

# The EU Comitology System: what Role for the Commission?

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## **Abstract**

Essentially, comitology is all about the Commission. The system is designed to control it in exercising its delegated powers. However the literature on comitology has not devoted much attention to the Commission's actual behaviour in the numerous comitology committees. This article aims to map and explain this behaviour. We have survey data of Danish and Dutch national representatives on nearly all comitology committees in 2006. We find that the Commission acts as a mediator and a policy advocate, but to varying degrees depending on the constraints imposed by the comitology procedures, the institutional position of the responsible Directorate-General, the nature of the cases dealt with by the committees and, finally, the intensity of the member states' preferences in relation to the committees' cases.

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## **Introduction**

The EU comitology system was originally established by the member states to control the Commission's delegated powers. This is still the reason why the member states keep inserting comitology provisions into new EU legislative acts. And this is also the reason why the Commission and the European Parliament dislike the system and argue for soft or no comitology procedures in the ongoing institutional battle over comitology. But the fact is that, in total, about 200 comitology committees today keep a watchful eye on the Commission's implementation of EU policies.

But is it necessary to control the Commission? This presupposes that the Commission, in the absence of comitology committees, would use its delegated powers contrary to the member states' interest – for instance, to pursue its own agenda. But in reality we know very little about the behaviour of the Commission. The small, but growing, literature on the comitology system has focused on other questions such as the inter-institutional negotiations on establishing comitology committees (Dogan 2000; Pollack 2003: 114-146; Schusterschitz & Kotz 2007), the 'bargaining' v. 'deliberative' interaction styles among the national representatives in the various comitology committees (Joerges & Neyer 1997; Wessels 1998; Dehousse 2003), the system's historical development (Bergström 2005; Vos 1997; Haibach 2000), or the impact of the comitology voting procedures (Steunenberg et al. 1997; Ballman et al. 2002; Franchino 2000). Surprisingly little attention has been devoted to the question of how the Commission handles the comitology system in practice.

However, the Commission is an important player in the comitology system. It has no voting rights, but chairs all committees. It has the right of initiative to present proposals; it sets the agenda and provides secretarial assistance to all committees. How does the Commission fulfil these roles? Does it try to promote its own agenda? Do the various comitology procedures hold the Commission in check? The limited evidence available suggests that the Commission may play an active role in the comitology committees of both a mediating and policy advocating kind. But it also suggests that the Commission's behaviour may vary across committees.

The purpose of this article is to make a more systematic investigation of the behaviour of the Commission within the comitology system. We start by providing some background on comitology and then move on to a theoretical discussion of the Commission's roles. We argue that the Commission is likely to act as a mediator and a policy advocate, but to varying degrees depending on four factors: the constraints imposed by the comitology procedures, the institutional position of the responsible Directorate-General, the nature of the cases dealt with by the committees and, finally, the intensity of the

member states' preferences in relation to the committees' cases. We then present our data and explain how we measure our concepts. We have collected data by questionnaires to the Danish and Dutch national representatives on nearly all comitology committees in 2006, asking them to characterise the Commission's behaviour in their committees. This enables us to map the behaviour of the Commission. Our empirical analysis consists of a series of regression analyses to explain the Commission's behaviour. We find that the Commission's role as a *mediator* depends on the nature of the cases which the committees handle. Voting procedures, institutional preconditions of specific DGs and political interest of member states seem to constrain the Commission in acting as a *policy advocate*.

### **The comitology system and the role of the Commission**

When the first community acts were to be implemented by the Commission in the early 1960s, the Council of Ministers felt that it should not have too much leeway in doing so. The Council, which at that time was the sole EU legislator, therefore imposed the condition upon the Commission that it should consult committees composed of representatives from the six national administrations before adopting secondary rules. With the growth of community legislation, the practice of establishing comitology committees grew as well (Blom-Hansen forthcoming; Bergström 2005). In the 1980s, the committee system as such was formalised when the Council adopted its first 'comitology decision'. This was an act that in general terms regulated the workings of the committees and specified seven different voting procedures (Council of Ministers 1987). In 1999, this number was reduced to four, but then in 2006 it was increased to five (Council of Ministers 1999; 2006). The procedures mainly specify how many votes the Commission needs to get its proposals accepted and when the proposals need to be referred to the Council. Table 1 summarises the procedures currently in use. However, it must be kept in mind that some committees use more than one procedure.

**Table 1: The voting procedures of comitology committees**

<i>Procedure</i>	<i>Vote result</i>		
	<b>Qualified majority in favour</b>	<b>Between QM in favour and QM against</b>	<b>Qualified majority against</b>
<b>Advisory procedure</b>	Commission only has to take notice of the committee's opinion, and a simple majority of member states suffices for that		
<b>Management procedure</b>	Commission may adopt its proposal	Commission may either abandon its proposal or refer it to the Council (if Council does not oppose the act in time, the proposal may be implemented)	
<b>Regulatory procedure</b>	Commission may adopt its proposal	Commission may either abandon its proposal or refer it (or an amended version) to the Council. If Council does not act, the Commission may adopt its latest proposal	
<b>Regulatory procedure with scrutiny</b>	Commission will forward the proposal to Council and Parliament. If EP or Council objects within three months, the proposal is blocked. Otherwise the Commission may adopt it	Commission refers the proposal (or an amended version) to the Council. If Council agrees or does not act, it will be forwarded to the EP; otherwise the Commission will submit an amended version to the Council. If EP does not oppose the measure, the Council or the Commission will adopt the proposal. Otherwise the Commission may submit an amended version of the proposal to the committee	
<b>Safeguard procedure</b>	Add-on procedure: Any participant may refer the matter to the Council and thereby terminate the committee procedure		

Source: Adapted from: Brandsma, 2007b

The Commission has no voting rights in the comitology committees. But it has other means of influence. It is the formal chairman of all committees; it sets the agenda and provides all the secretarial assistance. In addition, it is also a partner in the discussions as the committee discusses the Commission's proposals, which can be changed during or after the meeting. In sum, the Commission can decide which matters are discussed, when they are submitted for voting, which information is sent to the committee members and how the member states' points of view are to be taken account of. In this sense, comitology is all about the Commission. It is therefore surprising that we hardly know anything about its behaviour in the comitology committees.

### **A closer look at the Commission within comitology**

In general, the Commission has many and diverse functions in the EU system. It possesses the exclusive right to draft legislative proposals and is thus a co-legislator. It is responsible for the implementation of EU policies and is therefore also the main actor in the executive branch of the EU. It supervises that the EU treaties and legislation are respected by the member states and is thus a legal guardian. It negotiates on behalf of the EU in many international settings and is thus an external representative (Nugent 2001).

In an influential study of the early Commission, David Coombes (1970) subsumed these many functions under two general roles. First, Coombes (1970: 234-242) identified a ‘political or promotive’ role for the Commission. This role consists of recommending and initiating new political initiatives – bringing matters onto the EU agenda, setting policy targets, making formal legislative proposals and so on. Further, this role includes the setting of norms in the EU system - determining the community interest, interpreting the treaties, criticising legal breaches by the member states and so on. In short, this role is one of political leadership. The second role identified by Coombes was a ‘bureaucratic or implementative’ one. This role consists of implementing existing policies and programmes – producing data, keeping records, taking regulatory decisions, dealing with purported treaty infringements and so on. Further, this role also entails meditative tasks – reconciling the proposals of different member states, changing its own proposals in response to national objections, working for consensus, devising formulae which compensates for national losses and gains and so on. In short, this second role is one of an international secretariat for the member states.

Coombes saw a strain between the two roles. The ‘political or promotive’ role requires a small ‘organic’ system of management, much like a political party or pressure group. In contrast, the ‘bureaucratic or implementative’ role requires a large ‘mechanistic’ organisation. Due to the growing bureaucratisation of the Commission, Coombes (1970: 294-325) predicted a decline of its ability to provide political leadership in the EU.

The empirical validity of Coombes’ thesis is contested. It is reflected in the ongoing debate on the driving forces of European integration. ‘Supranationalists’ emphasise the role of supranational actors such as the Commission, while ‘intergovernmentalists’ emphasise the importance of the member states (Nugent 1995; Pierson 1996; Pollack 2003). But even the most ardent intergovernmentalists acknowledge that the Commission at least sometimes acts as a policy entrepreneur and at least sometimes successfully so (Moravcsik 1998: 314-378). The political leadership role identified by

Coombes 40 years ago does not seem to have been completely crushed by the forces of routinisation and bureaucratisation.

Paradoxically, the very forces that Coombes saw as detrimental to the leadership role may over time have paved the way for another type of entrepreneurial role for Commission. Page (1997: 141-158) argues that the routinisation of EU policy making gradually means that political leadership is no longer only a matter of providing closer integration, but increasingly also the question of using, elaborating or reshaping regulation that is already in place. To Page, this development opens up a new activist role for the Commission. In addition to the leadership role discussed by Coombes, Page identifies another activist role termed 'bureaucratic entrepreneurship.' This role concerns technical policy innovation and initiation within the bureaucratic arena. To fulfil this role Commission officials need professional staff, organisational resources and expertise – the mechanistic organisation dreaded by Coombes.

Turning to comitology, it seems plausible to expect the Commission to act according to the implementative role as described by Coombes. The Commission provides the secretarial assistance to all committees and, since it also holds the chairmanship of all committees, is likely to act as a mediator between conflicting member state representatives. Besides this, it also seems plausible that the Commission fulfils a leadership role in the comitology committees - although this may be closer to the bureaucratic entrepreneurial role described by Page than the promotive role discussed by Coombes. As the official chair of the committees, the Commission is able to submit proposals intended to reshape, modify or extend existing regulation. It seems plausible that the Commission may use these executive powers to shape EU regulation according to its own tastes. Comitology procedures may constrain the Commission in this, but the rules are in place because the Commission has been delegated executive powers.

Although scanty, there is evidence to support these thoughts. Case studies of selected individual comitology committees show concrete examples of the Commission playing both a very active policy promoting role and a more reactive mediating role (see Joerges & Neyer 1997; Daemen & Van Schendelen 1998; Philip 1998; Töller 1998; Bradley 1998). Surveys of participants in comitology committees also indicate that the Commission may take an active independent role. But the existing survey evidence only presents an average picture – comparing comitology committees *en bloc* to Council working groups or Commission expert groups (see Egeberg et al. 2003; Sannerstedt 2005).

The purpose of this article is twofold. First, we seek to map, in a systematic manner, the role played by the Commission in the various comitology committees. Our ambition is to establish to what extent the

Commission fulfils the two roles discussed above – that of a neutral secretary and arbiter for the member state representatives and that of a policy advocate. Second, we seek to identify the factors that cause the Commission to fulfil these roles to varying degrees. That is, we want to explain the variation in the Commission’s roles across comitology committees.

### **Theoretical expectations: explaining Commission behaviour**

We suggest that four sets of factors may induce the Commission to act as a mediator or a policy advocate to a higher or lower extent.

#### *Comitology procedures*

The first factor to consider is the nature of the comitology procedures. They are supposed to constrain the Commission’s discretion to varying degrees, cf. Table 1. This is the reason why the Commission, the Council and the European Parliament fight over the introduction of comitology procedures. In other words, in the policy formulation phase the main EU actors view the comitology system as a control mechanism (Dogan 2000; Pollack 2003: 130-144; Franchino 2000; Bergström 2005: 209-249; Vos 1997). Game theoretical analyses show that the regulatory procedure is the most constraining, that the advisory procedure is the least constraining and that the management procedure is in an intermediary position (Steunenberg et al. 1997; Ballman et al. 2002; Franchino 2000). Consequently, we expect that the Commission’s behaviour as a policy advocate in the individual committees varies depending on the comitology procedure applied. The stricter the comitology procedure, the less we expect the Commission to act as a policy advocate.

#### *Responsible Directorate-General*

The Commission’s Directorates-General (DGs) possess different institutional preconditions for handling the comitology committees. First, the DGs vary in terms of discretionary powers. Measured as formal delegated competence some DGs – such as Agriculture and Competition - possess much more influence than others (Page 1997: 103-106; Franchino 2004). Second, the DGs vary in terms of prestige and reputation. Hooghe (2001: 104, 227-228) measures the individual DGs reputational power in interviews with 137 top officials from the Commission by asking them to indicate the most powerful ones. She then combines this power measure with Page’s (1997: 105) measure of formal DG discretion and creates an

index of “power-DG”. This shows that DG IV Competition and DG VI Agriculture are the most powerful, while DGs such as DG XXII Education and DG XXIII Enterprise Policy are among the least powerful. Third, the DGs vary in terms of organisational culture. Cini (1997) finds striking differences between DG IV Competition and DG XI Environment. DG IV Competition is powerful and autonomous, its officials are characterised by a “commitment to the spread of DG IV values” and they are “endowed with a mission to establish norms and to encourage working practices that promote competition”. In contrast, DG IX Environment is weak, subjected to external constraints and characterised by a “precautionary approach to policy formulation.”

These differences in the DGs institutional preconditions are likely to be reflected in roles played by the Commission officials chairing the comitology committees. As argued by Hooghe (2001: 104), rational Commission officials face very different incentives depending on whether they sit on strong or weak EU competencies. Officials in policy areas with strong EU competencies are induced to work for regulatory authority at the EU level, while officials with weak EU competencies may achieve more professional success by serving as honest mediators for national governments. Hooghe does not demonstrate that the institutional position of the various DGs influences the behaviour of the officials working in them, but she (2001: 93-117) provides some support for the hypothesis by demonstrating that officials from Commission “powerhouses”, such as competition policy and agriculture, possess a more supranationalist orientation than officials from less powerful DGs.

Regarding comitology, we cannot make any precise predictions on the basis of the literature discussed above. Too many reorganisations of DGs have taken place, and too many changes of EU legislation have been made since then to make this a sensible endeavour. But one prediction seems well-founded: it is plausible to expect that officials from DG Agriculture – which consistently is ranked as a very powerful DG – act as policy advocates to a higher degree than other officials. The investigation of the impact of the remaining DGs is more exploratory.

#### *The nature of the cases dealt with by the committees*

The comitology committees deal with many types of cases. First, the cases are often highly technical. Committees deal with issues such as the interoperability of the trans-European high-speed rail system (committee under DG Transport and Energy) or the protection of waters against pollution caused by nitrates from agricultural sources (committee under DG Environment). The comitology system is often criticised for being a technocratic netherworld lacking democratic accountability (Harlow 2002: 67).

Compared to the Council of Ministers and the European Parliament, the Commission is an institution in possession of much more technocratic insight. But, as noted by Franchino (2004: 279-280), compared to the member states' national administrations, the Commission is a small supranational bureaucracy made up predominantly of general administrators, lawyers, economists and other social scientists. For this reason, again as noted by Franchino, the most technocratic issues are not delegated to the Commission at all, but left in the hands of national administrations. The comitology system represents a middle ground between these options. Issues can be delegated to the Commission, which can draw upon the technical expertise from the member states' national administrations. The national representatives may function as guardians of the national interest, but they also function as 'in-sourced experts' (Van Schendelen 2006). The more technically complex the cases are, the more dependent the Commission is on the member states' expertise. Consequently, we expect that technical complexity makes it difficult for the Commission to play an active role in the comitology committees.

Second, the comitology committees' cases may have considerable distributive consequences for the member states. Some committees deal with issues that are of much greater concern to some member states than to others. For instance, the committee on enhancing ship and port facility security (committee under DG Transport and Energy) is of most interest to coastal member states. Other committees deal with trade regulation, which may impose considerable costs or benefits upon the individual member states depending on their industrial structure. For example, this is the case for the considerable number of management committees for agricultural products. Distributive effects influence the way the comitology committees work. It drives the meetings to be characterised by intergovernmental bargaining rather than deliberative supranationalism (Blom-Hansen & Brandsma 2007). It seems plausible that it also influences the Commission's behaviour in the committees. In committees dealing with cases having distributive effects, it is a challenge to find solutions that a majority finds acceptable. We consequently expect that the Commission takes on the role of a mediator to a larger extent in these committees.

#### *The intensity of member state preferences*

Some committees are more salient to the member states than others. For instance, the use of genetically modified organisms (GMOs) and their release into the environment is extremely controversial. The issue of authorising new genetically modified products is dealt with by the committee on genetically modified food and feed and environmental risk (committee under the standing committee on the food chain and animal health under DG Health and consumer protection). Other committees deal with politically less

sensitive issues. For instance, many of the committees dealing with customs issues or agricultural questions have been in place for 30-40 years and handle a large number of routine issues that are well-known in the member states. We expect that the more politically sensitive the committees' issues are, the more difficult it is for the Commission to play an active role.

In sum, we expect the Commission's roles to be a product of a number of factors. Table 2 provides a summary of our hypotheses.

**Table 2. Explaining the Commission's roles in the comitology committees**

	Impact on mediating role	Impact on policy advocating role
Comitology procedures	No certain effect	Constraining procedures dampen the incentive to act as a policy advocate
Responsible DG	Weak DGs provide institutional incentive to act as a mediator	Strong DGs provide institutional incentive to act as a policy advocate
The nature of the committees' cases	Technically complex cases provide disincentive to act as a mediator. Cases with distributive effects provide incentive to act as a mediator	Technically complex cases provide disincentive to act as a policy advocate
The intensity of member state preferences	No certain effect	Strong member state preferences provide disincentive to act as a policy advocate

### **Data and methods**

We obtained our data by means of a survey of the Dutch and Danish representatives on almost all comitology committees that were active in 2006. The survey was conducted in the following way. First, we identified the several hundred comitology committees. At the time the survey was sent out, no up-to-date list of committees was available. However, once a year the Commission lists all committees in the Annex to its annual comitology report. An initial overview of committees was compiled on the basis of the 2005 report (Commission 2006). Committees that did not meet during that year were excluded as 'inactive committees'. New committees found in the process were included in the analysis.

Second, we identified the Dutch and Danish national representatives. This was a challenge because the member states are free to choose their representative. This means that a variable number of civil servants sometimes from more than one ministry are attached to the various committees. Then, they each attend committee meetings depending on what is on the agenda. We handled this problem by contacting the

relevant units within the ministries. They helped us find the most frequent, important, or experienced representative on the individual committees. This representative was then contacted by phone or e-mail and asked to fill out a questionnaire. In the end, 191 respondents in Denmark received a questionnaire, of which 161 responded. For the Netherlands, these figures were 167 and 133, respectively. The overall response rate therefore is 82 per cent (for further details on the survey, see Blom-Hansen (2007) and Brandsma (2007a)).

### **Operationalisation**

In this section, we explain how we have operationalised the four sets of explanatory factors from our hypotheses into empirical indicators by way of our survey data.

*Measuring the Commission's behaviour.* As noted above, we expect that the Commission fulfils two roles in the comitology committees. In Coombes' (1970) terms we can speak of a 'political or promotive' and a 'bureaucratic or implementative' role. In more modern language we may call these roles a policy advocate and a mediator, respectively. We have measured these roles by asking our respondents to characterise how the Commission behaves in their committee. We presented our respondents with a number of behavioural roles and asked them to indicate how often the Commission plays these roles in their committee. The wording of the questions appears in Table 3. By factor analysis we then investigated whether these behavioural roles were manifestations of underlying dimensions. As can be seen from Table 3, the indicators of the Commission's roles load on two different factors, which can be interpreted as a mediating and a policy advocating role, respectively. We then combined these indicators into indices. Table 3 reports the results of a reliability test (Chronbach's alpha) of these indices. As is evident, the two indices are quite strong. Both indices are coded to vary from 1 to 5. High values correspond to a more active role as a mediator and a policy advocate, respectively. The two indices are only weakly correlated ( $r = .14$ ;  $sign.: .017$ ).

**Table 3. Factor analysis of the respondents' evaluation of the role taken by the Commission in the comitology committees**

	Loading on factor 1 (mediator)	Loading on factor 2 (policy advocate)
How often does the EU Commission play the following roles in your comitology committee?		
...The one who makes sure that everybody feels comfortable	<b>.820</b>	.013
...The one who makes sure that the result is satisfactory to everybody	<b>.805</b>	-.021
...The one who mediates	<b>.748</b>	.135
...The one who prepares things	.113	<b>.804</b>
...The one who investigates and explains things	.220	<b>.779</b>
...The one who promotes his own proposals	-.185	<b>.702</b>
Eigen value	2.21	1.62
Chronbach's alpha*	.71	.62

\* For additive index of items in bold.

Note: all items are Likert scale statements to which the respondents could answer "Always", "Often", "Now and then", "Seldom" and "Never". Extraction method: principal component analysis. Rotation method: Varimax with Kaiser normalisation.

The results in Table 3 mean that the Commission can act as both a mediator and a policy advocate in the comitology committees. In some committees it plays both roles, in other committees it does not play either of the two roles. Mediation and advocacy are clearly separate phenomena in the Commission's behaviour. We therefore have two separate dependent variables in our analysis.

*Measuring comitology procedures.* The Council's comitology decision specifies three main types of procedures: the advisory, the management and the regulatory procedure (Council of Ministers 1999), cf. also Table 1.<sup>1</sup> Most committees work according to just one of these procedures. But about 27 per cent of the committees operate according to multiple procedures. As we cannot determine how often each specific procedure is used in this 'mixed group', we treat these committees as a special category distinct from the ones using one procedure only. Because of the mix of procedures we do not expect to find any substantial effect of this category. In concrete terms, we measure the impact of the comitology procedures by four dummy variables representing the three pure types and the one mixed type. Data were obtained from the Commission's (2005) annual comitology report.

<sup>1</sup> As described in Table 1, the Council's 1999 decision also specifies a safeguard procedure, but this is only used by one committee in our data. Furthermore, the Council amended the 1999 decision in 2006 and introduced a new version of the regulatory procedure labelled regulatory procedure with scrutiny (Council of Ministers 2006). This procedure is so new that it is not covered by our data.

*Measuring Directorates-General.* Each comitology committee's responsible Directorate-General (DG) is listed in the Commission's (2005) annual comitology report. The comitology committees are not evenly spread across the DGs. For seven DGs we have more than 20 observations per DG: Taxation and Customs Union, Agriculture, Enterprise, Environment, Research, Health and Consumer Protection and Transport and Energy. For each of these DGs we created a dummy variable. All the DGs with less than 20 observations per DG were grouped into one category labelled 'other DGs'.

*Measuring the nature of the cases dealt with by the committees: technical complexity and distributive effects.* We measured these factors by asking our respondents to provide an overall characterisation of the cases dealt with in their committees. We invited their reactions to six concrete statements tapping various aspects of technical complexity and distributive effects. As to technical complexity we measured both the respondent's own impression of the committee's cases and her impression of the ability of outsiders to understand the committee's cases. As to distributive effects we measured both institutional and economic effects. The wording of the six statements appears in Table 4. By factor analysis we then investigated whether the six statements are manifestations of underlying dimensions. As can be seen from Table 4, the statements load on two different factors, which can be interpreted as distributive effects and technical complexity, respectively. We then combined the statements into indices. Table 4 reports the results of a reliability test of these indices. They obtain Chronbach's alpha values of respectively 0.77 and 0.81, which means that they are strong indices.

**Table 4. Factor analysis of the nature of the cases in the various comitology committees**

	Loading on factor 1 (distributive effects)	Loading on factor 2 (technical complexity)
Indicators of technical complexity:		
You need considerable technical insight to work with the cases in my committee	.105	<b>.860</b>
The cases in my committee are often technically complex	.111	<b>.866</b>
It is difficult for outsiders to understand the cases we work with in my committee	.147	<b>.726</b>
Indicators of distributive effects:		
The cases in my committee have great importance to certain member states' national rules	<b>.800</b>	.198
The cases in my committee have great importance for certain member states	<b>.868</b>	.039
The cases in my committee have great economic importance for certain member states	<b>.853</b>	.152
Eigen value	2.74	1.50
Chronbach's alpha*	.81	.77

\* For additive index of items in bold.

Note: all items are Likert scale statements to which the respondents could answer “agree”, “partly agree”, “neither agree nor disagree”, “partly disagree” and “disagree”. Extraction method: principal component analysis. Rotation method: Varimax with Kaiser normalisation.

*Measuring the member states' preference intensity.* This factor is measured by the respondents' impression of the interest taken in the work in their committee by actors in their surroundings. Concretely, we asked our respondents how interested the following actors are: their minister, the government, the parliament, the press, interest organisations and major companies in the sector. The wording of the questions appears in Table 5. Again, we subjected our data to factor analysis, and it emerged that the questions load on two different factors which we interpret as political interest and business interest, respectively. The interest of the press, which is something substantially different, loads to some extent on both factors and is therefore not included in the following analysis. Again, we combined the questions into indices, and Table 5 also reports the results of a reliability test. It shows that the indices are strong. They obtain Chronbach's alpha values of 0.87 and 0.80, respectively.

**Table 5. Factor analysis of the interest taken by actors in the surroundings in the various comitology committees**

	Loading on factor 1 (political interest)	Loading on factor 2 (business interest)
How much are the following actors interested in the work in your comitology committee?		
- Your minister	<b>.778</b>	.227
- The government	<b>.926</b>	.129
- Parliament	<b>.893</b>	.157
- The press	.628	.500
- Interest organisations	.208	<b>.881</b>
- Major companies in the sector	.150	<b>.892</b>
Eigen value	3.46	1.18
Chronbach's alpha*	.87	.80

\* For additive index of items in bold.

Note: all items are Likert scale statements to which the respondents could answer “very much”, “much”, “somewhat”, “a little” and “not at all”. Extraction method: principal component analysis. Rotation method: Varimax with Kaiser normalisation.

Above we have presented a number of empirical indicators to measure our hypotheses. Descriptive statistics for each of these items are found in Appendix 1.

**Empirical analysis**

Why does the Commission sometimes act as a policy advocate and sometimes as a mediator in the comitology committees? In the following, we investigate this question through a series of regression analyses where we assess the impact of the factors discussed in the preceding section: comitology procedures, Directorates-General (DGs), the nature of the committees’ cases and the intensity of member state preferences.

The objective is to determine the partial effect of these factors. That is, we seek to conduct a multivariate analysis in which all factors are analysed at the same time. However, disentangling the relative importance of the first two factors – comitology procedures and DGs – is difficult. The reason is that comitology procedures are not randomly spread across DGs. For instance, committees under DG Agriculture overwhelmingly use the management procedure, while committees under DG Environment mostly use the regulatory procedure. The problem is described in more detail in Table 6. As can be seen, there is far from a perfect match between comitology procedures and DGs. For instance, DG Enterprise uses all procedures. But the overlap is sufficient to create a collinearity problem that makes it difficult to

disentangle the independent effect of the two factors. We handle this problem by running a series of models in which the factors are included and excluded in turn. This alleviates the problem, but it does, of course, not solve it. In the end, we cannot establish for certain the independent effect of comitology procedures and DGs.

**Table 6. The use of comitology procedures within the Directorates-General (per cent)**

	Advisory procedure	Management procedure	Regulatory procedure	Several procedures	Total	N
DG Taxation and Customs	4	50	35	12	101	26
DG Agriculture	0	83	9	9	101	46
DG Enterprise	20	32	36	12	100	25
DG Environment	0	14	87	0	101	37
DG Research	0	22	0	78	100	23
DG Health and Consumer Protection	4	0	61	35	100	23
DG Transport and Energy	3	8	63	26	100	38
Other DGs*	6	25	26	44	101	73
Total	4	31	38	27	100	291

\* “Other DGs” includes the following DGs, which all have less than 20 observations: Europe Aid; Budget; Education & Culture; Humanitarian Aid; Enlargement; Employment; Eurostat; Fisheries; Information Society & Media; Justice; Internal Market; Anti-Fraud; Regional Policy; Trade.

The Commission’s behaviour as a policy advocate in the various comitology committees is analysed in Table 7. The table contains five models in order to present as detailed an explanation of the Commission’s behaviour as possible. The first model investigates the impact of comitology procedures. The results support that constraining procedures may indeed have a dampening effect on the Commission’s behaviour as a policy advocate. Compared to the management procedure, which is used as the reference category, the more constraining regulatory procedure makes the Commission behave less as a policy advocate. The advisory procedure is apparently no less constraining than the management procedure, but this result should be interpreted with caution because of a low N problem - not many committees use this as their only procedure, cf. Table 6. The results concerning committees using several procedures are also difficult to interpret because we do not know the relative importance of the procedures in these committees and, hence, how constrained the Commission is. In sum, the comparison of the management and the regulatory procedure is the most valid – and this presents evidence in favour of the procedures-matter-thesis.

Model 2 investigates the importance of DGs. The results show that it matters quite a lot which DG is responsible for the various committees. In committees under DG Agriculture and DG Research, the Commission acts far more as a policy advocate than in committees under DG Taxation and Customs, DG Environment and DG Health and Consumer Protection. It is evidence in favour of our hypothesis that officials from DG Agriculture act as policy advocates to a higher degree than other officials. However, we cannot say for certain whether the pattern that we uncover really reflects the institutional preconditions of the various DGs. Our results should encourage further research on this question.

Model 3 makes a simultaneous analysis of the impact of comitology procedures and DGs. The results for the DGs are almost identical to model 2, whereas the impact of comitology procedures disappears. This is due to the multicollinearity problem discussed above and, hence, should not necessarily be taken as evidence of procedures having no impact. The results illustrate the difficulty of conducting a simultaneous test of these two explanations.

In model 4, all our explanatory factors are included. That is, we add measures of the nature of the committees' cases (technical complexity and distributive effects) and the intensity of member states preferences (political and business interest). In addition, since we have data from two countries, we include a country dummy to control for potential country-specific effects. The results show that the intensity of member state preferences – measured as the political interest in the committees' cases – is the only factor that adds to our understanding of the Commission's behaviour. The other factors do not appear to have any particular impact. The final model is a reduced version of model 4. It only contains the statistically significant factors from this model, including voting procedures because empirically we cannot separate them completely from DGs.

In sum, although many questions are still left to be answered, Table 7 adds to our understanding of the Commission's behaviour as a policy advocate in the comitology committees. There is some variation in this, and there is evidence to support that the comitology procedures may constrain the Commission and that the various DGs provide the Commission officials with different institutional preconditions. In the committees under the DG Agriculture and DG Research, the Commission scores about half a point higher on the 5-point advocacy scale than elsewhere. Due to multicollinearity these results are indicative, rather than conclusive, but they encourage further research. Further, the results show that the Commission is constrained from acting as a policy advocate in committees where the member states take a strong interest in what is going on.

**Table 7. Regression analysis of the Commission’s role as policy advocate**

	Model 1 (impact of comitology procedures)	Model 2 (impact of DG)	Model 3 (DG and comitology procedures)	Model 4 (full model)	Model 5 (parsimonious model)
Comitology procedure:					
• Management procedure (ref.cat.)	-	-	-	-	-
• Advisory procedure	-.13	-	-.00	-.05	-.08
• Regulatory procedure	-.23***	-	-.07	-.04	-.06
• Several procedures	-.02	-	-.01	.03	.03
DGs:					
• DG Taxation & Customs (ref.cat.)	-	-	-	-	-
• DG Agriculture	-	.56***	.53***	.56***	.54***
• DG Enterprise	-	.25*	.24*	.26*	.23
• DG Environment	-	.19	.21	.25*	.22*
• DG Research	-	.59***	.54***	.56***	.52***
• DG Health & Consumer protection	-	.04	.04	.09	.08
• DG Transport & Energy	-	.19	.19	.26*	.21
• Other DGs	-	.40***	.38***	.43***	.39***
Technical complexity	-	-	-	.01	-
Distributive effects	-	-	-	.01	-
Political interest	-	-	-	-.10***	-.08**
Business interest	-	-	-	.02	-
Country effect (NL=1)	-	-	-	-.10	-
Constant	4.43***	4.03***	4.07***	4.15***	4.23***
R <sup>2</sup> (adj.)	.03	.12	.11	.12	.12
F	4.1***	6.6***	4.4***	3.5***	4.5***
N	286	289	286	275	277

\*p<0.1; \*\* p<0.05; \*\*\* p<0.01.

Dependent variable: index of role as policy advocate (cf. Table 3)

Entries are unstandardised OLS-regression coefficients

The corresponding analysis of the Commission’s mediating role is reported in Table 8. We proceed in the same steps. That is, we build five models in order to present as detailed an explanation as possible. The first model investigates the impact of comitology procedures. There is no evidence that comitology procedures matter for the Commission’s mediating role. As is evident from the low R<sup>2</sup> and the statistically insignificant F-value, the analysis does not constitute a reliable model of the Commission’s mediating behaviour. The same results are obtained in model 2, where the importance of DGs is investigated. There is no evidence that it matters which DG is responsible for the various committees. Again, we see a low R<sup>2</sup> and a statistically insignificant F-value. Not surprisingly, we reach exactly the

same result in model 3, which makes a simultaneous analysis of the impact of comitology procedures and DGs. We can therefore safely conclude that voting procedures and DGs do not have an impact on the Commission's mediating role.

In model 4 we include all our explanatory factors. Now, we have explanatory factors that bite. In our hypotheses we expected the technical complexity and the distributive effect of cases to matter, but there is more going on. The nature of the committees' cases indeed matters quite a lot for the Commission's mediating role. Both technical complexity and distributive effects have statistically significant coefficients with the expected signs. In committees dealing with technically complex cases the Commission is constrained from mediating, while the opposite occurs in committees dealing with distributive cases. Furthermore, there is a statistically significant country effect. Dutch respondents consider the Commission as less mediating than their Danish counterparts. The final model is a reduced version of model 4. It only contains the statistically significant factors from this model.

In total, Table 8 makes it possible for us to begin to understand when the Commission acts as a mediator in the comitology committees. This seems to depend quite a lot on the nature of the cases which the committees handle. Some committees deal with highly technical issues. This makes it difficult for the Commission to act as an active mediator because it is more dependent on the member states' expertise. Other committees deal with issues that entail considerable distributive consequences for the member states. This makes it more difficult to reach agreement and creates a need for a mediator – a need which the Commission appears to respond to. Finally, the significant country effect reminds us that we are analysing perceptions, not hard facts, and that perceptions may vary across countries.

**Table 8. Regression analysis of the Commission’s role as mediator**

	Model 1 (impact of comitology procedures)	Model 2 (impact of DG)	Model 3 (DG and comitology procedures)	Model 4 (full model)	Model 5 (parsimonious model)
Comitology procedure:					
• Management procedure (ref.cat.)	-	-	-	-	-
• Advisory procedure	-.30	-	-.25	-.12	-
• Regulatory procedure	-.11	-	-.15	-.14	-
• Several procedures	-.02	-	-.05	-.06	-
DGs:					
• DG Taxation & Customs (ref.cat.)	-	-	-	-	-
• DG Agriculture	-	-0.11	-.22	-.12	-
• DG Enterprise	-	-.36**	-.37**	-.18	-
• DG Environment	-	-.19	-.19	-.11	-
• DG Research	-	-.03	-.12	-.04	-
• DG Health & Consumer protection	-	.10	.09	.21	-
• DG Transport & Energy	-	-.14	-.15	-.01	-
• Other DGs	-	-.16	-.21	-.13	-
Technical complexity	-	-	-	-.08*	-.08*
Distributive effects	-	-	-	.10**	.10***
Political interest	-	-	-	-.01	-
Business interest	-	-	-	-.03	-
Country effect (NL=1)	-	-	-	-.42***	-.45***
Constant	3.71***	3.77***	3.89***	4.06***	3.83***
R <sup>2</sup> (adj.)	.00	.01	.01	.11	.13
F	1.26	1.33	1.33	3.25***	14.69***
N	285	288	285	274	287

\*p<0.1; \*\* p<0.05; \*\*\* p<0.01.

Dependent variable: index of role as mediator (cf. Table 3)

Entries are unstandardised OLS-regression coefficients

## Conclusion

In contrast to most studies of the comitology system, this article has focused on the Commission. Our first ambition was to map the Commission’s behaviour in the various comitology committees. We find that the Commission plays two types of roles – a mediating and a policy advocating role. This finding corresponds well with general studies of the Commission’s behaviour (Coombes 1970; Page 1997).

Our second ambition was to explain why the Commission plays these roles to varying extents in the comitology committees. Concerning the policy advocating role, we find that it depends on the comitology voting procedures and on the institutional position of the responsible DG. These findings are

indicative, but encourage further research. Further, we find that the Commission is constrained from acting as a policy advocate in committees where the member states take strong interest in what is going on. Concerning the Commission's role as a mediator we find that it depends on the nature of the cases that the committees handle. Some committees deal with highly technical issues. Other committees deal with issues that entail considerable distributive consequences for the member states.

In essence, comitology is all about the Commission. The system is in place to control and qualify the Commission's delegated powers in the EU system. However – as discussed in the introduction to this article - the small, but growing, literature on comitology has not devoted much attention to the question of how the Commission handles the comitology committees in practice. We hope that our article may encourage more empirical comitology studies of the Commission.

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## Appendix 1. Descriptive statistics for empirical indicators

Indicator	Explanation	Average value	St. dev.	Min. value	Max. value
<i>Dependent variables:</i>					
The Commission as a mediator	Index of survey questions (potential range: 1-5)	3.6	.6	1.8	5.0
The Commission as a policy advocate	Index of survey questions (potential range: 1-5)	4.3	.5	2.3	5.0
<i>Independent variables:</i>					
Comitology procedures	Four dummy variables (advisory; management; regulatory; several)	-	-	-	-
Responsible DG	Eight dummy variables	-	-	-	-
The nature of the committees' cases:					
- Technical complexity	Index of survey questions (potential range: 1-5)	3.8	.9	1.3	5.0
- Distributive effects	Index of survey questions (potential range: 1-5)	3.5	1.1	1.0	5.0
Member state preference intensity:					
- Political interest	Index of survey questions (potential range: 1-5)	2.1	.9	1.0	5.0
- Business interest	Index of survey questions (potential range: 1-5)	3.1	1.3	1.0	5.0