Transnational Experts and the European Parliament: Shaping policies together?

A case study approach

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I. Transnational experts and the Brussels’ arena

An increasing number of think tanks, expert committees and advisory councils has become active in the context of the European Union’s decision-making process in the past years. Those bodies of expertise can be broadly clustered into three categories: Public think tanks linked to institutions, independent, privately owned think tanks and lobbyists. Looking into those categories first there exist the think tanks of the European Union: the Institute for Security Studies (ISS) in Paris, which functions as an agency of the European Union working on issues of the Common Foreign and Security Policy, being closely linked to the Council, and the Bureau of European Policy Advisors (BEPA) in Brussels, which is a decentralised Commission service, providing advice on a broad range of issues.

Second, many think tanks have been set up in European and non-European capitals, working on policy issues and future options for the development of the European Union. Whereas independent think tanks may here be defined as “formalized cooperations which aim at the organisation and creation of knowledge through the analysis and assessment of current developments, giving advice to political actors”¹, also the third group of lobbyists plays a special, but distinct expert role in the policy-making cycle. According to the European Commission, lobbying can be defined as “all activities carried out with the objective of influencing the policy formulation and decision-making processes of the European institutions.”² Lobbyists are especially involved in the process of drafting new proposals and thus in close contact with the European Commission, but also valuable sources of expertise and knowledge for the European Parliament within the first and second readings. Although the distinction between “experts” and “lobbyists” risks, especially with the Brussels’ customs of official and unofficial networking, often to be blurred, the intention of the two groups still is different: The difference between expertise and lobbying lies in the claim to authoritative knowledge by experts, whereas lobbyists refer to particular interests.

The three groups also have very different roles in the policy-making of the European Union, and their influence becomes visible from time to time: Thus for example the Bureau of European Policy Advisors played a major role in the drafting of the 1993 White Paper on Industrial Policy, and CEPS’ study on the Economic and Monetary Union contributed to the Delors Report.³ Nevertheless, it is often argued that the impact of experts is difficult to measure, as policy processes are complex and shaped by an overwhelming amount of information.⁴ The present attempt to trace advice requested by the European institutions marks consequently one possible way out of this dilemma: When expertise is requested for one specific objective it becomes possible to compare studies and briefings delivered to the decision-making bodies with the draft and final documents, and so to evaluate the effect that expert knowledge

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⁴ Ibid., p. 12.
may have on policy formulation. This also justifies the choice of the case study: The attempt is thereby to clearly depict mechanisms between expertise and policy-making at an example where linkages can be easily seen. The case study can hence only offer a first snapshot, which would have to be investigated more in depth then.

Adding to this effect on policy-making, experts also fulfil an important socialisation function between responsible officials in the European Commission or the European Parliament secretariat, academia and to a certain degree civil society. This is due to the fact that in theoretical terms expertise also represents one of the foundations of epistemic communities, which are “network[s] of professionals with recognized expertise and competence in a particular domain and with an authoritative claim to policy-relevant knowledge.” Epistemic communities thus provide a “social basis” of technocracy and especially enable a common understanding within the groups involved. Following this logic, the effect people belonging to the same epistemic community have on one another will be higher than that between actors of different communities.

Lastly, the differences between expertise and lobbyism referred to earlier also hint at those between “technocracy” and “politicisation”. Whereas technocracy is “a system of governance in which technically trained experts rule by virtue of their specialised knowledge and position in dominate political and economic institutions”, politicisation is “a process whereby the controversiality of joint decision making goes up.” Technocracy and politicisation are thus at two opposite ends of how a political systems performs. Making the link back to expertise and lobbyists, experts clearly mirror technocracy, whereas lobbyists by taking up particular interests refer to situations creating ‘winners’ and ‘losers’ and hence increase controversiality. This observation nevertheless does not mean that those poles cannot be reconciled and mutually exclude one another. At the same time it also states that especially for the case of the European Parliament which is meant to act as the politicising body of the European Union, the poles will have to be reconciled in case (a) an effect of expertise on decision-making is visible and if (b) the European Parliament is not to lose its democratically legitimating force.

This paper will focus on two questions: To what extent do expert communities through their work shape policies via the European Institutions, in this case via the European Parliament, and which implications does this have on the legitimacy of European decision-making? The first question will thereby focus more on the level of “actorness” of experts in decision-making, whereas the second question addresses a more abstract conceptual level. The theoretical foundation for doing this will be, in line with the already made underlying assumptions, sociological institutionalism, as it first of all leaves room for a broad understanding of institutions, but also for accounting of the influence of personal relations between policy-makers.

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8 The notion of winners and losers is also closely linked with Majone’s concept of the regulatory state, see Majone, Giandomenico, The European Community: An independent „fourth branch of government”? EUI Working Paper SPS No. 94/17, European University Institute, Florence 1993.
The above questions are relevant for several reasons. First of all, looking into the actors of policy-making helps clarifying the process and proceedings from an institutionalist point of view. Second, the relationship between the terms “technocracy”, “expertise”, “legitimacy” and “democracy” is a crucial one and often referred to in different contexts, but also with regard to the European Parliament. Those two points of relevance shall be looked at in more detail now.

II. Legitimacy, democracy and expertise – A contradiction in terms?

While drawing up the White Paper on Governance, a working group chaired by the then Director of DG ‘Science and Society’ of the European Commission, Rainer Gerold, and with the rapporteur Angela Liberatore, now Scientific Officer in Unit 3 of DG Research, ‘Governance and Ethics’, has provided a report on the topic of “Democratising Expertise and establishing scientific reference systems.” This working group parts from a definition of expertise which is much guided by the functions expertise fulfils: “Expertise covers a variety of forms of specialised knowledge possessed by a selected part of the population [...]. Expertise may be used to advise governments or the private sector and/or to contribute to public debate. [...] Specific examples can be found in relation to policy evaluation [...], the working of specialised agencies [...], the role of networks [...].” Expertise can thus for the political decision-making process fulfil two different functions, depending on the stage at which it enters the political process, and by whom it is requested: It can either function as a basis for formulating a proposal or amendment, functioning as pre-legitimizing force, or it can be used to justify a policy position which has already been taken as post-legitimizing instance. It may also contribute according to the working group’s report to establishing a link between political decisions and decision-making processes and the public debate, and consequently enhancing the understanding of positions taken, furthering democracy and legitimacy.

The concept of legitimacy is closely linked to the understanding which – if any – type of democracy is present. Democracy here may mean a “[...] regime or system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their representatives.” This is the understanding of a representative form of democracy, where elections form the binding mechanism between voters and the elected. If expertise is consequently not to contradict democracy it cannot interfere at the level of accountability, but needs to limit its role to provide guidance for action – an action for which decision-makers are responsible, not like in technocracies, experts.

Many theories and approaches have compared the European Union to systems of nation states and therefore argued that the necessary foundations for democratic and legitimate governance have not

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been yet laid. Moreover, the German Constitutional Court has stated in its Maastricht verdict that “there cannot be legitimate government outside the framework of democratically constituted nation-states.” Following this line of thinking, two remarks need to be made: First, in the following this text will not refer to government, but governance. This avoids the pitfall of comparing the European Union to nation states and applying the same criteria. Second, it will be assumed that a system will not be either legitimate or illegitimate, but may mirror different levels of legitimacy, and those to different degrees. Legitimacy may consequently be provided through alternative channels such as expertise, and the more forms of legitimacy are involved reinforcing their effects and not being in contradiction with one another, the more legitimate the European Union as a political system will be.

Sources of legitimacy

Weber’s classic definition finds three sources of legitimacy: rational-legal, traditional and charismatic. Expertise would fall into the category of rational-legal authority and thus serve as a legitimate source for power in the Weberian understanding. Legitimacy as understood by Weber is the additional element which provides a reliable basis for a given domination which is not “custom, personal advantage, purely affectual or ideal motives of solidarity.”

The most accountable form of legitimacy in political science is input legitimacy, or governance by the people. This form of legitimacy can be measured by five criteria:

- effective participation of the citizens
- voting equality at the decisive stage
- an enlightened understanding of the matters to be decided
- citizen control of the agenda
- inclusion of all adults subject to the binding collective decisions of the association

More concretely, “in the input dimension, ‘government by the people’ implies that collectively binding decisions should originate from the authentic expression of preferences of the constituency.” This form of legitimacy hence foresees a direct link between the decisions taken by the governing elites and the citizens that is a direct participation in the political activities. In this sense expertise may also be considered a form of input in the democratic system by abstracting citizens’ beliefs and translating them for the political actors, but in a technocratic form, whereas democratic legitimacy in a classic

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10 see Christiansen, Thomas, Legitimacy Dilemmas of Supranational Governance: The European Commission Between Accountability and Independence, EUI Working Paper RSC No. 97/74, Robert Schuman Centre, European University Institute, Badia Fiesolana, 1997, p. 10.
13 Ibid., p. 213.
sense claims for enlightened citizens who structure the composition and mechanisms of the political system according to their beliefs.

In the European Union where the democratic deficit is an often discussed feature, output legitimacy as another source of legitimacy is of utmost importance. Output legitimacy can be summed up as ‘governance for the people’, where the efficiency of the decisions made accounts for the legitimacy of the political system: “In the output dimension, ‘government for the people’ implies that collectively binding decisions should be effective in dealing with those problems that the members of the constituency cannot solve either individually, or through market interactions, or through voluntary cooperation.” It is here where expertise may become most relevant, namely in enhancing the efficiency of policy proposals and consequently contributing to an increased output legitimacy. Hence, expertise can, in both input and output legitimacy, be understood as one component contributing to another form of legitimacy, but does not constitute a form of legitimacy in its own right in case the demand for democratic legitimacy is put forward. The prerequisite therefore is however, that both democratic and technocratic forms of legitimacy are mutually reinforcing and not contradictory, and that input and output legitimacy do not neutralize their legitimizing effects: Thus, the question is underlying as to whether technocracy and democracy can co-exist, or whether one system excludes the other. This question becomes even more relevant when looking at the European Parliament, which acts as the only directly democratically legitimized body at the European level – here the contradiction of technocratic and democratic legitimacy in the shape of a trade-off would have serious consequences.

Is technocratic legitimacy possible?

Until now it has simply been assumed that technocratic legitimacy is possible. But is this really the case? Looking at the current discussion, five sources of legitimacy are identified for the European Union: International legitimacy, parliamentary legitimacy, technocratic legitimacy, legal legitimacy and corporate legitimacy. Technocratic legitimacy is present if the political process produces efficient solutions. In contrast to this, parliamentary legitimacy demands for an elected body having a major influence on decisions. Legal legitimacy finally may be explained by Weiler’s ‘formal legitimacy’: Whereas formal legitimacy refers to the fulfilling of legal requirements, social legitimacy has at its core the question to what extent exercise and allocation of powers are accepted by a wider public. For the purpose of this study the terms of international and corporate legitimacy may be set aside.

In these terms it is questionable whether there is a “ranking” of forms of legitimacy, in which parliamentary legitimacy would be rated to be the strongest, technocratic and legal legitimacy somewhere in the middle and corporate legitimacy the weakest. Here it will be argued that such a nuance of legitimacy will not depend on the type of legitimacy, but on the target group of a decision.

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16 Ibid., p. 3.
For the acceptance of distinct types of legitimacy it is to be regarded for which part of society a decision is especially relevant. This does not mean that legitimacy should be used differently depending on the context. Yet it serves as a justification for all different types of legitimacy and their different involvement in policy-making. For example, a decision on how to develop independent sources of energy will involve different groups: environment, nuclear power, industry, consumers, or governments that are, depending on their geostrategic situation, opting for one or another solution. Thus, in the political decision-making process, the ruling powers will try to please as many groups as possible. They will then decide who is most important for them, and will seek to adapt their communication strategy to convince them as much as possible: Thereby other arguments will for example be valid for environmental organisations than for industry, than for the broad public. So in the ends environmental groups and consumers might be convinced by parliamentary legitimacy, nuclear power and industry by technocratic legitimacy and governments by legal legitimacy. Also legitimacy cannot be thought without efficiency: A decision which is sought to be illegitimate will not be accepted widely and therefore perform badly. It is consequently also in the interest of those implementing political decisions that they are perceived by the direct addressees as legitimate.

In 1999 Claudio Radaelli published his article “The politics of the European Union: whither politics of expertise?” Radaelli here argues that expertise is operating in an increasingly politicised environment in the European Union, and that it is up to the European Union to find ways to balance politicization and technocracy. This in his way will decide whether the two items will become mutually reinforcing or an explosive mixture – and expertise, if wisely used, may help to create solutions for a positive resolution. Hence, it is the question to which side falls the meaning of expertise: Is it likely to provide the link between technocracy, legitimacy and democracy, or will it separate technocratic and democratically legitimate systems even further?

For the legitimacy provided by political expertise the following statements can be made: (1) Expertise falls in the category of technocratic legitimacy, thus accounting for output legitimacy. (2) The European Parliament’s role in the decision-making process is to provide for parliamentary legitimacy. (3) Technocratic legitimacy may not act depoliticising, as this would take away the effect of parliamentary democracy. (4) As legal legitimacy is assumed (otherwise the European Court of Justice would rule decisions void), those two forms added together will contribute to establishing formal, societal accepted legitimacy.

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20 Ibid., p. 771.
III. The role of expertise for the European Parliament

Policy-making and its methods belongs to the most studied areas of research on the European Union. Many different works feature around finding overarching themes on how policy-making in general works within the European institutions, especially after enlargement with a Union of 27 member states, and of looking into the single policy areas in more detail.\textsuperscript{21} Thereby one of the most applied structures is still David Easton’s model of the political system, identifying input in the form of demands and supports, output in the form of decision and actions and the political system as black box.\textsuperscript{22}

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What makes it difficult to assess the role of expertise in the European Union is the fact that expertise can enter in and possibly modify the direction of the political process at different stages of the political process:

- Before or while drafting a proposal from the side of the European Commission
- Before or during the readings in European Parliament and Council
- To a more limited degree within the context of the opinions of the Economic and Social Committee and/or the Committee of the Regions

Furthermore, expertise is considered “soft power”: “[...] Think tanks deal in ‘soft power’ – the term coined by Nye (2000) in shaping policy agendas, in challenging the language and terminology of public debate and in redefining the mental maps of policy-makers. These are subtle processes, the workings of which are harder to trace than the direct impact of hard political bargaining, but which sets the terms within which political bargaining is conducted in modern political systems.”\textsuperscript{23} So expertise may also interfere in shaping positions and mindsets of political actors; a process which is difficult to assess, especially when dealing with a large number of actors.

\textsuperscript{22} Easton David, A systems analysis of Political Life, New York 1965, p. 32.
Due to the limited role of the advisory committees, the Economic and Social Committee and the Committee of the Regions, in the political decision-making process, also the role of expertise for those institutions may be put aside for a moment. For the Council the process of injecting expertise is more relevant at the national level than in the European arena - in the formulation of policies and positions it is not transnational, but mostly national experts who play a key role. This is also mirrored by the fact that in the capitals think tanks and expert groups have arisen which advise governments on certain/selected subject areas, as for example the Berlin-based Stiftung Wissenschaft und Politik or the British think tank Chatham House.

The European Commission and the European Parliament in contrast to the above institutions have different demands for expertise. The European Commission is on the one hand in need of expertise especially when preparing a proposal, both in order to assess the feasibility, as well as the best “shape” of a policy. Consequently, detailed expertise is requested before and within the drafting of the proposal itself. These stages will also be where experts and lobbyists claim (and try to) exert most influence, as their specific knowledge is of utmost importance for the European institutions.

For the European Parliament, expertise is important with regard to its role in deciding on/ about proposals. The main difference here is yet not the stage, but the channel through which expertise enters, thus whether this is independent or party politically motivated expertise. Both of those areas of expertise will find different ways to enter the political system, and this at different stages, and with different effects. Coming back to the distinction made in the beginning, expertise again will symbolize technocracy, whereas party positions will mirror politicisation. As will be seen later on in the case study, technocratic expertise will enter by the draft report of the rapporteur, whereas the latter will be found in the amendments put forward by the political groups.

The European Parliament’s role in EU decision-making – Expansion of powers and expertise as two sides of the same coin

With the multiplication of policy areas covered by the European Union, political expertise has become increasingly crucial for the work of the European institutions. The need for expert knowledge concerns practically all institutions: As the decision-making process of co-decision has been extended and involves all institutions, detailed knowledge and expertise have become more and more relevant for the European institutions to have their say in European policies and to back up their positions. However, as staff capacity within the institutions is still limited, the need for external expertise has increased, making room for experts outside the established institutional structure. Thereby expertise from scientific communities and transnational networks has to fulfil two criteria in order to work as a

24 In fact it may be more useful to consider those institutions themselves as expert committees, influencing the decision-making by ‘soft power’, as their role foreseen by the treaties is rather limited.
catalyst for legitimacy in the European Parliament: It has to be independent, that is, to serve the "common interest" and it has to be representative that is not to be a single, not acknowledged opinion. Those two criteria form the basis for expertise in order to be referred to as "authoritative."

Expertise in the European Parliament is mostly drawn up in the context of the Directorates General of the European Parliament that are clustered into the areas of Internal and External Policies, and then subdivided into more narrow fields of policies. The number of administrative staff has, in line with the growing role of the Parliament in decision-making, been raised considerably in the past years, increasing from around 600 to now more than 5,000 staff members, in addition to around 550 political group officials.25

In general four sources of expertise for the European Parliament exist: Its committees that are composed of democratically elected Members of Parliament, party-biased expertise in the factions, expertise in the administration, thus the Directorates General, and advisory committees and external experts. External advisors may again be clustered into "ad-hoc experts" and "long-term experts". All those experts perform different roles which shall be looked at in the following. Finally, the case study will focus on the role of external experts in formulating policy proposals.

**Committees as Experts: Democratic and technocratic legitimacy reunited?**

As in every Parliament, also members of the European Parliament sit in committees according to their interests, knowledge and ‘standing’ within their faction. Membership in committees is regarding the number of seats for each faction allocated according to the d’Hondt key, based upon the strength of the faction in the European Parliament. This means that seats are distributed in proportion to the number of votes received, by maintaining the ratio of votes received to seats allocated as close as possible.26 Even more crucial is then within the factions the division of the different portfolios between the members of the faction. Research on this issue suggests, that committee seats are allocated according to partisan and national proportionality, and to personal interests and specialized knowledge, making committees homogeneous microcosms rather than representatives of the Parliament in plenary.27

Looking now more specifically at the profiles of Parliamentarians in the European Parliament’s Committee on Foreign Affairs (AFET) – the committee which serves also as example for the case study - , one finds the following data: AFET with its 86 members constitutes the biggest committee in the European Parliament, there of 36,05 % of the EPP-ED, 26,74 % of PES, 13,95 % of the ALDE Group and 5,81 % of the European Greens. In terms of national representation Germany is the most represented country with 12,79%, compared to 6,98% British and 5,81% French committee members.

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34.8% of the members come from new member countries, consequently 65.11% from old member states.

Evidence suggests that the AFET committee disposes of a distinct expertise, which can for example be seen in the high number of ex-ministers that are members of the committee. However, with regard to the overall acceptance, the expert position of committee members might within the European Parliament turn out to be rather problematic than helpful: “The result of this specialization and lack of representativeness is that policy is not reflective of the majority view of the Parliament and we frequently have to spend hours in Parliament voting to correct the committee report and proposed legislation.”28 This statement will gain importance the more specialised the committee is, e.g. with regard to the environment committee or the committee on industry, technology and research. Thus it will depend on how representative a committee report will be felt from the rest of the Parliamentarians, whether it will be accepted, amended or refused in the Plenary. This is thus a clear example of parliamentary legitimacy being stronger than technocratic legitimacy. Input from the democratic system such as voter preferences may therefore have stronger influence on the final policy decision than expert knowledge from MEPs.

*The political secretariats as experts: Between bias and independence*

All factions dispose of their secretariats which are divided into administrative staff and staff working on political issues. The latter are grouped according to the committees, but rather limited in terms of numbers: Usually no more than two people work on one committee, in smaller factions staff members may even have to assist to more than one committee.

The tasks of the secretariats of the factions are rather wide: They prepare the discussions within the group meetings, help in formulating a position before the Plenary, prepare background information and help to draw up whips in committees and plenary.29 The political secretariats may thus play a role in preparing reports etc., but their role will be limited as capacities are rather weak.

*The secretariat of the European Parliament: The link between politics and expertise?*

In her paper assessing the role of committees within the European Parliament Christine Neuhold suggests that “EP committees can draw on a growing pool of expertise. The EP Committee Secretariat is attributed great importance when it comes to supporting the rapporteur or draftsman of opinion in the performance of their task. By assisting the individual MEPs and the committees, the officials help increase the functional capacity of the EP. The committee staff not only provides scientific and

28 *ibid.*

technical information, but also gives advice on “political” issues. Of course, the extent to which the political actors themselves rely on the Secretariat’s input is at their discretion.”

The role of the secretariat of the European Parliament is set out in Rule 197 of the Rules of Procedure of the European Parliament. It is structured into the institutions of the Secretary General with the Secretary General’s office and the Legal Service, and the 10 Directorates General (Presidency, Internal Policies, External Policies, Communication, Personnel, Infrastructure and Logistics, Translation, Interpretation and Conferences, Finances and Innovation and Technological Support).

Looking closer at the role of the Directorates General dealing with the decision-making process, the Directorates General for Internal and for External Policies, their major task is the preparation of Committee meetings and the assistance of the rapporteurs. For every legislative proposal arriving from the European Commission the secretariat appoints a responsible administrator (whom the MEP can also influence). During then the whole process of dealing with a proposal from the European Commission the secretariat in general fulfils four tasks: It provides support to the rapporteur, prepares documents and acts as interface for receiving amendments, it provides both procedural and legal scrutiny and establishes interinstitutional contacts in the so-called trilogues between the Commission, the Council Secretariat and the Presidency and the European Parliament.

Table 2: Internal Organisation of the Directorate General for External Policies; Source: own graphic

The policy secretariat is a rather small body compared to its tasks. One administrator is responsible for three to four policy areas, e.g. in the example of AFET Administrator 1 for the geographic region of ENP South Maghreb, Gulf States, Africa, Budget, Administrator 2 for ENP South Mashrek, Middle East, Iraq etc. The administrative staff therefore has considerable expertise in the policy area they are dealing with, but due to time constraints only limited possibilities to develop in-depth expertise (Interview with EP administrator).

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31 Rule 197 reads: “[…] 2. The Secretary-General shall head a Secretariat the composition and organisation of which shall be determined by the Bureau. 3. The Bureau shall decide the establishment plan of the Secretariat and lay down regulations relating to the administrative and financial situation of officials and other servants. […]”

32 The above information is based on interviews and information available in the European Parliament’s “who is who”.
In-house staff in the policy secretariat may, just like external experts also draw up reports on issues under discussion. Still, this research is time-consuming and binds the resources of one or more administrators. This limited capacity is then the point, where external expertise becomes relevant for the European Parliament.

**External expertise and the EP: Mutually reinforcing?**

The European Parliament disposes of two types of external expertise: Stable, "long-term" experts, and "ad-hoc" experts.

The most relevant example of long-term experts is the ‘STOA’, the ‘Scientific Assessment Technology Policy Options’ service of the European Parliament. This institution, despite being an internal body of the European Parliament, has its work carried out by an external contractor. The committees of the European Parliament may request assessments from STOA which is located in the Directorate General of Internal Policies. STOA then reaches out to the European Parliamentary Technology Assessment (EPTA), which comprises of 13 national or regional members and five associates, all providing this kind of expertise to Parliaments. Funded in 1993 under the patronage of Enrique Baron Crespo, EPTA here is constructed as “an aid to the democratic control of scientific and technological innovations, and was pioneered in the 1970s by the Office of Technology Assessment (OTA) of the US Congress.”

Still, external Research may ad hoc be also commanded via the European Parliament’s Policy Departments at the request of committees or other political bodies. This then means that a call for tender is launched, either for a single contract on a specific study which usually is more complex and in line with a priority area of the European Parliament or the Presidency to come, or for a framework contract which enables the European Parliament to request studies more timely on salient issues at stake. Thus for expertise drawn up to advise the rapporteur or committees in general, the MEPs can rely upon expertise coming either from internal administrators or external experts.

Whereas in the previous legislative terms the demand for expertise has been rather small and balanced between expertise by internal and external experts, request for external expertise have skyrocketed in the last legislative period. Especially a move can be witnessed from broad in-depth studies to shorter, more concise briefing areas on single subject areas:

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Table 3: Studies requested by the European Parliament’s AFET committee 1994-2009; Source: own graphic based on data available at the European Parliament’s website

For this fact a couple of explanations may be offered: First, the European Parliament’s ambitions to become an active player in the area of foreign policy constitute one possible explanation. The period of 2004-2009 falls into the time of the crisis of ratification of the Constitutional Treaty, and the negotiations on the Treaty of Lisbon. After the Treaty of Nice had already enhanced the use of co-decision making, but still not made this the proper decision-making mode for the area of foreign policy, the European Parliament by well-founded positions will want to increase its institutional say on those policy areas. Second, the European Parliament has in the past years considerably stepped up its budget for external studies. In 2008 for example a total of 92 708 820 € has been spent on studies, dissemination etc. Compared to this, in 2003 only 37 948 000 € were spent. Lastly, also policy style of the chairperson of the committee might be influential. With Jacek Saryusz-Wolski a rather academically oriented chairperson has taken the lead in the AFET committee, whereas Elmar Brok as previous chairman was rather relying on political expertise.

Internal expertise of the Parliament secretariat may thus be complemented with external expertise to increase technocratic legitimacy in the search of efficient policy-solutions. Parliamentary legitimacy is then brought in at a later stage when studies have been contributing to reports, which are then amended and voted first in the committee and later in the plenary.

Thus, if the process of involving external expertise contributes to enhancing legitimacy in the overall decision-making process, two criteria would have to be fulfilled: First, technocratic legitimacy will have to be used as measure to enhance output legitimacy and thus the efficiency of policy proposals, but to complement and not replace parliamentary legitimacy. Thus for the overall legitimacy of European decisions it would be necessary that the European Parliament rather uses technocratic expertise for background knowledge or to increase its bargaining power vis-à-vis the Council, but continues to politicise the process and not to complement technocratic expertise from the European Commission with technocratic expertise from experts working for the European Parliament. The tension is thus
between the lack of a transeuropean debate on politically salient questions being replaced by expert knowledge.\textsuperscript{34}

The question is thus whether this tension is solved in a way which enhances politicisation by giving the Parliament stronger arguments and basis for the formulation of its policy proposals, or whether expertise replaces political debate and is just adopted. Or, to put it with other words: It needs to be questioned whether “such arrangements [involving external expertise] mobilize ‘democratic legitimacy’ originating from the influence of the Council and the Parliament and at the same time ‘technocratic legitimacy’ that depends on rational expert deliberation.”\textsuperscript{35} Still, “deliberation creates a specific form of non-majoritarian legitimacy that is based on persuasion and the exchange of convincing arguments.”\textsuperscript{36}

The case study shall thus look into one example on how expertise is used by the Foreign Affairs committee.

IV. A case study approach to the EP: The European Neighbourhood Policy Instrument

In 2008 the European Parliament’s AFET committee requested a series of briefings and studies on the European Neighbourhood Policy Instrument (ENPI), an area in which the European Parliament traditionally has only few competences. The briefings consisted of country studies, analyzing the EU’s external assistance to the individual countries with a particular emphasis given to the implementation of the Action Plan priorities and relevant financial instruments in the framework of the European Neighbourhood Policy. All briefings were conducted by teams of transnational experts for the countries.

This case study will by process-tracing analyse the process of drawing up the briefings and their way through the European institutions. It will examine, in how far the recommendations given by the experts have been taken up by the rapporteurs and the AFET-committee and been put forward through parliamentary motions to the European Commission.

First of all, remarkable from a policy point of view is the single country approach which the European Parliament has taken towards the countries covered by the ENPI with regard to requesting expertise, whereas the final report only in one section refers to “Country and region-specific remarks.” Thus the task was for the rapporteur Konrad Szymanski, a Polish member of the Union of European Nations group, to bring the 17 single country reports into one coherent framework. The outcome was then the “Report on the review of the European Neighbourhood and Partnership Instrument”\textsuperscript{37}, which was voted in the Committee of Foreign Affairs on 28 January 2009 and in the European Parliament on 19 February 2009. Like most of the reports of the Foreign Affairs Committee this report is, due to the lack

\textsuperscript{34} Kohler Koch, Beate, ‘Organized Interests in the EC and the European Parliament’, in: \textit{European Integration Online Papers} Vol. 1 No. 9 1997, p.3.


\textsuperscript{36} Ibid., p. 1001.

of competences in the field of foreign affairs, an own-initiative report, based on Article 192 of the Nice Treaty.\footnote{Article 192 reads: “The European Parliament may, acting by a majority of its Members, request the Commission to submit any appropriate proposal on matters on which it considers that a Community act is required for the purpose of implementing this Treaty.”}

As member of one of the smaller groups, the Union of European Nations has only 7 people working on the whole area of Human Rights and Security. Hypothesizing that especially in small groups with few staff reliance on the policy secretariat and thus external experts will be high; this leads to the expectation that rather much advice will be transferred from the briefing papers into the draft report.

The evidence found supports the assumption that reliance on expertise is rather high. In general, the report is in line with the proposals of the experts, although it is kept rather broad and does not go into detailed proposals on how to improve the ENPI, delineating which measures would be suitable for the specific countries. Thus astonishingly, besides Belarus and Russia, no other particular countries are referred to, whereas country studies have been drawn up for all ENP countries. Striking is furthermore the emphasis on the Eastern dimension of ENP, which is much more elaborated upon than with regard to the South. The Union for the Mediterranean and the Eastern Partnership furthermore are mentioned, but only general recommendations given.

Expertise is most important at the stage of preparing the draft report, thus as background information for the rapporteur. This statement in this case proofs to be right as can be made clear at a number of examples, where even the wording of the briefings drawn up on the topic has only slightly been changed and incorporated into the report:

- Most visible is this fact concerning the “Report on the review of the European Neighbourhood and Partnership Instrument” with regard to Russia: Here the report suggests that “the EU should strive for greater Russian cooperation in identifying clear financial cooperation priorities, which would lead to better planning and multi-annual programming of aid; […] increased joint ownership of projects identified for funding.”\footnote{Committee on Foreign Affairs, Draft Report on the review of the European Neighbourhood Policy Instrument, 2008/2236 (INI), 20 November 2008, p. 6.} In line with this, the analysis of the EU’s assistance to Russia reads: “With regard to the programming and implementation of EU assistance, the EU should strive for greater Russian cooperation in identifying clear priorities of financial cooperation which would lead to better planning and multi-annual programming of aid; […] take measures to increase joint ownership of projects identified for funding.”\footnote{European Parliament, Directorate General External Policies of the Union, Implementation of the ENPI : Analysis of the EU’s Assistance to Russia (authors Piret Ehin; Matjaz Nahtigal), Brussels 2008, p.2.}

- A similar examples can be witnessed with regard to the recommendation for the facilitation of funding, the report stating that “the procedures and timeframes remain burdensome for civil society organisations”\footnote{Committee on Foreign Affairs, Draft Report, p. 6}, the report on Ukraine stating that “The EU should be more active in
the sphere of promoting civil society. [...] Procedures for the approval of grants should be simplified.\footnote{European Parliament, Directorate General External Policies of the Union, Analysis of the EU’s Assistance to Ukraine (authors Zsuzsa Ludvig, Michal Koran; Tamás Szemler), Brussels 2008, p.4} This is also true for the general remark to “further develop mechanisms for consultation with civil society, in order to better involve them in the design and monitoring of the implementation of the ENPI and of the national reform programmes.”\footnote{Committee on Foreign Affairs, \textit{Draft Report}, p. 4.} This wording can also be similarly found in the report on Ukraine.\footnote{Committee on Foreign Affairs, \textit{Analysis of the EU’s Assistance to Ukraine}, p.4}

- With regard to visibility, the Draft report states that “Visibility of the Community assistance should be increased through targeted communication with stakeholders and the general public.”\footnote{Committee on Foreign Affairs, \textit{Draft Report}, p. 4.} One of the briefing papers, namely that on Georgia here suggests that “The visibility of the ENP and of Community assistance should be further increased, while avoiding the development of a negative public image associating Europeanization with top-down reforms and executive dominance. This can be done through enhanced communication with the stakeholders and the general public.”\footnote{Committee on Foreign Affairs, \textit{Draft Report on the review of the ‘European Neighbourhood Policy Instrument’ 2008/2236 (INI), Amendments 1-68, 18 December 2008, Amendment 35.}

All those examples highlight that there is in fact a direct link between the expertise given to the Committee on Foreign Affairs and requested by the policy secretariat, and the report drawn up by the rapporteur. Then, at a second stage, the draft report is submitted to the Committee on Foreign Affairs for its final vote, before proceeding to the plenary for the adoption by the European Parliament.

Looking at the amendments put forward by the committee members and by other committees - in this case the committees on budget, development and regional development - it becomes clear that the draft report is mostly modified in a way which adds news points and modifies existing ones, but not deletes them fully. This means that once an issue has been incorporated in a motion, also the chance has been high that this will remain in the report.

Now, referring to the theoretical framework elaborated before, one can state that the process of drafting a proposal constitutes the technocratic part of decision-making, whereas by amending the existing draft report the political groups are able to give their own input into the issues under discussion. In this case, most of the amendments have been dealing with adding items which the European Parliament in the past has been continuously emphasizing. Those are for example the transparency of payments\footnote{Committee on Foreign Affairs, \textit{Draft Report, Amendments 1-68, Amendments 49 and 50.}}, regional cooperation and conflict resolution.\footnote{Examples for this are amendment 5, “whereas, as a result of the 2006 reform of external assistance instruments, the European Parliament gained greater control over the implementation of Community assistance,” Amendment 13, „calls on the Council to develop in conjunction with the Parliament a flexible and transparent instrument for information in this field and to forward promptly to the Parliament the minutes of the decisions adopted in this field. “} Furthermore the Committee on Foreign Affairs voted especially positive on amendments which enhance the institutional say of the European Parliament in the review of instruments of external affairs.\footnote{Committee on Foreign Affairs, \textit{Draft Report, Amendments 1-68, Amendments 49 and 50.}} Thus the report has two
dimensions: A policy dimension which is on the one hand based on external expertise, but also to a high extent on previous positions taken by the European Parliament and the party groups, and an institutional dimension in trying to further the rights of the European Parliament with regard to external affairs. This last dimension is not captured by external advice at all, although the Parliament in general tries to stress the relevance of the parliamentary dimension in relations between different countries. Still, with regard to the policy dimension amendments are, although being put forward mostly by members of one political group, rather limited to changing wordings and not able to politicise the debate. Thus although the possibility exists to politicise a report after being drawn up, the debate in this case remains rather on questions of wording and precision than on politically vital issues.

Again, with regard to the motion put forward to the final vote by the European Parliament, the report submitted to the Plenary has not been amended any more. This may be justified by the issue being not subject of ideological conflicts between the party groups, so that the report once drawn up would incorporate for the most part the views of the Parliamentarians without the need for changes.

V. Conclusion

From the present exercise two conclusions can be drawn: First, expertise has in the past legislative period played an increasingly important role for the committees of the European Parliament in giving background information and contributing to the preparation of policy proposals. Second, by the process of first basing a draft report to some extent on external expertise and then amending it in the committee as well as putting it to vote in the Plenary it is ensured that technocratic expertise will not overrule parliamentary legitimacy. The last say stays always with the political groups and individual MEPs who can alter the draft report according to their beliefs.

Astonishing is the fact that in some cases even the exact wording of the expert briefings has been taken over. However, more case studies would have to be conducted in order to look into the process of incorporating research in political decisions. Those should pay attention to two facts: First, the subject areas covered need to be broadened. The area of foreign affairs is specific in so far as the European Parliament is only striving for rights here and so needs to proof its capacity to deal efficiently with matters of foreign affairs and deep knowledge. Case studies should cover areas in which the Parliament is associated via co-decision, especially those in which the European Union has exclusive competences such as fisheries and trade. Second, those should be contrasted with areas that are remote from the European sphere but classic areas of activity of the European Parliament such as education and culture, and those in which the European Parliaments claims rights, like foreign affairs and justice and home affairs.

Second, those case studies should be conducted in a way which allows to follow whether those parts that are based on expert advice are those which have also been taken over by the Council or incorporated in the proposal by the European Commission. These findings would then give evidence whether the use of expert knowledge increases the bargaining power of the European Parliament vis-à-vis other European institutions. Thirdly, a balance of rapporteurs from different factions needs to be
ensured. As stated earlier it might be hypothesized that factions with a smaller political secretariat or also less experienced MEPs may rely more on expert knowledge than those having access to a bigger apparatus or long-lasting experience.

Another avenue of research would finally have to look into the role of expertise in the form of requested studies for the European Commission. Putting together those research findings would enable to better assess the role external experts play for the European institutions and their impact on European decision-making.

As has been shown, expertise is neither in the position to remove or to add parliamentary legitimacy. Technocratic expertise can only be one component of the political process, but will not replace the democratic stance of institutions. Hence, whether or not the process of European decision-making will be politicised will mostly depend on the activities of the political parties. Expertise nevertheless may add in terms of output legitimacy. Wisely used together, those two forms of legitimacy will consequently contribute largely to ‘good governance’ in the European Union.
VI. Bibliography


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