemen 2002; Christensen and Nielsen 2010; Groenleer 2011; Kelemen  
25 and Tarrant 2011), or has tried to reconcile the two types of explanation, political and  
26 functional (Blauberger and Rittberger 2014). Most relevant for the claim put forward  
27 in this article are recent accounts theorizing the effect of the pursuit of institutional  
28 interests by existing agencies and networks for the politics of institutional choice  
29 (Newman 2008; Thatcher 2011).<sup>1</sup> These explanations have the potential to account for  
30 the emergence of both agencies and networks. The remainder of this section discusses  
31 the concurrent theoretical explanations.  
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41 From the perspective of a functional logic of delegation, elected politicians delegate  
42 regulatory tasks to non-majoritarian institutions, most importantly independent  
43 regulatory agencies, to signal a credible commitment to a chosen policy and to  
44 increase policy-making efficiency (Majone 1997). Any alternative in which  
45 politicians can exercise discretion would imply the risk of unpredictable changes in  
46 the regulatory environment, following the electoral cycle, which is assumed to be  
47 detrimental for effective regulatory policy. Another functional explanation for agency  
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55 <sup>1</sup> A third theoretical explanation for the creation of supranational agencies is rooted in sociological  
56 theories of isomorphic change in organizational fields, claiming that agencies have become a standard  
57 model of organizing and are therefore considered legitimate (Ruffing 2014; Van Thiel 2004). These  
58 theories are not covered in this article but have been applied to analyze processes of institutional choice  
59 for supranational agencies (Christensen and Nielsen 2010; Groenleer 2011).  
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3 creation builds upon the notion that agencies can close the ‘regulatory gap’ which  
4 results from the limited administrative capacities of the Commission to ensure a  
5 harmonized implementation of EU legislation (Dehousse 1997). Indeed, a similar  
6 argument is also prominent in scholarship on the emergence of transnational  
7 regulatory networks (Slaughter 2004; Eberlein and Grande 2005; Eberlein and  
8 Newman 2008).

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15 The relevance of political explanations for the institutional design of EU agencies is  
16 underlined by Christensen and Nielsen (2010), who find that higher degrees of formal  
17 powers of EU agencies coincide with stronger mechanisms of formal control by the  
18 member states. Moreover, in terms of institutional design, they do not find any  
19 significant differences between regulatory and non-regulatory agencies, whereas  
20 Wonka and Rittberger (2010) provide evidence that economic regulatory agencies  
21 have been endowed with higher levels of formal autonomy. Kelemen (2002) analyses  
22 the creation of EU agencies since the early 1990s as a consequence of inter-  
23 institutional power struggles between the Commission, the Council and the European  
24 Parliament (especially since the latter institution became increasingly engaged in the  
25 politics of agency design). Kelemen and Tarrant (2011) more explicitly address the  
26 conditions under which agencies or networks are created. They argue that member  
27 states will prefer to have more control over the implementation of EU policies  
28 through administrative networks under conditions of strong distributional conflicts  
29 (rather than see the establishment of a supranational agency, which tends to be the  
30 preferred solution of the Commission and the European Parliament). In an attempt to  
31 reconcile functional and political explanations, Blauburger and Rittberger (2014)  
32 argue that functional explanations perform well in explaining the decision to create a  
33 particular coordination structure (e.g. a transnational network rather than an EU  
34 agency), whereas political explanations are useful in explaining variations in the  
35 specific institutional design of transnational networks.

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60 In terms of institutional choice, such an analytical perspective highlights the  
importance of the institutional interests of bureaucratic organizations. Moreover, it  
explicitly considers that institutions are created in a crowded institutional space,  
especially in the EU. For instance, the creation of agencies in economic regulation  
occurred much later than in social regulation (Eberlein and Grande 2005; Thatcher

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3 2011). This empirical observation is at odds with the logic of credible commitment,  
4 according to which delegation to independent regulators is most relevant for  
5 economic regulation, in contrast to social regulation (Gilardi 2008; see Wonka and  
6 Rittberger 2010 for a more nuanced discussion). The explanation put forward by  
7 Thatcher (2011) is one of institutional rivalry, driven by existing organizations  
8 defending their interests. He argues that the Commission initiated the establishment of  
9 EU agencies only in sectors where it had limited powers, whereas it resisted the  
10 creation of agencies in areas where it had accumulated substantive powers. Another  
11 explanation is that national regulators tend to oppose the creation of supranational  
12 agencies (and prefer the creation of less institutionalized transnational networks)  
13 because they fear a shift of power to the supranational level. When EU agencies in  
14 economic regulation have been created, national regulators and governments have  
15 attempted to limit their powers, for example by integrating national regulators into  
16 those new EU agencies' management boards. However, being able to rely on a  
17 network of powerful national regulators may in fact increase the actual autonomy and  
18 power of supranational agencies (Groenleer 2014). Moreover, the degree of  
19 contestation of transnational agencies may also vary across policy sectors, with  
20 corresponding differences in national agencies' assessment of the desirability of  
21 transnational coordination (Heims 2014).  
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36 A key insight from an institutional rivalry perspective on networks is to focus on the  
37 interplay of national as well as supranational administrative actors' institutional  
38 interests. The symposium contribution by Mathieu (2015) shows indeed that the  
39 Commission created favourable conditions for the establishment of a transnational  
40 regulatory network in the telecommunications sector by mandating member states to  
41 set up independent regulators. This setting then created a functional necessity – also  
42 driven by the (newly created) agencies' institutional interests – to create a  
43 transnational regulatory network to facilitate the implementation of EU legislation.  
44 Newman (2008) provides another example of how institutional dynamics at the  
45 national level shaped institutional choice at the supranational level. He shows that an  
46 informal transnational network of national agencies governing data privacy acted as a  
47 successful policy entrepreneur in the process leading to the adoption of the EU's Data  
48 Privacy Directive by imposing its preferences against initially strong opposition.  
49 Moreover, this process entailed a formalization of the transnational network, which  
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3 has had major repercussions on both the formal and informal powers of national data  
4 protection agencies (Yesilkagit 2011).  
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## 9 10 **THE COORDINATIVE CAPACITY OF SUPRANATIONAL AGENCIES AND** 11 **TRANSNATIONAL NETWORKS** 12

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14 After highlighting the relevance of bureaucratic politics for the institutional design of  
15 supranational agencies and intergovernmental networks, we now turn to the dynamics  
16 of multilevel coordination in practice. The argument is that analysing processes of  
17 inter-organizational coordination through the lens of bureaucratic politics is  
18 particularly relevant, considering that both EU agencies and transnational networks  
19 are composed of national agencies that may have divergent interests (Dehousse 1997;  
20 Levi-Faur 2011; Groenleer 2014). This approach is based on the insight that formal  
21 structures and procedures do not determine actual practices of decision-making. Once  
22 created, public bureaucracies pursue distinct institutional interests and become  
23 ‘political actors in their own right’ (Moe 1990, p. 143). As with other public  
24 organizations (Carpenter 2001), this may even go as far as EU agencies being able to  
25 set the agenda and impose their preferences on elected politicians and other  
26 stakeholders. In other words, a bureaucratic politics perspective highlights  
27 institutional interests as potentially driving or inhibiting inter-organizational  
28 coordination. More specifically, national agencies’ institutional interests are likely to  
29 be threatened by coordination in the EU multilevel setting, in which supranational  
30 agencies and networks potentially take over tasks from the national level.  
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45 A key lesson from research on bureaucratic coordination at the national level is that  
46 effective coordination between public sector organizations is the exception rather than  
47 the rule (Peters 1998). The virtual impossibility of allocating every policy problem to  
48 a single organization leads to a situation of structural interdependence, which makes  
49 coordination between bureaucratic organizations necessary (Scharpf 1997). However,  
50 coordination with other organizations may imply changes to an organization’s  
51 standard operating procedures and may compromise its preferred course of action.  
52 Also, task specialization leads to selective perception or ‘silo mentalities’, which  
53 occurs when organizations develop a biased view of policy problems. Although  
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3 selective perception tends to be viewed as inherently problematic, it is a precondition  
4 for government based on expertise (Heidbreder 2014). As a consequence of selective  
5 perception, inter-organizational conflict will be fiercest among organizations within  
6 the same policy area that 'lack common ideas about service delivery' (Peters 1998 p.  
7 304).  
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12 Against this background, the conditions for effective supranational coordination  
13 through networks of national agencies seem rather favourable, as the latter do not  
14 compete for the same budgetary resources, usually have similar competencies and  
15 adhere to common professional standards (Eberlein and Grande 2005; Maggetti and  
16 Gilardi 2011). This argument is backed by the notion of shared worldviews among  
17 national agencies, but it tends to underestimate that supranational coordination is  
18 costly in terms of time and resources, and may impinge upon national agencies'  
19 institutional interests or turf (Heims 2014). More specifically, institutional interests  
20 resulting from organizations striving to maximize their autonomy (Wilson 1989) are  
21 considered as major impediments to effective inter-agency coordination. A high level  
22 of autonomy is characterized by relatively undisputed jurisdiction and a coherent  
23 mission of the organization, i.e. 'a widely shared and approved understanding of the  
24 central tasks of the agency' (Wilson 1989 p. 182). As a result, agencies will try to  
25 match their mission with their jurisdiction and defend their turf in order to ensure  
26 political support, as well as to minimize the need for monitoring their employees.  
27 Accordingly, bureaucratic organizations will coordinate with others only if this will  
28 contribute to the accomplishment of their core mission, or at least does not threaten  
29 their turf. In a recent empirical study covering several sectors and countries, Heims  
30 (2014) shows that national agencies will engage proactively in (mandated)  
31 supranational coordination only if it adds value to their core (national) business.  
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48 Another body of literature expands the turf perspective and emphasizes the  
49 importance of reputational concerns as a driving force of bureaucratic behaviour  
50 (Carpenter and Krause 2012; Maor 2014; Gilad 2015). Accordingly, bureaucratic  
51 organizations are driven by the desire to create or maintain their distinct reputation,  
52 which is considered as a key source of power and which ultimately ensures  
53 organizational survival. Put differently, an agency's distinct reputation is a political  
54 resource to ensure autonomy (Carpenter 2001) and therefore also its turf. This kind of  
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3 reputation-sensitive behaviour becomes visible in various ways, such as through the  
4 timing and type of agency decisions or strategic responses to public allegations (see  
5 Maor 2014 for a recent review of the literature). An important element is that public  
6 bureaucracies have multiple audiences, which place potentially conflicting demands  
7 upon them as they value different aspects of an organization's activities (Carpenter  
8 and Krause 2012). As a result, reputation-sensitive organizations have to trade off  
9 reputational risks against each other when taking decisions (Gilad 2015).  
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16 For the study of coordination in a multilevel setting, this approach implies that  
17 reputational calculations of national agencies will strongly influence their propensity  
18 to cooperate. In the study of transnational coordination, this is largely untrodden  
19 territory. In her contribution to this symposium, Busuioc (2015) shows that  
20 reputational concerns drive the willingness of national agencies to cooperate with  
21 supranational agencies. The supranational agency in the field of police cooperation  
22 (EUROPOL) is provided with insufficient information by national law-enforcement  
23 authorities, which fear losing cases because of the associated reputational costs in  
24 their domestic context. The situation is different for joint border control (FRONTEX),  
25 where national authorities are dependent on the efficient working of their sister  
26 organizations, due to a high level of problem interdependency, and hence are willing  
27 to contribute actively to supranational operations. That said, they tend to oppose  
28 strengthening the administrative capacity of FRONTEX, as it might then become a  
29 rival institution, pursuing its institutional interests by demonstrating its added value,  
30 similar to EUROPOL (Busuioc 2015).  
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43 In a similar vein, Groenleer (2014) shows that the supranational medicines regulator,  
44 the European Medicines Agency (EMA), gained substantial powers by co-opting  
45 national regulators into its decision-making structures and thereby protecting their  
46 institutional interest of organizational survival. In contrast, national agencies are less  
47 integrated into the (formally more autonomous) supranational food safety agency, the  
48 European Food Safety Authority (EFSA), which is hence perceived more strongly as  
49 a rival institution by national authorities. Therefore, taking the institutional interests  
50 of already existing national authorities into account can be seen as a key condition for  
51 supranational agencies to gain power by adding value to 'an environment replete with  
52 other organizations, in particular national authorities' (Groenleer 2014, p. 283). This  
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3 type of supranational networking will be eased if national authorities have comparable  
4 task portfolios and formal powers (Eberlein and Grande 2005). As we have seen  
5 above, supranational legislation can play a decisive role in establishing such  
6 conditions (Mathieu 2015). Before turning to another instance of institutional rivalry,  
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8 namely multilateral agreements, we look at the effects of supranational coordination  
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10 on relationships between national administrative actors.  
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### 13 14 15 16 **DOMESTIC EFFECTS OF TRANSNATIONAL NETWORKS AND** 17 **INTERNATIONAL COOPERATION** 18 19

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21 How network building on the international level would impact on national  
22 administrative systems is a largely unexplored topic. In her seminal book *A New*  
23 *World Order*, Anne-Marie Slaughter (2004) argued that networks are ubiquitous in  
24 the international system and that the process of network building goes hand in hand  
25 with a disaggregation of nation states, meaning that they are no longer represented by  
26 diplomatic corps only but also by regulators, courts and parliamentary committees.  
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28 However, Slaughter was concerned with the question of whether this network  
29 building process might enable a legitimate political order in the international system  
30 and not with how it might impact on nation states. Whereas regime theory  
31 acknowledged as early as the 1980s (Keohane 1984) that expert networks gain far-  
32 reaching influence in and on international organizations, the fact that these experts are  
33 mostly national administrative actors was often reported but not discussed (e.g. Adler  
34 and Haas 1992; Gehring and Ruffing 2008). Trying to gain ground against the  
35 formerly predominant (neo-)realism, regime theory was mainly concerned with  
36 demonstrating that international organizations (and their administrations) are able to  
37 gain any kind of influence on policies and implementation at all (Barnett and  
38 Finnemore 2004; Joachim et al. 2008). Current research on the bureaucracy of  
39 international organizations tends to follow this tradition, by focusing on whether and  
40 how such administrations gain autonomy from their member states (Biermann and  
41 Siebenhüner 2009; Ege and Bauer 2013). However, if they are able to increase their  
42 autonomy, and if they are based on networks of national administrative actors,  
43 international relations theory might have much to learn from research on European  
44 integration (Stone and Ladi 2015).  
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With regard to the EU, there are two strands of research on the effects of network-building on member states. First, there is research on whether national administrative procedures and structures are changed by European integration (Börzel and Risse 2000; Knill 2001; Ruffing 2015b) or even converge within the EU member states (Trondal and Peters 2013), leading to the emergence of a European administrative space. Börzel and Risse (2000) developed the nowadays well acknowledged misfit thesis. This thesis assumes, *inter alia*, that ‘Europeanization leads to domestic change through a differential empowerment of actors resulting from a redistribution of resources at the domestic level’, or an internalization of changing norms (Börzel and Risse 2000, p. 2). These processes of change are triggered by a certain degree of misfit between European and national processes, policies and institutions, whereas adaptational pressure increases with the degree of misfit. Esmark (2008) demonstrates that a misfit between the European and Danish polity led to a change in administrative structures, establishing new coordination structures within and between ministries. In contrast, Knill (2001) shows, by comparing British and German implementation of European environmental policy, that even a high degree of misfit does not lead to change in administrative structures if adaptational pressure impinges on the core of well-established national administrative structures. This finding is in line with the research on the convergence of national administrations towards a European administrative space that delivers repeatedly mixed results, showing that some convergence processes are underway even while, on the other hand, differences remain quite persistent (Olsen 2003; Trondal and Peters 2013).

The second strand of research is more focused on the effects of networks on the autonomy and role in the policy process of their members – national agencies. One by now well established empirical finding is that membership of European networks affects the formal and *de facto* autonomy of national agencies from their parent ministries (see Bach and Ruffing 2013 for a discussion of formal and de facto autonomy in this context). Domestic agencies not only are more independent from elected politicians when they are part of EU networks, but their network membership also increases their independence from the regulated industries (Maggetti 2012). Studying the implementation of the European Data Protection Directive, Yesilkagit (2011) finds that the Dutch data protection agency gained a high degree of formal



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3 independence due to initiatives of and resources provided by the European network of  
4 data protection agencies. In a similar vein, Ruffing (2014) demonstrates that the  
5 creation of an independent German utilities regulator was to a great extent induced by  
6 network building dynamics on the European level. Maggetti (2014) shows that  
7 national agencies involved in European networks enjoy a reinforcement of their  
8 regulatory powers, granting them also more formal autonomy.  
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15 However, even if the formal configuration of ministry-agency relations remains  
16 unchanged, agencies may gain *de facto* autonomy. Egeberg and his colleagues found  
17 that national agencies involved in European decision-making become ‘double-hatted’:  
18 that is, at the same time serving their parent ministry and the Commission (Egeberg  
19 and Trondal 2009). This allows them to bypass their ministries and influence  
20 European policy-making directly (Egeberg 2006). Yesilkagit (2011) shows that the  
21 formally empowered Dutch data protection agency could use the resources of its  
22 supranational network to decisively influence national policy-making. Ruffing  
23 (2015a) shows that the German energy and financial market regulators gained *de*  
24 *facto* autonomy in policy development due to the increasing information asymmetry  
25 between agencies and ministries resulting from the multilevel character of European  
26 decision-making. Moreover, several large-n studies indicate that participation in  
27 transnational networks in general results in more *de facto* autonomy of national  
28 agencies (Bach and Ruffing 2013; Bach et al. 2015). What remains to be done is to  
29 operationalize cross-level interactions from a rivalry perspective, that is, to focus not  
30 only on the benefits of playing in a multi-level arena, but also on the constraints  
31 deriving from it.  
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#### 45 **THE EFFECTIVENESS OF THE EU AS A TRANSNATIONAL REGULATOR**

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48 Having discussed the domestic effects of transnational networks and supranational  
49 agencies, we now turn to the external effects of EU network governance. The process  
50 of Europeanization and its impact on domestic institutions situated beyond the EU  
51 borders is not a novel research area. An emerging literature focusses on public policy  
52 making on a global scale (Stone and Ladi 2015) and argues that Europeanization  
53 research can be regarded as a special instance of policy and institutional diffusion  
54 (Börzel and Risse 2011). However, research on Europeanization and diffusion beyond  
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3 the EU is mostly limited to processes of policy transfer, institutional emulation and  
4 models for regional integration (Jetschke and Murry 2011; Lenz 2011). Empirical  
5 analyses of regulatory competition and interdependence between transnational  
6 regulatory orders are now emerging (Birchfield 2015; Kissack 2015; Schulze and  
7 Tosun 2015).<sup>2</sup> Furthermore, the impact and effectiveness of EU-orchestrated  
8 transnational regulatory networks and institutions need to be assessed *vis-à-vis* other  
9 transnational legal and regulatory orders. Ultimately, transnational norms and  
10 associated institutions gain force and effect when they are embedded in national legal  
11 systems (Shaffer 2012).  
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19 Transnational regulatory orders are interconnected (Abbott and Snidal 2001) and  
20 interdependent (Lazer 2001). They are a reflection of either international regulatory  
21 competition or international regulatory coordination that affects the choices of  
22 national policy makers. At the global level, legal orders and norms are sometimes  
23 complementary and sometimes incompatible. In the former case, transnational  
24 regulatory institutions provide another means to pursue harmonization for obtaining  
25 market access and achieving economies of scale (Raustiala 2002). An example of the  
26 first type of interdependence is the transatlantic cooperation through which  
27 transnational networks are negotiating treaties for harmonizing policies and rules  
28 (Raustiala 2002).  
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37 In the latter case, jurisdictions are called to choose one among several models of  
38 economic and institutional cooperation for achieving regulatory harmonization  
39 (Zielonka 2008). An example of the second type is transnational regulatory  
40 interdependence regarding competition law, where jurisdictions are called to embrace  
41 an international treaty based on US or EU norms and practices (Raustiala 2002).  
42 Another example are environmental multilateral agreements, as analysed in Schulze  
43 and Tosun's (2015) contribution to this symposium. Moreover, EU agencies interact  
44 with pre-existing international organizations aimed at solving transnational issues and  
45 governing global markets. This implies that EU agencies often conform to  
46 international organizations' norms and values in order to enhance the effectiveness  
47 and legitimacy of their performance. Similarly to the argument that involvement in  
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56 <sup>2</sup> Transnational regulatory orders can be conceptualized as 'a collection of more or less codified  
57 transnational legal norms and associated institutions within a given functional domain' (Shaffer 2012,  
58 p. 236).  
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3 EU agencies or transnational networks benefits national agencies, the interaction with  
4 international institutions may further the autonomy of EU agencies towards their  
5 stakeholders (Busuioc et al. 2012).  
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9 As a global actor, the EU is seeking to promote its environmental and trade regulation  
10 also among non-member states. A measure of the effectiveness of the EU as a global  
11 standard setter is the ratification of international agreements that overlap with its own  
12 governance style on environmental and trade issues. Schulze and Tosun (2015)  
13 emphasize that there is now an institutional marketplace composed of poles of  
14 influence, i.e. the economic superpowers, which are able to set international standards  
15 for all other countries. The US and the EU are the main producers and exporters of  
16 transnational norms. Accordingly, they play an essential role in the construction and  
17 diffusion of transnational legal norms (Shaffer 2012).  
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25 Cooperation and competition between transnational regulators have different  
26 implications. The choice of transnational actors to cooperate leads to the global  
27 standardization of products and services, as well as to economic and social  
28 regulations. Contrarily, the choice of regulatory players to compete with each other  
29 results in a division of the world, in a set of clubs in which national jurisdictions  
30 adhere to and comply with one of several standards set by hegemonic global  
31 regulators through regional integration processes and multilateral and bilateral  
32 agreements and institutions.  
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40 What is striking from the strand of comparative and international political economy is  
41 the impact on global regulation of the institutional features and administrative  
42 capacity of the EU as a regulatory state. Policy-making processes and decision-  
43 making rules contribute to the EU's external dimension of the regulatory state. The  
44 regulatory expertise, internal cohesiveness and sanctioning authority of EU regulatory  
45 networks and agencies are necessary conditions for the external influence of the EU  
46 as a regulatory state (Damro 2015). Furthermore, similar to the bureaucratic politics  
47 approach, the literature on the EU as a global regulator and market power is also  
48 characterised by interest contestation of domestic actors (Damro 2015), the  
49 bureaucratic interests of cooperating actors (Legrand 2015) and by the density of  
50 regulatory institutions within a global regulatory context (Newman and Posner 2015).  
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3 Accordingly, one can maintain that administrative power struggles are common  
4 across all the institutional manifestations of EU regulatory networked governance. In  
5 other words, institutional rivalry is an analytical perspective that can be applied in  
6 explaining variation in regulatory governance within EU networks, as well as  
7 variation in the extent of the externalization of such networks.  
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## 11 12 13 14 15 **CONCLUSION**

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18 This article – together with the other contributions to this symposium – points to the  
19 crucial role of bureaucratic politics in explaining the emergence and change of  
20 institutions of transnational governance. We also explored the impact of bureaucratic  
21 interests on cooperative behaviour within administrative networks and the effect of  
22 transnational governance on national administrations. Finally, we investigated power  
23 struggles that might influence the diffusion of EU regulatory models. Thereby, we  
24 suggest that studies of EU agencies and transnational networks which take into  
25 account the institutional interests of national agencies and of the EU as an actor in the  
26 international arena provide a more realistic picture of the effectiveness of  
27 administrative coordination on the European level. In addition, we have shown that  
28 European network structures also impact on national administrative structures and  
29 actors, empowering them with respect to their formal structures, capacity and  
30 autonomy.  
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42 However, a major research gap relates to the extent of any interaction between such  
43 processes on the European and the national levels. Most studies focus either on the  
44 question of how ‘Europe hits home’ (Börzel and Risse 2000) or on how national  
45 actors influence European network building and coordination. One could assume,  
46 however, that those processes become mutually reinforcing or, on the contrary, inhibit  
47 each other. For example, if national agencies are empowered by their involvement in  
48 European networks, as discussed above, this might change their bureaucratic interests  
49 and their preferences with regard to the creation of a supranational agency. Further  
50 research needs to account for the bureaucratic politics that affect coordination within  
51 and across different levels, which includes feedback processes in the cross-level  
52 interactions that span all these levels. This symposium is a first step in this direction  
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3 by relying on three different case studies of transnational regulatory cooperation,  
4 brought together by the theoretical framework of institutional rivalry. Taking this line  
5 of thought a step further, the institutional rivalry perspective on administrative  
6 networks may be 'scaled up' to the study of transnational networks at the international  
7 level, e.g. within international organisations, but it may also be 'scaled down' to study  
8 administrative networks spanning different levels of government at the national or  
9 regional level, comprising regional and local actors, respectively.  
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16 All in all, we maintain that regulatory agencies pursue their own interests across all  
17 levels of transnational governance. National regulatory agencies are in need of  
18 achieving autonomy and legitimacy within their domestic institutional and political  
19 environment. This pursuit is facilitated by the process of agencification at the EU  
20 level that may enhance the autonomy of national regulatory agencies vis-à-vis  
21 domestic institutions. However, emergent EU and supranational regulatory  
22 institutions may also control national agencies, limiting their operational autonomy.  
23 Once an institutional equilibrium among divergent interests has been reached, for  
24 instance at the level of EU single market regulation, the EU may become a 'model  
25 power' for tackling market, environmental and social issues at the global level  
26 (Zielonka 2008). In other words, regulatory governance institutions designed and  
27 implemented within the EU, such as the precautionary principle and mutual  
28 recognition of products and services, may be adopted and consequently legitimated by  
29 other non-EU actors. The EU can act as a legitimate actor and as a model power only  
30 if it can display externally its capacity of effectively governing its internal market and  
31 environmental and societal issues. At the global level, where different models  
32 designed by the US and other regional powers are in competition for acquiring the  
33 status of global standard, the EU may be able to play a distinct role as an international  
34 actor (Groenleer and Van Schaik 2007; Zielonka 2008). By putting forward a general  
35 hypothesis that bureaucratic actors are willing to cooperate internationally only if the  
36 shift of their competences to a higher level of governance does not endanger their  
37 autonomy, reputation or legitimacy, this special issue is a first step towards an  
38 integrated analysis of multilevel regulatory governance.  
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56 The literature review in this article and the articles in the symposium suggests that the  
57 actual autonomy of agencies may differ quite substantially from their formal  
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3 autonomy, a finding which is consistent with research on national agencies  
4 (Yesilkagit and van Thiel 2008; Maggetti 2012; Bach 2014). Due to their nature as  
5 networked agencies, the actual autonomy of supranational agencies needs to be  
6 assessed in conjunction with the formal and actual powers of those national agencies  
7 incorporated in the decision-making structures of the supranational agencies (Mathieu  
8 2015), as well as with the institutional interests of national agencies (Heims 2014;  
9 Busuioc 2015). Having strong linkages to a vertical network of national agencies and  
10 a co-optation of national agencies into the decision-making process may provide  
11 supranational agencies with important power resources (Groenleer 2014) and this may  
12 not be reflected in measures of formal agency autonomy. Hence, the perspective  
13 proposed here may also provide analytical leverage to explain variation between  
14 different networks (including supranational agencies) in terms of their autonomy, and  
15 ultimately their problem-solving capacity.  
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26 More generally, we should pay more attention to within- and cross-level interactions.  
27 To understand the establishment and functioning of transnational networks, we should  
28 examine horizontal and vertical relationships involving cooperation but also conflict  
29 among actors that aim at expanding their organizational power. At the same time,  
30 intense cooperation at the transnational level is likely to limit the potential for  
31 cooperation among domestic actors, and vice versa (Egeberg and Trondal 2015). This  
32 would imply that well-functioning agencies or networks could also have negative  
33 effects on the cohesion of national policy-making capacity, although they would be  
34 able to improve policy effectiveness from an essentially sectoral, EU perspective.  
35 This 'dark side' of networks is however an empirical question that should be  
36 investigated further.  
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46 Finally, we believe that an institutional rivalry perspective on transnational networks  
47 and the diffusion of regulatory standards beyond the EU itself have a strong potential  
48 for cross-fertilization. However, the type of rivalry may vary. In the case of  
49 transnational networks and EU agencies, we focused on rivalry in terms of  
50 institutional interests, which were assumed to be consistent across national agencies.  
51 The willingness to cooperate with EU agencies, as studied by Busuioc (2015), is a  
52 case in point. In contrast, our discussion of the diffusion of regulatory standards  
53 essentially focused on diverging institutional preferences related to policy substance,  
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rather than on questions related to institutional design or the functioning of international trade regimes in practice. We therefore suggest that studies of transnational networks and agencies should examine the dynamics of interests related to policy substance more closely (e.g. Maggetti and Gilardi 2011). This includes issues on which national agencies manage to ‘upload’ policy preferences to transnational settings, but also issues relating to the general mode of functioning of networks, e.g. whether they are dominated by bargaining or problem-solving (Scharpf 1997). At the same time, we suggest that studies on the diffusion of regulatory standards need to pay closer attention to the ‘administrative factor’ underlying such processes. As Newman and Posner argue, there is a close relationship between administrative capacities and the ability to assert policy preferences, as ‘a polity must have the institutional expertise, internal arrangements and governance mechanisms to develop a set of rules, identify breaches in those rules and sanction non-compliance’ (Newman and Posner 2015, p. 1323). In this sense, the symposium is an important step to link the European and the global debate on bureaucratic politics.

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