

Representative bureaucracy in European Union agencies

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Abstract

This article provides, through the lens of the theory of representative bureaucracy, a detailed and systematic assessment of diversity regarding gender, nationality, educational qualifications and professional background among the individuals serving in the management boards and scientific committees of European Union agencies (EAs). Drawing on a novel dataset of 508 members, our findings show that these decision-making bodies are generally composed of male experts, and that their inclusiveness of nationalities seems to be related to their formal institutional design. We also find that experts generally have extensive scientific training, even in those agencies that include national representation. This finding provides tentative support for the idea that representative bureaucracies can have a high degree of specialization. Our results also demonstrate that while EAs seem to be open to experts who have worked in the private sector, these bodies show a limited inclusiveness towards individuals with experience in civil society organizations.

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1. Introduction

Scholars of “agencification” have long emphasized that European Union agencies (EAs) were created as expert bodies as a way to gain legitimacy (e.g., Majone, 1996). In his seminal study on liberal democratic political systems, Sartori (1987) highlighted the tension between technocracy and democracy, which derives from the global trend to create autonomous bodies. Not surprisingly, some scholars have argued that, as non-majoritarian institutions, EAs were not originally conceived as democratically representative bodies. In the embryonic stages of EA development, it was assumed that although they would not achieve democratic legitimacy, EAs could obtain “technocratic legitimacy” (Rittberger and Wonka, 2011).

From this perspective, while some EU institutions are legitimate because they are representative (e.g., the European Parliament), EAs seek to gain legitimacy through their possession of “expertise.” This article examines the role of EA experts through the approach of representative bureaucracy, a theory whose main concern is the representative character of the public service and the repercussions of such representation on policy-making (e.g., Gravier, 2008, 2013; Kingsley, 1944; Mosher, 1968, 1982). In particular, this article provides a detailed and systematic assessment of diversity among the experts involved in two crucial decision-making bodies of EAs: their management boards, and their scientific panels/committees. This analysis allows us to examine differences in diversity between bodies that formally represent and exercise the highest level of authori-

ty within agencies, and those composed of experts with extensive scientific training in a particular field. To do this, we examine relevant socio-demographic characteristics (i.e. gender, nationality, educational qualifications) as well as the professional background of their members. When we look at professional experience, we identify —through the classification developed by Gornitzka and Sverdrup (2011)— whether such individuals have developed their expertise working with societal actors (in NGOs, firms, corporate/business associations), public officials, and/or scientists in the academia.

In particular, the study is based on an original dataset that covers the professional trajectories of 508 individuals who work or have worked in the seven agencies that have scientific or expert committees: the European Environment Agency (EEA), the European Food Safety Authority (EFSA), the European Institute for Gender Equality (EIGE), the European Medicines Agency (EMA), the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), the European Centre for Disease Prevention and Control (ECDC), and the European Union Agency for Fundamental Rights (FRA). It is worth noting that our study does not examine the impact of knowledge use on the content, efficiency, or effectiveness of the policy decisions made by EAs. We focus on describing diversity, which is an important first step towards confirming —in further research— if representative bureaucracies are effective bureaucracies (Andrews et al., 2005).

This article contributes to the literature on agencification in two ways. First, it seeks to extend research on the role of experts in new directions, particularly by contributing to a

general discussion on the notion of representative bureaucracy within EAs. We apply this theoretical approach not only to management boards but also to expert committees, since scientific expertise itself needs to meet some quality requirements (Jasanoff, 2011), such as those related to the reliability and credibility of the bearers of knowledge (Krick, 2018). Given that these agencies are only tangentially linked to national governments and the EU institutions staffed by elected representatives, such as the European Parliament and the European Council, the analysis of their representative nature seems to be especially pertinent. Second, this article stresses the importance of examining non-majoritarian and non-elected institutions at the EU level, thereby offering new insights to the debates on the democratic deficit, the depoliticization of decision-making and the democratization of expert advice in the EU (e.g., Follesdal and Hix, 2006; Krick and Holst, 2018; Ossege, 2016).

The article is organized as follows. Section 2 examines the growing role of expertise in the EU policy-making process —specifically in the case of EAs. Section 3 discusses the theory of representative bureaucracy as an approach to assess diversity among EA experts. Section 4 presents the data and method used in the study. This is followed, in section 5 by an analysis of diversity of expert profiles. Section 6 contains our discussions and conclusions; and section 7 discusses some explanatory hypotheses that could become part of a future research agenda.

2. The growing role of expertise in EU institutions

Some scholars have suggested that the creation of most EU institutions (such as the Commission or the supranational regulatory agencies) lacked the legitimacy that bodies with an institutional configuration based on a representative democratic model, such as the European Parliament, have (Schmidt, 2013). For this reason, it has been argued that the legitimacy of such institutions rests on the expertise of their main decision-makers. This is perhaps one of the reasons why these institutions have been endowed with technocratic elements and one explanation for the inclusion of experts —namely those who, according to Lundin and Öberg (2014: 27), provide information that “is grounded on a scientific basis”— in their decision-making procedures. Some studies have examined the increasing role of expertise in the EU policy-making process within both legislative and executive EU bodies (e.g., Curtin, 2009; Krick and Holst, 2018; Radaelli, 1995, 1999), such as the Commission (Christensen, 2015; Murdoch et al., 2016; Hooghe and Kassim, 2012; Rimkute and Haverland, 2015), the comitology committees (e.g., Brandsma, 2013), or the Commission expert groups (e.g., Böhling, 2014; Gravier, 2013; Gornitzka and Sverdrup, 2008, 2011; Moodie, 2016; Robert, 2010; Trondal et al., 2015, 2018). For their part, some scholars on agencification have addressed the role of expert bodies in EAs by focusing on autonomy and accountability arrangements (Groenleer, 2009, 2014; Busuioc and Groenleer, 2012), or on the scientific and autonomous operations of EAs (Ossege, 2016).

If we focus on EAs, the use of expert knowledge has generally been defended through the use of two arguments: First, it has been justified as a way of dealing with limited

resources and information asymmetries. As Busuioc (2013) argues, some EAs were created, among other things, to provide the Commission and the Member States with reliable information. However, as in all bureaucratic organizations, given that EA resources vary (e.g., budget, number of staff members), some of these bodies have a limited ability to process and gather an extensive amount of information by themselves. For this reason, EAs could prioritize gathering and producing information that is backed by scientific knowledge.

Second, the use of expert knowledge has also been justified as a way of dealing with complex policy areas (e.g., Schrefler, 2010). While some agencies were established to focus on operational or management tasks and therefore do not demand high levels of expertise for their daily operation —this is the case of the Translation Centre for the Bodies of the European Union—, others need to resort to expert knowledge in order to manage highly technical and complex public policy fields, such as food safety. In this sense, some EAs were created in response to the emergence of transboundary crises, which not only demanded agreement and coordination between EU institutional actors at all levels (e.g., Curtin, 2007), but also policies backed by scientific evidence. For example, the creation of EFSA could “be seen as a response to the food scares of the 1990s” or “the European Maritime Safety Agency (EMSA) to the Erika and Prestige disasters” (Chamon, 2016: 110). Hence, from this perspective, the utilization of expert knowledge might also reduce uncertainty and the risk of failure when facing such complex policy issues (Baekkeskov and Öberg, 2017).

3. Representative bureaucracy in European Union agencies

This article examines the role of experts in EAs from different theoretical lenses. Contrary to the Weberian (1947) notion of civil servants as neutral players, we highlight the importance of examining the participation of experts through the lens of the theory of representative bureaucracy (hereafter RB). This theoretical approach has been used in the analysis of geographical representation of the Member States in the EU Commission (e.g., Christensen et al., 2017; Gravier, 2008; 2013; Trondal et al., 2015; Murdoch et al., 2016). However, to the best of our knowledge, this theory has not been applied to the case of EAs yet. The seminal study on representative bureaucracy in the British civil service developed by Kingsley (1944: 291) has recently been used to put forward the idea that bureaucracy should be responsive to the public —something that, according to the author, would end up happening “not because civil servants were taking orders from the representatives of the vested interests, but because they themselves thought in a similar manner. They were immersed in the ideologies of their class and they behaved accordingly.”

In a study that sets the foundations of RB, Kingsley (1944) expressed his concern with the consequences of low representation of different social groups —i.e. class interests— in bureaucracies. A later study by Mosher (1982) emphasized the necessity of having administrators not only with different social origins, but also with diverse values, knowledge and abilities within organizations (Akram, 2018). More recently, RB schol-

ars have empirically investigated diversity concerning different sociodemographic characteristics of administrators, such as gender (e.g. Meier and Nicholson-Crotty, 2006), ethnicity (e.g. Andrews and Ashworth, 2014; Brunjes and Kellough, 2018; Meier and Hawes, 2009; Riccucci et al., 2018), and nationality (e.g. Christensen et al., 2017; Gravier, 2013).

A central theoretical and empirical debate in the theory of RB stems from the work where Mosher (1968, 1982) refined the distinction between two types of bureaucratic representation: active (or functional) representation, in which individuals “are expected to press for the interests and desires of those whom they are presumed to represent, whether they be the whole people or some segment of the people” (Mosher, 1982: 14); and passive (or descriptive) representation, in which civil servants —their origin— “mirror the total society” (Mosher, 1968: 12). Several scholars have empirically examined the causal relationship between passive and active representation (e.g., Coleman et al., 1998; Meier and Stewart, 1992; Meier and Nicholson-Crotty, 2006) as well as its impact on the quality of democracy. However, as Gravier (2013) emphasizes, although scholars do not seem to have reached a consensus on such causal relationships, “all seem to agree on the fact that passive representation is desirable” (Gravier, 2013: 820) due to its “symbolic values”, which “are significant for a democratic society” (Mosher, 1982: 17) and also, because it may constitute an instrument to enhance legitimacy (Meier and Nicholson-Crotty, 2006).

Beyond these typology differences, Christensen et al. (2017: 452) highlight that the “concern with the representative character of the public service” —and not only with its efficiency— “lies at the core of the literature on representative bureaucracy”. Meier and Nicholson-Crotty (2006: 850) complement this argument by emphasizing that such concerns also refer to “the repercussions that representation has for policy making and policy implementation”. In short, the conceptualization of RB argues that civil servants that are immersed in different segments of society or are more representative of these (i.e. different social classes, languages, religions, ethnic groups, gender and nationalities) can produce more responsive public policies (Gravier, 2008). In this article, we do not examine the consequences of active representation —i.e. the effectiveness of the decisions and policies that these experts produce. We focus on the study of passive representation in EA management boards and scientific/expert panels. To do this, we examine important characteristics, such as gender, nationality, educational qualifications, and professional backgrounds. We also explore diversity among experts on the basis of the classification developed by Gornitzka and Sverdrup (2011), a typology that distinguishes between scientific experts, societal actors (NGOs, consumer groups, firms, corporate/business associations), and government officials.

Since it is often argued that the nature of EAs is defined by the expert knowledge of their members (and not by their social profiles), it is important to emphasize why it is important to investigate diversity among these. This justification helps counter the argument that representative bureaucracy could only be applied to management boards,

but not to scientific committees, as the *raison d'être* of the latter is their possession of knowledge on particular fields.

Previous works have shown that EU institutions incorporate experts not only to acquire scientific knowledge, but also to gain credibility and legitimacy (e.g. Metz, 2013; Trondal et al, 2015). In particular, studies by Jasanoff (2005, 2011) and Krick (2018) have emphasized that expert/scientific knowledge itself also requires to be legitimate and credible. For this purpose, the authors highlight the need for quality controls on science. This suggests that other dimensions than the possession of expertise need to be examined. As a first step, one requirement refers to the “reliability of the individual advisors” (Krick, 2018: 214), that is to say, to the competence or possession of knowledge in a particular area or field —reflected in, for example, higher educational attainment. Other dimensions refer to the “trustworthiness and credibility of the bearer of the knowledge” (Krick, 2018: 214), which is mainly related to the presence of “unbiased experts” (Jasanoff, 2005: 211) —the absence of conflicts of interest and independence; and the inclusion, deliberation and agreement among a “plurality of viewpoints” (Krick, 2018: 216) comprising all interested parties.

We argue that the theory of RB and the abovementioned strategies of legitimation of expert advice provide us with two broad justifications to incorporate individuals serving in the EA scientific/expert bodies into our study. Firstly, since RB promotes the consideration of the views of all interested parties (Coleman et al., 1998), it may serve as a

valuable symbol to strengthen the democratic legitimacy of the policy-making process in public institutions (e.g. Riccucci and Van Ryzin, 2017). Some authors emphasize the importance of RB as a guarantor of equal opportunity to access decision-making bodies (Adusah-Karikari and Kwaku Ohemeng, 2014). As Meier and Hawes (2009: 282) point out, “a bureaucracy that accurately represents its citizens serves as a strong positive symbol that the governance regime is open and non-discriminatory”. Following a similar line of thought, some scholars on agencification (e.g. Ossege, 2016: 4) have highlighted the necessity “to ‘democratise’ expert advice” through the representation and participation of “diverse scientific, regulatory, and cultural perspectives”.

By making sure that different views are included in the decision-making process, representative bureaucracy can be strategically used as a tool “of conflict management in multicultural societies, (...) which in turn raises the level of acceptance by the population” (Gravier, 2013: 820). If we apply this argument to the case of EAs, RB can be used as an “instrument of legitimacy in (the) heterogeneous or multinational” polity and policies in which these agencies operate (Gravier, 2013: 820). This argument is grounded on the notion that expert and bureaucratic representation are in a symbiotic relationship. As Gravier (2013: 820) emphasizes, “a client can trust an expert for the competence he/she has and prefers this expert to another one, because in addition, this expert shares a sociological characteristic with the client”. From this perspective, collective identity may serve as an instrument within all agencies whose decisions have important consequences for citizens.

Finally, the theory of RB provides grounds to examine the credibility of the bearers of knowledge (Krick, 2018). This can be done, for example, by analysing the existence of potential sources of bias in the professional trajectory of these experts. Since concerns have been raised around the prevention of conflicts of interest among high-ranking officials and scientists of some EAs, the analysis of diversity in their biographies and professional trajectories would also help us determine whether EAs promote the independence and diversity of expertise producers.

4. Method and data

This study examines the diversity of the members' profiles which are de facto involved in two crucial decision-making bodies of EAs (management boards and scientific panels). Although the policy area of the agencies suggests that scientific considerations shall have an important weight in many of these, the founding regulations of only seven—EMA, EEA, EFSA, ECDC, EIGE, EMCDDA, and FRA—include provisions on the presence of scientific panels, scientific committees or advisory forums. Thus, our study focuses on identifying patterns in these seven agencies.

Our research draws on an original dataset that encompasses the socio-demographic characteristics and the professional trajectories of 508 individuals who work or have worked in these seven EAs: 122 members of their management boards and 386 experts

serving in their scientific bodies. The database includes 122 board members who served between January 2010 and September 2016 (12 in ECDC, 21 in EEA, 34 in EFSA, 12 in EIGE, 19 in EMA, 12 in EMCDDA and 12 in FRA). In this regard, we include all the board members elected by the EU institutions (i.e. representatives of the Commission, the EP, and the Council) and stakeholder parties. We also included a sample of twelve Member State representatives for each agency (representing between 21.4 percent and 33.3 percent of the total population of individuals elected by the Member States). Our dataset also includes 386 individuals who served in EA scientific panels (48 in ECDC, 48 in EEA, 82 in EFSA, 45 in EIGE, 120 in EMA, 21 in EMCDDA, and 22 in FRA). See Annex 1 for a description of the formal composition of the scientific committees/panels and Annex 2 for a detailed description of the cases examined.

In line with previous studies on national regulatory agencies developed by Fernández-i-Marín et al. (2016) and Ennser-Jedenastik (2015), information on the careers of management board and scientific panel or committee members was obtained from their CVs. These were downloaded from the websites of the agencies and other online public resources, such as the social network LinkedIn. We collected and codified data about their gender, nationality, educational qualifications, field of education, and the country where the members were awarded their degrees, among other variables. We also identified whether such experts have professional experience in the public sector at the national and EU levels, the academia, the private sector, the political sphere (e.g. political parties), and civil society organizations.

5. Diversity of experts in the management boards and scientific or expert committees of EAs

Gender diversity

Our data shows that 42% of the examined management board members are women and 58% are men. If we focus on scientific committees, our data shows an identical composition —therefore, showing no differences between these agency bodies. If we disaggregate our data, differences across agencies emerge, revealing gender biases. For example, only 26% of EFSA’s scientific or expert committee members are women. Agencies such as EMA have a more balanced composition (51% of women); in EIGE, the agency that focuses on gender issues, this figure increases to 76%.

[Figure 1. Gender of management boards and scientific/expert committee members]

Diversity of members’ nationalities

In general, our data shows that EA management boards are inclusive of a variety of EU countries, since six out of the seven agencies that we examined include Member State representatives. A notable exception is the absence of Member State representatives in the management board of EFSA. Concerning scientific panels, some agencies are much less diverse regarding the nationalities of their members: in the case of EMCDDA, EEA

and FRA there is a limited number of experts set out in their legislations (see Annex 1); although EFSA has several scientific committees, five nationalities seem to predominate among its scientific committee members (German, Danish, French, Italian, and British, together accounting for 54% of the totality). In contrast, since the founding regulations of EIGE, EMA and ECDC also set out that Member State representatives are guaranteed participation in their scientific committees (see Annex 1), no specific country of origin seems to predominate among its experts.

Additionally, at first glance, our data shows that some small states (e.g., Denmark and the Netherlands) seem to have an important presence in scientific committees. In contrast, Eastern European countries do not have as much weight in these structures as their Western European counterparts.

[Figure 2. Nationality of scientific or expert committee members]

Note: Country of origin: AT= Austria; BE= Belgium; BG= Bulgaria; CY= Cyprus; CZ= Czech Republic; DE= Germany; DK= Denmark; EE= Estonia; ES= Spain; FI= Finland; FR= France; GR= Greece; HR= Croatia; HU= Hungary; IC= Iceland; IE= Ireland; IT= Italy; LT= Lithuania; LV= Latvia; LX= Luxembourg; MT= Malta; NL= Netherlands; NW= Norway; PL= Poland; PT= Portugal; RU= Romania; SE= Sweden; SI= Slovenia; SK= Slovakia; SW= Switzerland; UK= United Kingdom. We did not find information on the 22.9% of the experts from EEA, 4.4% from EIGE, 7.3% from EFSA, 19% from EMCDDA, and 8.3% from EMA.

Diversity in educational background and field of education

The analysis of our dataset shows that 46.7% of the examined management board members have a PhD degree, while 45.1% do not have this level of educational attainment—we could not find information on 8.2% of the examined board members. If we disaggregate this information by agency, our data shows that more than half of the management board members of EFSA (55.9%) and ECDC (58.3%) hold a PhD; that is also the case of more than 40% of the EMA (47.4%), EMCDDA (41.7%), EEA (42.9%), and FRA (42.7%) board members. Finally, 25% of the board members in EIGE fulfil this level of expertise.

Our data also confirms that, in general, EA scientific/advisory committee members hold higher academic degrees than board members: 77.2% of them have completed their PhD studies, whereas 16.3% have not—we could not verify the qualifications of 6.5% of the examined individuals. Thus, we can observe that: firstly, almost all EFSA (93.9%), EEA (95.8%), FRA (90.9%) and EMCDDA (90.5%) experts hold a PhD degree; secondly, that a wide majority of the EMA (72.5%) and ECDC (64.6%) experts fit into this profile; and finally, that less than half of the EIGE Experts' Forum members (40%) have completed this level of studies.

[Figure 3. PhD field among management boards and scientific/expert committee members]

We also investigated whether there is a predominant field of education among EA members. In this regard, we identified that the field of studies of both management board and scientific/advisory committee members is closely related to the policy domain of the agency in question. For example, 84.2% of the board members with doctoral studies in EFSA, 60% of those in EMCDDA and 71.4% in ECDC became specialized in life sciences (medicine, biology, chemistry, and pharmaceuticals). When it comes to scientific committees, 88.3% of the experts in EFSA, 97.7% of their counterparts in EMA, and 52.6% of those in EMCDDA hold PhDs in life sciences. Likewise, 38.9% of the scientific experts in EIGE have PhDs in political science, public administration, public policies or social sciences; 50% of those in FRA have PhDs in law; 30.4% of those in EEA have PhDs in “hard sciences” (mathematics, physical sciences, engineering), whereas 30.4% of the experts in this agency hold PhDs in life sciences.

Diversity in professional background

This study assesses diversity on the basis of the typology of experts identified by Gornitzka and Sverdrup (2011). To do this, we examined whether EA members had professional experience in the academia, the public sector, the private sector, and civil society organizations. Our findings show that 29.5% of the board members have full-time professional experience in the academia (universities and research institutions). In contrast, scientific or expert committees are generally staffed by more individuals with professional experience in academic settings —on average, 64% of their members have worked full-time in the academia. If we disaggregate this information by agency, we

find that a higher proportion of members serving in both agency bodies of FRA, EFSA, EEA, and EMCDDA have experience in the academia, as opposed to their counterparts in ECDC, EMA and EIGE.

[Figure 4. Professional backgrounds among management board and scientific/expert committee members]

Our data also reveals that some EA members have worked in the private sector: more specifically, 25.4% of the board members and 26.9% of the members of scientific committees. If we disaggregate the data, we observe that EFSA (34.2%) and EMA (32.5%) have the highest percentages of scientific committee members with experience in private firms. In contrast, our data shows that 23% of the board members have worked in civil society organizations. This percentage shrinks to 7% in the case of scientific committee members. Only the members of FRA have considerable experience in civil society organizations (36.4% of those appointed for its scientific panel and 58.3% of its board members). To some extent, a significant amount of EMA board members (31.6%) also have professional experience in this sector, specifically, because the founding document of EMA sets out the participation of patients' organizations in this governance body. However, only 1.7% of the individuals serving in its scientific committees have worked for civil society organizations.

In addition, most individuals in our sample have experience in the public sector at the national level (77.9% of the board members and 59.8% of the scientific committee members). EIGE, ECDC, and EMA have the highest percentages of members with this type of professional experience. However, when it comes to professional experience at the EU level this figure shrinks to 21.3% of the board members and 8.3% of the scientific committee members. The agencies that have slightly higher percentages of individuals with experience at the EU level are EFSA, EEA, FRA and EIGE.

Finally, we also investigated whether EA members have professional ties to the political sphere (e.g., individuals with experience as ministers, members of their national parliaments, etc.). A previous study (Pérez-Durán, 2019) shows that 15.4% of the board members of the 33 existing EAs are linked to the political sphere (13.9% of the board members covered by this analysis —no information was found regarding 4.1% of the sample). In contrast, our data referring to scientific committees shows that only 5.4% of their members fulfil this condition —we did not find information regarding 6.5% of the examined experts. The agencies that have a higher ratio of members with experience in the political sphere are EIGE and FRA.

6. Discussion

This paper has sought to contribute to the literature on agencification by examining diversity among EA experts from the perspective of representative bureaucracy. Although the type of policy areas where EAs are active suggests that scientific considerations

should have a greater weight within many of these bodies, the founding documents of only seven EAs include provisions on scientific committees and expert forums. The scarce number of expert bodies suggests that some agencies, instead of having an institutional design that facilitates the consolidation of their in-house capacity, keep drawing on their national counterparts. This suggests that some EAs might serve much more as a network operating at the EU level where national experts participate—for example, for reasons of legitimacy, that is to say, to maintain the link with the Member States (Groenleer, 2009).

The theory of RB led us to expect that other characteristics of EA members than scientific merit would matter for their recruitment. If such an assumption was true, we would find patterns of representation in different dimensions, such as nationality, gender, and professional experience. For example, since EAs are involved in the decision-making stage of a wide range of policies that affect all EU Member States—e.g. through the provision of information to the Commission—we expected that such agencies would foster geographical balance among their members. This scenario would be in line with Gravier (2013), who highlighted that passive representation can be strategically used as an instrument of legitimacy in the multinational polity of the EU. As several concerns have been raised around the legitimacy of EU institutions (e.g. Follesdal and Hix, 2006) as well as around conflicts of interest in some EAs, we expected to find diversity among the professional profiles of their members. We also expected that EA members would have less ties to the political sphere than bureaucrats serving in bodies organized at less

than an arm's length from political leadership —specially, because political independence is the rationale behind the creation of these agencies.

Given the diversity of policy fields in which EAs operate, one might argue that not all agencies prioritize the same dimensions. For example, in agencies such as EIGE and FRA, diversity of sociodemographic characteristics (e.g., gender) might be more relevant. In other agencies, such as EEA and EMA, diversity of professional profiles might prevail, specifically, since internal biases towards —for example— the private sector may raise concerns regarding the independence of their members. In this study we did not assess the importance of specific characteristics within agencies. Our objective was to provide a mirror of inclusiveness across EAs.

Our article has provided interesting findings regarding diversity of sociodemographic characteristics in the main decision-making bodies of EAs. For example, concerning gender patterns of representation, our analysis has showed that, in general, there is a higher number of men among both high-ranking officials and scientists. This finding reveals unequal patterns of office distribution. Our study also showed that only a small number of agencies —EIGE, ECDC, and EMA— are more inclusive of female experts. The decision-making bodies of other agencies —such as EEA and EFSA— are particularly composed of male experts. Gender studies have demonstrated the importance of having women's representation in public offices and political institutions, such as parliaments and political parties (e.g. Verge and de la Fuente, 2014). For their part, RB

scholars (e.g. Meier and Nicholson-Crotty, 2006) have demonstrated the importance of women's participation in decision-making, as some policy areas require receptivity and sensitivity towards gender issues, such as those dealing with working conditions. Our research has shown that reforms to feminize EAs and institutionalize gender equality in these bodies need further discussion.

Our analysis also suggested that the formal inclusion of Member State representatives in agency bodies seems to be an institutional key feature that helps explain the plurality of nationalities in EA management boards and scientific/advisory bodies. In this sense, we found that EIGE, EMA and ECDC are the agencies with a higher variety of EU nationalities, given that their formal rules set out Member State representation not only in their management boards, but also in their scientific/expert panels. As Groenleer (2009) argues, this variation can be derived from the historical background/origins of the agencies. For example, the author argues that, in the case of EMA, the formal inclusion of individuals representing national governments in both its management board and scientific panels was “a key factor” that influenced “the development of EMA into an actually autonomous agency, with the agency co-opting the assessment capacity of national agencies at a European level” (Groenleer, 2014: 276). Thus, by “[c]o-opting the member states” the agency gained political support by looking “more trustworthy” to those who potentially were “its most critical adversaries” (Groenleer, 2014: 277). In contrast, the formal exclusion of the representatives of national governments from EFSA shows that

Member States have been more inclined to question the opinions of this agency and interfere with its operations (Groenleer, 2014: 279).

Moreover, our data showed that, in general, scientific or expert committees seem to be particularly inclusive towards nationals of small Western European countries (e.g., Denmark or the Netherlands). However, the involvement of Eastern European experts in these bodies is less extensive. Given that the policy decisions of EAs affect all Member States, a reflection on the importance of preserving diversity concerning the nationality of the experts working in these bodies is needed.

Our research has also shown that the examined agencies have, in general, a high level of scientific expertise in their respective policy fields (only the agency focused on gender equality has, in comparison with the other six agencies examined, a very low percentage of members with a PhD degree). A noticeable finding is that even those agencies that have the principle of national representation —e.g. EMA and EEA— do not trump expertise. This finding provides tentative support for the idea that representative bureaucracies can also have a high degree of specialization —which goes in a different line from that developed by Christensen et al. (2017). According to these authors, “while geographical representation among Commission staff may have contributed positively to the legitimacy of the organization and to certain aspects of its performance, it entailed less emphasis on specialized expertise in the recruitment of staff” (Christensen et al., 2017: 464). If we consider educational qualifications as a measurement of expertise in a

specific policy area, our study supports the notion that EAs with scientific or expert committees may seek to achieve the so-called technocratic legitimacy. A future analysis might provide us with evidence that an expertise-based selection process does not need to conflict with the preservation of diversity or representation in EAs. This evidence would support the claim that efficient agencies could be governed on the basis of both technocratic and democratic principles.

When we looked at the diversity of professional backgrounds among experts, our study showed that a high percentage of the members of both management boards and scientific panels have professional experience in the public sector at the national level (the agencies that have the highest percentages are EIGE, ECDC and EMA). However, few EA experts have been involved in the public sector at the EU level. This suggests that the average EA expert has achieved national recognition but has little previous involvement in EU affairs.

In addition, we found that while EA bodies seem to be open to experts who have worked in the private sector, these bodies show a limited inclusiveness towards individuals with experience in civil society organizations. More specifically, our data reveals that EFSA and EMA have the highest percentages of experts with professional experience in the private sector. This hints that agencies with more regulatory powers are more likely to attract the attention of private actors. Our research also supported the notion that the industry is a key actor of the “regulatory state” or “regulatory capitalism”,

suggesting that civil society actors have a disadvantaged position in EA decision making.

Last but not least, our findings suggested that members of governance bodies are more likely to have ties to political actors (specifically, in agencies such as ECDC, EIGE, and EMCDDA). In contrast, experts who work in EA scientific bodies seem to enjoy a high level of independence from political actors, since only a small percentage of their members have worked in the political sphere.

When we looked into how experts are actually recruited, we have found that generally EAs seem to prioritize competence in particular policy fields. Although some calls for recruitment include explicit references regarding equal opportunities, non-discrimination, gender and geographical balance, we observe that some agencies still need to perform better in their practices for inclusiveness.

7. Towards a basis for a further research agenda

In this section we would like to start a debate—which could become part of a future research agenda—concerning some variables that could be affecting representation. On the basis of existing literature on agencification, we emphasize the need for examining the role of the policy area, agency task, location, and institutional design of EAs.

In the first place, it seems necessary to start this discussion by asking whether it is possible to find patterns of representation according to the policy area of the agency in question. In this sense, while EFSA, EMA, EMCDDA, and ECDC deal with public health issues, FRA and EIGE focus on human rights and gender, and EEA on environmental issues. Our results seem to indicate that there is no shared pattern within agencies dealing with similar policy areas. For example, as one can expect in terms of gender, the agency focused on gender equality has the highest number of female members in their decision-making bodies. However, contrary to our expectations the same pattern was not found in the agency focused on fundamental rights. High levels of variation were also found within agencies covering public health issues: while EMA has a more balanced gender distribution, other agencies —such as EFSA— have a low percentage of female appointees.

In terms of agency tasks, our study does not seem to indicate a clear pattern followed by informative, (quasi) regulatory and operational agencies either. However, we found that the two (quasi) regulatory agencies examined —EFSA and EMA— are the agencies with the lowest percentages of members that have professional experience in the political sphere as well as the highest percentages of members with professional experience in the private sector. This is in line with a previous study (Pérez-Durán, 2019), which suggests that certain stakeholders have been particularly interested in engaging with the decision-making process of those EAs that have been entrusted with quasi-regulatory tasks, since their decisions rely on legally binding standards. Therefore, we con-

sider that a deeper analysis on the role of agency tasks in the type of professional profiles among the experts that serve in these institutions might lead to fruitful conclusions.

As for the location of the EAs, our data does not provide us with enough evidence to argue that the choice of a specific country to place the headquarters of an agency affects diversity concerning the professional expertise of its members. For example, with regard to the nationality of the agency members, we have not identified a high number of English and Italian nationals in EMA and EFSA, respectively. In addition, our analysis does not point to the existence of such a pattern in agencies headquartered in states where a specific bureaucratic culture prevails, such as Scandinavian (e.g. Denmark and Sweden) or Mediterranean countries (e.g. Portugal and Italy); or else, between old and new membership in the EU. Nevertheless, it is worth noting that six out of the seven agencies included in our study are located in countries that belong to the EU-15 group. Only EIGE is positioned in a Member State with a more recent EU membership (Lithuania). Further analyses would benefit from the inclusion of agencies headquartered in other EU countries.

Until now, our study may suggest that in some aspects —such as geographical representation— there seems to be a link between formal rules and the actual patterns of representation. For example, those agencies whose founding regulations explicitly make space for representatives of the Member States are more diverse when it comes to the nationality of their experts —e.g. EMA—, as opposed to agencies that do not include

such formal provisions —e.g. EFSA. However, our study may also suggest that formal rules could be a sufficient but not a necessary condition for having representative decision-makers in EAs. For example, a significant number of experts serving in FRA have been employed by civil society organizations at some point in their career, even though there is no explicit mention in the formal regulations of this agency that experts tied to societal actors must be included in its decision-making bodies —unlike in other founding documents, such as those of EMA, EFSA, EIGE and ECDC. Further research would benefit from analysing the extent to which formal regulations are able to influence the inclusion of experts with specific professional profiles. Likewise, future research is needed to examine representation in different phases of the policy process where a range of political and societal actors can be involved, such as consultation procedures in which a variety of audiences participate with the aim to influence the rule-making of agencies.

The focal point of this article was the analysis, through the theory of representative bureaucracy, of diversity among EA members. We have provided a baseline for further research on the explanatory variables that affect the composition of EA decision-making bodies, as well as on the impact of such diversity on their policy decisions. Such research is needed because the effectiveness of EA policy decisions has consequences in all Member States as well as in the democratic legitimacy of these nonmajoritarian and nonelected EU institutions.

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References

- Adusah-Karikari, A. & Kwaku Ohemeng, F. L. (2014). Representative Bureaucracy in the Public Service? A Critical Analysis of the Challenges Confronting Women in the Civil Service of Ghana. *International Journal of Public Administration*, 37 (9): 568-580
- Akram, S. (2018). Representative Bureaucracy and Unconscious Bias: Exploring the Unconscious Dimension of Active Representation. *Public Administration*, 96: 119-133
- Andrews, R., Boyne, G. A., Meier, K. J., O'Toole, J. & Walker, R. M. (2005). Representative Bureaucracy, Organizational Strategy, and Public Service Performance: An Empirical Analysis of English Local Government. *Journal of Public Administration Research and Theory* 15(4): 489-504
- Andrews, R. & Ashworth, R. (2014). Representation and Inclusion in Public Organizations: Evidence from the U.K. Civil Service. *Public Administration Review*, 75 (2): 279-288
- Baekkeskov, E. & Öberg, P. (2017) Freezing deliberation through public expert advice, *Journal of European Public Policy*, 24(7): 1006-1026
- Böhling, K. (2014) Sidelined Member States: Commission-learning from Experts in the Face of Comitology, *Journal of European Integration*, 36 (2): 117-134
- Brandsma, G.J. (2013). Controlling Comitology. Accountability in a Multi-Level System. Basingstoke: Palgrave Macmillan
- Busuioc M. (2013). *European Agencies: Law and Practices of Accountability*. Oxford: Oxford University Press
- Busuioc, M. & Groenleer, M (2012). "Wielders of Supranational Power? The Administrative Behaviour of the Heads of European Union Agencies." In Busuioc, M., Trondal & Groenleer, M. (Eds.). *The Agency Phenomenon in the European Union: Emergence, Institutionalisation and Everyday Decision-Making*, Manchester: Manchester University Press, pp. 128-151

- Brunjes, B. M. & Kellough, J. E. (2018). Representative Bureaucracy and Government Contracting: A Further Examination of Evidence from Federal Agencies. *Journal of Public Administration Research and Theory*, 28 (4): 519-534
- Chamon, M. (2016). *EU Agencies. Legal and Political Limits to the Transformation of the EU Administration*. Oxford: Oxford University Press
- Christensen, J. (2015). Recruitment and Expertise in the European Commission. *West European Politics*, 38 (3): 649-678
- Christensen, J., van den Bekerom, P. & van der Voet, J. (2017). Representative Bureaucracy and Specialist Knowledge in the European Commission. *Public Administration*, 95 (2): 450-467
- Coleman, S., Brudney, J. L. & Kellough, J. E. (1998). Bureaucracy as a Representative Institution: Toward a Reconciliation of Bureaucratic Government and Democratic Theory. *American Journal of Political Science*, 42 (3): 717-744
- Curtin, D. (2007). Holding (Quasi-)Autonomous EU Administrative Actors to Public Account. *European Law Journal*, 13 (4): 523-541
- Curtin, D. (2009). *Executive Power in the European Union. Law, Practices and the Living Constitution*. Oxford: Oxford University Press
- Ennsner-Jedenastik, L. (2015). Credibility versus Control: Agency Independence and Partisan Influence in the Regulatory State. *Comparative Political Studies*, 48: 823-853
- Fernández-i-Marín X., Jordana J. & Bianculli, A.C. (2016). Are Regulatory Agencies Independent in Practice? Evidence from Board Members in Spain. *Regulation & Governance*, 10(3): 230-247
- Follesdal, A. & Hix, S. (2006). Why there is a Democratic Deficit in the EU: A Response to Majone and Moravcsik. *Journal of Common Market Studies*, 44: 533-562
- Gornitzka, A. & Sverdrup, U. (2008). Who Consults? The Configuration of Expert Groups in the European Union. *West European Politics*, 31 (4): 725-750
- Gornitzka, A. & Sverdrup, U. (2011). Access of Experts: Information and EU Decision-Making. *West European Politics*, 34 (1): 48-70
- Gravier, M. (2008). The 2004 Enlargement Staff Policy of the European Commission: The Case for Representative Bureaucracy. *Journal of Common Market Studies*, 46 (5): 1025-1047
- Gravier, M. (2013). Challenging or Enhancing the EU's Legitimacy? The Evolution of Representative Bureaucracy in the Commission's Staff Policies. *Journal of Public Administration Research and Theory*, 23 (4): 817-838
- Groenleer, M. (2009). *The Autonomy of European Union Agencies. A Comparative Study of Institutional Development*. Delft: Eburon

- Groenleer, M. (2014). Agency Autonomy Actually: Managerial Strategies, Legitimacy and the Early Development of the European Union's Agencies for Drug and Food Safety Regulation. *International Public Management Journal*, 17 (2): 255-292
- Hooghe, L. & Kassim, H. (2012). The Commission's Services. In J. Peterson and M. Shackleton (Eds.), *The Institutions of the European Union*. (174-197), Oxford: Oxford University Press
- Jasanoff, S. (2005). Judgment under Siege: The Three-Body Problem of Expert Legitimacy. In S. Maasen and P. Weingart (Eds), *Democratization of Expertise? Exploring Novel Forms of Scientific Advice in Political Decision-Making*, (209–224). Dordrecht: Springer
- Jasanoff, S. (2011). Quality Control and Peer Review in Advisory Science. In J. Lentsch and P. Weingart (Eds.), *The Politics of Scientific Advice: Institutional Design for Quality Assurance* (19–35). Cambridge: Cambridge University Press
- Kingsley, J.D. (1944). Representative bureaucracy. An Interpretation of the British Civil Service. Yellow Springs: The Antioch Press
- Krick, E. (2018) The Epistemic Quality of Expertise: Contextualized Criteria for the Multi-Source, Negotiated Policy Advice of Stakeholder Fora. *Critical Policy Studies*, 12:2, 209-226
- Krick, E. & Holst, C. (2018). The Socio-Political Ties of Expert Bodies. How to Reconcile the Independence Requirement of Reliable Expertise and the Responsiveness Requirement of Democratic Governance. *European Politics and Society*. ISSN 2374-5118
- Lundin, M. & Öberg, P. (2014). Expert Knowledge Use and Deliberation in Local Policy Making. *Policy Sciences*, 47: 25-49
- Majone, G. (1996). *Regulating Europe*. London: Routledge
- Meier, K. J., & Hawes, D. P. (2009). Ethnic Conflict in France. A Case for Representative Bureaucracy? *The American Review of Public Administration*, 39 (3): 269-285
- Meier, K. J., & Nicholson-Crotty, J. (2006). Gender, Representative Bureaucracy, and Law Enforcement: the Case of Sexual Assault. *Public Administration Review*, 66 (6): 850-860
- Meier, K. J., & Stewart, J., Jr. (1992). The Impact of Representative Bureaucracies: Educational Systems and Public Policies. *The American Review of Public Administration*, 22: 157-171
- Metz, J. (2013). Expert Groups in the European Union: A Sui Generis Phenomenon? *Policy and Society*, 32 (3): 267–278
- Moodie, J. (2016). Resistant to Change? The European Commission and Expert Group Reform. *West European Politics*, 39 (2): 229-256

- Mosher, F.C. (1968). *Democracy and the Public Service*. New York: Oxford University Press
- Mosher, F. C. (1982). *Democracy and the Public Service*. Oxford: Oxford University Press
- Murdoch, Z., Trondal, J. & Geys, B. (2016). Representative Bureaucracy and Seconded National Government Officials in the European Commission. *Regulation & Governance*, 10: 335-349
- Ossege, C. (2016). *European Regulatory Agencies in EU Decision-Making. Between Expertise and Influence*. Basingstoke: Palgrave Macmillan UK
- Pérez-Durán, I. (2019). Political and Stakeholder's Ties in European Union Agencies. *Journal of European Public Policy*, 26 (1): 1-22
- Radaelli, C.M. (1995). The Role of Knowledge in the Policy Process. *Journal of European Public Policy*, 2 (2): 159-183
- Radaelli, C.M. (1999). The Public Policy of the European Union: Whither Politics of Expertise. *Journal of European Public Policy*, 6 (5): 757-774
- Riccucci, N. M. & Van Ryzin, G. G. (2017). Representative Bureaucracy: a Lever to Enhance Social Equity, Coproduction and Democracy. *Public Administration Review*, 77 (1): 21-30
- Riccucci, N. M., Van Ryzin, G. G. & Jackson, K. (2018). Representative Bureaucracy, Race and Policing: A Survey Experiment. *Journal of Public Administration Research and Theory*, 28 (4): 506-518
- Rimkute, D. & Haverland, M. (2015). How Does the European Commission Use Scientific Expertise? Results from a Survey of Scientific Members of the Commission's Expert Committees. *Comparative European Politics*, 13: 430-449
- Rittberger, B & Wonka, A. (2011). Introduction: Agency Governance in the European Union. *Journal of European Public Policy*, 18: 780-789
- Robert, C. (2010). Who Are the European Experts? Profiles, Trajectories and Expert 'Careers' of the European Commission. *French Politics*, 8 (3): 248-274
- Sartori, G. (1987). *The Theory of Democracy Revisited*. Chatham, NJ: Chatham House Publishers
- Schmidt, V.A. (2013). Democracy and Legitimacy in the European Union Revisited: Input, Output and Throughput. *Political Studies*, 61 (1): 2-22
- Schrefler, L. (2010). The Usage of Scientific Knowledge by Independent Regulatory Agencies. *Governance: An International Journal of Policy, Administration and Institutions*, 23 (2): 309-330

Trondal, J., Murdoch, Z. & Geys, B. (2015). Representative Bureaucracy and the Role of Expertise in Politics. *Politics and Governance*, 3 (1): 26-36

Trondal, J., Murdoch, Z. & Geys, B. (2018). How Pre- and Postrecruitment Factors Shape Role Perceptions of European Commission Officials. *Governance*, 31: 85-101

Verge, T. and de la Fuente, M. (2014). Playing with Different Cards: Party Politics, Gender Quotas and Women's Empowerment, *International Political Science Review*, 35(1): 67-79

Weber, M. (1947). *The Theory of Social and Economic Organization*. New York: Oxford University Press