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European Union Agencies: A transnational logic?

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Abstract

European Union agencies have been studied explicitly or implicitly from two distinct theoretical backgrounds: an intergovernmental and a supranational logic. The two logics relate to broader dynamics that aim to understand the forces that the EU responds to. Against this backdrop, the present paper asks the following question: how can intergovernmental and supranational perspectives be reconciled in the study of EU agencies? The question we put forward seeks to discuss EU agencies as singular artefacts that combine intergovernmental coordination and access to supranational power under conditions of institutional isolation and a strong professional identity. The paper problematizes the literature on EU agencies along these lines before proposing that these organizations be studied as part of broader dynamics linked to their coordinating role in European policy-making. We conclude with a plea to favor an analysis that would reconcile these two perspectives based on considering agencies as trans-governmental bodies operating in transnational spaces.

Key words

1. INTRODUCTION

The *agencification* of public administration at the European level has represented a reconfiguration of the EU executive power (Egeberg and Trondal 2009) as well as the appearance of new actors with influence over European policy-making (Coen and Thatcher 2008; Wonka and Rittberger 2010). This large-scale transformation has received ample scholarly attention in recent years, and a great interest has been placed to understand the nature of such agencification process. Different debates on the significance of EU agencies have emerged, mainly centred on the motivations behind their design, the level of political independence, their organizational autonomy, and the different mechanisms of accountability they convey (Majone 1996; Kelemen 2005; Dehousse 2008; Christensen and Nielsen 2010; Busuioc 2013; Pérez-Durán 2017).

Scholars studying EU agencies have explicitly or implicitly followed different approaches, most of which are supported by two distinct theoretical backgrounds: either emphasizing the intergovernmental nature of agencies or considering the relevance of a supranational logic in their development (Egeberg et al. 2015; and Egeberg and Trondal 2017). A major difference between these two approaches is how they interpret the role of European institutions and whether they understand the supranational logic of the European Commission as encompassing the activities of EU agencies or not. The two logics relate to broader dynamics that aim to understand the forces that the European Union responds to. The intergovernmental logic claims that member states are behind the integration process; in this process, they agree to pool resources with other states while designing EU institutions that oversee it (Puchala 1999). In contrast, a supranational logic acknowledges EU institutions as autonomous poles of power that concentrate resources and decision-making capabilities while promoting European integration on their own (Sandholtz and Stone Sweet 2012: 9). However, as Schimmelfenning (2015: 723–730) asserts in a critique of liberal intergovermentalism, the two logics seem to be insufficient for analyzing the drivers behind the functioning of EU institutions. Agencies' operational logic appears to resist clear-cut interpretations based on any of these logics, as it requires an explanation beyond the agencification process that challenges the interpretative frameworks they are based on.

Against this backdrop, the present paper asks the following question: *how can the intergovernmental and supranational perspectives be reconciled in the study of EU agencies?* This question seeks to make a normative plea to understand EU agencies as singular artefacts that combine, with different intensities, intergovernmental coordination and access to supranational power under conditions of institutional isolation and strong professional identities. We argue that a possible path is to focus on the *transnational dynamics* around EU agencies and their activity as trans-governmental bodies in the European space. Our argument starts from acknowledging that agencies nurture from a plethora of actors that are not necessarily entrenched in the national government's bureaucracies or

EU-level governing institutions. By doing so, we move the focus from the EU multi-level power relations to the fragmented responsibilities and the specialization carried out by different actors operating at EU-wide policy sectors.

The basic principle behind the transnational dynamics is that agencies respond to multiple interactions based on the mandate, tasks and operations they perform, beyond the hierarchical principle that the intergovernmental and supranational perspectives assume. Within these transnational dynamics, the transgovernmental character is based on their composition, formed by representatives from EU institutions, member states and in some cases, stakeholders related to the policy sector of the agency. The transnational logic in the study of EU agencies is not something new; in fact, Renaud Dehousse (2008) states that 'none of the existing agencies can be depicted as a mere instrument in the hands of any of the "political" institutions' (803). In other words, EU agencies may absorb supranational and intergovernmental tensions derived from the existence of several principals at both the EU and state level. Under these conditions, we should better understand how agencies articulate governmental units, but also broad networks of expertise and dispersed power resources in the EU governance scheme. Our contribution then is twofold, on the one hand, to further develop the conceptual operationalization of this logic in regard to agencies and on the other, to empirically focus on certain characteristics in the agencies that may potentially enhance the agencies' transnational space.

This paper is divided as follows: first, we discuss the intergovernmental and supranational logics in relation to EU agencies. Next, we introduce the transnational logic as the differentiated lens that helps to build a new understanding of EU agencies activity, based on their functional and organizational characteristics. We then empirically discuss certain features in the members' composition of the EU agencies' management boards, the decision-making body par excellence in these institutions, in order to illustrate how these trans-governmental bodies operate. Finally, we put forward our plea to further study EU agencies as trans-governmental bodies that articulate multi-level policy sectors in transnational European spaces, making use of both intergovernmental and supranational instruments.

2. ANALYTICAL PERSPECTIVES ON EU AGENCIES: BETWEEN THE INTERGOVERNMENTAL AND SUPRANATIONAL LOGICS

Although the definition of EU agencies in the literature is quite diverse, most authors acknowledge the non-majoritarian and specialized nature of their mandate. EU agencies are defined as 'EU-level public authorities with a legal personality and a certain degree of organizational and financial autonomy that are created by acts of secondary legislation in order to perform clearly specific tasks' (Kelemen 2005: 175–6; Kelemen and Tarrant 2011: 929). Taking into account a more power-based approach, Levi-Faur (2011) defines an agency as an 'administrative organization with distinct, formal identity, an internal hierarchy and, most importantly, at least one principal'. It is precisely the role of different principals (e.g., the Council, the European Commission, member states), adds Dehousse (2008), that makes EU agencies such interesting institutions to study. To put forward our plea for a more sophisticated understanding of EU agencies, we first need to better grasp the logic and current shape of studies focusing on EU agencies. In general lines, as already mentioned, scholars have explicitly or implicitly followed the intergovernmental and supranational logics to explain the agencification of different policy sectors at the EU level.

The *intergovernmental logic* defends the notion that EU agencies were created as a mechanism to implement or monitor the policies that were jointly approved by the member states (Thatcher and Coen 2008). According to Pollack (2003), this logic emphasizes the power preferences of the member states, which contribute to the development of the EU's capacities in a fragmented manner. The fragmentation is connected to a model that argues that EU institutions (agencies included) depend on the member states' material and immaterial resources. The intergovernmental logic builds on Moravcsik's (1993) proposal of a theory of liberal intergovernmentalism. He holds that EU institutions and the whole process of integration are the results of, first, national preference formation; second, an intergovernmental EU-level bargaining model; and third, the incentives derived from interstate commitments. In a classical intergovernmental logic, agencies should incorporate the views of different member states' apparatuses, including their national agencies and ministries as well as different domestic stakeholders (Puchala 1999: 319).

Unlike the intergovernmental approach, the *supranational logic* holds that having a supranational authority brings about a change in the expectations and behaviours of social actors, 'who in turn shift some of the resources and policy efforts to the supranational level' (Sandholtz and Stone Sweet 2010: 20). The supranational logic also defends the fact that the EU promoted an integrated and uniform administration (Olsen, 2007). Under this logic, agencies are instruments for the centralization of regulatory functions at the EU level (Majone 2005), or at least, as EU institutions, they take on, *de jure* or *de facto*, supranational powers regarding member states (Ossege 2016). As a political body, the European Commission has presented itself as the promoter of the agencification process in the EU

(Dehousse 2008: 792). Sandholtz and Stone Sweet (2012: 19) claim that supranational organs 'would possess the formal attributes necessary to make them an agent of integration'. A more procedural argument claims that although the EU initially followed a more network governance approach based on consensus building, there has been a growing tendency for a lead-agency model since the 2000s, in which the EU institutions have a prominent role (Thatcher and Coen 2008; Egeberg and Trondal 2011; Boin et al. 2014; Levi-Faur 2011).

Between these two logics, transnationalism thus emerges as a bridge for studying the agencification phenomenon at the EU level. There are some studies on the regulatory power at the EU level implicitly appealing to this logic from a network approach (Eberlein and Grande, 2005). Egeberg and Trondal (2017) mention that those studies following the transnational logic refer to agencies as hubs with enhanced autonomy from different actors, both national and European. In this respect, a transnational perspective would consider agencies as part of a more horizontal space where intergovernmental and supranational dynamics coexist with the functional needs of EU institutions (Pollack 2003). We suggest approaching the rise of EU agencies as part of a larger transition on the part of the administrative state towards agencification and professionalism, which have triggered the massive diffusion of independent agencies over the world in recent decades (A).

Studying agencies through the intergovernmental and supranational logics has been part of the exercise to understand their origin and expansion. The early formation of networks of national agencies throughout Europe in key sectors (Blauberger and Rittberger 2015), their evolution towards EU agencies with a specific mandate (Rittberger and Wonka 2013), and the development of regulatory governance (Coen and Thatcher 2008; Thatcher and Coen 2008; Mathieu 2016) have been guided by three parallel processes: *governancing*, *networkation* and *agencification*. *Governancing* implies the decentralization of power through decentralized systems of governance. *Networkation* implies the establishment and formalization of networks, which refers to the process of formalizing their roles and missions by mean of establishing loose organizations. Finally*, agencification* entails the formalization of stable organizations with specific responsibilities and mandates. Although the logics of governancing, networkation, and agencification have not explicitly been related to the logics discussed in this paper; it is possible to trace these processes back to being the consequence of a permanent negotiation between the interests of the member states, the interests of EU-level institutions, and the interests of specific stakeholders related to different policy sectors.

Part of the literature on EU governance diverges between the role of networks and agencies and the processes they have followed. Somehow, networks and agencies reflect two distinctively different processes in the road to EU integration. While networks allow member states to retain their sovereignty in specific policy sectors, agencies require the delegation of some competences from the national level and, eventually, from the European level, too. This is probably an overly simplistic

view, in that we can find agencies where there is no delegation of responsibility, as well as networks that can act as empowered European regulators. However, this leads to two possible interpretations as to the drivers of EU agencification, one bottom-up and the other top-down. Following a bottom-up, intergovernmental logic, Levi-Faur (2011: 811) states that the more horizontal character of networks allows flexible and informal decision-making rules, including voluntary membership. Levi-Faur suggests that many European networks represented an effort to coordinate responses and strategies from different national public actors and stakeholders at the European level leading to a common approach to specific sectors (i.e., electricity, telecoms, financial systems, etc.) (Papadopoulos 2008; Maggetti 2014; Maggetti and Gilardi 2014).

Adopting a top-down perspective, Eberlein and Grande (2005) argue that these networks filled a policy gap in Europe that required the development of a single market with a common regulatory framework. However, the worldwide process of *agencification* contributed to replacing the different European-wide networks with agencies. In this sense, Christensen and Nielsen (2010) argue that the spread of EU agencies was due to a process of institutional isomorphism. As the agencification process advanced, some authors expected EU agencies to continue to follow an intergovernmental logic in which the previous network dynamics would remain strong, as well as decision-making procedures based on distributed power (Thatcher and Coen 2008; Levi-Faur 2011). Conversely, Blauberger and Rittberger (2015) suggest that the European Commission acted first as an orchestrator of European-wide networks before later promoting the formation of EU agencies following a more supranational logic. Beyond the network issue, the literature on agencification has explicitly referred to the motivations behind agency creation. Scholars in this field have offered two main lines of thought to explain the creation and design of EU agencies: a functional and a political argument.

The *functional argument* defends the need of EU-level institutions and member states to take a more technical – and less political – approach to agencies in policy sectors (Thatcher, 2011). From this perspective, many authors have suggested that the emergence of agencies is an answer to the coordination dilemma among EU member states (Majone 1996; Eberlein and Grande 2005; Sabel and Zeitlin 2010; Levi-Faur, 2011; Rittberger and Wonka 2013; Heims 2015). So, in this case, delegation is not a political issue but one of efficiency which does not undermine the agencies' intergovernmental logic. On the other hand, the functional argument can also be connected to the supranational logic put forward in the literature. For the European Commission, agencification was a strategy for expanding administrative capacities at the European level beyond the limitations of the European Commission itself (Busuioc 2013: 25; Rittberger and Wonka 2013). Moreover, some authors have studied the agencification of the EU as a process preceding transboundary crises in specific policy sectors so to offer coherence and unified responses (Vos 2000; Paul 2012).

The need to understand the functional characteristics of the different EU agencies pushed scholars to propose typologies for classifying their role more accurately (Busuioc 2013). In general lines, agencies have been classified according to their regulatory power and their main function (Griller and Orator 2010; Chiti 2013, Busuioc 2013). The Communication from the Commission – SEC(2008) 323 –pretty much gathers the abovementioned logic and classifies agencies according to their main function: adoption of individual decisions; provision of technical or scientific advice; operational; informational and those providing services to other agencies and institutions (see Table 1).

Table 1. The creation of EU agencies through waves and functions

Waves of agency creation / Function	First wave (mid-1970s)	Second wave (early 1990s)	Third wave (early 2000s–present)
Adoption of individual decisions		CPVO EUIPO	EASA EBA ECHA EIOPA EMA ESMA SRB
Provision of technical or scientific advice			BEREC ECDC EFSA EMSA ERA

Operational		EDA EUROPOL	CEPOL EASO EFCA EUISS EU-LISA EUROJUST EUSC FRONTEX GSA
Informational	CEDEFOP EUROFOUND	EEA EMCDDA ETF EU-OSHA	ACER EIGE ENISA FRA
Services to other agencies and institutions		CDT	

Agencies according to their acronym:

ACER, Agency for the Cooperation of Energy Regulators; BEREC, Body of the European Regulators of Electronic Communications; CDT, Translation Centre for the Bodies of the European Union; CEDEFOP, European Centre for the Development of Vocational Training; CEPOL, European Union Agency for Law Enforcement Training; CPVO, Community Plant Variety Office; EASA, European

Aviation Safety Agency; EASO, European Asylum Support Office; EBA, European Banking Authority; ECDC, European Centre for Disease Prevention and Control; ECHA, European Chemicals Agency; EDA, European Defence Agency; EEA, European Environment Agency; EFCA, European Fisheries Control Agency; EFSA, European Food Safety Agency; EIGE, European Institute for Gender Equality; EIOPA, European Insurance and Occupational Pension Authority; EMA, European Medical Agency; EMCDDA, European Monitoring Centre for Drugs and Drug Addiction; EMSA, European Maritime Safety Agency; ENISA, European Union Agency for Network and Information Security; ERA, European Rail Agency; ESMA, European Securities and Markets Authority; ETF, European Training Foundation; EUISS, European Institute for Security Studies; EUIPO, European Union Intellectual Property Office; EU-LISA, European Agency for the operational management of large-scale IT systems; EU-OSHA, European Agency for Safety and Health at Work; EUROFOUND, European Foundation for the Improvement of Living and Working Conditions; EUROJUST, the European Union's Judicial Cooperation Unit; EUROPOL, European Police Office; EUISS, European Union Institute for Security Studies; EUSC, European Satellite Centre; FRA, European Agency for Fundamental Rights; FRONTEX, European Border and Coast Guard Agency; GSA, European Global Navigation Satellite Systems; SRB, Single Resolution Board

Sources: compiled by authors with information from Groenleer (2009: 96), Analytical Fiche Nr.1, and Davis (2013: 3).

Following the *political argument*, Busuioc (2013: 73) argues that 'agencies have emerged as a strategic, political compromise between main institutional actors at the EU level'. When an agency is created, its design is supposed to be the consequence of the strategic interaction among an array of different actors, including the European Commission, the European Parliament, the European Council, and the member states (Rittberger and Wonka 2013: 35). The degree of distributional conflict in the policy sector in question along with the degree of influence of supranational actors shapes the design and the strength of regulatory bodies (Keleman and Tarrant 2011). Thatcher (2011: 790) argues that the European Commission has defended the creation and empowerment of agencies to the extent they help to increase its reach.

The role of supranational EU institutions, such as the European Commission, has been an important part of the *political argument*. As a political body, the European Commission has presented itself as the principal of the process (Dehousse 2008: 792). Egeberg et al. (2015) argue that although agencification aims to de-concentrate the executive power; the close ties between the European Commission and the EU agencies indicate an expansion of the executive power at the EU level. Through the European Council, member states are confronted with the tension between their commitment to regulation and their will to shape the distributional consequences of regulatory decisions. Similarly, the importance of the European Parliament's role in agency creation has increased in a number of sectors characterized by high distributional conflicts, especially during the

second and third waves of agency creation, such as electricity, gas, or financial services (Kelemen 2002; Kelemen and Tarrant 2011). This suggests the rise of supranational actors to the detriment of intergovernmental ones (Dehousse 2008: 790).

The functional and political dynamics that have informed the creation of EU agencies, as discussed in the literature, appear to have produced an institutional design that in most cases allow agencies to gain some independence from their public stakeholders, but also requires significant levels of accountability to them. In fact, the independence and accountability mechanisms have drawn important attention in the study of EU agencies. Since their institutional designs vary considerable, we can assume that some agencies replicate the design of their national counterparts by enjoying independence from their principals.

In the literature, the agencies' independence has been studied from different perspectives: In a central contribution to the topic, Wonka and Rittberger (2010) measured the agencies' formal independence from EU institutions and the member states. The conclusions of their study, in line with other scholars (Majone 1996; Gilardi 2005), showed that the agencies' formal autonomy depended on political commitment to regulatory policies. However, Wonka and Rittberger (2009: 9) also claimed that an agency may have limited powers but use them independently; conversely, it may possess a wide range of powers but exercise them with very limited independence.

Agencies may share similar levels of formal autonomy but then display different levels of practical autonomy (Maggetti 2007: 282) and the reverse may also hold true (Pollit and Talbot 2004; Busuioc 2009; Trondal 2010). This situation may be related to the reputation and leadership capacity they show. In fact, some scholars have empirically demonstrated that tight oversight was compatible with quasi-independent agency action (Gehring and Krapohl 2007: 208). Some contributions demonstrate that the autonomous task expansion of EU-level agencies is actually the result of organizational capacity building and subsequent *de facto* actor-level autonomy (Trondal 2010). Other scholars claim that some EU agencies' expertise in certain areas allows them to act more autonomously than others (Gehring and Krapohl 2007; Groenleer 2009).

According to Heims (2016), the autonomy of EU agencies might be related to their level of coordination with their national counterparts. NRAs may or may not deepen their coordination with EU agencies on specific issues depending on the policy sector in question and their national competences. To illustrate this point, Busuioc (2013) claimed that the European supervisory agencies created as part of the third wave of agencification are more independent because they were vested with quasi-rule-making powers.

The need to centralize certain technical competences following a functional logic would require member states with similar organizations regulating specific policy areas to delegate responsibility. In other cases, close links with EU institutions may involve the transfer of some supranational powers. These elements leave us with a varied picture where functional and political characteristics in the creation and design of EU agencies reflect the theoretical and empirical tensions between the intergovernmental and supranational logics. This puzzle confirms the need to respond to this tension by discussing how to better incorporate the transnational logic into the study of agencies.

3. THE TRANSNATIONAL CHARACTER OF EU AGENCIES

On their study on delegation of regulatory authority in the EU, Eberlein and Grande (2005: 91) claimed that the scholarly focus on the Europeanization (i.e. supranationalism) and the nationalization (i.e. intergovernmentalism) of regulatory power underestimated the role of functional dynamics and informal regulation. They made a plea to introduce a differentiated logic that bridged the supranational and intergovernmental dynamics while acknowledging the functional and informal dynamics developed by regulators in specific regulatory regimes. They defined a regime as 'the full set of actors, institutions, norms and rules that are of importance for the process and the outcome of public regulation in a given sector' (p.92). Although they did this study at a stage where the second wave of agencification at the EU level was on its way and there were not as many agencies as nowadays; the plea for a differentiated logic is still a valid one in opening the scope of research on European regulation.

The scholarly research on agencification began with an implicit assumption: the more supranational an agency becomes, the more independent it will be when carrying out its tasks no matter if these cover a broad range of issues or not (Pollit and Talbot 2004; Krapohl, 2004; Christensen and Laegreid 2006; Busuioc and Groenleer 2012; Busuioc 2013; Trondal and Peters, 2013). As Dehousse (2008: 790) argued, EU agencies normatively illustrate the ideal of EU institutional architecture: they are institutions that avoid the concentration of power in the presence of a defined hegemon and vow to strengthen the multilevel character of the system. Scholars studying EU agencies suggest that the salience of the policy sector where they operate contributes to their design in terms of how much power they are endowed with to carry out their tasks (Groenleer, 2009; Kelemen and Tarrant, 2011; Jacobs, 2014; Font and Perez, 2015). Hence, the supra-nationality of agencies – that is, their capacity to act on their own in areas pertaining the policy sectors they should serve – and the sector where they operate can become good indicators as to what extent agencies act on their own in the transnational space.

The capacities that agencies develop due to their expertise and level of specialization may reinforce (or not) their independence from other actors. In fact, the way they carry out their mandate

can formally or informally provide them with some degree of –albeit not full –regulatory power. It is precisely the absence of full regulatory power and their functional sub-specialization (information, coordination, regulation, among others) what reinforces their transnational space. Within this space, agencies position in dynamic networks of actors where they develop different types or relationships with various degrees of power. In sum, there is a broad consensus in the literature that the assessment of actual EU agency independence requires detailed empirical observation beyond agencies' formal rules. However, the challenge is finding different variables that can combine formal and informal agency independence in a transnational environment.

Analysing EU agencies through transnational lens defends their study as part of policy regimes (Eberlein and Grande 2005). In this context, agencies navigate through supranational and intergovernmental waters while enhancing their own space as transgovernmental bodies through its relations with specialized actors that strengthen their technical character. In order to sustain our plea, agencies enjoy of certain characteristics that provide them with a special role, beyond the dichotomous character of power relations in the EU, namely: specialization, differentiation and coordination.

3.1 Specialization

Agencies are specialized, non-majoritarian bodies aimed to develop certain functions in specific policy sectors. They enjoy a level of expertise that endows them with capacities that, depending on the policy sector, may reinforce a much more technical and less hierarchical relation with other actors (e.g. aviation safety, food safety, environment) (Thatcher, 2011). The level of professionalization and expertise provided by the actors involved and the policy sector where the agency is located have the potential of creating an environment where decisions are based on technical capacities. This is the case of the dynamics developed by EU agencies with their national counterparts, most of which are quite independent of their governments and the main EU institutions, and other actors, such as international bodies, nongovernmental organizations, and private actors operating at the European level (Ongaro et al., 2010). It is precisely the technical character and expertise what makes of agencies bodies with the capacity to develop horizontal transnational dynamics.

3.2 Diferentiation

Agencies belong to different regimes connected to the policy sector they aim to regulate. The different interests and aspirations embedded in specific policy sectors make of EU agencies organizations interconnected to actors that place them closer or further away from intergovernmental or supranational logics. In this respect, the agencies base their actions on their mandate but also on informal procedures and best practices sometimes out of the reach of the principals behind their design. The resulting actions carried out by agencies translates into varying degrees of power which in the end can endow them with more or less independence in the regime they belong to. This is

particularly evident when they take preliminary decisions (e.g. EBA, EIOPA) or give scientific recommendations to the formally responsible bodies (e.g. EFSA, EMA), such as the Commission, on technical issues (Eberlein and Grande, 2005: 100).

3.3 Coordination

Empirical studies reveal that coordinating capacities are not always based on the powers endowed to agencies by their principals but rather from daily interactions and the confrontation of internal and external challenges that require immediate answers (Boin et al. 2014; Heims 2016). Following Jordan and Schout (2006: 7), we define coordination capacities as those instruments that enhance a coherent response to common challenges within a network of interdependent actors. It may include the exchange of information, the identification of coordinated solutions, or conflict arbitration. As a consequence, coordination (horizontal or vertical) derives from the need to offer responses to specific actors that are part of selected audiences (e.g., public and private stakeholders, the public, among others). In this respect, how agencies coordinate with other actors reinforce their role in the transnational space. Moreover, coordination provides the agency with a certain degree of independence as seen in moments of crisis. In this respect, EU agencies' crisis management capacity in given cases rely on administrative mechanisms that improve policy coordination and through "the push and pull of bureaucratic politics in day-to-day policy-making institutions" (Jordan and Schout 2006: 31). It is precisely its role, as a coordinating node, what allows agencies to acquire new tasks and expand their scope from the regulation that initially established them.

4. EU AGENCIES' BOARDS: ILLUSTRATING THE AGENCIES' TRANS-GOVERNMENTAL CHARACTER

In this section, we illustrate the agencies trans-governmental nature through an empirical study of the biographies of 1074 management board members from 33 EU agencies. Although the results presented here are purely descriptive and they refer to a small part of their biographies (i.e. educational and professional background); they are a modest attempt pointing at the agencies' potential to develop networks informing the transnational logic we defend. The database was built with information from the official agencies' webpages, networking platforms such as LinkedIn and the CV provided by the organizations they represented (e.g. national agencies, national ministries, EU institutions, non-governmental organizations) between April-June 2016. The biographies were divided into four sections containing the general and appointment information of the member, the educational background, professional experience and political affiliation. Before getting into the abovementioned results, it is important to define the significance of MBs as an object of study in the agencification literature.

The literature on EU agencies has highlighted the importance of management boards (MBs) due to their visibility as the decision-making organ within agencies. MBs have the potential to shape agencies' activities while activating accountability mechanisms that respond to their multiple principals (Kelemen 2002; Kelemen and Tarrant 2011; Busuioc 2013). Most MBs are quite large in EU agencies and often they include one representative of each member state, a few representatives from the European Commission, and, less frequently, from other European institutions, and additional stakeholders. As the literature shows, the behaviour of MB members is diverse. On the one hand, it seems that the defence of national interests prevails among MB members (Busuioc 2012; Buess 2014). On the other hand, supranational explanations based on empirical evidence shows that the European Commission, as a major stakeholder, plays an important role in attempting to improve its position within the MBs. However, it has exerted greater influence over certain agencies beyond its mandate than over others (Busuioc, 2013). In any case, most member states tend to informally accept the leading role that the European Commission plays within agencies and do not confront such situations (Font, 2015) An important reason suggested in studies on independence is that MB members – mostly directors of national agencies (NRAs) –do not get very involved in EU activities because they are ill-prepared in comparison with European Commission representatives. In spite of this lack of involvement, we assume that MB members play different roles within EU agencies: activating interorganizational coordination to different degrees and facilitating transnational exchanges and collaboration with different levels of governance in Europe.

The role of MBs and those who participate in them seems to be a key issue in defining the nature of EU agencies. The two perspectives examined suggest that there exist strong arguments to interpret the agencies either as being either intergovernmental or supranational (Egeberg and Trondal 2017) which does not necessarily mean that control will remain in the hands of the member states or the European Commission. There are probably variations among agencies, with some being closer to one end of the spectrum and some closer to the other. However, the more EU agencies become *de facto* independent; the more they can expand their own transnational space, where nonhierarchical interorganizational relations undermine the traditional views based on principal-agent dependences. Based on this, we could argue that those representatives from national agencies with significant levels of administrative autonomy and political independence can reinforce the agency's transnational space.

In the graphs presented as examples of the trans-governmental character of the agencies, we particularly focus on the one hand, the formal independence index put forward by Wonka and Rittberger (2010) as an indicator of supranationalism; and on the other, two biographical indicators: (1) the level of education, which measures the percentage of members with PhDs and aims to identify the technocratic science-based identity of each agency; and (2) the professional background, which

measures the percentage of members with experience in national agencies as a way of identifying how accustomed members are to agencification culture.

In these graphs, agencies that rank high on indicators related to these dimensions should be able to develop a transnational space to perform their duties on their own. Our expectation relates to the profiles of country representatives in the MBs. Among representatives that have been exposed to transnational environments, there are greater odds of promoting more intense interorganizational coordination and supporting agency autonomy. Conversely, those representatives who have been less exposed to this will be left with only an intergovernmental understanding of the agency, which will limit them to the defence of their perceived national interests.

Our data (Graph 1) shows that those agencies whose main responsibilities are related to the adoption of individual decisions (SRB, ESMA, EBA, OHIM) and those that provide technical or scientific advice (EFSA, ERA, EMA) tend to have board members with a stronger scientific profile than the rest of EU agencies. On the other hand, we observed a large variation in terms of the links between MB members and national agencies. While about 40% of MBs are made up of representatives with experience in national agencies, the proportion is less significant in the remaining cases. In addition, we have not found a clear association between these two variables for most operational and information agencies. Not all EU agencies combine extended agencification and high scientific levels, but agencies related to the biomedical and financial clusters (EFSA, EMA, EBA, ESMA, etc.) show similar patterns and positive associations between these factors. Thus, these are the agencies where we should probably look for a distinctive transnational behaviour that is more autonomous and intensively oriented towards interorganizational and multilevel coordination.

**Graph 1.** Scientific profile and experience in NRAs
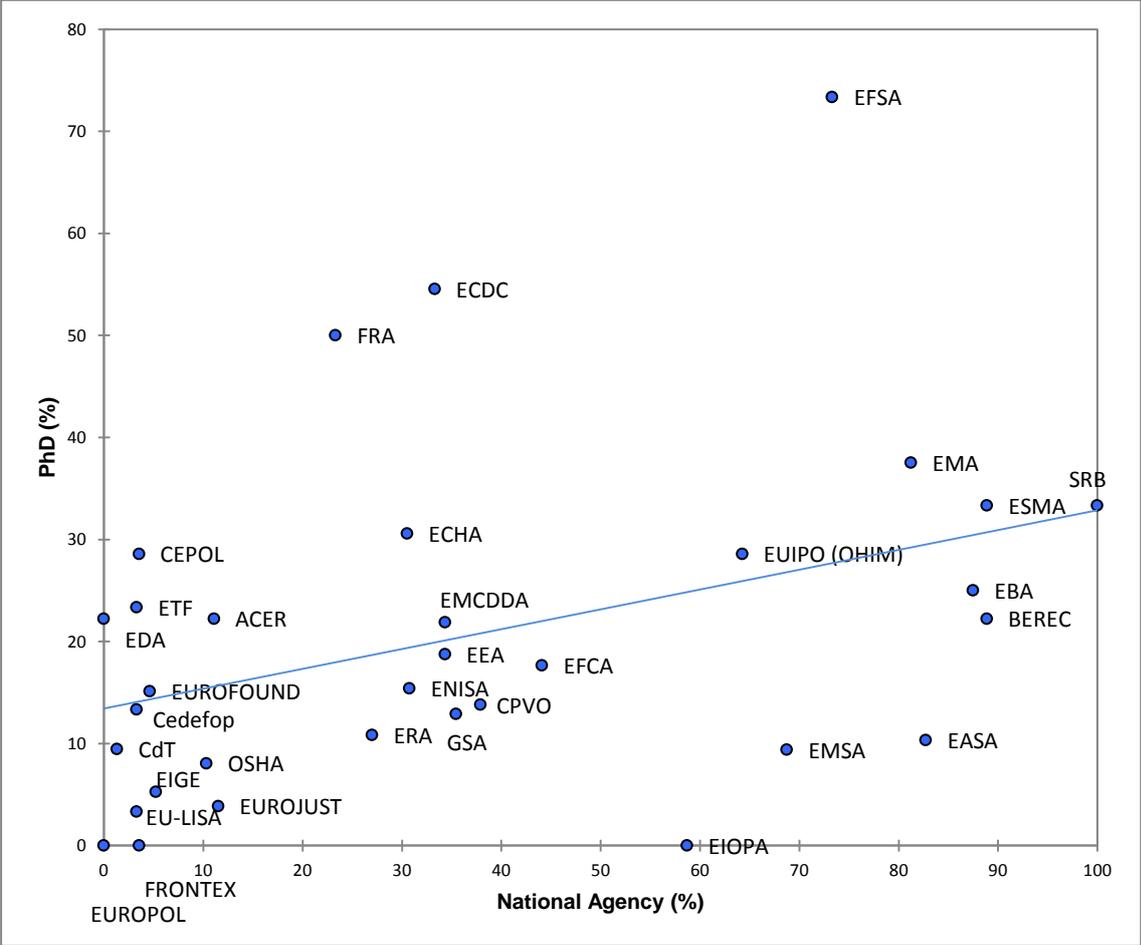
Graph 2 combines two variables, scientific profile and the independence index. Those agencies whose MBs had more pronounced scientific profile –related to the percentage of members with PhDs (e.g., ECDC, EFSA, ESMA, SRB, ECHA) scored higher on the independence index. A plausible explanation might be the level of technical and scientific complexity of the issues dealt by MB members, as well as a more scientific outlook from the agency. This situation indicates the isolation from external pressures enjoyed by some agencies on scientific and technical grounds.

Graph 2. Scientific profile and EU agency independence
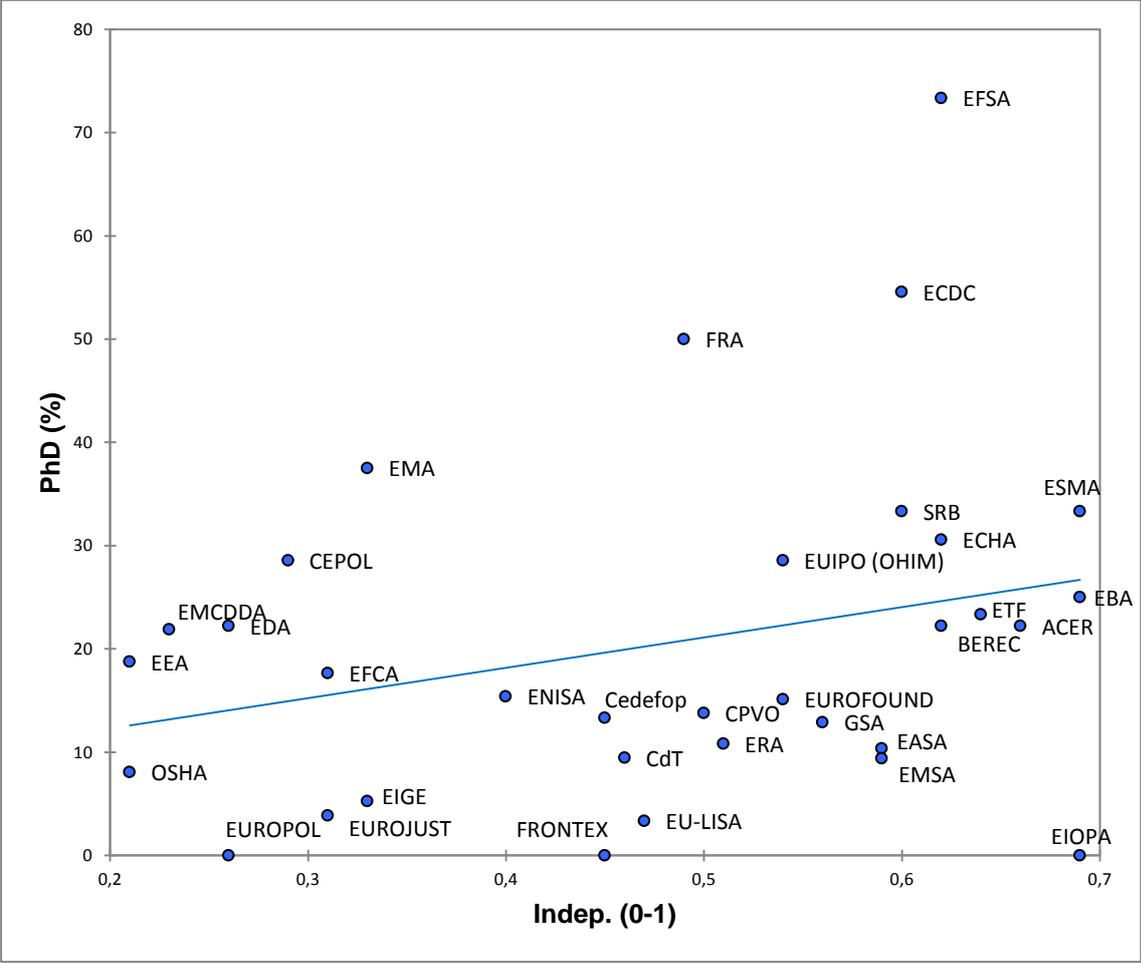
Graph 3 combines two variables, experience in national agencies and the independence index. In this graph, we observe a more pronounced positive trend in the results where those agencies with more independence are those whose MB members have been or are part of NRAs in their countries of origin. This confirms our expectation about the functional logic of providing formal independence to agencies if such characteristics also prevail at the domestic level. Interestingly enough, most of the examples located on the upper right axis are those that share more supranational traits in their formal design according to the Table 1 above (e.g., EASA, EFSA, EIOPA).

Graph 3. Experience in national regulatory agencies and EU agency independence
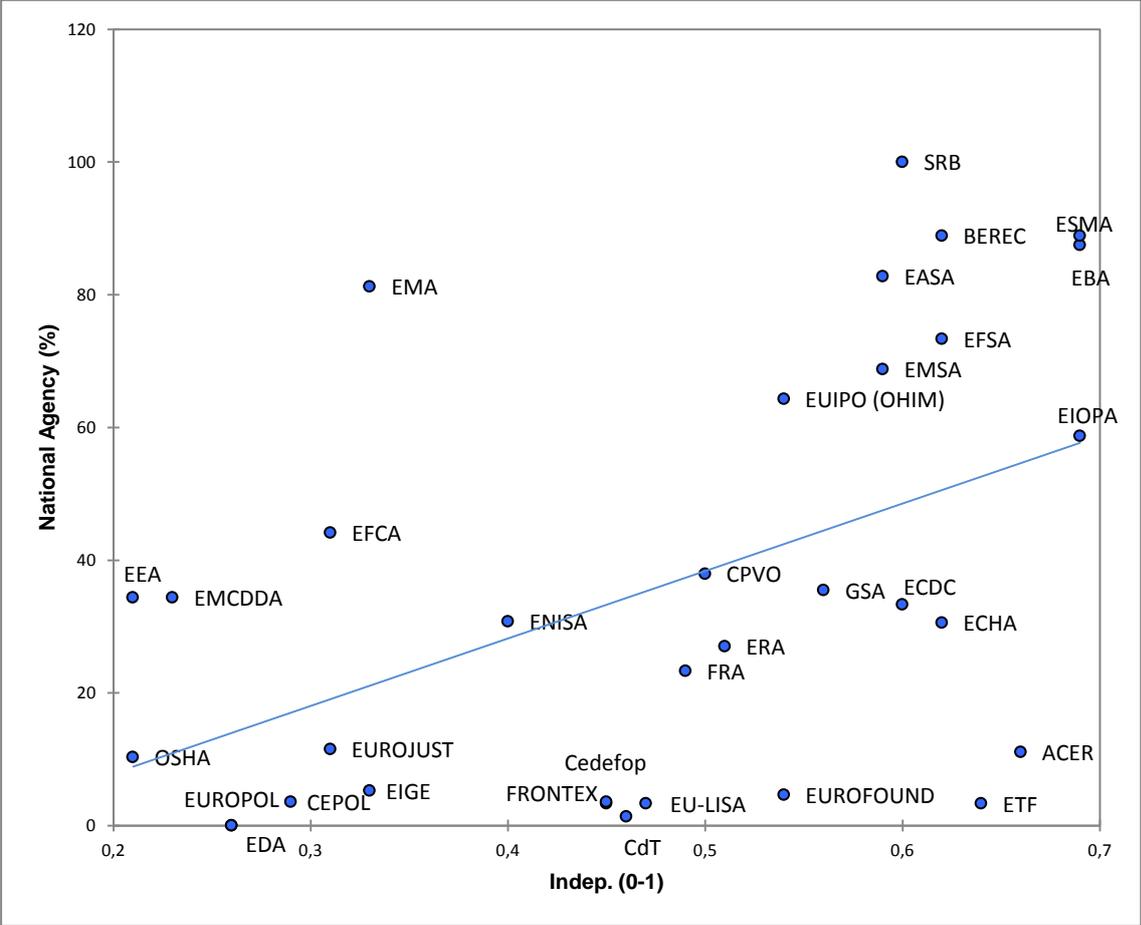
As seen in the graphs above, agencies can potentially enhance their transnational space based on their specialization, differentiation and coordinating characteristics. In fact, the results seem to indicate that the more scientific the agencies' boards are, the more independence they enjoy. Moreover, the experience of board members in national regulatory bodies have the potential of reinforcing the autonomy they enjoy to perform their work. This is strongly connected to the differentiation between policy sectors (more scientific or economic oriented) and the functions they perform (more informational or regulatory). The differentiation element also provides agencies of isolation to perform their role. Finally, from the graphs, we could assume that those where board members come from national regulatory bodies will tend to favour coordination as a horizontal exercise to harmonise the policy sector. As seen, the agencies' functions and policy sectors they belong and the profiles of their board member may contribute to enhancing the transnational space where they are located.

5. CONCLUSION

From their emergence in the 1960s through their evolution during the different waves of agency creation, EU agencies have been seen as public bodies that apparently respond better to the administrative and policy needs of other EU institutions. In terms of functional motives, agencies are the outcome of a consensus to endow EU institutions with specialized bodies that harmonize the rules of specific policy areas while offering credible information. It also becomes evident that the multiprincipal nature of the creation of EU agencies makes them accountable to several EU institutions and all member states.

We have explored the literature on EU agencies with an eye on the apparent dichotomous debates between the intergovernmental and supranational logics guiding these studies. From the introduction, we have defended the need to bridge the supranational and intergovernmental logics by considering the agency as a transgovernmental organization with interorganizational relations with different actors. We find this framing useful because it supports what Giandomenico Majone (2016) proposes as a normative aspiration for EU agencies: a decentralized system of operational agencies that can better tackle different challenges by following a functional approach that is more focused on outcomes. Moreover, the coordinating role of EU agencies in terms of information and regulatory tasks is of great importance in creating coherent and harmonized policy sectors in Europe.

We believe that adopting a transnational logic could be a successful part of the design of future studies that focus on agencies as part of broader networks of actors where coordination is a key factor. Agencies, as stated above, should be part of the coordination of responses to different challenges that cross national borders and affect a multiplicity of actors in Europe. The EU integration process demands that we think of agencies as central components in the construction of a networked multilevel governance (Stubb et al. 2003: 148). In this context, coordination is seen as a core element in the effort to integrate and harmonize different pieces in the construction of the European project. Moreover, the changing nature of the problems that Europe is currently confronting (e.g., terrorism, the refugee crisis, and systemic economic problems) require nonstandard policy solutions based on the establishment of coordinative tools to cope with vertical and horizontal interdependencies (Peters and Wright, 2001: 158; Jordan and Schout, 2006: 5). In our view, a transnational perspective acts as an umbrella concept that reconciles the intergovernmental and supranational logics in the study of agencies. It helps expand the current theoretical debates while potentially contrasting them with empirical evidence. Focusing on agencies from this perspective seeks to enrich the study of them as poles of coordination that provide coherence in certain policy areas through the development of factual (not legal) capacities.

Our plea shifts the study of agencies from a power approach to one where we acknowledge the relevance of power but also the existence of relations between actors in functional terms (Following Majone 2016: 1). This implies emphasizing their role as 'hubs' of expert knowledge for different actors in different policy sectors, although the coordination aspect of this function may vary in intensity. Developing the idea of hubs places the study of agencies outside the power dynamics that operate around the usual suspects (i.e., EU institutions and member states). Instead, this focus makes EU agencies the protagonists of multiple relationships in coordination frameworks. In this role, EU agencies can either address critical junctures or get involved in incremental decision-making processes. The strength of their role as a coordinating hub will depend on the actual independence they have in their policy areas. Moreover, the existence of multiple actors with vested interests shapes the different channels of interorganizational relations that agencies employ when developing their coordinating capacities.

Concentrating on interorganizational relations to study EU agencies makes these the focal points of different constellations of actors at different levels. These perspectives also position agencies as organizations that absorb the tensions and incoherencies between different levels of governments and multiple stakeholders. Acknowledging the specificities of the policy sector where the agency is situated is a way to avoid over-generalizing the behaviour of these organizations and those institutional and non-institutional actors that are part of their environment. In making the case for the study of agencies through their transnational patterns, we shall distinguish between relations according to the policy sector where the agency is located. As Heims (2016) stated, the actual level of coordination between EU agencies and NRAs responds to the vested interests that actors have in different policy sectors.

Setting agencies at the centre of a transnational logic is advantageous for a number of reasons. First, it treats EU agencies as organizations interwoven with different levels of government and different actors (Toonen, 2010: 40). Interwovenness implies calibrating the focus around flexible arrangements (both formal and informal) between actors (both institutional and non-institutional) with the aim of coordinating coherent responses beyond the supranational/intergovernmental dichotomy (Piattoni, 2010: 160). In this sense, studying actors' preferences and the compatibility of their goals can benefit our overall understanding of the agency and the policy sector being coordinated. Second, interest in the mezzo-level and its multiple actors seeks to better understand the capacity these have to mobilize each other towards certain goals and how the agency fits within this interaction. Finally, expanding the focus to include broad arrangements between actors contributes to our understanding of agencies as conduits where non-institutional actors channel their interests through member state representatives but also through EU institutions. This is how agencies come to be seen as critical part of a complex picture based on interdependent actors.

By considering agencies as part of a transnational logic we are positioning them as a hub for interorganizational relations. We do not deem it useful to repeat current debates on power relations or the independence of agencies from several principals. Instead, we have set out to study them as institutional constructs that articulate broader networks at different levels. Considering agencies as being embedded in the multilevel coordination scheme turns them into actors whose potential is realized depending on their ability to interact and develop their own capacities. This position prompts important questions on the role of agencies: How do agencies perceive their role in the overall EU governance scheme: as a clear mandate to offer technical information and influence decisions on specific policy areas? Or do they see themselves as a melting pot of different interests and tensions that force them to strictly abide by this mandate? These questions seek for empirical answers that acknowledge agencies as diverse organizations embedded in diverse policy sectors requiring the use of innovative dimensions in their study. Moreover, agency diversity suggests that we should not be polarizing the debate into a dichotomy between the intergovernmental or supranational logics but should instead be trying to understand them as part of a broader European machinery that sets the EU governance scheme in motion.

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