Sidelined Member States: Commission-learning from Experts in the Face of Comitology

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Sidelined Member States: Commission-learning from Experts in the Face of Comitology

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ABSTRACT   The European Commission has built up an extensive system of expert committees over the last two decades, and reliance on these groups has become an indispensable part of EU public policy. Recent work on expert groups' distribution across policy fields, composition, institutional features and role in the policy process attests to their significance. The likely effects of expert group involvement, however, are largely unexplored. This paper examines how involvement of expert groups empowers the Commission vis-à-vis member states. It looks at the Commission's involvement of and learning from an expert group within the management of Europe's first programme on technologies for the Information Society. Programme management was regulated by a comitology committee, which helps to identify the conditions under which a sidelining of member states may occur.

KEY WORDS: Comitology, European Commission, expert groups, ICT policy, knowledge, learning

Introduction

The European Commission has built up an extensive system of expert groups. According to the Commission's register of expert groups, there are more than 820 of such advisory panels (permanent and ad hoc) with experts from regional and local authorities of the member states, scientific communities, the private sector and NGOs.[1] This number may be higher, though, depending on whether both the regular expert groups and their sub-groups are accounted for (Larsson and Murk 2007). Recent work on expert groups' distribution across policy fields, composition, institutional

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features and role in the policy process attests to their significance (Gornitzka and Sverdrup 2008, 2011) and underscores the 'truism' that European public policy depends on 'relevant, timely and, especially, credible information' (Majone 1997, 267).

By giving advice, providing scientific input, sharing practical experiences and serving as forums for the exchange of views and perspectives, expert groups may affect the ways in which problems are conceived and ideas generated to resolve them——both in the preparation of legislative proposals or delegated acts and their implementation. But none of this input is binding, nor are these groups the only source of expertise for the Commission. It is therefore surprising that the ways in which advice from expert groups is gathered and used and the likely consequences of its use attracted only scant attention until recently (see Dunlop and James 2007; Dunlop 2010; Radaelli 2009; Zito 2009).

Treatment of expertise as an objective, interest-free and easily transferable good in EU governance has been scrutinised (Dreger 2011; Horn 2008; Zito 2001), while the distinction between information gathering by a Commission Directorate General (DG) and its efforts to use access to experts as a political asset may be blurred in practice (Brown 2000). It seems adequate to associate expert knowledge with symbolic functions in the Commission's entrepreneurship, i.e. legitimising its credibility among member states and/or substantiating particular policy preferences in cases of political contestation (Boswell 2008). Involvement of expert groups by the Commission may be 'regarded as a system of resolving political and institutional conflicts as well as building legitimacy for EU policy-making' (Gornitzka and Sverdrup 2011, 1468).

Pushing these insights further, this paper identifies conditions under which expert groups can be understood as 'tools' to extend the Commission's capacity for action and 'means' to increase its power in the institutionalised set-up of the European Union (Gornitzka and Sverdrup 2008, 2011; Kröger 2008). Such empowering is by no means self-evident. There are doubts about Commission control of expert group activity (Larsson and Murk 2007), while images of the Commission as a power-hungry and imperialistic bureaucracy, driven by supranational self-interest and advocacy of integrationist solutions have been questioned (Kassim and Dimitrakopoulos 2007; Wonka 2008).

The broader debate about Commission agency and the issue of empowering through expert group involvement is narrowed down to an empirical investigation of the possibilities of sidelining member states in the Brussels-based implementation of EU public policy. This paper draws on a case in the history of Europe's RTD policy for information and communication technologies in the Directorate General for Information Society (DG INFSO), created in the late 1990s to implement the new and encompassing Information Society Technologies (IST) programme. Programme management was regulated by comitology, while involvement of an expert group was pivotal to setting the agenda within which the drafting of measures and the follow-up programme evolved.

Two bodies of literature are tapped to discern criteria against and in favour of sidelining: (1) the rationalist and constructivist views on Commission control through comitology (Pollack 2003); and (2) learning approaches with their concern for creation of agency in constraining environments and 'the "knowledge utilization effects" related to learning' from experts (Radaelli 2009, 1146). This discussion facilitates the argument that Europe's consensus-forcing decision-making style creates gaps in member state control by biasing the Commission's involvement of expert groups towards producing ideas for the common interest——irrespective of on-the-ground experience with policy implementation.

Comitology and the Issue of Controllability

The Commission's capacity to act as a think tank and its power of initiative are intimately linked in its pursuit of collective solutions at the European level (Laffan 1997; Scharpf 2006). Assuming preference for legislative intervention, *ex post* control procedures of comitology may be considered the price to be paid by the Commission (Dogan 1997; Franchino 2000). Comitology enables member states to challenge individual administrative decisions and influence the broad outlines of Commission policy; it operates as an early warning system for potential Council intervention and permits the member states to be closely involved in funding decisions (Dogan 1997).

A committee system which oversees Commission-implemented acts began in the 1960s with the development of the Common Agricultural Policy (CAP) in response to member states' need to delegate executive powers to Brussels without losing control of the implementation process (see Blom-Hansen 2008). The administrative set-up monitoring the implementation of CAP had staying power. Delegation and control was formalised in the Comitology Decision (1987) and broadened to areas like environment policy, consumer protection, transport and energy, single market creation, and RTD policy.

Comitology underwent several reforms over the last two decades. The 1999 reform reduced the seven procedures of the 1987 Decision to three categories of committees, viz. advisory, management and regulatory, whereby the level of control over implementation of secondary law increased progressively from the former category to the latter. It also increased the role of the European Parliament to exercise control of the Commission in areas where co-decision applies (e.g. industrial and labour policy, cohesion or RTD policy). The 2006 comitology reform enabled further possibilities for parliamentary scrutiny (Christiansen and Vaccari 2006). The latest comitology reform, adopted in 2011,[2] reduced the number of committee procedures from three to two (advisory and examination) and introduced the possibility of referral to an appeal committee for further deliberation on a proposed measure.

Two main approaches to comitology will be considered. First, the issue of controllability through comitology is conceptualised in terms of principal–agent modelling. Put simply, the Commission (agent) serves

as the engine of European integration within the limits of member state (principal) preferences (Pollack 1998). Delegating the task of proposing solutions to the Commission as the executive agent reduces decision-making costs among member states (Blom-Hansen 2008). Oversight procedures like comitology are a means to prevent 'bureaucratic drift', urging the Commission to modify its proposals according to member state preferences.

Principal–agent modelling cautions against the possibility of sidelining member states. It suggests that the choice of oversight procedure is determined by the restrictive preferences of the member states (Pollack 2003). Because the Commission is controlled by many principals, there is limited room for agency discretion, understood here as 'actions that no coalition of principals can overturn' (Franchino 2000, 156). What may look like Commission autonomy in policy execution is in fact evidence for anticipated sanctions. In this perspective, lack of governmental interference signals a smooth functioning of committee oversight (Pollack 2003).

The second major approach to comitology, rooted in constructivism, infers from the low number of matters referred to the Council that 'supranational deliberation' should be used as a yardstick to evaluate comitology committees (Neyer 2000). 'Sheer intergovernmentalism is transcended insofar as the quality of the argument seems more significant than the national affiliation of the respective representative' (Neuhold 2001, 8). This stream of research stretches the idea of Commission control through comitology beyond anticipation of sanctions by stressing the emergence of cooperative working styles in comitology committees that centre on mutual understanding and deliberative problem-solving. If this is true and comitology committees indeed deliver on the promise of deliberative decision-making among peers, sidelining of member states appears unlikely.

However, empirical evidence indicates that the procedures created to restrict the Commission's executive powers evolved into arrangements that 'move outcomes toward the Commission's preferred policies rather than those of the Council' (Ballman *et al.* 2002, 552). This puzzling outcome may indicate sidelined member states and emerge from a distinctive process. According to Bauer (2002, 395) it makes more sense for supranational agents 'to influence the deliberative phase of EU politics than to commit its principals directly to particular outcomes' through subtle background processes like 'discourse framing' and 'lobby sponsoring'. Discourse framing relates to Commission efforts to shape the interpretation of a policy problem and thereby predetermine possible solutions. Lobby sponsoring implies the creation of particular constituencies and encouraging of third-party lobby activities to influence deliberations and the setting of political priorities.

Evidence for the careful crafting of expert groups and enabling of access to efficient advice in areas as diverse as the creation of the monetary union (Verdun 1999) and the emission trading scheme (Dreger 2011), the use of hormone growth promoters in agriculture (Dunlop 2010; Dunlop and James 2007) and various issues in environmental policy (Brown 2000; Chen 2011; Zito 2001) provides some ground for assuming the existence

of discourse framing and lobby sponsoring in the Commission's information system. But how such processes evolve and are harnessed by Commission services is less obvious. Addressing this question benefits from an organisational learning framework; 'reception of intelligence' (Gornitzka and Sverdrup 2011) is thus investigated in combination with adjustments in the Commission's behaviour toward member states.

Analytical Framework: Commission Involvement of Experts in Terms of Organisational Learning

Theories of organisational learning help to analyse the link between Commission involvement of expert groups, knowledge gathering and use. The assumption is that the significance of knowledge 'is not just what it literally says but also where it comes from and how its social implications are interpreted' (Child and Heavens 2001, 322). Organisational learning differs from policy-oriented learning by focusing more on process than on outcome. The latter associates learning with enhanced understanding and updating of beliefs (see Dunlop and James 2007; Radaelli 2009; Sabatier and Jenkins-Smith 1993), whereas organisational learning concerns the (creation of) structures and procedures in which this understanding and consequent action takes shape, often accompanied with the expectation that the processing of knowledge expands an organisation's range of behaviours (Child 1997; Huber 1991)——thus suggesting various uses of knowledge including instrumental, symbolic and strategic (Radaelli 2009).

If expert groups are involved in order to create autonomy, exert bureaucratic entrepreneurship (Zito 2009) or enact 'ideological and normative leverage' in negotiations with member states (Borrás 2009), careful crafting of these groups and additional efforts to perhaps co-produce the required advice seems likely. Learning from experts may go hand in hand with sidelining of member states. To fully grasp this potential, evidence against it has to be accounted for as well. In the face of comitology, this entails that the rules governing a comitology committee determine Commission discretion in executing acts, and/or that such committees provide forums for deliberation and problem-solving.

Moving on from here, framing organisational learning continues with exploring the circumstances under which (1) *openness to expert groups is achieved* and knowledge shaped to become meaningful for Commission activities, after which attention shifts towards the ways in which (2) such *knowledge gains are linked with internal processes* and decision making in the Commission's administrative fabric.

(1) The involvement of expert groups by the Commission is conceptualised as a form of 'boundary spanning activities'. This notion is rooted in resource dependence theory of organisation studies, which premises that the self-maintenance of organisations depends on their access to resources or services; they interact with 'elements' in their environments that can supply them with required resources (see Aldrich 1979). From this angle, the interface between organisations

and their environments turns into *activities* undertaken by persons. Boundary spanning activities with expert groups are essentially relational and context-specific, anchored in the intersubjectively shared beliefs of those involved (Gherardi *et al.* 1998).

The regulation of boundary spanning activities according to standardised rules and procedures leaves little manoeuvring room for the actors who attempt to influence the terms for defining relevant knowledge and the ways it is channelled into an organisation (Crozier and Friedberg 1980). Conversely, flexibility in the regulation of these activities gives the actors involved discretion to create knowledge according to their interests and provide it to the organisational members who are not directly involved. *Looking at the regulation of boundary spanning activities with its issues of power thus reveals that the 'gathering' of expert knowledge in the Commission is determined by the setting in which this gathering takes shape.*

(2) The relationship between the Commission's right of initiative on the one hand and responsibility for sound implementation on the other is biased towards the former. The Commission lacks the necessary resources for guarding proper implementation of secondary law (Dogan 1997), and prefers to produce ideas for EU public policy rather than to implement it. Yet, poor implementation threatens the Commission's long-term survival; it is held responsible for implementation deficiencies and has developed 'implementation management capacity' to safeguard its agenda-setting role (Bauer 2006).

Although this argument has been developed with regard to the national implementation of EU policy, it may be true for the Brussels-based implementation of European programmes as well. Its implications for learning from experts in the context of comitology are as follows: *Expert-based knowledge is drawn upon to satisfy the variety of ideas, demands and expectations of the diverse groups in the Commission's environment and win their approval, but this knowledge is not necessarily consistent with what is done in the administrative core of its services.*

To make this point, the linkages between boundary spanning activities and intra-organisational processes have to be considered. They determine how and to what extent the different groups in an organisation gain access to expert-based knowledge (Shrivastava 1983). Relevance can be created through the effective handling of information flows, but it cannot be created once and for all. The fact that organisations have multiple realities makes interpretation of the gathered knowledge an essential element of learning (Berthoin *et al.* 2001; Levitt and March 1988). It is grounded in an organisation's memory or 'repository of organized knowledge' (Walsh 1995, 286), i.e. knowledge encoded in the norms and forms of an organisation, its rules, and its routines.

Such manifestations of memory stabilise an organisation's conduct whereas knowledge constructed with external groups tends to be destabilising—either because of its inconsistency with conceptions of

appropriateness (Levinthal and March 1993) or incompatibility with core beliefs. In its capacity as political administration, the Commission may respond to this tension through 'hypocrisy' and buffer external representation from internal processes, thus helping to underpin its authority rather than increasing the performance of EU policies (Boswell 2008).

The Case of DG Information Society

This paper draws on a single-case study approach. DG Information Society may be considered a 'hard case' for the identification of conditions under which expert group involvement serves to empower the Commission vis-à-vis member states for three reasons: (1) the DG's management of an RTD programme under the strict regulatory procedure with——in formal terms——little room for manoeuvre; (2) vast heterogeneity inside the new administration in terms of programmatic legacies and ensuing worldviews; (3) limited experience with involvement of expert groups and no standards available for cooperation. These aspects are briefly explored below before attention shifts to the empirical analysis.

(1) With 3.6 billion euros, the newly created IST programme of European RTD policy was financially the largest research programme in FP5 (1998–2003). Its management was governed by the regulatory procedure of the 1999 comitology decision, which represented the strongest version of Commission control through member states. Qualified majority voting of the committee was necessary to adopt decisions of DG INFSO. In a major decision related to the annual work programmes, national delegates had to agree with priorities and budget allocations before calls for proposals could be published, selected, carried out, monitored and evaluated. Failure to reach agreement with the committee may have resulted in operational delays of up to three months——a long time in an annual work programme.

   The 2006 comitology reform provided DG INFSO with more latitude in the execution of its implementing powers. The current IST programme is treated as a technical measure that requires high levels of expertise. Despite ongoing programme development through the annual updating of goals and anticipation of developments in technology and society, the current programme is implemented under the advisory procedure. This monitoring prevents the national delegates of the committee from blocking programme management decisions of DG INFSO and foresees no role for parliamentary scrutiny. As shown below, the manifest reduction of the committee to an administrative role took off in the late 1990s and was criticised by member state delegates.

(2) Heterogeneity within DG INFSO is rooted in its programmatic legacy. The IST programme merged the formerly independently operating information technologies, communication technologies and telematic applications programmes (ESPRIT, ACTS, TAP) of DG Industry and DG Telecommunication and Innovation,

respectively.[3] This legacy prevailed in the divisional structure of DG INFSO as quasi-autonomous entities (directorates) with their own budget, personnel and knowledge, which made it difficult to provide answers on how to steer the convergence of information and communication technologies in Europe, i.e. the underlying rationale of the IST programme. DG INFSO set up an expert group with 26 individuals from industry and academia to meet this challenge. They were selected on the basis of personal merits, i.e. acclaimed expertise and authority. Most of them originated from the business sector.

(3) DG INFSO was relatively inexperienced with the involvement of expert groups, as the use of such groups was common in developing the previous ESPRIT programmes but less so in the other two predecessors. According to Gornitzka and Sverdrup's (2008, 2011) findings, DG INFSO occupies the midfield of expert group distribution across policy domains. With less than 40 expert groups and subgroups, it is relatively close to the median value of 27 expert groups per service, but certainly not among such 'super users' as DG Research or DG Environment, which employed more than 120 groups in 2007.

Data and Methodology

The case study on learning from experts in DG INFSO is based on 43 semi-structured in-depth interviews with Commission staff (30), members of the comitology committee (7) and an expert group (6), conducted between 1999 and 2003. Interviews with Commission officials covered different hierarchical levels, including directors, their supporting staff, heads of unit and project officers. They lasted between one and two hours, and were recorded and transcribed (with the exception of one interview).[4] The study relied on qualitative methodology to provide sufficient insight into the context of learning and its potential to focus on activity sequences as they unfold (Maitlis 2005). This design allowed a focus on topics and issues of relevance to the research while leaving enough flexibility to the specific circumstances of the interview situation and the personalities of the interviewees. It enabled iterations between induction and deduction in the interpretative analysis of the qualitative data.

Political Administration of IST Programme Management

When computing services became one of the few growth areas during the phase of market saturation and oligopolistic competition that plagued hardware manufacturers toward the 1990s (Cram 1994; Roobeek 1990), the Commission pushed the Information Society on top of its agenda. This somewhat ambiguous notion is also a key component of the 2005 revised 'Jobs and Growth' Lisbon strategy, which seeks to improve European competitiveness with a variety of instruments including ICT research and policy.

[But] it is uncertain that Europe is really progressing in the adaptation of its citizens and territories to the new socio-economic paradigm of the information society, and worse, it does not seem to know whether this path is the right one. (Gómez-Barroso *et al.* 2008, 788)

This sceptical view was also shared by members of the IST comitology committee (ISTC). They questioned the strong technology focus in the programme and wanted to incorporate more socioeconomic thinking in order 'to really affect the needs of the industry' and 'define in an appropriate manner their needs'. DG INFSO was not responsive to these criticisms. This is surprising given the committee's substantial say in programme management. As described by a national delegate:

We are involved in the definition of the programme. We are involved in the definition of the call, when to launch a call, what kind of call, for what action lines, [and] what activities. 'Yes, our people are ready to do this'. 'No, they are not ready, it is too early'. ... And then in the review of the returned proposals to say: 'Yes, it is OK'. 'It is not OK'. 'Why did you return this proposal?' 'It seems not to be fair'. And we have hard discussions with the Commission.

The administration's discretion in implementation was curtailed by the legal basis of ISTC involvement.

You never ask them [the members of ISTC] for an opinion unless you are quite sure it is favourable ... If they ever refuse an opinion, it is a disaster. There are procedures there that will lead to very, very lengthy delays before anything gets agreed ... The psychology of dealing with them: A lot of preparatory work is done. We keep them very well briefed in all stages ... So when it comes to the formal business of what they need to do, they are very well up-dated and we are pretty sure that something will go through.

Anticipating the possibility of sanctioning behaviour from the committee, DG INFSO ensured the support of member states in several ways. It selected a chairperson capable of getting 'the cooperation of a group of people in front of him' by clarifying the sometimes-conflicting views of the delegates and the path to compromise. 'Committee members want to promote or support their own countries only' and 'are unanimous once in a blue moon', as both delegates and officials were eager to point out. 'And actually this kind of representation of your country could be misleading the activity because in that case ... the national participation would be against the professional character of the given call'. DG INFSO coped with 'this element of competition' and member states' tendency 'to look for something which is called the *juste retour*' through keeping 'a careful record of what is coming in'.

Through a secretariat, the administration provided the delegates with information that helped them oversee the administration's use of its implementation powers. The provision of information was important for smoothing out the operational steps requiring a vote by the committee, as the following quotation from an interview with a national delegate demonstrates. The bone of contention in this case is the funding of selected proposals:

> At the beginning of the program we [ISTC] wanted to know exactly the financing of the partners and the projects. The Commission said: 'No, we have problems'. We said: 'We don't vote on the proposals and we plug the system'. And the Commission gives us all the details now … Not all programmes do the same.

DG staff perceived the committee largely as a control board. The delegates' inquiries about the evaluation and selection of proposals for funding were seen as indications that the reasoning behind operational decision-making needed to be better explained to those who act at 'arm's length from the Council'. This did not challenge the *modus operandi* of project management. As a delegate asserted, the role of the ISTC in this phase of programme management was limited 'because the Commission with the panel [consisting of external experts] is setting up the order of the projects … If you want to change the order, this is not really the duty of the committee'. Moreover, 'the member state delegates in the ISTC know very little about the projects, a lot less than we [DG INFSO] do'.

Overall, then, control through ISTC stabilised management of the IST programme in FP5 by preventing bureaucratic drift. Applying the yardstick of supranational deliberation to the DG INFSO-ISTC interaction, however, reveals this drift in programme development. 'Informal channels' and 'personal relations' were important for the rise of a 'collegial approach' among Commission officials and delegates, i.e. 'a group of colleagues getting together and trying to decide what is the right thing to do, what is the rational thing to do'. An official echoed this perception: 'During the course of that … views change and we begin to understand what is important and what is less so through the discussion'.

However, the salience of personal relations and the informal nature of accommodating member state concerns created informational asymmetries in favour of DG INFSO. The administration was considered 'a broker for many network nodes, so it is an intermediary, you might say. And it provides a forum for people to speak, so it is a political body, too'. DG INFSO knew more about the individual visions for technological development in the member states and possibilities for building of complementarities than the sum of delegates in ISTC. This enabled the DG to generate agreement with the member states when consensus was required and take the lead in decision-making about the programme's direction and budget allocations. A delegate explained that 'a common opinion means in practice that committee members express their own opinion, and when summing up these opinions it is the committee's common opinion'.

Therefore, a 'procedure to create really a common opinion' was considered helpful.

Because of their 'interesting background in science, technology, and strategy … and experiences like having run a national programme', as one delegate put it, the ISTC members were ready to engage in supranational deliberation with staff from DG INFSO. But there was also the awareness among delegates that 'there I do not sit as an expert; there I sit as a representative of my government'. DG INFSO pushed the committee 'towards its administrative role'——a result of the comprehensiveness of the IST programme, as a delegate explained:

> The more widely open a programme is, the less likely it is that the delegates are experts. They tend to be bureaucrats … The politician will not be able to discuss because he will lose any discussion with the Commission. The Commission will be an expert on what they are saying. Politicians will just say vague things.

Since the committee had the final say about the annual work programmes, a positive vote for the definition and publication of calls for proposals was not required——as was true for the predecessor programmes to IST in FP4. This led some delegates to believe that they have 'lost most of their decision-making powers', making it 'very hard to actually stop them [DG INFSO]'. The DG 'was running the show really with little influence of the member states'. Unhappy with this development, the delegates were critical of the DG's declared 'main aim to push the industrial and economic structures toward a new paradigm', in order 'to help the emergence of a common view'. Nonetheless, they refrained from obstructing DG INFSO on the basis of procedural interventions.[5]

Learning for Programme Representation

Creation of a 'common view' on the future Information Society took shape through involvement of experts who were gathered in the IST advisory group. Drawing on the Commission decision of 22 October 1988, the expert group was mandated to advise on proposals for spelling out the annually updated work programme, to assess views about the timetable of calls for proposals, to consider criteria for evaluating project proposals and to determine verifiable objectives for achieving the aims of the IST programme's key actions. This mandate was redefined in the process of drafting the annual work programmes.

Drafting of the annual work programmes was guided by the norm of openness. Receptiveness to developments in the environment was considered crucial to running the programme: 'You are forced, if you want to do this job properly, to follow very closely all technological, policy, and economic changes'. Accordingly, the first step in drafting the work programme was consultation with the affected constituency. Meetings were organised to inquire about the needs and preferences of the research communities, with the objective 'to draw conclusions as well about

possible actions to anticipate future needs'. To feed into the work programme design, consultation reports were then produced. Officials with drafting responsibilities were concerned about the 'danger' of consultation reports: 'You might end up with a report that [has] a little bit of everything and … no definite line of producing'. One of them explained:

> You need to focus because you do not have available all the money in the world to spend … And this focusing runs counter to the fact that there are many interests from the various constituencies … but only a few aspects are considered to be of strategic importance for Europe.

DG INFSO used its advisory group to frame the discourse within which these 'aspects … of strategic importance for Europe' could be considered. The group described its view on future developments within the Information Society in terms of the 'ambient intelligence' vision, which was perceived as the concept of converging technologies—that is, 'bringing together electronics, information technology and communications in such a way that technology becomes less visible, yet more relevant'.

The ambient intelligence vision was not new at that time. It is based on the notion of 'ubiquitous computing' by Marc Weiser (1993), then a computer scientist at Xerox Laboratories, which emphasises enhanced computer use in the physical environment by making them invisible to the user. Its endorsement by DG INFSO anticipated developments in the US, where ubiquitous computing was already on the agenda for civilian and military research since the late 1990s. Countries like Japan, South-Korea and Singapore followed the US example in the early 2000s with their own versions of ubiquitous computing, whereas a high-tech country like Germany waited until 2005 to proclaim its 'Internet of Things' strategy (Friedewald and Raabe 2011).

However, like any Commission service, DG INFSO was far from monolithic. The vision of ambient intelligence had connotations other than a strategic guideline for the programme as a whole. It was perceived as just one way to present trends in the evolution of technologies. In-house capacities did not co-evolve with the activities of the expert group. Among project officers, one of the major issues in the discussion of this vision concerned its origin because, in the words of one interviewee:

> … this clearly came from Philips. So there is some company culture also behind it. There are some corporate interests … behind it … you have to always [be aware of] … how far this should influence [you]. You should know what interests are behind [it] and what industries.

The ambient intelligence vision was criticised for its bias towards home electronics and entertainment, and seemingly had little application in professional working environments – a 'fuzzy term' with limited relevance for the great bandwidth of research activities within the programme. In the words of one head of unit:

> I strongly believe that there is no IST vision ... This vision doesn't apply to the full Information Society applications. It ... originated from [the] consumer electronics manufacturers' view and the specific situation of the home user. So when you try to expand it and to speak of ambient intelligence as an overall structuring vision, either it totally breaks down, that is it becomes such a fuzzy term that everybody can just say, 'Oh, I am doing something that contributes to ambient intelligence!' or it generates relatively absurd results ... I can prove that many of the individual visions that are implemented are contradictory with each other and have not been reconciled or arbitrated in the sense that if a vision [is] structuring, then we [choose] one thing and not another.

Yet, by the end of 2000, just one year after the vision of ambient intelligence was introduced, it 'had become a mainstream philosophy and [in] that sense you [get] things [done more easily] if you link [up] to that concept'. Reference to the ambient intelligence vision meant desirable action in DG INFSO. In early 2003, when DG INFSO started to implement the follow-up IST programme within FP6, pragmatic use of the consensus on ambient intelligence vision was common practice among officials. It 'has made quite an impact on the thinking ... It is a guiding vision for the whole programme and everybody is recognizing it'.

Ten years later, ambient intelligence has turned into a taken-for-granted aspect of daily life. It is manifest in the ubiquitous Internet, which functions as a 'new infrastructure' according to the current IST advisory group, comparable to bridges and roads.[6] Concerns about living in a surveillance society or potential abuses of perhaps very private details that are disclosed in social networks are voiced. But instead of calling upon a Leviathan capable of regulating such issues, a call is made for 'context-sensitive, transparent and horizontal governance solutions' in which political actors are one among other 'stakeholders' from business and society (Misuraca *et al.* 2012; Wright *et al.* 2009).

Strategising upon Boundary Spanning Activities with the IST Advisory Group

That the ambient intelligence vision has been treated so forcefully as the official programme rationale——irrespective of the voiced criticisms of the ISTC members and DG staff responsible for programme implementation——has much to do with the boundary spanning activities of a 'link actor' inside the administration. 'The key issue was to sell the idea [of ambient intelligence] to the directors that there was something in it for them', as a member of the linking DG unit 'Work Programme and Cross-Programme Themes' noted. Around the turn of the millennium, senior management of DG INFSO realised that the group's speaking with a concerted voice about trends in the Information Society could prove to be an asset in coming to terms with the Council decision on the IST programme, which required the anticipation of changes in technology, markets and socioeconomic contexts through annual work programmes.

The work programme unit was a new unit designed to coordinate the drafting of the annual work programmes; it operated horizontally across the different directorates of the administrative hierarchy. The unit sought to establish a coalition between senior management and the expert group; it sponsored the plenary meetings of the group and nurtured agreement on a rationale that could bind the different parts of the programme together. Its immediate access to the directors and the group's experts gave it authority in the delicate balancing of work programme drafting. The work programme unit looked at the group's advisory reports as 'key recommendations' because they 'reinforced [its] position as a unit to give orientation'.

Because of initial scepticism among some members of the expert group concerning their exact role in programme design, a set of rules was created to encourage them to share their views on the programme's content and direction with the directors in the DG. Flexibility in regulating the group's conduct provided the unit with the opportunity to access efficient advice. One of the unit's members explained: 'There were no precedents for how to manage or run [the expert group in the DG] … there was no ideal size and no ideal constitution'. The broad guidelines for the group's work were determined in the plenary sessions, held on four or five days a year in Brussels. 'And then these kinds of things are linked with internal things in the Commission: we have to take such and such decisions … for us to influence it; we need that thing [by] then. That is how it works and it works quite well'.

The work programme unit made sure that the recommendations of the group were channelled into the DG; the unit also sought to control how these were dealt with internally. Use of the recommendations became a source of power for the work programme unit in its capacity as coordinator of the editorial board (created to generate a first draft of the work programme and consisting of representatives from various directorates). The unit pulled together the consultation reports and additional inputs from each of the directorates; it then proposed a first draft to the editorial board and the directors. Although it lacked the formal authority to decide on content, its influence was undisputable. As one official external to the work programme unit candidly observed, 'everything else is [just] an adjustment of the very first strategy that is taken'. The work programme unit was 'holding the pen' in the editing process. This led many of DG staff to believe that major decisions on the content of the programme were taken within this unit, the advisory group 'and who ever they talk[ed] to'.

At that time, the formal authority to decide on the content of the annual IST work programmes rested with the comitology committee. Today it does not. Like then, the committee is still instrumental in stabilising operational decision-making by accommodating delegates' inquiries through clarification, justification and explanation. But the committee has lost its formal powers in FP7. Learning from the IST advisory group during FP5 contained the seeds for this shift. DG INFSO increased its capacity for implementation management, and compliance with comitology saved the administration from having its conduct questioned

while the expert-based construction of a vision for development of the programme and its strategic use enabled agenda-setting. DG INFSO successfully pushed for a lighter oversight procedure and now, largely unconstrained, determines how a significant share of EU funds for RTD are spent.

Conclusion

With its oversight procedures and committees, Europe's comitology system was created to control the Commission's delegated powers in the implementation of Community policies. In practice, comitology nurtures the consensus-forcing decision-making style among EU member states so that individual delegates may be seen as assisting rather than checking the Commission's executive function (Alfé *et al.* 2008). The fact that comitology barely results in overt conflicts on proposals between member state delegates and Commission officials fits well into the underlying picture of the Commission as an agent that serves the interests of its governmental principals. The present research supports this view, but also indicates its limitations. Comitology prevented bureaucratic drift of DG INFSO in IST programme implementation and ensured compliance; however, the DG acting upon the comitology regime also created gaps in member state control.

These gaps come to the fore, and the sidelining of member states in Brussels-based policy implementation can be considered when approaching comitology through the two lenses suggested by Pollack (2003) and Neyer (2000): as a control mechanism that serves member state preferences, and as a forum for supranational deliberation. The present case study illustrates that the adoption of the regulatory procedure determined the discretion of DG INFSO. The administration anticipated the threat of committee sanctions and was keen to please the delegates by offering justifications and engaging in numerous discussions about funding decisions. Nonetheless, controllability through comitology is limited. Sidelining of member states occurred because regulatory oversight did *not* 'realize the promise of a deliberative decision-making procedure' (Neyer 2000, 126–7), furthermore indicating that availability of sanctioning power may be a far cry from the 'scope conditions for such deliberation' (Pollack 2003, 153).

DG INFSO gained access to tailor-made advice and learned to increase its capacity for implementation management. This learning unfolded not in programme execution but in programme development. A 'link actor' inside the DG strategised upon the latitude for interaction with the expert group and its emergent authority to actively unfold ideological leverage and ensure consistence in external representation. Thus, even if policies are set and programmes carried out, expert knowledge is not necessarily solicited to play out on the ground of policy implementation, but is entangled with political purposes like framing the debate, expanding the bureau or shifting the blame (Radaelli 2009).

Such political purposes play out in subtle ways rather than being targeted directly at policy outcomes. The Commission's engagement in

'background processes' is driven by its bias towards producing ideas in the European interest; they are decoupled from the Commission's executive function to safeguard its genuine position in drafting and agenda-setting (Bauer 2002, 2006). Distinguishing between outcome and process, however, should not imply looking at both in isolation. This paper's historical analysis of IST programme management has shown that the Commission's engagement in building an encompassing policy, framing the debate and sponsoring of expert-based audiences was encroaching upon the outcome of that policy; member states have lost much of their influence in determining the programme's content and budget distribution since the late 1990s. In cases of implementing quasi-legislative measures, chances are that substantial EP intervention may challenge such encroachment. If not, it is questionable whether monitoring through member states can do so.

Notes

1. See [http://ec.europa.eu/transparency/reexpert/] (accessed 15 October 2012).
2. EU Regulation 182/2011 of 16 Feb 2011; see http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:055:0013:0018:EN:PDF (accessed 13 November 2012).
3. DG INFSO is furthermore distinguished by its relatively high-calibre staff. More than half of the 540 people working for the administration were scientifically trained, performing administrative and advisory duties.
4. This paper does not use the full data set but draws on parts of it to analyse DG learning from experts in the IST advisory group.
5. Both interviews with Commission staff and comitology members, and the Commission's report on the working of the comitology system during 2003 and 2010 indicate lack of Council Intervention; see COM(2004) 860 and COM(2011) 879 final; http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2004:0860:FIN:EN:PDF (accessed 13 November 2012.
6. See ISTAG Report (February 2009) Revising Europe's ICT Strategy; http://cordis.europa.eu/ist/istag-reports.htm (accessed 13 August 2012).

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