“EFFICIENCY VERSUS DEMOCRACY? TOWARDS NEW SYNTHESES”

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Between efficiency and legitimacy: the expanding role of committees in European Commission governance

(DRAFT - please do not quote without the author’s permission)

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1. Introduction

The relationship between legitimacy, effectiveness and efficiency in the European Union (EU) has long been a troubled one. Since the launch and early formation of the European integration project in the 1950s and subsequent debates regarding its future direction, the dilemma between these notions has been a salient discussion point. On one side of the demarcation line which separated the leading thinkers of the time stood the advocates of a future federal entity who frequently stressed the importance of shaping familiar democratic institutions as a means to achieve integration. On the other side stood the advocates of an “elite-led gradualism” or the “pragmatists” who underlined the immediate need for effective and efficient policy-making and prioritised the problem-solving capacity of European governance (Rhinard, 2002, p. 187; Wallace and Smith, 1995, p. 140). The integration by efficiency strategy, or the “Monnet Method” as this governance mode came to be known, triumphed mainly as a ploy to reconcile reticent national governments to the integration project. The overall purpose of such an approach was to skim over “high” political issues in favour of splitting decisions along functional and administrative lines to ensure efficient and effective problem solving.

For a long time thereafter, the EU pursued and prioritised efficiency at the expense of legitimacy. Indeed, for a number of reasons, during the first few decades of the EU’s existence, there was thought to be no pressing need to address the issue of legitimacy. Firstly, it was initially assumed that the EU would be accepted on solely instrumental or technocratic grounds; as long as the EU was deemed useful, its weak democratic nature or distance from popular identification was irrelevant. Secondly, indirect legitimacy would be conferred on the EU via its member states (MSs) who

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1 The purpose of this paper is not to explore the contested nature of the concepts of efficiency, effectiveness and legitimacy. Here efficiency is simply considered as the optimal use of resources that extracts the maximum output from any trade or productive activity (Campbell et al, 1970 cited by Richardson & Joshi, 1997, p. 5). It concerns the extent to which an activity achieves its goal whilst minimising resource usage. Effectiveness is considered as the extent to which an action or function delivers its intended outcomes. Legitimacy is considered “a shared expectation among actors...such that the actions of those who rule are accepted voluntarily by those who are ruled because the latter are convinced that the actions of the former conform to pre-established norms. Put simply, legitimacy converts power into authority – Macht into Herrschaft – and thereby, simultaneously establishes an obligation to obey and a right to rule (Schmitter, 2001, p. 1).
themselves had legitimate governments. Finally, legitimacy could be deferred so that although the EU was initially reliant on a combination of technocratic and indirect legitimation, issues of democratisation and identify formation could be dealt with later once people gained practical experience with the very institutions in need of legitimation (Lord, 2000, p. 4; Wallace and Smith, 1995).

If the issue of the Union’s legitimation had been avoided up until then, it is undoubtedly the Single European Act in 1986 and the 1992-3 crisis provoked by the Maastricht Treaty’s ratification process that crystallized its position at the top of the agenda. These Treaty reforms and the events surrounding them clearly demonstrated that the EU was in the process of fledging into a political system in its own right. Consequently it could no longer escape allegations that it harboured a “democratic deficit”. Firstly, majority voting and the greater autonomy enjoyed by supranational institutions undercut the argument that indirect legitimation was ensured by the parallel consent of all EU MSs on each decision taken. Secondly, EU institutions became increasingly involved in areas where it was unable to claim legitimacy solely on the grounds of performance or efficiency (Lord, 2000, p. 4).

Today “there is a consensus among analysts and policy-makers that the EU suffers a ‘democratic deficit’ (Eriksen & Fossum, 2000, p. 5) and this shortfall in its democratic credentials, one of which is legitimacy, has been the subject of debates for a number of years and is well documented in the literature. In response to the criticisms addressed to it by scholars, policy-makers and citizens, the EU, as a whole has had to undergo a substantial rethink so as to reinforce its legitimacy basis.

Moving now to focus specifically on the European Commission, in recent years, this institution has pursued in parallel the notions of efficiency, effectiveness and legitimacy. Since the resignation of the Santer Commission in March 1999 following a damning report on corruption and nepotism, the Commission has committed itself to a wide-ranging internal reform with the aim to create a modern public administration based on a variety of principles including efficiency. This process began with a White Paper in 2000 on reforming the Commission. This document stated, “We want the Commission to have a public administration that excels so that it can continue to fulfill its tasks under the Treaties with maximum effectiveness” (European
Commission, 2000b, p. 3). Indeed, a simple tally of the number of occurrences of the words ‘efficient’ and ‘efficiently’ or ‘effective’, ‘effectiveness’ and ‘effectively’ provide a measure of the importance and centrality of the efficiency agenda promoted via this document: 43 occurrences of the former group and 75 occurrences of the latter!

The reforms proposed in the 2000 White Paper are clearly heavily inspired by the new public management (NPM) literature and the accompanying modernization agenda that has been sweeping through many Western democracies since the late 1980s. Indeed, the Commission reforms call for inroads into the development of a culture based on the citizen as consumer and customer service, strategic planning and the efficient use of resources, human resource management techniques imported from the private sector as well as audit and financial management control. However, the NPM paradigm brings its own difficulties relevant to this discussion of legitimacy and efficiency. Clearly NPM promotes improvements in efficiency and effectiveness. To achieve this, a de-politicisation and de-institutionalisation of political decisions occurs whereby responsibility for them is transferred to both managers and markets. This may indeed improve efficiency by involving more expert and competent actors but on the down-side it is potentially harmful to legitimacy to the extent that “it reinforces the impression of increasing opaqueness […] blurs political responsibilities and degrades Parliament to the status of a secondary political arena” (Sarcinelli, 2003, p. 43).

Alongside these modifications to its administrative structure, the Commission has been engaged since 1999 on governance reforms to address the need for a fundamental restructuring of the EU decision-making process and the way that the EU institutions function. This need has arisen due to various general pressures on the EU which are succinctly formulated by Heritier (1999, p. 271) as: the ever-increasing criticism about its inherent democratic deficit, its need to “beef up democratic support for European policies”, the absence of an adequately functioning political representative system at the European level, the slow and incremental process of democratisation and the modest prospects of constitutional reform and the subsequent need to turn to other measures not requiring Treaty reform or legislation.
"Promoting new forms of European governance" was consequently made one of the four strategic priorities of the Prodi Commission at the beginning of 2000. The 2001 White Paper on European Governance and its ensuing action plans were aimed at reinforcing legitimacy by improving the way in which legislation and policies are prepared and implemented under the existing EU treaties. One of the major ways in which the Commission has chosen to do this is by increasingly calling on European citizens and civil society organisations (as direct citizen representatives) to participate in decision-making processes. Over the last few years, participative governance via expanded access to information and consultation mechanisms has proliferated. Europe Direct Information Network, European and National Documentation Centres, Team Europe, Your Voice in Europe and consultation by policy sectors via consultative bodies are just some of the current means to ensure citizen and civil society participation and consultation. The policy discourse on participation has been equally fruitful since 1992². What all of the initiatives developed by the EU in general and the Commission in particular have in common is that they are based on the premise that “public input generally is supposed to lead to greater effectiveness” as well as “an improved democracy, both by developing more active, engaged citizens; and by making better decisions through broader, higher quality inputs” (Parkinson, 2004, p. 377).

However, there is a more negative flip side to the apparent advantages of consultation and participation for improving legitimacy. It may be argued that whereas in the early years of European integration, the priority was very much on efficiency and effectiveness, today, the Commission appears to be prioritising (at least in its official discourse) the search for enhanced legitimacy as a means to saving itself from the risk of being considered at best distant from and at worst irrelevant to European citizens. This strategy creates new problems. As noted above, the Commission is establishing more and more institutionalised mechanisms aimed at facilitating citizen access to EU information, the consultation of citizens or their participation in European policy

issues. Yet, it is not certain that these efforts result in better citizen influence. Indeed, it may be argued that the Commission has constructed a discourse promoting increased communication and consultation upon which it is erecting a façade of initiatives. Yet this does not necessarily equate with enhanced legitimacy. A more cynical view might see this as a mere means of fobbing off or buying off citizens to think that they have better influence simply because they have more access and means to participate than ever before. Certainly the Commission is collecting the views of citizens and organised civil society but real participation in decision-making requires that these views are aggregated in some way, evaluated, fed into decision-making and that feedback is subsequently given on how views have been incorporated into and influenced decision-making.

There is a further linked negative impact of increased access and consultation, this time on efficiency. As Sarcinelli argues, “the expansion of communication that does not aim to keep citizens at a distance but to involve them increases the costs of political decisions” (2003, p. 46). According to Dalton et al (2003, p. 270), expanded access may even damage the quality of policy-making for a variety of reasons. As already suggested, logistically speaking facilitating increased access and consultation is costly in terms of creating the necessary mechanisms, collecting responses, evaluating and aggregating them and feeding them into the decision-making process. This leads Dalton et al to conclude that it may be the case that governments “perform less well when they rely upon the quality of citizen input more than the quality of the elected representatives” (2003, p. 270). It is Raschke who effectively summarises the risk of increased citizen access and consultation to efficiency by suggesting that a “centrifugal drift” may occur between legitimacy and efficiency to the extent that “legitimate structures are inefficient…[whereas]…efficient structures are inefficient” (1993, p. 30). The dilemma that Raschke is pointing to between legitimacy and efficiency is one that Dahl (1994, p. 28) discusses in relation to the EU. He points to a trade-off between ‘the ability of the citizens to exercise democratic control over the decisions of the polity’ (citizen effectiveness) and ‘the capacity of the system to respond satisfactorily to the collective preferences of its citizens’ (system

It is not because the local water company provides increased levels of information on how water charges are spent or because the consumer is invited to address comments on how the water service may be improved that the consumer has more influence in decision-making on household utilities.
effectiveness). According to Dahl, the EU constitutes a large political system and as such it ‘may be able to cope with problems that matter more to a citizen’. However, the negative flip side of this is that ‘the opportunities for the citizen to participate in and greatly influence decisions are vastly reduced’ (p.28). Citizens therefore face a stark choice: either they preserve their capacity ‘to influence the conduct of their government’ or they recognize that the political unit’s capacity should be increased so that it can deal more effectively with important issues (p.23-24).

The European Commission is clearly embarked on a dual quest for efficiency and legitimacy but to what extent can they be reconciled? Does the pursuance of efficiency immediately neutralise the search for legitimacy? On paper at least, European Commission committees look as though they could help to reconcile the two notions given that they appear to possess the capacity to respond to both agendas. On the one hand, the Agricultural Advisory Committees (AACs), which operate under the auspices of DG Agriculture and form the empirical focus of this paper, ensure direct citizen representation in European agricultural decision-making via the participation of the organised civil society groups that compose them. Indeed, AACs are participatory consultative structures or mechanisms, which ensure stakeholder and citizen input. Consequently, and in line with Parkinson’s argument that public input generally is supposed to lead to improved democracy, “both by developing more active, engaged citizens; and by making better decisions through broader, higher quality inputs” (2004, p. 377), AACs can theoretically help to reinforce legitimacy. On the other hand, and as will be developed later in the discussion, AACs have the potential to provide the Commission’s DG Agriculture with resources which could promote increased effectiveness and efficiency in decision-making.

Despite their potential outlined above, it is posited here that the AACs illustrate the precarious tightrope walk that committee governance faces between its capacity to enhance the effectiveness of the European political system and its lack of legitimising qualifications. Arguably, although it may be theoretically desirable for the Commission to pursue efficiency and legitimacy in tandem as compatible and mutually conducive notions, in practice there are significant tensions between the two and the AACs draw attention to these. On the one hand, in theory these committees have the potential to provide added value and contribute to the achievement of greater
efficiency and effectiveness in European agricultural decision-making, specifically at the policy shaping or formulation stage\textsuperscript{4}, in four key ways. The AAC’s have the capacity to provide i) knowledge and expertise; ii) a context in which socialization and cultural learning may occur; iii) a context in which transnational networking may occur and iv) an institutionalised access point to DG Agriculture for organised interests. On the other hand, in practice committees like the AACs raise doubts about their ability to respect core democratic credentials such as legitimacy. Four key concerns in the AACs are explored here: i) based on committee seats accorded, interest representation is numerically imbalanced towards specific groups; ii) the process of deliberation is hindered; iii) their role is opaque and consequently inaccurately fulfilled. There is therefore a credibility deficit. Linked to this, the AACs have a limited influence on decision-making; iv) the AACs suffer a shortfall in transparency. In sum, the AACs arguably possess a deficit in terms of their democratic credentials. They tend to reduce citizens’ capacity to exercise democratic control over the operation of the European system and can be said to detract from the overall clarity of European decision-making because, amongst many areas of concern, they are cloaked in secrecy (in many cases neither their membership nor activities are made public), are structurally confusing and procedurally obscure.

This paper primarily aims to elucidate the dichotomy between the theory and practice of AACs signalled above. To do this two specific questions are addressed. Firstly, what is the potential capacity of European Commission committees like the AACs to improve EU system efficiency and effectiveness? This enquiry forms the focus of section two of the paper. Secondly, what is the practical capacity of European Commission committees to sustain adequate democratic credentials, specifically legitimacy? This enquiry forms the focus of section three of this paper. Addressing the two aforementioned questions will help answer the fundamental question raised by the abovementioned dichotomy; using the study of agricultural committee governance in the Commission as an analytical standpoint, are legitimacy and efficiency compatible notions in the study of European committee governance? The main argument to be developed here is that where the AACs are concerned at least,

\textsuperscript{4} Policy shaping is the stage prior to the Commission drafting a proposal or Communication. It comprises agenda setting and how issues emerge how an issue is processed (i.e. without internal or external consultation, with internal consultation only, with external consultation) and the selection and approval of a solution to the agenda issue.
there is essentially an improper balance between these two dimensions to the general disfavour of legitimacy. Before we analyse the extent to which the AACs are really able to positively respond to both agendas and reconcile efficiency and legitimacy, it is first important to contextualise committees in the European agricultural sector.

1. The AACs

The committee system is an institutional feature of the EU that is vast yet rarely studied (Rhinard, 2002, p. 185). Not foreseen by the treaties but nonetheless inserted within the Community’s institutional structure (Vos, 1997, p. 215), today committees undoubtedly constitute an important site of European governance (Rhinard, 2002, p. 185). Essentially, these participatory structures are ever more omnipresent at all stages of the European decision-making process from policy shaping and formulation to implementation. Commission committees were first created in relation to the CAP in the early 1960s at which time the expansion of this first ‘common’ European public policy led the Council to delegate certain executive tasks to the Commission. Today, in this as in other European policy sectors, committees exercise an ever-increasing amount of policy responsibility. The Commission is in fact represented on three main types of committee: ‘management’, ‘regulatory’ and ‘advisory’ committees. While the former two types are mainly comprised of member state civil servants and operate mainly during the implementation phase of decision-making, the latter type is comprised of representatives of relevant organised socio-economic interest groups. These ‘advisory’ committees operate mainly during the preparatory phase of the decision-making process.

There are far more types of Commission committee in agriculture than in any other policy sector (Nugent, 2003, p. 385; Peterson and Bomberg, 1999, p. 134) with DG Agriculture currently referring on its Website to a total of 62 management, implementation and regulatory committees and consultative groups. These committees are broadly designed to help DG Agriculture carry out its duties of proposing, implementing and regulating the CAP.

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5 For a more detailed discussion of the historical development of committees and the differences between committee types see for example Vos, 1997 or Neuhold, 2001.
6 http://europa.eu.int/comm/agriculture/index_en.htm
Whereas the first management and regulatory committees were created in 1962 and 1968 respectively, the Commission’s agricultural advisory committees (AACs), which, were set up under the auspices of the Directorate-General (DG) for Agriculture as a result of the 1972 Paris Summit. This summit called for the increased participation of economic and social interests in the Community policy-making process. In response, the Commission created committees composed of interested representatives in specific fields including the agricultural sector. 1987 saw the establishment of the first advisory committees but they have subsequently undergone two significant reforms in March 1998 and May 2004, to redistribute seats between the interests represented in the case of the former, and to facilitate a process of streamlining to enhance their functionality in the case of the latter.

The Commission may consult the AACs on any matter relating to the CAP or its rural development policy and their aim is to enable the Commission to learn the views of socio-economic interest groups on the major and various sectors of agricultural production and rural development. AAC activity is therefore confined to the preparation and formulation phases of decision-making since the Commission’s view-learning process occurs mainly at this consultative, pre-decision stage. The AACs comprise representatives of relevant socio-economic interest groups appointed by the Commission on a proposal from Community-wide interest groups. The empirical focus for this paper is three of the pre-2004 AACs on the CAP, Rural Development and Agriculture and Environment.

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7 The groups represented include agricultural producers and cooperatives, the agricultural and food-manufacturing industries, the agricultural products and foodstuffs trade, farm and food industry workers, consumers, environmentalists and animal welfare groups.

8 The empirical investigation that forms the basis of this paper was carried out in autumn 2003. These structures were then called Agricultural Advisory Committees. Since April 2004 these structures are now called Agricultural Advisory Groups and are regulated by a different Commission Decision (2004/391/EC).

9 To examine these participatory structures the paper employs original empirical research. This was mainly carried out via a series of 66 in-depth, focused and semi-structured interviews conducted between September 2003 and March 2004, both face-to-face and by telephone over an average of 45 minutes. A small number of follow-up email communications are also included in the analysis. The interview subjects were DG Agriculture officials and AAC members, both current and previous, from various socio-economic groups representing farmers or producers, environmentalists, consumers and animal welfare. The paper also relies heavily on Commission Decision 98/235/EC which is the statutory document which regulated the AACs. The data presented here is derived from a PhD thesis (Heard-Lauréote, 2005).
2. Efficiency

So far this paper has explored how the EU developed from its prioritisation of efficiency and effectiveness in the early decades of its existence towards a more balanced approach with the quest for legitimacy at the forefront of its official discourse at least. Over time, there has been a gradual realisation that as the EU fledges into a supranational polity in its own right, that it must demonstrate the same democratic credentials as expected of a nation-state. The aim of this paper being to demonstrate that despite their potential capacity to help the Commission’s dual pursuit of legitimacy and efficiency, the AACs display symptoms suggesting an improper balance between the two. With this in mind, the next section sets out to assess how well the AACs improve the efficiency and effectiveness of European agricultural governance within the European Commission.

Theoretically the AAC’s help achieve greater efficiency in European agricultural decision-making, specifically at the policy shaping stage in four key ways. The AAC’s have the potential to provide i) knowledge and expertise; ii) a context in which socialization and cultural learning may occur; iii) a context in which transnational networking may occur and iv) an institutionalised access point to DG Agriculture for organised interests. The following section sets out to do two things; comment on each of these four postulations and identify the means by which they enhance efficiency.

The AACs’ first contribution to efficiency rests in their potential capacity to supply DG Agriculture with participating organised interests’ knowledge and technical expertise. The range and types of the latter are potentially wide-ranging given that it is conditioned by AAC member interest organisations. Depth of knowledge and expertise derives from individual committee members. Based on a survey of member backgrounds, the AACs possess a combination of: knowledge via further and higher

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11 Here knowledge is understood as the awareness and understanding of facts, truths or information gained in the form of experience or learning (a posteriori), or through introspection (a priori), while expertise is understood as a superior level of special skill at a task or knowledge of a subject.

12 See note 7.
education or research; expertise via practical experience (i.e. farming or environmental conservation), and; expertise via internal or external policy development (i.e. within the interest organisation or for local, regional, national or supranational government). This range and depth signals that the AACs potentially contribute to different policy development phases within DG Agriculture: policy implementation for members with practical experience, policy shaping and formulation for members with a background in policy development.

Because its provision is vital in ensuring that DG Agriculture can cope with evolving governance trends, this potential supply of knowledge and expertise contributes to the overall efficiency of CAP decision-making. Indeed, modern society and political systems are increasingly characterised by escalating market, administrative and policy-making complexity at all levels of governance, which requires both the expansion and specialisation of decision-makers’ knowledge. To cope, the latter increasingly turn to private and semi-private actors for a supply of specialised, technical and scientific expertise. The involvement of stakeholders in the process of production, implementation and evaluation of policies via consultative mechanisms like the AACs is arguably a prerequisite to effective problem solving.

There is a broader significance to the European Commission’s reliance on external organised interests’ technical expertise. Contrary to popular myth, it is relatively understaffed. Indeed, “Of a total authorised permanent EU staff of 29 997 in 2002, 21 750 were employed by the Commission” (Nugent, 2003, p. 118). This is fewer than many national ministries or large city or county councils: Hampshire County Council (UK) currently employs 33 000 people. Moreover, EU MSs average around 300 civil servants per 10 000 habitants while EU institutions average around 0.8 civil servants for the same number of habitants. Given the highly technical nature of CAP (export levies, quotas, subsidies), outside interests are valuable experts for DG Agriculture at the policy formulation phase. The Committee of Agricultural Organisations in the EU or Copa is the prime example of an organised interest group ideally placed to provide additional key resources: Copa’s Brussels secretariat has a full-time staff of 45, more than 50 sectoral and general Working Parties and a 12-member interpretation/translation service. In sum, given the complexity of modern governance, the resulting necessity for knowledge and expertise and the broader
contribution that organised civil society participation can make, the AACs have an obvious role to play in enhancing flexible, fast and effective problem-solving and decision-making.

The AACs’ second contribution to efficiency rests in their capacity to provide a context, which facilitates two key EU processes: the transnational socialization of participating socio-economic interest groups and mutual cultural learning. Schimmelfennig has defined transnational socialization as “inducing nationally constituted societal and governmental actors into adopting the constitutive schemata and rules of the EU community” (2005, p. 64). Understood as a process via which the identities and interests of international actors are constructed through international social interaction and involvement in international institutions, the AACs clearly constitute settings for transnational socialization. This is best-illustrated using examples.

Socio-economic group members from newly acceded EU MSs and candidate countries also attend AAC meetings. Consequently, AACs potentially contribute to the induction or “socialisation” of such members via three formats. Firstly, the Commission may use the AACs to implicitly transfer and transmit information to representatives from interest organisations in the newly acceded MSs such as:

- “Rules” concerning the appropriate behaviour to adopt in the Commission’s institutionalised consultation structures.
- An understanding of the importance that AAC members a) develop a European problem-solving perspective, b) amalgamate their affiliate members’ views, c) reach consensus, d) view the European polity as an opportunity rather than a threat and e) present technical arguments based on reliable data.
- Help in familiarising new MS interest organisations with the “Brussels context” i.e. the institutional framework, legislative procedures and policy processes
- Help in facilitating cross-border convergence by encouraging socio-economic group members from the newly acceded MSs to create a demand for the creation of similar consultation mechanisms back home.

This socialization process may take a second format: the Commission may use the AACs to transfer and transmit to the governments of the newly acceded MSs advice
regarding the importance of integrating all affected interests in decision-making and creating the appropriate structures to facilitate this. The final socialization process involves *established European interest organisations* transmitting to *representatives from interest organisations in the newly acceded or candidate MSs*, information on how to a) “contest” European/national policy, b) incorporate and defend environment and rural development aspects of national and European agricultural policy-making thus promoting policy transfer by, for example, “greening” national agricultural policy, c) maximise the potential of AACs by i) networking and developing contacts, ii) optimising Commission funded Brussels trips to AACs to organise peripheral meetings with Commission officials and other interest representatives and iii) using the AACs as an opportunity to exert informal influence on Commission officials.

Clearly AACs allow organised civil society members to familiarise themselves with the nature of the Commission’s processes and procedures and in doing so promote a form of cultural learning. This process may be mutual or two-way since the AACs may also encourage and facilitate a process of “reverse socialisation” whereby the input of new MS actors may provoke a change in Commission attitudes and policy preferences. This may occur as a result of the AACs providing the Commission with an opportunity to observe at first hand and from a close range, the cultural diversity in European civil society organisations that constitute the membership.

The AACs’ third major contribution to efficiency rests in their capacity to provide a venue for transnational networking. Via their members, the AACs represent a diversity of organised interests and nationalities. This creates a form of supranational, multi-interest arena with the potential, as noted above, to provide knowledge and expertise of a sometimes highly technical nature. As a consequence, committee members may develop a set of common values and a resulting sense of community, or more specifically, develop an epistemic community (Haas, 1990; 1992). This is where there is ‘a professional group that believes in the same cause-and-effect relationships, truth tests to assess them, and shares common values’ (1990, p. 55) or where ‘channels through which new ideas circulate from societies to governments as well as from country to country’ occur (Haas 1992, p. 27). Christiansen and Kirchner (2000), argue that ‘The realm of committee governance is an obvious place to look for such communities’ (p. 20). Indeed, theoretically, the AACs appear to share many epistemic
community traits: they form a network of experts; some AAC members may share a common understanding of the scientific and political nature of a particular problem (Betsill and Bulkerley 2004, p. 4) such as the agricultural producer groups and cooperatives on levels of market support; experts maintain contact with each other across their various geographical locations and fields of interest. In this way AACs create valuable channels for information flow and heighten the possibility of introducing and discussing new perspectives. If we think of epistemic communities therefore as networks or as a group of individuals who foster policy learning through the dissemination of factual, consensual knowledge (Betsill and Bulkerley 2004, p. 4), the AACs clearly have the potential to fulfill such a role.

If efficiency is about achieving maximum output from minimum input then clearly the unintended or implicit impacts of AACs like the facilitation of transnational socialization, cultural learning and network formation demonstrates that these structures are fulfilling an important role beyond that which they have been formally assigned. The promotion of such informal elements is undoubtedly a contributory factor to improving the effectiveness of Commission decision-making in the CAP sector by enhancing knowledge transfer, mutual confidence amongst key actors and strengthening working relationships based on common values and interests.

The AACs’ final contribution to efficiency discussed here rests on their structural capacity to provide an institutionalised interest access point to DG Agriculture. Indeed, the AACs are a formal participatory mechanism regulated by statutes, which the Commission intended for the consultation and participation of organised interests in CAP decision-making. They are predominately active at the policy-shaping stage of policy-making. They thus represent a significant access route given that it is generally considered that lobbying should take place as early as possible in the decision-making process (Andersen and Eliassen, 1996, p. 46; Budd and Jones, 1989, p. 31). Of further importance, the AACs constitute one of the few; if not the sole, formal institutionalised access point to DG Agriculture by organised interests. Consequently,

13 In fact, Internet consultation mechanisms such as the Interactive Policy Making Initiative and its related Your Vice in Europe Website, which are aimed at this particular policy phase, have a very limited success rate to date in the European agricultural policy sector.
the AACs’ have a vital role in facilitating interest participation at this all-important early stage of the policy cycle.

The AACs’ “statutory recognition” provided via CD 98/235/EC, is highly rated by committee members since it gives the AACs “one thing that no other consultation has” (socio-economic group member, personal communication, October 21st, 2003). Indeed, certain socio-economic group members see the AACs as the only formal statutory consultation platform between socio-economic groups and the Commission directly (socio-economic group member, personal communication, October 31st, 2003) and the only place at the EU level where a formal exchange can occur between the agricultural profession and environmentalists (translated from the original French, socio-economic group member, personal communication, October 6th, 2003). Even Commission officials note the importance of “The institutionalisation of the discussion context” (personal communication, December 2nd, 2003). The AACs therefore play a role in officialising a discourse with the Commission (translated from the original French, socio-economic group member, personal communication, December 11th, 2003). By giving them an added raison-d’être, institutionalising their position with regard to the Commission and increasing their status in the hierarchy of socio-economic groups that gravitate around the EU institutions, the statutory nature of the AACs’ equally raises the profile of participating interest organisations.

By providing an institutionalised interest access point to DG Agriculture and overcoming many of the problems and weaknesses associated with informal direct lobbying in the European agricultural sector, the AACs contribute to the efficiency of CAP decision-making. Such weaknesses are manifold. Close relations between the major agricultural interests and DG Agriculture often characterize the European agricultural policy sector with scholars pointing to a quasi-corporatist relationship between the two (Greenwood, Grote & Ronit 1992, pp. 4-5; Butt Philip, 1985; Mazey and Richardson, 1991; Lodge and Valentine, 1980). Copa is frequently regarded as the most successful Community-level group and has well-developed regular contacts as well as a very close relationship with Commission officials (Grant, 1993, pp. 37-38; Smith, 1990, p. 161). Undoubtedly, the agriculture lobby benefits from an institutionally privileged position to the extent of enjoying insider status (Smith, 1990, p. 162; Nugent, 2003, p. 391). Copa’s standing means that it tends to be routinely
consulted by DG Agriculture on agricultural issues and automatically called in for discussions on issues of importance or potential interest (Nugent, 2003, pp. 391-2). To give a flavor of these close contacts; approximately every three months the Copa presidium meets the agriculture Commissioner, Copa’s secretary-General and the Director-General for Agriculture meet regularly and often speak by telephone while Copa and DG Agriculture staff at all levels ‘are in almost constant touch’ (Nugent, 2003, p. 288). All this is in addition to Copa being strongly represented on all the AACs. Such informal, direct lobbying is problematic since privileged interest groups like Copa formulate their demands vis-à-vis DG Agriculture and fail to readjust their view by taking account of the opinion of others. The added value of the AACs over simple lobbying practices lies in their ability to promote deliberation and reinforce consensus building by regularly bringing together opposing interest groups requiring them to “deliberate” or adjust their positions in order to eventually reach a common position (Smismans, 2001, p.10).

In sum, committee-style governance is said to increase system effectiveness because it “endow(s) the EU governance system with the capacity to fulfil its basic problem-solving remit” (Rhinard, 2002, p. 188). This section has clearly demonstrated the extent to which the AACs possess a clear potential to contribute to the overall efficiency of the European agricultural decision-making process via the provision of knowledge and expertise, the provision of a context in which socialization, cultural learning and transnational networking may occur, and through the provision of an institutionalised access point for organised interests. The section has also highlighted the way in which each of these characteristics can contribute to the efficiency of CAP decision-making at the policy-shaping stage. However, the key word here is potential. So far this paper has conceptualised AAC efficiency in theory and has advanced strong evidence of the AACs’ possible aptitude. As the next section moves to an empirical assessment, it will draw out these structures actual shortcomings, which undermine their potential.

3. Legitimacy

While it certainly appears that the AACs potentially contribute to the efficiency and effectiveness of European agricultural governance within the Commission’s
agriculture service, how well do they sustain adequate democratic credentials such as legitimacy? Arguably, not well. Indeed they appear to suffer a legitimacy shortfall. However, any evaluation of the AACs’ legitimacy credentials first requires a yardstick. Yet, according to Smismans, ‘measuring…[legitimacy] is near to impossible’ (2003a, p. 260). To meet this challenge, the aim here is to provide a set of appropriate criteria or political principles relative to which AAC legitimacy may be assessed.

The work of Scharpf (2003) may be used to construct such an assessment framework. Under his input/output legitimacy dichotomy, input legitimacy is guaranteed when political choices reflect “the will of the people” and is ensured by either involving European citizens and interest groups through direct participation as much as possible in policy choices, decision-making and the monitoring process or by maximizing the responsiveness of governors to the (collective) preferences of the governed. In other words, legitimacy can be linked to representativeness. However because not every aggregate of persons constitutes an electorate and it is not certain whether members of the electorate or their representatives will be orientated toward the common good (Scharpf, 2003, p. 4), input-legitimacy in its modern sense also has an emphasis on “government by discussion” (Habermas, 1962 cited by Scharpf, 2003, p. 4) or deliberation. The latter “presupposes a system in which, first, differing conceptions of the public interest are allowed into the policy process, and, second, those conceptions are given a fair and thoughtful hearing” (Rhinard, 2002, p. 191). For this, “public argument and (collective) reasoning among free and equal citizens” to assess the reasonableness and merits of public policy proposals and ideas is necessary (Jacobsson & Vifell, 2003, p. 3).

Legitimacy is conditional on political choices that effectively promote the common welfare of a given constituency. The central feature of output legitimacy is therefore that improved policy outputs engender an increased social acceptance or the increased legitimacy of the policy-making process. As such, output legitimacy is thought to depend on governing institutions that protect public policy against two dangers: the potential tyranny of the majority and the corruption risk posed by self-interested

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14 When discussing the representativeness of the AACs, the focus is on whether the representation of all the socio-economic groups participating in the AACs is balanced.
governors (Scharpf, 2003, p. 4). Such protection presupposes the necessity of effective government capable of achieving common purposes and resolving common problems (Scharpf, 2003, p. 4). Output legitimacy necessitates institutional norms and incentives mechanisms that must serve two potentially conflicting purposes: the hindrance of the abuse of public power and the facilitation of effective problem solving (Scharpf, 1999, p. 13). To assess the latter, the performance of a structure in fulfilling its assigned role and the influence of a structure on the decision-making process may be examined. To assess the former, the presence of effective checks and balances within the structure can be evaluated. These should ensure accountability and transparency and that policy tracks public opinion.

Based on the above input/output dichotomy and drawing on the work of scholars who have explored the assessment of institutional legitimacy in different contexts (Heard-Lauréote, 2005; Schmitter, 2001; Smismans, 2001; 2003), it is posited that AAC legitimacy may be broadly assessed via a set of five criteria. Their a) ability to provide a balanced representation of interests; b) deliberative nature; c) credibility and influence on decision-making and; c) transparency. The following discussion addresses each of these elements in turn and highlights how a deficit in each appears to undermine AAC legitimacy.

**Do the AACs ensure a balanced representation?**

Here two aspects are explored to assess the balanced representation of socio-economic interest groups in the AACs: the extent to which committee members are:

- a) Selected to represent diverse and opposing interests to ensure against a preponderance of representatives known to have a similar position or who have already formed an alliance for a common purpose (Schmitter, 2001, p. 8).
- b) Considered equal even when they represent constituencies of differing size, resources, public or private status, and “political clout” (Schmitter, 2001, p. 8).

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15 This takes us back to an earlier point about efficiency and legitimacy being mutually reinforcing.
The Commission appoints AAC members based on proposals by relevant socio-economic interest groups established at Community level\textsuperscript{16}. While CD 98/235/EC does not specify the inclusion of environmentalists and animal welfare groups, a Commission fact sheet on agricultural committees does (European Commission, 2000, p. 5).

Table 1: Seats attributed via CD 98/235/EC by interest category and the groups holding seats under them for two AACs\textsuperscript{17}.

<table>
<thead>
<tr>
<th>Interest category</th>
<th>AC1 N° of seats\textsuperscript{18}</th>
<th>AC1 N° of groups\textsuperscript{19}</th>
<th>AC9 N° of seats</th>
<th>AC9 N° of groups</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farmers</td>
<td>22</td>
<td>3</td>
<td>14</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Copa</td>
<td>19</td>
<td>Copa</td>
<td>12</td>
</tr>
<tr>
<td></td>
<td>CEJA\textsuperscript{20}</td>
<td>1</td>
<td>CEJA</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>CPE\textsuperscript{21}</td>
<td>2</td>
<td>CPE</td>
<td>1</td>
</tr>
<tr>
<td>Agricultural</td>
<td>8</td>
<td>1</td>
<td>Agricultural</td>
<td>3</td>
</tr>
<tr>
<td>cooperatives</td>
<td></td>
<td></td>
<td>cooperatives</td>
<td>1</td>
</tr>
<tr>
<td>(Cogeca\textsuperscript{22})</td>
<td></td>
<td></td>
<td>(Cogeca)</td>
<td></td>
</tr>
<tr>
<td>Traders</td>
<td>8</td>
<td>8</td>
<td>Traders</td>
<td>3</td>
</tr>
<tr>
<td>Industry</td>
<td>8</td>
<td>6</td>
<td>Industry</td>
<td>3</td>
</tr>
<tr>
<td>Workers</td>
<td>5</td>
<td>2</td>
<td>Workers</td>
<td>2</td>
</tr>
<tr>
<td>Consumers</td>
<td>5</td>
<td>4</td>
<td>Consumers</td>
<td>2</td>
</tr>
<tr>
<td>Other\textsuperscript{23}</td>
<td></td>
<td>4</td>
<td>Other</td>
<td>7</td>
</tr>
<tr>
<td>TOTAL</td>
<td>60</td>
<td>28</td>
<td>40</td>
<td>16</td>
</tr>
</tbody>
</table>

While the AACs are composed of diverse and sometimes opposing interests, balanced representation is compromised because the AACs are composed of a preponderance of representatives who are known to have a similar position or who have already formed an alliance for a common purpose. Indeed, Copa and Cogeca\textsuperscript{24}, two groups under the farmers and cooperatives categories respectively, have a strong alliance. Their secretariats merged in December 1962 and today comprise 50 plus staff. In addition, approximately 50 joint working groups and 300 other meetings are held.

\begin{itemize}
\item \textsuperscript{16} See note 7.
\item \textsuperscript{17} The Advisory Committee on the Common Agriculture Policy, the Advisory Committee on Rural Development and the Advisory Committee on Agriculture and the Environment are hereon referred to as AC1, AC8 and AC9 respectively.
\item \textsuperscript{18} Allocated via CD 98/235/EC.
\item \textsuperscript{19} Source: The database for Consultation, the European Commission and Civil Society (CONNECS). Date collected September 2003.
\item \textsuperscript{20} European Council of Young Farmers.
\item \textsuperscript{21} The European Farmers Coordination
\item \textsuperscript{22} General Confederation of Agricultural Co-operatives in the European Union.
\item \textsuperscript{23} Includes environment and animal welfare groups.
\item \textsuperscript{24} Copa was created in September 1958 and formed its Brussels secretariat in April 1959. Cogeca is Copa’s sister organization and was created in 1959.
\end{itemize}
between the groups each year. Indeed, “Cogeca’s lobbying work is carried out as a complement to Copa” (Cojea, 2005). Furthermore, Copa also has a strong association with the CEJA to the extent that the President of CEJA participates in Copa Presidium meetings and the two groups share policy positions on many issues.

AAC seats are unequally distributed among participating groups consequently members are not considered equal and this further compromises balanced representation. The like-minded interests of Copa-Cogeca and the CEJA occupy 47% of available seats (28 of 60) on AC1 and 40% (16 of 40) on AC9. This considerable seat share facilitates the dominance of farmer/producer interests in AAC meetings. All committee members may speak in meetings thus with a comparatively large number of delegates Copa and its sister organization Cogeca have a significantly greater proportion of speaking time in round-table discussions and capacity to expose their views to DG Agriculture than “consumer” or “other” category groups. Furthermore, it has become an unwritten AAC convention that the Chair systematically gives the floor first to Copa-Cogeca. Since AAC meetings are short the time accorded to each agenda point is limited. The further down the speaking order groups are situated, the more limited speaking-time is. Moreover, groups at the lower end of the informally established speaking order can experience a diminished audience: “there may be no one left in the room by the time the environment delegates speak” (personal communication, environment group committee member, September 11\textsuperscript{th}, 2003). In sum, the empirical investigation suggests that on these two counts, a balanced representation of interests in the AACs is lacking which signals a(n) (input) legitimacy deficit.

Do the AACs promote a process of deliberation?

Three principle features may be used to assess the AACs’ deliberative capacity and thus a further aspect of their (input) legitimacy: 1) Whether verbal deliberation (discussion and debate based on rational, technical arguments rather than bargaining) characterizes AAC meetings; 2) The level of trust between committee members; 3) Whether committee members interact regularly and iteratively.

Empirical investigation suggests the AAC meeting format is not conducive to verbal deliberation (Heard-Lauréote, 2005). The AAC Chair opens proceedings and agenda items are examined in turn. For each, the Commission begins by providing a short exposé. Thereafter the AAC Chair initiates a round-table of comments and reactions. Committee members invariably make and distribute photocopies of a series of pre-prepared statements, which adhere strictly to their organizations’ policy-line. Speakers directly address Commission officials, not other committee members while officials tend not to respond directly to comments. Discussion is thus limited, be it among individual committee members or socio-economic organizations and officials. Indeed, the AACs have been likened to the “Muppet Show” constituting nothing more than a “predictable piece of theatre” (personal communication, environment group committee member, September 11th, 2003). According to a consumer group committee member, AC9 is “a dialogue of the deaf” (personal communication, October 2nd, 2003) while a Commission official notes that often in these meetings traditional policy lines are “dusted off” and wheeled out again as a means to justify the reimbursement received for expenses (personal communication, December 10th, 2003).

If we accept Schmitter’s view that an institution’s “internal deliberation and decision-making processes…should, as much as possible…encourage… a general atmosphere of…mutual respect” (2001, p. 8), several factors converge which suggest the AACs are not conducive to creating trust between committee members. According to the latter, the rules enshrined in CD 98/235/EC facilitate the exclusion of sensitive issues from AAC agendas. Indeed, Article 11 stipulates, “The committees shall discuss the matters on which the Commission has requested an opinion.” AAC members contend the Commission only wants “to discuss those topics it controls” (personal communication, socio-economic group committee member, September 24th, 2003). AAC agenda items are therefore simply “bits of legislation”, which a) the Commission is vaguely considering proposing, b) have already been proposed or c) have already been decided well up-stream from the AAC meeting and are no longer susceptible to amendments. Consequently, “strategic debate” about mid or long-term policy directions is rare as is discussion of matters currently under internal consideration. As an example, one member asserts that the Commission tends to avoid
“such hot potatoes as the GMO\(^{26}\) one”, despite numerous attempts to insert it on the AC9 agenda. When it finally came up, “The Commission…said that it didn’t agree with that point on the agenda and therefore would be making no comment” (personal communication, socio-economic group committee member, September 24th, 2003). This sidelining of often-controversial issues is problematic. Where obstacles are erected which are seen to prevent certain members influencing the committee agenda-setting process, an atmosphere of opacity and secrecy is cultivated to the extent that some members claim the Commission simply ‘concocts’ the agenda with Copa, the dominant farming group, to exclude more sensitive agenda points tabled by environmental or consumer groups. This renders the establishment and cultivation of mutual trust problematic.

Meeting regularity may also provide clues about AAC deliberative capacity. The assumption here is that the repeated interaction of participating groups over a period of time rather than just once to solve a single common problem, may help them build a relationship of trust and mutual respect to facilitate deliberation (Schmitter, 2001, p. 5). Neuhold (2001, p. 7) found that regular meetings between committee members over a number of years can “partly enable them to come to a consensus rather quickly”. AAC meetings are however generally infrequent. Apart from stipulating the Commission shall convene each meeting (Article 9.1), CD 98/235/EC provides no indication of their optimum annual meeting frequency. According to CONNECS, AC1 meets “approximately” once per year while AC9 meets “approximately” twice per year, in sum, infrequently. Moreover, AACs suffer from postponements and/or cancellations of AAC meetings by DG Agriculture. According to many members, meetings are frequently cancelled approximately three weeks to one month prior to the scheduled date. Subsequently “we don’t know when the next committee meeting is going to be until a short time beforehand” (socio-economic group member, personal communication, September 24th, 2003). Indeed, 50% of AC8 meetings scheduled between April 2001 and November 2003 and one of three AC9 meetings scheduled between February 2001 and May 2003 were postponed. Such cancellations and postponements are problematic; they prevent regular and iterative interaction between committee members and thus compromise the AACs’ deliberative capacity. In sum,

\(^{26}\)Genetically Modified Organism.
based on an empirical assessment of the three features outlined, the AACs’ deliberative capacity is limited thus signalling a further deficit in these structures’ (input) legitimacy.

**Are the AACs credible?**

Here credibility, a further aspect of their (input) legitimacy, is understood as the expectation that an institution has the capacity to properly fulfil its assigned role and take the necessary action associated with the function it is entrusted with (Synder, 1999, p. 463 in Leino, 2000, p. 22). The argument advanced here is that to be credible, the AACs require a clear and constrained mandate (Schmitter, 2001, p. 7).

Rhinard posits, “The [broad] function of Commission advisory committees is to assist the Commission in forming arguments for action, developing solutions for existing problems, and maximizing support for legislation” (2002, p. 193). For the Commission, the AACs’ role is to a) “seek the views of the economic sectors and consumers” (CD 98/235/EC) b) ensure that “all economic sectors directly involved in the operation of the market organizations and affected by agricultural policy decisions, as well as consumers, have an opportunity to participate in drafting the opinions requested by the Commission” (CD 98/235/EC); and c) to reflect the Agenda 2000 priorities more clearly and improve the dialogue with the Community-scale socio-economic organizations²⁷ (European Commission, 2000, p. 5). In sum, the AACs seek views, involve interests and improve dialogue. However, no clear indication is given as to the rationale and process of fulfilling these roles i.e. for what purpose are socio-economic group views sought, interests involved and dialogue improved and how do these views get aggregated and actually feed into and influence DG Agriculture’s decision-making processes.

²⁷ It is important to note that with regard to the AACs, this paper defines socio-economic organisations in the same way as the European Commission (European Commission, 2000: 5). Socio-economic groups is therefore used as a generic term to designate all the economic, social and occupational groups participating in the AACs: agricultural producers, agricultural cooperatives, the agricultural and food-manufacturing industries, the agricultural products and foodstuffs trade, farm workers and workers in the food industry, consumers, environmentalists and animal welfare groups.
In other contexts, committee tasks, rationale and processes are commonly specified in *Terms of Reference* or *Rules of Procedure*. However as Rhinard recognises, “…Commission advisory committee procedures and functions are kept very informal. Rarely do ‘rules of procedure’ exist…” (2002, p. 194). He continues, “No rules restrict the creation, functioning, or decision procedures of advisory committees: they are born (and multiply) unrestrained by internal regulation and operate unrestricted by standard rules of procedure (Rhinard, 2002, p. 198-9). The AACs are no exception to this rule: “there are no separate rules of procedures for the advisory committees” (personal communication, DG Agriculture official, October 12th 2004). In their absence, CD 98/235/EC presumably constitutes an over-arching or collective mandate of all AACs. Their respective titles give minor distinctions in AAC roles. These delimit the sub-sector of European agricultural policy on which each focuses. AC1 covers horizontal CAP related matters while AC9 relates to environment related CAP issues, particularly agri-environment measures. This suggests that the breadth of issues susceptible to be raised in each is extremely broad: AC9 covers “anything from Kyoto, to GM crops, to the implementation of the Habitats Directive” and “anything in between” (personal communication, socio-economic group committee member, November 25th, 2003).

Members themselves disagree over AAC roles: over 30% consider them an information relay mechanism from the Commission to participating socio-economic groups; nearly 29% consider them a forum for discussion; approximately 27% consider them a Commission mechanism to fulfill its formal obligation to consult; while just under10% view them more cynically as a means for the Commission to facilitate internal meetings of Copa staff in Brussels. In sum, there is no common understanding of AAC roles among socio-economic organizations represented. This suggests their mandate is opaque and insufficiently de-limited and raises doubts regarding their credibility or capacity to fulfill an assigned role. AAC (output) legitimacy is thus further compromised.

*Do the AACs influence decision-making?*

When assessing AAC output legitimacy their contribution to policy outputs in terms of providing enhanced policy performance or influence on decision-making processes
must be assessed. The underlying assumption here is that committees created to ensure the participation and consultation of organised civil society groups can hardly be considered legitimate, if participant input has no ultimate influence on the decision-making process. To demonstrate this, a paper trail is necessary which will ensure proper audit and traceability, that is, it should be possible to check input received by DG Agriculture via consultation or dialogue against the final decisions made. The actual impact of consultations should be visible or feedback provided as to why input was not acted upon. Meeting records or minutes may partly or wholly fulfil this function. To assess their potential to influence therefore, AAC minutes provide important clues. These should be accurate, properly reflect the comments made in the meeting and be circulated quickly and efficiently to concerned parties.

An empirical assessment, however, reveals the actual partiality of AC9 minutes. Instead of “reflect(ing) the detail or tenor of discussion” (personal communication, environment group committee member, May 11th, 2003) they constitute either a) the Chair’s interpretation of events and thus reflect the view of one socio-economic group (the Chair is a usually a Copa member) or b) a summary of the information provided by the Commission (personal communications, environment, agriculture and consumer group members, September to December 2003).

Even more problematic, whereas in committee arrangements, it is common practice to agree the minutes of the previous meeting at the beginning of the next, in AC9 the minutes are rarely, if ever agreed from one meeting to the next:

> During my time on the committee…no minutes were actually formally ever approved…certainly in the period up to the beginning of 2001, no set of minutes of any of the meetings had ever been formally greed by the next meeting (personal communication, environment group ex-committee member, November 7th, 2003).

The committee could apparently “never agree” minutes because a) “they were so individual” and failed to incorporate and reflect the reality of the full range of delegate comments expressed and b) a significant amount of time may have elapsed since the previous meeting rendering it difficult to recall the exact content of
discussions. On attempting to agree the minutes at the next occasion, “to actually have gone through them would have taken the entire time of the meeting, so basically they were just sort of set aside” (personal communication, environment group ex-committee member, November 7th, 2003).

Furthermore, the dissemination of AAC meeting outcomes via the circulation of minutes is inefficient indeed CD 98/235/EC sets no deadline for this. As an illustration of late circulation, AC9 minutes dated 21st May 2003 state:

The minutes of the last meeting (October 2002) were not yet available since translation into the official languages could not be completed in time. Thus, the minutes of the meeting of 14.10.2002 must be approved at the meeting in autumn 2003.

A year between the meeting date and the approval of minutes is a long time. Being “prepared, or…circulated so late” means that “nobody would comment on” AAC minutes (personal communication, environment group ex-committee member, November 7th, 2003). “When you’re only meeting once every six months…it will be out of your mind” (personal communication, consumer group committee member, November 13th, 2003) and more often than not, “you had already forgotten what happened” at the previous meeting (personal communication, environment group ex-committee member, October 17th, 2003). In sum, AAC minutes are deemed inaccurate, an improper reflection of meeting content and inefficiently circulated and as such AAC influence on decision-making seems at best problematic and at worst impossible to establish. Consequently, these limitations signal a further deficit in AAC (output) legitimacy.

Are the AACs transparent?

Transparency is frequently used in European Community language to broadly signify openness in the working of the Community institutions and generally refers to ‘the

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28 This results from a) the extent of editing necessary by the Commission’s AAC secretariat and b) the lack of clarity in CD 98/235/EC as to whether minute circulation is the Chair or DG Agriculture’s responsibility.
activity of lifting the veil of secrecy’ (Davis, 1998, p. 121). The extent to which institutions are transparent is a central issue of output-legitimacy since both classical and contemporary theories of democracy are posited on the belief that secrecy is a menace to democracy (Curtin, 1998, p. 107 cited by Moser, 2001, p. 11). Consequently, opening up legislative and executive procedures is essential, indeed a pre-requisite for modern democratic policy making (Moser, 2001, p. 11) and is also crucial as a means to enhance public confidence (Curtin 1998, p. 107 cited by Moser, 2001, p. 12). While the notion of transparency arguably encapsulates much\textsuperscript{29}, the discussion here is limited to an empirical assessment of the level of institutional and public scrutiny allowed for under AAC statutes. Assessing the institutional scrutiny of AACs requires an examination of the power of oversight or control over AAC activities, procedures and outputs by the European Commission, Council of the European Union or European Parliament. It is posited that CD 98/235/EC actually foresees few mechanisms for ensuring this.

CD 98/235/EC provides for three potential but general routes of AAC scrutiny by the European Commission. Firstly, each AAC meeting should generate a ‘summary record’ (Article 6.2) via which Commission services outside DG Agriculture could oversee AAC activities and outputs. However, since AAC minutes are problematic,\textsuperscript{30} this scrutiny route is compromised. Secondly, where a committee is able to reach unanimous agreement on an opinion to be given about an agenda item, it can formulate joint conclusions and attach them to the AAC summary record (Article 11.1, CD 98/235/EC). However, neither AC1, 8 or 9 ‘actually adopted unanimous positions on issues’ during the 1998 to 2004 period and accordingly ‘the number of joint conclusions has been quite limited’ (Commission official, personal communication, December 19th, 2003). The divergent nature of interests represented, may render unanimous agreement among AAC members difficult. Thirdly, the views expressed on an AAC agenda item by participating socio-economic organizations may be included in a report forwarded to the Commission (Article 11.2, CD 98/235/EC). However, occasions where this has occurred are likewise scarce (Commission official, personal communication, December 19th, 2003).

\textsuperscript{29} Transparency arguably incorporates five major and sometimes overlapping constituent elements: openness of decision-making procedures; the simplification of texts and procedures; the availability or accessibility of information; public and institutional scrutiny and; feedback whereby institutions explain, give account for and provide reasons for the decisions or actions they take as part of their mandate (Heard-Lauréote, 2006).

\textsuperscript{30} See section relating to AAC influence on decision-making.
personal communication, December 19th, 2003). Clearly then, the three potential scrutiny mechanisms open to Commission services outside of DG Agriculture: AAC minutes, joint conclusions on unanimous agreements and socio-economic groups’ own reports, are all problematic.

Agriculture Council scrutiny over AACs is equally limited with CD 98/235/EC actually making provision for just one scrutiny mode: on condition that an AAC reaches unanimous agreement on the opinion to be given, and the AAC proposes to do so, the Commission should communicate the outcome of a committee’s discussions to the Council (Article 11.1, CD 98/235/EC). In reality, the exploitation of this sole Council scrutiny device is actually further constrained since the AACs’ suffer a limited capacity to reach unanimous agreement on opinions to be given with the request that they be forwarded to the Council (Commission official, personal communication, December 19th, 2003). In sum, the AACs’ apparent failure to reach unanimous opinions in the first place results in few opportunities to forward them to the Council.

Under the provisions outlined in CD 98/235/EC, the AACs are not subject to any direct European parliamentary inspection. Indeed, there is no requirement that the EP be informed of or sent a record of either agenda items, the outcome of discussions or meeting outputs. Actually, the unique source of indirect EP scrutiny is via the AACs’ budget allowance whereby it may completely obstruct committee management by blocking or cutting off budget allocations (Vos, 1997, p. 220). Although general action by the EP towards all Commission committees has been taken in this area in 1995 and 1998 (see Neuhold, 2001, p. 12), no specific budgetary scrutiny has ever been exercised by the EP with regard to the AACs. In sum, European institutional scrutiny is limited allowing DG Agriculture to instigate and control the AACs in relative secrecy in the absence of any external institutional inspection over committee activities.

There is further cause for concern given that public scrutiny of AAC activities and outputs is equally problematic. Indeed CD 98/235/EC foresees few mechanisms for such oversight and moreover a number of barriers are in place, which apparently actively prevent it. First, strict rules regulate AAC attendance: only committee
members, alternate members, Commission representatives and restricted invitees may attend committee meetings (Article 7, CD 98/235/EC). Moreover, AAC meetings take place en camera rendering AAC activities relatively unmonitored and secretive.

Second, unlike other advisory committees\textsuperscript{31}, the AACs are under no obligation to produce an annual report of their activities and outputs. Such a report would be an important means of oversight and ensure that these participatory structures justify their public funding allocation. Third, in contrast to the agendas and minutes of agricultural management and regulatory committees, which are published on the DG Agriculture Website\textsuperscript{32}, AAC agendas and summary records go unpublished despite the AACs being allocated a separate Web page\textsuperscript{33}. Public information on AAC processes and procedures is therefore scarce. Fourth, public information on detailed AAC membership is difficult to access. DG Agriculture’s Website refers only to the number of seats per category of socio-economic interest on each AAC. The CONNECS\textsuperscript{34} database records all nine AACs and 26 Standing Groups and provides some complementary membership details such as the names of the socio-economic organizations represented. Neither the DG Agriculture Website nor CONNECS provides the names of individual socio-economic group members participating in each AAC. Finally, as previously noted, the number of AAC opinions transmitted to the Council is low. Yet, even in cases where unanimous agreement on an opinion to be transmitted to the Council could occur, there is no mechanism in place to publish these. Each of these elements highlights the deficit in public access to information regarding committee functioning.

As the UK based National Consumer Council concludes, ‘The views and advice of the committees are available only to that Directorate-General (Agriculture), not to the Commission as a whole’ (2002, p. 8). In addition, it exercises almost exclusive authority regarding who should be included in AACs and when they should meet.

\textsuperscript{31} Such as the Advisory Committee for Safety, Hygiene and Health Protection at Work Which according to article 3 of its statutes, must produce an annual report on its activities, which the Commission forwards to the EP, the Council, the ESC and the Consultative Committee of the European Coal and Steel Committee (Smismans, 2001: 21).

\textsuperscript{32} http://www.europa.eu.int/comm/agriculture/index_en.htm

Follow links to ‘services’ and ‘agricultural committees’ to access the minutes of the weekly meetings of management committees (with archives dating back to 1997) and to a selection of minutes from the (approximately) monthly meetings of the regulatory committees.

\textsuperscript{33} http://www.europa.eu.int/comm/agriculture/consultations/adco/index_en.htm

\textsuperscript{34} The database for Consultation, the European Commission and Civil Society (CONECS) is part of the Commission’s commitment to provide better information about its consultation processes.
Indeed, the AACs are composed of socio-economic group members, which are appointed by DG Agriculture on a proposal from groups established at Community level (Article 4.1). Additionally, AACs depend on the initiative of the Commission, which convenes meetings (Article 9.1) and requests opinions on certain matters (Article 11.1). The AACs are thus operated in a virtual scrutiny vacuum in which their composition and operation depend entirely on DG Agriculture’s goodwill. “Therein lies the primary reason behind the failure of committee accountability: the average Commission committee is answerable to no one but the handful of officials directly responsible for-and reliant on-its operation” (Rhinard, 2002, p. 202).

4. Conclusions

Using the study of committee governance in the European agricultural policy sector as an analytical and empirical backdrop, this paper has sought to address the broad question of whether legitimacy and efficiency are compatible notions. In seeking to respond, the paper has explored three key elements in its opening sections.

Since the launch and early formation of the European integration project, the major priority has been efficiency and effectiveness. The integration by efficiency strategy known as the “Monnet Method”, elite-led gradualism or pragmatism, is a functionalist, incremental approach whose focus was clearly on effective and efficient policy-making and collective problem solving. Legitimacy was sidelined as secondary based on a view that the EU would be accepted on solely instrumental and technocratic grounds, that MSs would confer indirect legitimacy and that legitimacy could essentially be deferred.

Secondly, since the late 1980s, the question of the Union’s legitimation has advanced into the political foreground. This is largely because in today’s “new European order” (Baker, 2005, p. 2), the EU is perceived to be fledging into a supranational political system, polity or even “post-sovereign state” (Baker, 2005, p. 2) in its own right and must consequently display similar legitimation credentials as those normally expected of national level polities. Given today’s consensus on a democratic deficit, the EU has embarked, at least in its official discourse, on efforts to strengthen legitimacy.
The Commission has recently been attempting to make inroads into the reconciliation of legitimacy and efficiency via public administration and governance reforms. The latter comprise a substantial element of participative governance, which includes the direct and indirect representation of civil society, online consultations and increased citizen access routes to EU information. However, doubts have been raised in this paper as to whether increased access and participation equates with increased influence and therefore enhanced legitimacy. Arguably the former not only fail to achieve the latter, ultimately the former may also be detrimental to efficiency gains since more citizen involvement in decision-making – be it direct or indirect – increases the cost of political decisions in terms of collecting, filtering, aggregating and evaluating responses.

As a result of the exploration of the above areas, the paper’s second half has found that although it may be theoretically desirable for the European Commission to pursue efficiency and legitimacy in tandem as compatible and mutually conducive notions, via the public administration reform on the one hand and the European governance reforms on the other, the example of the AACs draws attention to the fact that there are significant tensions between the two notions. This tension has been highlighted through the paper’s response to the following questions: what is the potential or theoretical capacity of the AACs to improve EU system efficiency and effectiveness and what is the actual or practical capacity of the AACs to sustain adequate democratic credentials such as legitimacy?

On paper at least, Commission committees have the potential to contribute to increased efficiency and effectiveness gains in European agricultural decision-making, specifically the policy-shaping phase. This may occur via the provision of, knowledge and expertise, a context in which socialization, cultural learning and transnational networking may occur and an institutionalised access point to DG Agriculture for organised interests. In sum, the AACs potentially constitute a supranational arena promoting depoliticised and functionally specialised problem solving where members of organised civil society with expertise and knowledge can come together to help shape policy. In practice however, AACs raise doubts about their ability to respect the core democratic credential of legitimacy. The representation of interests is numerically imbalanced, the process of deliberation is hindered, their
role is opaque and consequently inaccurately fulfilled, they have a limited influence on decision-making and suffer a shortfall in transparency. Under these conditions, the question remains as to whether committees can really reconcile both the efficiency and legitimacy agendas.

Certainly, this paper’s empirical investigation signals that the AACs’ ability to positively respond to the two agendas is limited and consequently the reconciliation of the two notions presents itself as problematic. Indeed, all indications suggest that there is at least an improper balance between the two notions to the general disfavour of legitimacy and at worst the two notions are mutually obstructive as efforts to increase AAC legitimacy may result in losses in their efficiency. Any future reconciliation or tandem pursuit of efficiency and legitimacy in the AACs would certainly require substantial reforms to enhance their legitimacy and particularly their transparency. This could be achieved for example via:

- The online publication of AAC meeting dates, AAC agendas, draft proposals for discussion and AAC minutes;35
- Feedback from DG Agriculture on how AAC member comments impact upon Commission decision-making;
- An annual report to the EP with an evaluation of AAC activities and outputs;
- The online publication of a more comprehensive and readily accessible report of committee composition and details of the appointment process.

References


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35 As is currently the case for CAP management and regulatory committees.


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