The evolution of organizational autonomy of European Regulatory Networks

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Abstract

In the multilevel Administrative System of the European Union, the deliberation, consultation, and exchange of best practices on EU-wide policies is conducted through networks of national regulatory authorities. These European Regulatory Networks (ERNs) take an intermediate position between National Regulatory Agencies (NRAs) and the main European Institutions. Using the recently formulated Orchestration Theory, this study examines the evolution of the organizational autonomy of ERNs through the comparison of a multidimensional construct of formal and actual autonomy. Furthermore five explanatory hypotheses are tested. The study includes four ERNs as units of analysis: CEER, EPRA, BEREC, and the ERGP. In all, it is found that the organizational autonomy of ERNs evolves to a modest extent. Furthermore, three out of five explanatory variables were corroborated. ERN network centrality, lack of ex ante controls, and the ERN's network importance are related to higher levels of organizational development. The role of executives' entrepreneurial behavior remained inconclusive and is open to further research.

Table of Contents

1. Introduction 9

1.1 Embedment in academic literature 9

1.2 Research problem and question 11

1.3 Scientific and social relevance 12

1.4 Outline of the thesis 13

2.1 Indirect governance 15

2.2 The Principal-Agent approach 16

2.3 Orchestration 18

2.4 Organizational Autonomy 20

2.5 Explaining the evolution of ERN's organizational autonomy 22

3. Methodology 27

3.1 Operational framework 29

3.1.1 Formal organizational autonomy 29

3.1.2 Actual organizational autonomy 32

3.1.3 Independent variables 35

3.2 The research design 39

3.2.1 Unobtrusive desk research with multiple (holistic) cases 39

3.2.2 Sources of data 41

3.2.3 Methods of data gathering and analysis 42

3.3 Reliability and validity 45

3.3.1 Reliability 45

3.3.2 Validity 47

3.4 The case selection 51

3.4.1 The number of cases 51

3.4.2 Case-selection criteria 52

3.4.3 The selection of cases 52

3.4.4 The (un)availability of primary sources 54

Case studies 55

4.1 The Council of European Energy Regulators 57

4.1.1 The founding and internal organization of CEER 57

4.1.2 The formal organizational autonomy of CEER 59

4.1.3 The actual organizational autonomy of CEER 60
4.1.4 Evolution of CEER's organizational autonomy 63
4.1.5 The independent variables for CEER 65
4.2 The European Platform of Regulatory Authorities 71
4.2.1 The founding and internal organization of EPRA 71
4.2.2 The formal organizational autonomy of EPRA 73
4.2.3 The actual organizational autonomy of EPRA 74
4.2.4 Evolution of EPRA's organizational autonomy 76
4.2.5 The Independent variables for EPRA 78
4.3 The Body of European Regulators for Electronic Communications 83
4.3.1 The founding and internal organization of BEREC 83
4.3.2 The formal organizational autonomy of BEREC 85
4.3.3 The actual organizational autonomy of BEREC 88
4.3.4 Evolution of BEREC's organizational autonomy 92
4.3.5 The independent variables for BEREC 94
4.4 The European Regulators Group for Postal Services 101
4.4.1 The establishment and internal organization of the ERGP 101
4.4.2 The formal organizational autonomy of the ERGP 104
4.4.3 The actual organizational autonomy of the ERGP 105
4.4.4 Evolution of ERGP's organizational autonomy 107
4.4.5 The independent variables for ERGP 108
4.5 The aggregated evidence of the case studies 113
4.5.1 The evolution of organizational autonomy 113
4.5.2 Independent variables 116
4.5.3 Conclusion 119
5. Conclusion 121
6. Discussion 125
6.1 Reflection on theory 125
6.2 Reflection on the research design 127
6.3 Reflection of results 129
6.4 Recommendations 130
References: 135

Table of Tables

Table 1: List of hypotheses 25
Table 2: Operationalization of formal autonomy 31
Table 3: Operationalization of actual autonomy 34
Table 4: Operationzalization of the independent variables 38
Table 5: Sources of data 42
Table 6: Case selection matrix 54
Table 7: Comparative table CEER's organizational autonomy 64
Table 8: Results on the independent variables in the case of CEER 70
Table 9: Comparative table EPRA's organizational autonomy 77
Table 10: Results on the independent variables in the case of the ERGP 82
Table 11: Comparative table BEREC's organizational autonomy 92
Table 12: Comparative table BEREC Office's organizational autonomy 93
Table 13: Results on the independent variables in the case of the BEREC 100
Table 14: Comparative table of ERGP's organizational autonomy 107
Table 15: Results on the independent variables in the case of ERGP 112
Table 16: Aggregated results on the differences between formal and actual organizational autonomy 114
Table 17: Results on the independent variables 116
Table 18: Table of hypotheses' results 124

Table of Figures

Figure 1: Indirect governance through orchestration 20
Figure 2: The organization chart of the Council of European Energy Regulators 59
Figure 3: Public consultation results on annual work programmes CEER 67
Figure 4: The organization chart of the European Platform of Regulatory Authorities 72
Figure 5: The organization chard of the Body of European Regulators for Electronic Communications 85
Figure 6: BEREC annual revenues 89
Figure 7: BEREC annual job growth 91
Figure 8: The organization chart of the European Regulators Group for Postal Services 103

1. Introduction

In the European Administrative System, European Union (EU) wide networks of national regulatory authorities (NRAs) play an important role in the coordination and implementation of EU rules and regulations. Since the signing of the Single European Act in 1986 and the Maastricht Treaty in 1992, the integration of European states into a single community intensified. The intensification of European integration signified the emergence of a new compounded executive order in the EU, incorporating various supranational, national, and sub-national organizations (Grande & McCowan, 2015; Trondal, 2010). In this compound order, governance and administration is fragmented over the EU member states and takes place in various different regulatory structures (Levi-Faur, 2010, p. 2). A central role in the formulation, deliberation, and implementation of EU public rules and regulations is played by transnational networks of national regulators; known as European Regulatory Networks (ERNs). They are the main governance instrument to facilitate the deliberation on rules and regulations at the intermediate EU-member state level (Blauberger & Rittberger, 2015, p. 39). They facilitate policy coordination amongst national regulators, stimulate harmonized implementation, and provide sector specific expertise and information to the European Commission by developing best practices and establishing standards, norms, and guidelines (Maggetti & Gilardi, 2011, p. 830).

1.1 Embedment in academic literature

The rise of ERNs is indicative for the development of a multi-level European Administrative System (Egeberg & Trondal, 2009; Trondal, 2010, Bauer & Trondal, 2015), also known as the European Regulatory Space (Coen & Thacher, 2008; Levi-Faur, 2011). According to this literature, a multi-level European administration emerges through the incorporation of various parts of national administrations (Ongaro, Barbieri, Bellé & Fedele, 2013, p. 407). This process produces a new transnational European compound executive order (Trondal, 2010). According to Bauer and Trondal

(2015, pp. 10-11) scholarship on the emergence of an European Administrative System is divided into two strands: political-science-based literature that focuses on the theoretical conceptualization of multilevel governance in general, and public-administration-based literature that focuses on understanding the EU as a multilevel administrative system.

The public-administration-based literature can be used to widen our understanding of ERNs. Trondal and Peters (2013) argue that the European Administrative System can be understood as the process of the institutionalization of a common EU administrative capacity. This interpretation centers on the convergence of national administrative systems and policies around shared forms and institutions. In contrast to the convergence model, a more recent strand of literature focuses on the emergence of new patterns of integration. According to Hofmann and Turk (2006), the European Administrative System is a multilevel and nested, though sometimes loosely coupled, network administration, where various institutions at different levels of government "*are linked together in the performance of administrative tasks*" (Hofmann & Turk, 2006, p. 583). These networks constitute new patterns of integration in the European Administrative System. The functioning of the multi-level European Administrative System can be understood by studying the administrative governance within and amongst its various actors and institutions (Bauer & Trondal, 2015, p. 7). Administrative governance indicates the relationships of authority and power within and among government institutions and encompasses "*the multidimensional set of decision-making processes, behavioral patterns, and accountability practices taking place within and among government institutions and between politico-administrative actors and societal groups at any time*" (Bauer & Trondal, 2015, p. 8).

In the context of the European Administrative System, the multilevel structure of administrative governance indicates the emergence of new administrative mechanisms that interlink national institutions with EU-level policymaking. Importantly, this multi-level structure lays bare the incongruence between the policy competences of the EU and its institutional powers. Despite the perceived need for harmonized and unified EU-wide rules and regulations, national and sub-national governments continue their hold on crucial regulatory power and political resources to establish,

implement, and enact such rules and regulations (Bauer & Trondal, 2015). EU-level policymakers depend on national level regulatory powers and political resources to make policies. To overcome these challenges of policy incongruence, transnational policy networks within the European Administrative System bring together national- and EU-level policymaking actors, institutions, and resources. As such, networks comprised of NRAs are embedded in EU-level policy making, combining supranational coordination and national policy authority (Eberlein & Newman, 2008, p. 26). ERNs are regarded as the fundamental layer in a multi-level political system of the EU (Danielsen & Yesilkagit, 2014; Maggetti & Gilardi, 2011).

1.2 Research problem and question

As argued above, ERNs play an important role in the European Administrative System and the rise of a EU executive order. But, as has been the case with the emergence of EU agencies, the question on who controls the ERNs and to whom ERNs are accountable is unclear. To answer this question, the organizational autonomy of these institutions has to be studied (Danielsen & Yesilkagit, 2014, Wonka & Rittberger, 2010). Furthermore, after their establishment, organizations tend to transform and develop their working procedures, tasks, objectives and operations over time (Verhoest, Peters, Bouckaert, Verschuere, 2004, pp. 111-114, Groenleer, 2009, p. 30-32). Not only is it unclear to whom ERNs are accountable, but also to which extend they have evolved beyond the mandate by which they were instituted. The goal of this study is twofold: first to explore the phenomena of ERNs, and second to explore whether the actual organizational autonomy has exceeded the formal organizational autonomy of ERNs. In order to do so, the following research question has been formulated:

> *To what extent has actual organizational autonomy of European Regulatory Networks exceeded formal organizational autonomy, and how can that be explained?*

To answer this question, an unobtrusive desk research of four ERNs has been conducted. First, the formal and actual autonomy of the selected ERNs is compared in order to derive inferences on the question whether actual organizational autonomy exceeds formal organizational autonomy. Second five explanations for differences between formal and actual organizational autonomy have been formulated and transposed into independent variables. These variables are also determined and tested.

1.3 Scientific and social relevance

A reflection on the scientific and social relevance of the study helps determine the degree to which the knowledge acquired contributes to the existing body of knowledge and the extent to which it contributes to the solution of social problems and questions.

The contribution of this study to the literature on the development of a multi-level European Administrative System is the analysis of the organizational autonomy of ERNs. Though increasingly more studies are conducted to the establishment and role of ERNs, they remain understudied (Levi-Faur, 2011; Coen & Thacher, 2008; Maggetti & Gilardi, 2011). Despite the important role of ERNs in the formulation and implementation of EU rules and regulations, they are often not included into EU studies or analysis by political or public administration scientists. In addition, though some research papers have been published in which the autonomy of a single ERN is examined (Yesilkagit, 2010), comparative analyses of their organizational autonomy are lacking. The field of the organizational autonomy of EU institutions is dominated by studies of the central Community institutions (Commission, Council, and European Parliament) and the emergence of EU agencies. Finally, as the theoretical framework will reveal, this studied employs a new, original theory to theorize about ERNs. In all, this study contributes to our understanding on an understudied, though important part of the development of a multi-level European Administrative System.

The social relevance of this study is limited. As a theoretical master's thesis, its use remains limited to its purpose in the master programme Comparative Politics, Administration, and Society of

the Radboud University Nijmegen. However, the study also engages in the societal discussion on the effectiveness and accountability of the EU. Currently, the project of European Integration appears to be under strain by popular discontent. In addition to major political crises that appear to demonstrate the ineffectiveness of the EU, like the Sovereign Debt Crisis of 2009, the refugee crisis, and most recently the 'Brexit' vote, popular bewilderment on how the EU works and operates seems to feed this popular discontent. This study can make a small contribution in explaining how rules and regulations are made and applied in the EU.

1.4 Outline of the thesis

In the second chapter of this study the theoretical approach is put forth. In addition to providing the theoretical foundations for the research, five hypotheses are formulated as possible explanations for the evolution of organizational autonomy. In the third chapter the methodological approach is explained. This chapter includes the operationalization of the research variables, the research design, a reflection on the design's validity and reliability, and the (method of) case selection. Chapter 4 presents the results of the four independent case studies. The formal autonomy, actual autonomy, and the inferences on the independent variables in the four selected cases are investigated and presented. The four cases are studied separately and in the last section of the chapter the separate cases are brought together in order to make the inferences on the research question. In Chapter 5, the conclusion of the study, the research questions are answered and the hypotheses assessed. In the final chapter, the Discussion, a reflection on the theory, the research design, and the results is presented. Special attention is paid to the validity of the methods employed. The final part of the Discussion includes five recommendations: two for practitioners and three for researchers. But first, the theoretical framework.

2. Theoretical framework

In the following section, the theoretical framework of this thesis research is outlined. The theoretical approach that is used is Orchestration Theory as defined by Abbott, Genschel, Snidal and Zangl (2015b). First of all, the most dominant theoretical approach to theorize ERNs is discussed: Principal-Agent Theory. Second, Principal Agent Theory is contrasted with Orchestration Theory to discuss the relevance of Orchestration theory for this research. Third, Orchestration theory is presented. Fourth, organizational autonomy is discussed. Fifth, on the basis of Orchestration Theory, five explanatory hypotheses are formulated to explain changes in the organizational autonomy of ERNs.

2.1 Indirect governance

In contemporary Europe, most governance is indirect and carried out through third-party actors (Abbott, Genschel, Snidel, Zangl, 2015a, p. 1). This is sometimes called delegated authority (Coen & Thatcher, 2008, p. 49). Since the 1980s, the public sector in most (Western) European countries underwent a transformation from a consolidated state hierarchy into a decentralized, devolved, and semi-autonomous public sector. Increasingly, public tasks are carried out by structurally disaggregated actors like agencies (Verhoest, Van Thiel, Bouckaert, Laegreid, 2011, p. 3), commissioned or mandated by parent ministries, political superiors, or administrative 'principals'.

The motives for governments to relinquish a degree of direct control in favor of indirect modes of governance are functional. State actors employ indirect governance to enhance their governance capacity by using the policy capabilities of third party actors. As such, indirect governance is believed to increases the effectiveness, efficiency and legitimacy of government policy-making (Abbott, Genschel, Snidel, Zangl, 2015a, p. 1). For EU member state governments this process was more complex. They experienced a process of two parallel variants of delegation, one towards central EU institutions and one to domestic independent regulatory authorities (Coen & Thacher,

2008, p. 49). Governance in the EU, including the rise of ERNs, as been profoundly shaped by these administrative transformations. In studies of EU policy-making, the most common approach to indirect governance has been Principal-Agent Theory.

2.2 The Principal-Agent approach

The theoretical perspective most used to theorize about ERNs, as well as EU agencies, is Principal-Agent Theory (Danielsen & Yesilkagit, 2014; Coen & Thatcher, 2008; Dehause, 2008; Eberlein & Newman, 2008; Yesilkagit, 2008; Pollack, 2006). The focal point of Principal-Agent Theory is delegation. Delegation starts with an implicit or explicit contract whereby the principal empowers the agent to perform certain pre-determined, goal oriented, tasks in exchange for some extrinsic compensation. Principals monitor their agent's performances and punish them when they flounder. This makes the relation between principals and agents fundamentally hierarchical (Abbott, Genschel, Sindal & Zangl, 2015a). At the same time, information asymmetries between the principal and the agent enable the agent to take advantage of the principal by increasing transaction costs and the principal's cost for replacing the agent (Abbott, Genschel, Sindal & Zangl, 2015a).

According to Yesilkagit, the classical account of delegation stresses the singular chain of delegation, whereby one principal transfers formal power and discretionary authority to one agent (Yesilkagit, 2010). But in the context of ERNs, single delegation as stated in the Principal-Agent Theory become problematic. There are over 28 NRAs that compose a network and that can be defined as individual principals, group principals or agents.[1] In addition, there are different stakeholders involved that could also be defined as the principal or the agent, most notably: the European Commission, the comitology committees, and the national ministries under which the national authorities resort (Yesilkagit, 2010).

[1] At the time of writing, the United Kingdom decided by popular referendum to secede from the EU. As of yet it remains unclear what this would mean for their participation in ERNs. Most probably, the UK will have to leave

Some authors have sought to modify Principal-Agent Theory to incorporate the particular characteristics of ERNs. Coen and Thacher (2008) argued that ERNs have to be assessed within the framework of *double delegations*. According to this framework, ERNs are empowered by two opposing acts of delegation. On the one hand ERNs are empowered by delegation downwards from the European Commission, on the other hand they are empowered by delegation upwards from the national regulatory authorities (Coen and Thacher, 2008; Dehause, 2006). According to Coen and Thacher (2008), the act of double delegation results in weak organizational autonomy because of insufficient formal powers and resources.

Eberlein and Newman (2008) propose another model to conceptualize ERNs: *dual delegation*. They argue that national states delegate increasingly extensive policymaking powers to international agents, while failing to delegate the authority needed to enact and enforce those policies. The resulting policy making dilemma is solved by the creation of ERNs because they engage nationally empowered regulatory agencies in transnational coordination and enforcement. According to Eberlein and Newman the formal authority of these networks rests with the constituent national authorities and the power that has been granted to them by their national governments (Eberlein & Newman, 2008).

Though some authors have tried to modify Principle-Agent Theory to theorize about ERNs, there are some structural characteristics that make Principle-Agent Theory unsuitable to study ERNs. Foremost, there is no formal act of delegation involved in establishing ERNs. Though ERNs can have been established with a clear mandate, they operate without being under formal control of the Commission or national governments and do not posses any significant powers over the NRAs (Blauberger and Rittberger, 2015, p. 40). Second, the instruments used by ERNs are 'soft'. No 'hard' regulatory powers are delegated to ERNs, they are only empowered to aid in policy coordination, disseminate best practices, and deliberate on policy (Blauberger and Rittberger, 2014, p. 6).

Abbott, Genschel, Sindal and Zangl (2015b) list three more reasons why Principal-Agent theory is unsuited for ERNs. One, ERNs have no hierarchical structure. They are voluntary modes of

cooperation where the 'principal' cannot enforce compliance from the 'agents'. Two, national agencies work together in voluntary networks hence their goals have to be compatible. Voluntary cooperation would be impossible if the goals of the constituent organizations would diverge. This contrasts with the conflicting interests between principals and agents in Principal-Agent Theory. Three, the relationship between the European Commission, the ERNs, and NRAs is one of mutual dependence. All three sets of actors posses resources and capacities that the others lack. In contrast, within Principal-Agent Theory the principal always retains the possibility of unilateral action against the agent (Abbott, Genschel, Sindal and Zangl, 2015b, 8-10).

A theory of indirect governance more in tune with the specific characteristics of ERNs is needed to adequately theorize about ERNs. Such a theory is Orchestration Theory.

2.3 Orchestration

Orchestration Theory constitutes a suitable alternative to Principal-Agency Theory to theorize about ERNs (Abbott, Genschel, Sindal & Zangl, 2015b; Blauberger and Rittberger, 2014, Blauberger and Rittberger, 2015). It distinguishes between three sets of actors: an orchestrator at the international level, an intermediary at the intermediate level, and the target actors at the national or sub-national level (Blauberger and Rittberger, 2014, p. 6). ERNs are perceived to be attractive intermediaries because of their ability to manage the state by shaping state preferences, beliefs and behavior to enhance consent and compliance (Abbott, Genschel, Sindal & Zangl, 2015b, p. 12). They are composed of policy oriented agencies that identify with EU governance goals, and command resources and technical expertise to influence top national decision-makers and bureaucracies (Abbott, Genschel, Sindal & Zangl, 2015b, p. 14). For example, according to Blauberger and Rittberger, the Commission enlists the support of ERNs to help prepare draft legislation, lobby political decision-makers and ensure consistent implementation of its regulations by the member states (Blauberger & Rittberger, 2015).

Orchestration Theory offers several advantages on theorizing on ERNs (Blauberger and Rittberger 2014). First, orchestration focuses on the soft and informal elements of governance instead of formal institutional structures. In the case of ERNs, the Commission possesses only limited control over ERN's and so does the ERN over the NRAs (Blauberger & Rittberger, 2014, p. 7). Second, the voluntary, informal cooperation through ERNs is based on a general agreement on policy goals. The general correspondence on policy goals is central in the orchestration framework (Blauberger & Rittberger, 2014, p. 7). Third, orchestration-theory enables the description of the distinct roles of the actors involved. The Commission and the NRAs are not just multiple principals, but they assume different roles as orchestrator and target actors within the overall governance structure, just like the ERNs themselves (Blauberger & Rittberger, 2014, p. 8; Abbott, Genschel, Sindal & Zangl, 2015b, p. 13).

Underpinning Orchestration Theory is the Orchestrator-Intermediary-Target (O-I-T) model (Abbott, Genschel, Sindal & Zangl, 2015b, p. 19). This model specifies the relationship between the three groups of actors. The Orchestrator enlists and supports the activities of an intermediary, while the intermediary governs the behavior of the targets (Abbott, Genschel, Sindal & Zangl, 2015b, p. 19). Central to this model is the intermediary, without the intermediary there can be no orchestration (Abbott, Genschel, Sindal & Zangl, 2015b, p. 15). The model is based on four rational choice assumptions: it involves governance relationships that are both indirect and soft; the orchestrator and the intermediary engage in orchestration as a means to achieve goals; an orchestrator enlists intermediaries because it lacks the capabilities for hard, direct governance; and the intermediary's voluntary cooperation is based on correlated goals (Abbott, Genschel, Sindal & Zangl, 2015b, 19-21).

Figure 1: Indirect governance through orchestration (Abbott, Genschel, Snidal & Zangl, 2015b, p. 4)

2.4 Organizational Autonomy

In addition to Orchestration Theory to theorize about ERNs, autonomy also needs to be explained. Autonomy is commonly understood as a form of self-governance, self-regulation, or self-direction, belonging to individual agents or political communities of agents (Groenleer, 2009; Paul, Miller and Paul, 2003). Though the concept of autonomy emphasizes the capacity to manage one's own affairs, it does not mean that an actor can do as it pleases, without restrictions or independently. Autonomous actors are usually granted some degree of autonomy by other actors or attempt to ascertain a degree of control over their own affairs. Therefore, autonomy only has meaning in the actor's relationship with other actors, usually principals or orchestrators. In addition, public organization can never be totally autonomous; they are always constrained by political and democratic processes. In the social sciences therefore, autonomy is a continuous concept, a matter of degree (Groenleer, 2009, pp. 30-31). Public organizations can develop diverging degrees of autonomy. They have to perform varying tasks that are complex, ambiguous, and conflicting. In addition, they often lack the resources to perform these tasks satisfactory. This too is the case in the European Administrative System, where national administrations continue to be the dominant actors.

Research on the level of autonomy of public organizations to decide their own affairs (organizational autonomy) is highly diverse. Verhoest, Peters, Bouckaert and Verschuere (2004), argue that studies differ in the independent variables they use to study autonomy, that the conceptualizations and measurements vary considerably, and that the concepts and measures of

autonomy differ markedly (p. 102). They argue that organizational autonomy can only be properly assessed through a comprehensive lens, incorporating multiple dimensions of autonomy: managerial, policy, structural, financial, legal, and interventional autonomy. In all, these dimensions combine the degree of organizational autonomy of the organization to decide its own affairs with the degree of freedom the organization has opposed to constraining actions by the principal (e.g., orchestrator) (p. 109). Autonomy is a multidimensional concept, multiple dimensions have to be assessed at the same time in order to ensure a comprehensive assessment of an organization's autonomy (Verhoest, Peters, Bouckaert and Verschuere, 2004, p. 109; Groenleer, 2009, 32-33).

The autonomy of EU agencies has already been thoroughly studied (Ongaro, Barbieri, Bellé and Fedele, 2012; Groenleer, 2009, Gilardi, 2008). These studies provide a good source of information on dimensions and indicators of autonomy at EU indirect governance institutions. Gilardi (2008) used a four-dimensions tool to determine the independence of regulatory agencies in general, consisting of: the formal mandate, the appointment rules for the agency's director, the rules for the appointment of the agency's managing board, and formal consultation obligations of political superiors of the agency. Busuioc and Groenleer (2013) used a broader measurement tool consisting of: the agency's management and governance structure, its relation with the policy network and other actors, and the agency's output effects on politics. Ongaro, Barbieri, Bellé and Fedele (2012) focused on the agency's personal-management autonomy, the financial-management autonomy, and the policy-autonomy to determine the level of discretion in decision-making by the governing body of the agency. Finally, Groenleer (2009) distinguished four dimensions of autonomy in the case of the autonomy of EU agencies: legal autonomy, financial autonomy, personal autonomy, and policy autonomy. The autonomy of ERNs can best be determined through a combination of the above. Not all the functions and capacities EU agencies are present in ERNs. The dimensions used to determine ERN organizational autonomy are: financial autonomy; the autonomy to interpret mandate, objectives, and tasks; and managerial autonomy. These dimensions represent the Community Agencies characteristics that are also present in (voluntary) ERNs.

Furthermore, to study the evolution of organizational autonomy, a temporal comparison is preferred. Changes in the autonomy of an organization only become apparent over time. Imitating Groenleer (2009), formal and actual autonomy are discerned. Formal autonomy, also known as de jure autonomy, is the discretionary latitude granted to the organization to perform its tasks (Groenleer, 2009, pp. 33). The formal autonomy of an organization is designed into the relationship by the political superior. The constituent documents often stipulate the degree of formal autonomy granted to the organization to undertake their responsibilities. Because ERNs are endowed with different degrees of autonomy at the moment of their creation, they differ in the degree to which they further evolve that autonomy (Groenleer, 2009, p. 34). Actual autonomy, also known as dé facto autonomy, is the degree of autonomy an organization develops over time. The degree of autonomy public organizations achieve after their creation is not fixed but varies over time. According to (Groenleer, 2009, p. 35) constituent documents are unclear about the organizations objectives and tasks, and rarely spell define priorities. In addition, organizations develop informal norms, practices and routines that allow them to expand or adjust their constituent tasks and objectives (Groenleer, 2009, p. 35). A comparison of formal and actual autonomy can reveal the existence and extent of the evolution of organizational autonomy of ERNs.

2.5 Explaining the evolution of ERN's organizational autonomy

Based on the discussions above, five possible explanations for the evolution of autonomy have been formulated. These explanations have been formulated as hypotheses (H_1 to H_5) and are presented below. Table 1 summarizes the hypotheses.

According to the third assumption of the O-I-T model, an orchestrator enlists intermediaries because it lacks the capabilities for hard, direct governance. The orchestrator has to enlist the services of the intermediary to supplement its own missing capabilities. They are mutually dependent, and without each other's help, their goals will not be met. As has been shown by Eberlein and Newman (2008), the European Commission often lacks the capabilities to implement its

own policies. The need of the European Commission for complementary capabilities strengthens the position of the ERN vis-à-vis the Commission. It is therefore hypothesized that the weaker the Community competences in a certain policy field are, the stronger the bigger the difference between formal and actual organizational autonomy of the ERN will be.

H_1 The difference between formal and actual organizational autonomy of European Regulatory Networks is bigger when the policy specific Community competences are weaker.

According to Abbott, Genschell, Sindal and Zangl (2015b, p. 21), international organizations are more likely to engage in orchestration when they are focal within the relevant governance domain. Focality implies that an organization is the uncontested governance leader. In reality focality is a matter of degree. However, focal organizations are arguably better suited to engage and enlist intermediaries (p. 21). This orchestration assumption implies that the role of an intermediary can increase when its focality in the policy regime increases. In the case of network organizations, focality refers to network centrality. ERNs that are central to the policy network in which they engage can determine the course of action in that policy field and thus exhibit more organizational autonomy. It is therefore hypothesized that the organizational autonomy of ERNs increases when they are more central in the policy domain.

H_2: The difference between formal and actual organizational autonomy of European Regulatory Networks is bigger when they are more central within their policy regime.

Abbott, Genschell, Sindal and Zangl (2015b, p.22) hypothesized that orchestration is more likely when goals convergence amongst the national regulatory authorities. They argued that goal divergence hampers intergovernmental delegation of hard authority to international organizations, which makes the International Organizations more dependent on intermediaries. Because

orchestrators cannot rely on their own resources to enforce compliance, intermediaries are necessary to create consensus (Abbott, Genschell, Sindal and Zangl, 2015b, p. 28). Second, when orchestration is under way, states may be unable to block unwanted policies and therefore shy away from delegation. In both cases, the Commission and the national states become more dependent on ERNs to achieve policy harmonization and implementation. The same can hold true for ERNs. When the goals of the target audience diverge, the consensus to cooperate within an ERN dissipates. Target groups will be less inclined to trust that the ERN has their interest at hart and stop supporting it. However, when the objectives of the target groups converge, they will be more trusting that the ERN shares the objectives of all NRAs. The ERN can then play a more autonomous role. It is therefore hypothesized that goal convergence amongst the target actors increases the organizational autonomy of ERNs.

H_3: The difference between formal and actual organizational autonomy of European Regulatory Networks is bigger when the goals of the national regulatory agencies converge.

The organizational autonomy ERNs experience is influenced by the oversight member states exercise over them. ERNs are more likely to enjoy organizational autonomy when member states have weak mechanisms of oversight and control (Abbott, Genschell, Sindal and Zangl, 2015b, p. 29). Furthermore, Verhoest, Peters, Bouckaert and Verschuere (2004) argue that organizations will be assessed a priori, and that deviations of the a priori determined norms and objectives my lead to sanctions and or interventions (p. 106). It is therefore hypothesizes that ERNs experience more organizational autonomy when their member states have weak ex ante control mechanisms.

H_4: The difference between formal and actual organizational autonomy of European Regulatory Networks is bigger when their orchestrators have weaker ex ante control over them.

Abbott, Genschell, Sindal and Zangl (2015b, p. 25) hypothesized that orchestration is more likely when their organizational structures and culture encourage policy entrepreneurship. They argue that organizational culture and structures encourage policy entrepreneurship by their officials. Policy entrepreneurship is stimulated by administrative decentralization, informal decision-making procedures, and openness to learning. According to Kingdon (1984), a crisis can present an opportunity for policy reform. According to this crisis reform thesis, leaders who are able to reframe a crisis (or perceived crisis) to fit with their policy ambitions exhibit entrepreneurial behavior (Boin & t Hart, 2003). Entrepreneurial leadership is defined as "*influencing and directing the performance of group members toward the achievement of organizational goals that involve recognizing and exploiting entrepreneurial opportunities*" (Renko, El Tarabishy, Carsrud & Brännback, 2015, p. 55). Entrepreneurial leadership could explain the difference between formal and actual organizational autonomy because it is a management style that motivates people to go beyond the known and find new opportunities. Entrepreneurial behavior of by the ERN's managers could therefore account for the evolution of organizational autonomy.

H_5: The difference between formal and actual organizational autonomy of European Regulatory Networks is bigger when their managers engage in policy entrepreneurship.

Table 1: List of hypotheses

Table of hypotheses	
H_1	*The difference between formal and actual organizational autonomy of European Regulatory Networks is bigger when the policy specific Community competences are weaker.*
H_2	*The difference between formal and actual organizational autonomy of European Regulatory Networks is bigger when they are more central within their policy regime.*
H_3	*The difference between formal and actual organizational autonomy of European Regulatory Networks is bigger when the goals of the national regulatory agencies converge.*
H_4	*The difference between formal and actual organizational autonomy of European Regulatory Networks is bigger when their orchestrators have weaker ex ante control over them.*
H_5	*The difference between formal and actual organizational autonomy of European Regulatory Networks is bigger when their managers engage in policy entrepreneurship.*

3. Methodology

In this chapter, the operationalization, methodology, reliability and validity of the research design, and the case selection are presented. First, following from the theoretical framework, the operationalization of the dependent and independent variables is presented and discussed. Second, the methodology on how to research these variables is outlined and explained. Third, the reliability and validity of the research design are scrutinized and debated. Fourth and final, the selection of cases to be included into this study is presented and discussed. Together, these four parts present the methodological approach on how the organizational autonomy of ERNs is researched in this study.

3.1 Operational framework

In this first section of the methodology chapter, the operationalization of formal autonomy, actual autonomy and the independent variables is explained. These operationalizations serve as the measurement tools and make the testing of the hypotheses possible. The measurability of the research variables logically follows their formulation as presented in the theoretical framework. This section serves to do so. First the operationalization of formal organizational autonomy is discussed, followed by the operationalization of actual organizational autonomy. Finally, the operationalization of the independent variables is presented. The operationalizations are summarized in the accompanying tables.

3.1.1 Formal organizational autonomy

Formal organizational autonomy is defined as the statutory discretionary latitude granted to an organization to perform its tasks (Verhoest, Peters, Bouckaert & Verschuere, 2004). In this study the term organizational autonomy is used to indicate that the autonomy of the organization as a whole is scrutinized, not of individual institutional and/or organizational aspects of that organization.

Organizational autonomy is defined as a multidimensional concept, incorporating different sets of indicators and dimensions (Ongaro, Barbieri, Bellé & Fedele, 2013; Groenleer, 2009; Verhoest, Peters, Bouckaert & Verschuere, 2004). The three-dimension operationalization of ERN's organizational autonomy is based on Ongaro, Barbieri, Bellé and Fedele (2013), while the indicators are derived from Groenleer (2009) and Verhoest, Peters, Bouckaert and Verschuere (2004). These Indicators have originally been used to determine the autonomy of EU agencies but are applied here to determine the autonomy of ERNs. ERNs, though formally and institutionally different from agencies, occupy a similar position and perform comparable tasks to Community agencies. Therefore, using such indicators is an appropriate way to use existing measurement tools to study the autonomy of ERNs. The indicators comprising the three dimensions of formal organizational autonomy applied

in this study (formal financial autonomy; formal autonomy to interpret mandate, objectives, and tasks; and formal managerial autonomy) are explained and presented here.

The first dimension, *formal financial autonomy*, refers to the degree to which ERNs are responsible for their own finances (Verhoest, Peters, Bouckaert & Verschuere, 2004, p. 106). Two indicators serve to gauge the degree of financial autonomy of ERNs in this research. First, is the ERN financially independent? ERNs that do are more autonomous than those that do not. Second, does the ERN have the possibility to acquire additional sources of revenue? The possibility to generate additional income by selling products or services, or being able to lend, indicates a high degree of financial autonomy (Groenleer, 2009, p. 72). Both indicators are assessed through examining ERN's constituent documents.

The second dimension, *formal autonomy to interpret mandates, objectives, and tasks* serves to indicate the precision in the ERN's constituent documents. According to Groenleer (2009) vague and imprecise constituent documents increase the potential for actual autonomy by provoking the necessity to translate the ERN's ambiguous mandate and objectives into informal norms and routines (p. 35). Five indicators assist in attaining the precision in the ERN's constituent documents. First, is the independence of the ERN formally stated? The more clearly the independence of an ERN is stated, the more autonomous it is (Groenleer, 2009, p. 70). Second, third, and fourth: how detailed is the ERN's mandate, how clear are its objectives, and how specific are its tasks? (Groenleer, 2009, p. 70). Vagueness on these indicators signifies a high potential for autonomous action by the ERN. The fifth indicator determines if the ERN is authorized to take decisions about the instruments it uses to implement its objectives. The liberty to do so reveals a higher degree of autonomy. All five indicators are assessed based on the ERN's constituent documents.

The third dimension of formal autonomy is the degree of *formal managerial autonomy*. Managerial autonomy refers to the degree of autonomy in administering the ERN (Verhoest, Peters, Bouckaert & Verschuere, 2004, p. 105). Three indicators provide the degree of managerial autonomy. First and second, the duration of management terms of office and the possibility to renew these

terms. The longer the term in office of ERN's managers and directors, the higher the bureaucratic continuity, and the higher the level of autonomy (Groenleer, 2009, p. 70). Third, the voting procedure in the ERN's executive board. The distinction is made between simple, qualified and absolute majority of the votes. The easier it is to take a decision, the higher the ERN's policy discretion (pouvoir discrétionnaire) and the more autonomous it is (Groenleer, 2009, p. 70; Verhoest, Peters, Bouckaert & Verschuere, 2004, p. 105). These three indicators are assessed based on the ERN's constituent documents.

Together, these three dimensions indicate the degree of formal organizational autonomy as defined and operationalized in this study. Figure 2 presents this operationalization of formal autonomy.

Table 2: Operationalization of formal autonomy

Formal Autonomy: The discretionary latitude granted of the ERN to perform its tasks					
Dimension	***Definition***	***#***	***Indicator***	***Scores***	***sources***
Formal financial autonomy	The degree of formal financial autonomy of the ERN and the capacity to acquire additional resources	1.	Formal financial responsibility	Yes or no	Constituent documents
		2.	Possibility for additional finances (selling of products/services, borrowing)	Yes or no	Constituent documents
Formal autonomy to interpret mandates, objectives, and tasks	The precision and clarity in the ERNs constituent documents	3.	ERN formally independent	Yes or no	Constituent documents
		4.	Level of detail in mandate	High, moderate, low	Constituent documents
		5.	Level of clarity in objectives	High, moderate, low	Constituent documents
		6.	Level of specificity in tasks	High, moderate, low	Constituent documents
		7.	Freedom to select policy instruments	Yes or no	Constituent documents
Formal managerial autonomy	The degree of autonomy to administer the ERN	8.	Duration of managerial tenures	Long, moderate, short	Constituent documents
		9.	Renewability of appointments	Yes or no	Constituent documents
		10.	Voting procedures	Absolute, qualified, or simple majority	Constituent documents

3.1.2 Actual organizational autonomy

The actual organizational autonomy is the degree of autonomy organizations (like ERNs) acquires over time. Because actual autonomy develops informally, unintended, and over time, it is not provided for in the organization's legal framework. It therefore represents a regulatory puzzle that puts the legitimacy of organizations to the test. As the actual organizational autonomy transcends the legal framework of the organization, one needs to look at the actual decisions and actions of ERNs and their members; their behavior (Groenleer, 2009, p. 72). To maintain comparability between formal and actual organizational autonomy, the same operational dimensions (with different indicators) are used to categorize actual organizational autonomy as have been used to determine formal organizational autonomy.

The first dimension of actual autonomy of ERNs is *actual financial autonomy* and refers to the decisions or actions ERNs and their management takes about ERN finances (Verhoest, Peters, Bouckaert & Verschuere, 2004, p. 105). Four indicators show the degree of actual financial autonomy. First, the ERN's source of funding. The three main sources of funding are: self-funding, funding by the ERNs members, and Community (EU) funding. ERNs that depend predominantly on their orchestrator for financial resources are constrained in their actual autonomy. Whereas self-funding indicates the autonomous end of the finances spectrum, Community funding represents the inverse end of that spectrum (Verhoest, Peters, Bouckaert & Verschuere, 2004, p. 105). Second, does the ERN (re)allocate its own financial resources? The possibility of the ERN to allocate its financial resources without the approval of the orchestrator is a clear sign actual autonomy (Groenleer, 2009, p. 74). Third, the trend in expenditure. A corrected constant rise in ERN expenditure indicates an expansion of competences and responsibilities beyond the initial objectives and is therefore indicative for actual autonomy. Fourth, is ERN expenditure questioned? Indicative for a changing conception about the role and tasks of the ERN is the questioning and challenging of its expenditures by the orchestrators and stakeholders. The higher the degree of contestation about expenditure, the higher the degree of actual autonomy (Groenleer, 2009, p. 73). However, the motives for

contestation have to be considered as well in order to determine if that contestation is caused by an expanding scope of ERN competences. These indicators are assessed based on the ERN's constituent documents, financial statements, and annual reports.

The second dimension of actual autonomy is *actual autonomy in interpreting mandate, objectives, and tasks*. This second dimension refers to the latitude ERNs take in determining their own mandate, objectives and tasks. As was discussed in the section on formal autonomy, the lack of precision in the founding and guiding documents of ERNs invites the interpretation of ambiguity and impreciseness (Groenleer, 2009, p. 35). This dimension determines the degree to which ERNs actually interpret their founding and guiding documents. Four indicators are used. The first indicator marks whether ERNs interpret their own mission and role. The second indicators signals whether the ERN interprets its own objectives and tasks. The third indicator expresses whether the ERN determines its own working methods. Affirmative answers on these indicators signals higher degrees of actual autonomy. These three indicators are closely related to the second, third, and fourth indicators of the second dimension of formal autonomy. However, instead of determining the formal clarity of these documents, the indicators as stated here serve to determine the actual use of the formally stated latitude. The fourth indicator determines if the ERN issues opinions, conclusions, and recommendations. A clear indication of actual autonomy is the possibility of the ERN to issue these documents (Groenleer, 2009, p. 73). These indicators are assessed based on the annual work programmes, annual reports, and the organization's website.

The third dimension refers to *actual managerial autonomy*. This dimensions determines if, and when, to which extent, ERNs have evolved beyond their formal managerial discretion. It serves to indicate the degree to which the ERN is managed autonomously. This dimension is composed of two indicators. The first indicator of actual managerial autonomy indicates whether or not the ERN employs its own staff. An ERN that employs its own staff is more autonomous then one that does not (Ongaro, Barbieri, Bellé & Fedele, 2013, p. 403; Groenleer, 2009, p.73; Verhoest, Peters, Bouckaert & Verschuere, 2004, p.116). The second indicator of actual managerial autonomy is the extent to which

the ERN's management board and/or directors are responsible for the day-to-day operations of the organization. A low degree of day-to-day managerial discretion supposes a low degree of actual autonomy. Though this last indicator is not present in the literature on EU agencies autonomy, in the case of ERNs, which are less formalized, this could be an important indicator for determining ERN actual managerial autonomy.

Together, these three dimensions indicate the degree of actual organizational autonomy of the ERN as defined and operationalized for this study. Table 3 presents this operationalization of actual autonomy.

Table 3: Operationalization of actual autonomy

Actual autonomy: The degree of autonomy the ERN develops over time					
Dimension	***Definition***	***#***	***Indicator***	***Scores***	***Sources***
Actual financial autonomy	The decisions and actions ERNs and their management take about ERN finances	1.	Funding	Self-funded, member-funded, community funded	Constituent documents, Annual reports
		2.	Autonomous (re)allocation of financial resources	Yes or no	Annual report, Budget
		3.	Increase in resources	Yes or no (more or less)	Annual report, Budget
		4.	Are financial expenditure questioned?	Yes or no	Annual reports, Audits, policy documents
Actual autonomy in determining mandate, objectives, and tasks	The latitude ERNs take in determining their own mandate, objectives and tasks.	5.	Does the ERN interpret its own mission and role	High, moderate, low	Mission statement, annual work programs, policy documents
		6.	Does the ERN interpret its own objectives and tasks	High, moderate, low	Mission statement, annual work programs, policy documents
		7.	Does the ERN interpret its own working methods	High, moderate, low	Mission statement, annual work programs, policy documents
		8.	Does the ERN publish its own opinions, conclusions, and recommendation	Yes or no	Mission statement, annual work programs, policy documents, ERN's publications
Actual managerial autonomy	Actual autonomy in ERN management	9.	Does the ERN employ its own staff?	Yes or no	Annual report, Budget, corporate publications
		10.	Discretion in day-to-day operations	High, moderate, low	Constituent documents, policy documents.

3.1.3 Independent variables

After having determined the actual autonomy of ERN's, and having established whether or not formal and actual autonomy actually differ, it becomes possible to test the hypotheses that might explain the differences in organizational autonomy as formulated in the last section of the theoretical framework. In order to test these hypotheses, they have been transposed into five independent variables, some consisting of several indicators. The operationalizations of these indicators are presented here.

The first independent variable, formulated on the basis of hypothesis one, is the EU's policy competence (Community competence) in the ERN's policy field. Because the European Commission can serve as an important orchestrator, its policy competence in the related policy network could be highly influential for the autonomy of the ERN operational in that policy field. The weaker the competences of the European Commission, the stronger the autonomy of the ERN. Four degrees of decreasing European Commission competences are distinguished on the bases of the Treaty on the Functioning of the European Union (TFEU): Exclusive competence (only the EU can adopt legal acts), shared competence (Either the EU or the member state can adopt legal acts, but member states only when the EU does not), supporting competence (both the EU and the member states can adopt legal acts but harmonization is prohibited), and finally no competence (not in the TFEU) (TFEU, art. 2-4). Inferences on this variable are based on the Community Treaties, EU-Directives, and Commission Decisions.

The second independent variable is the relative importance of the ERN in its respective policy regime. It has been hypothesized that the more important the ERN is in its policy regime, the more autonomous it will be. Four indicators serve to determine the importance of an ERN in its respective policy regime. First, the amount of similar additional network organizations (networks or agencies) in the same policy regime. The more additional coordinative organizations are operational, the lower the ERN's importance. Secondly, the number of plenary meetings held annually by the. Third, the number of executive meetings held annually. Both these indicators determine the frequency of

interactions within the ERN. The higher the amount of formal interactions, the higher the importance of the network in its policy regime. The fourth indicator of ERN importance is the level of interdependence in the network. Interdependence refers to the degree to which the members of the ERN are dependent on each other to reach common goals. Research by Van Boetzelaer and Princen (2012) indicated that interdependence determines the level of coordination reached in an ERN. The interdependence of the network can be stronger or weaker. Together, these four indicators determine the importance of the ERN for its respective policy regime in this study. These indicators are determined based on the annual work programmes, annual reports, and constituent documents.

The third independent variable is constituent goal divergence and refers to the divergence of the objectives of amongst the ERN's constituent members. It has been hypothesized that divergence amongst members' objectives increases the autonomy of ERNs. In order to determine the degree of goal divergence amongst ERN members the policy contributions of individual members are analyzed. For most of the ERNs, consultations are held concerning the annual work programme, the results of these consultations indicate the degree of goal divergence amongst ERN members. Goal divergence can take place in a higher or lesser degree. Where no such documents are available, idiosyncratic sources are used to make inferences.

The fourth independent indicator is the level of ex ante control orchestrators exercise over the ERN's operations (Ongaro, Barbieri, Bellé & Fedele, 2013, p. 406). The higher the degree of ex ante control by orchestrators or third party controllers, the less autonomous the ERN is expected to be (Ongaro, Barbieri, Bellé & Fedele, 2013, p. 406). Verhoest, Peters, Bouckaert and Verschuere, (2004) call this form of autonomy the interventional autonomy (p. 106). A second indicator of the level of ex ante control over the ERN is the consequences theses controls have for the ERN's management. This indicator will determine if and how directors and managers are fired. Together, these two indicators serve to determine the level of ex ante control over the functioning of the ERN. These indicators are determined by examining the ERN's constituent documents and rules of procedure.

The fifth and final independent variable is the level of entrepreneurial behavior by the ERN's management. It has been hypothesized that ERNs are more autonomous when their directors and managers engage in entrepreneurial behavior. According to a study by Renko, El Tarabishy, Carsrud and Brännback, (2015), entrepreneurial leaders often have a high job mobility (multiple jobs in a short period of time) and are primarily active in services and finance and insurance (p. 63). Furthermore, the crisis-reform thesis indicates that reframing policy problems to fit the organization's specific policy ambitions is indicative for entrepreneurial behavior (Kingdon, 1986). Therefore, this independent variable consists of two indicators. The first indicator consists of the level of ambition displayed in managers' résumés. A high job rotation and experience outside civil service are indicative for ambitious and entrepreneurial managers. This indicator is assessed through examining the director's résumés, either on the ERN's website or LinkedIn. The second indicator is the level of ambition voiced by the director and/or managers. A high level of ambition and/or entrepreneurial strategy voiced is indicative for entrepreneurial behavior. This indicator can be measured by analyzing speeches and press releases.

These five independent variables serve as the operationalization of the five hypotheses formulated in the theoretical framework. In the following section of this chapter, the methodological approach on how to study these variables and to make the necessary inferences is presented and discussed. Table 4 displays the operationalization of these five independent variables (on the next page).

Table 4: Operationzalization of the independent variables

The operationalization of the independent variables						
#	***Variable***	***Definition***		***Indicator***	***Scores***	***Sources***
1.	**Community Competence**	The policy competence of the EU in the ERN's related policy field	a.	Type of policy competence	Exclusive competence, shared competence, supporting competence, no competences	Treaty of Lisbon, Treaty on the functioning of the EU (TFEU) Treaty on EU (TEU)
2.	**ERN's relative importance**	The relative importance of the ERN in its policy regime	b.	Additional networks/agencies in the domain	Yes or no (number)	Secondary literature, internet search
			c.	Number of plenary meetings	Number of meetings	Policy documents, Annual report
			d.	Number of executive meetings	Number of meetings	Constituent documents, Annual reports
			e.	Interdependence	High, moderate, low	Member organizations policy papers,
3.	**Constituent goal divergence**	The divergence in goals and objectives amongst the ERN's member organizations	f.	Goal divergence	High, moderate, low.	Member organizations policy papers, white papers, meeting reports
4.	**Ex ante control over ERN**	The level of ex ante control over the functioning of the ERN by its orchestrators	g.	To what level can orchestrators exert ex ante control over ERN's operations	High, moderate, low	Constituent documents, Audits, Reviews, Corporate publications
			h.	Procedures and mechanisms to fire the ERN's executives	How can directors/managers be fired	Constituent documents, Audits, reviews, Corporate publications
5.	**Entrepreneurial management**	The level of entrepreneurial behavior by the ERN's executives	i.	Level of ambition displayed in director/manager's résumé	High, moderate, low	Online résumés and LinkedIn
			j.	Level of ambition voiced by director/manager	High, moderate, low.	Speeches and press releases

3.2 The research design

In the previous section, the operationalization of the research variables was presented and discussed. In this section, the method to study those variables is presented. A research design reflects the pre-defined research objectives and enables the satisfactory answering of the research question(s). According to David and Chava Nachmias (1994), the research design "*guides the investigator in the process of collecting, analyzing and interpreting observations. It is a logical model of proof that allows the researcher to draw inferences concerning causal relations among the variables under investigation"* (pp. 77-78). The objectives of this study are twofold: to explore the evolution of ERN's organizational autonomy and to test hypotheses that might explain that transcendence. The research design best suited to achieve these goals is an unobtrusive qualitative desk research with multiple (holistic) cases.

3.2.1 Unobtrusive desk research with multiple (holistic) cases

According to American research methodologist Earl Babbie (2013), an unobtrusive research strategy is a strategy to study "*social behavior without affecting it"* (p. 295). As such, unobtrusive research relies solely on existing sources of primary and secondary data (Van Thiel, 2014, p. 94). Unobtrusive research is also known as a desk research (Van Thiel, 2014, p. 94). Two defining characteristics of the research design have determined the use of an unobtrusive research strategy.

First of all, the dispersed nature of the units of analysis. The unit of analysis, the ERN's, is dispersed across at least 28 member states. It would be impossible to gather and analyze enough primary data in a responsible and reliable fashion. The aggregation of data would be biased by the language and availability of sources, the geographical location, and the academic inclinations of me as a researcher. Using an unobtrusive research strategy bypasses this problem by using only readily available and comparable sources of data sources (Van Thiel, 2014, p. 94). Second, this strategy is especially suitable for comparative research (Babbie, 2013, p. 295, 314). Comparing several cases to

discover common patterns that recur within in the various institutions serves to test the five hypotheses formulated in the theoretical framework. The unobtrusive research strategy makes replication of inferences across several cases physically possible (Yin, 2009, p. 54).

The unobtrusive research design used in this study makes use of multiple (holistic) cases. First, a case study design is preferred in explorative research where no control or manipulation of the unit of analysis is possible, and where a focus on contemporary events is desirable (Yin, 2009, p. 8-14). The precise meaning of case study research varies amongst researchers and appears essentially contested. In his 2007 seminal text on case study research, American political scientist John Gerring listed varies characteristic of case study designs. According to him, case studies are: qualitative, small-N, thick, ethnographic, conducted in real-life context, diffuse, based on different sources of evidence, and focused on the properties of a single phenomenon (Gerring, 2007, p. 17-18). Based on these characteristics, he formulated the following definition of a case study: "*The intensive study of a single case where the purpose of that study is – at least in part – to shed light on a larger class of cases*" (p. 20). Directly adding the possibility to integrate several cases into the case study research, assembling what he calls *multiple case studies* (p. 20). Dutch Public Administration scientist Sandra van Thiel (2014) argues that case study researchers aim for depth instead of breadth, providing detailed and extensive descriptions of the phenomena under investigation (p. 87). Adding that the real-life setting of the unit of analysis is the seminal characteristic of a case study (p. 86). Making use of multiple cases is thus a preferable strategy to explore the social phenomenon known as ERNs.

Second, incorporating multiple holistic cases enable the testing of hypotheses. In order to draw reliable conclusions on the inferences on the independent variables, multiple cases have to be used (Yin, 2007, p. 53). According to Van Thiel (2014, p. 90), the researcher can compare several cases to ascertain the effects of various independent variables. She argues that a heterogeneous design is best suited to do so (p. 90). The effects of the inferences of the independent variables can then be ascertained in various independent cases. In order to include the maximal amount of

institutional variance, while at the same time maintaining reliability, a holistic multiple-case design is employed (Yin, 2009, pp. 59-60).

To properly apply a case study design, the unit of analysis has to be sufficiently defined (Babbie, 2013, p. 97). Babbie (2013) defines the unit of analysis as *"the individual units that we make descriptive and explanatory statements about"* (p. 297). Especially in a multiple-case design, the unit of analysis has to be unequivocal in order to reliably compare different cases. In social sciences, the units of analysis can be: individuals, groups, organizations, social interactions, or even social artifacts (Babbie, 2013, pp. 97-102). This research has an organizational unit of analysis; the unit of analysis is the ERN.

3.2.2 Sources of data

As an unobtrusive research, this research relies chiefly on primary sources of data. Primary data sources refer to sources of information that have not been produced for research purposes. Amongst these data sources are: constituent documents, annual reports, financial disclosures, policy documents, press-releases, speeches and personal documents (Van Thiel, 2014, p. 94). Documents provide a reliable source of information. They are stable, can be retrieved repeatedly, are unobtrusive and do not affect the unit of analysis. Furthermore, the information contained in them is exact, and the coverage is extensive (time-span, events, settings). According to Van Thiel (2014), primary documents have two important characteristics: the reflect people's actual behavior, and carry a communicative function by transmitting a certain message (p. 104). This makes these sources especially suitable to study autonomy.

In addition, secondary data has been used to describe the case backgrounds and to make inferences on some of the variables. Secondary data refers to earlier research findings, already published, but that can be used anew (Van Thiel, 2014, 104). Inferences that have been made on the basis of secondary data have been listed as such in the case studies. Table 5 lists the documents used in this research.

Table 5: Sources of data

Source of data
Academic literature
Academic research papers
Annual reports
Annual work programmes
Budgets
Civil Code
Commission Decisions
ERN's websites
EU Directives
EU Regulations
European Union treaties (TFEU & TEU)
Executives' résumés
Financial accounts
Financial statements
Internet searches (Google)
LinkedIn
Meeting agenda's
Mission statements
Multiannual work programmes
Organizational charts
Press releases
Private correspondence with ERN staff
Public consultation documents
Rules of procedure
Speeches
Statutes
Strategy papers
Third party evaluation report

3.2.3 Methods of data gathering and analysis

The unobtrusive research strategy generally employs three methods of data collection: content analysis, secondary analysis, and meta-analysis. This research relies primarily on the method of content analysis (Babbie, 2013, pp. 295-307; Van Thiel, 2014, pp. 108-110). The method of content analysis is the study of the content of existing data sources, usually documents. According to Van Thiel (2014), the main interest of the researcher when conducting a content analysis is the message that the author of the text conveys to the text's target audience (p. 108). The two objectives of

content analysis she lists are: to establish facts and opinions, and the reconstruct the arguments used in a text (p. 110). The sampling logic behind the documents selected for analysis has been replication; the same sorts of documents needed to be available for the same variables in the various cases (Babbie, 2013, 298). For example, all the investigated cases had constituent documents and rules of procedures, making it possible to determine their formal autonomy. By applying this sampling logic, cases remain comparable. However, some variables were not researchable using the replication of data sources and relied therefore on idiosyncratic data. Where this has been the case, it has been specifically noted.

The process whereby the documents have been analyzed was coding. Babbie (2013) defined coding as "*the process whereby raw data are transformed into standardized form suitable for machine processing and analysis"* (p. 300). The codes where based on the operationalization presented above. Depending on the variables under investigation, manifest or latent coding was used. Manifest coding involves the concrete terms contained in a communication and can be compared to filling in a questionnaire. Latent coding involves the underlying meaning of communications (Babbie, 2013, p. 300) and has an interpretative character. For example, manifest coding has been used to determine the actual autonomy of ERNs, and latent coding has been used to determine entrepreneurial behavior of managers in speeches.

In the following section, the reliability and validity of the research method presented here is discussed.

3.3 Reliability and validity

The accuracy of scientific research depends on the reliability and validity of the study. Especially in unobtrusive research with multiple cases, concerns about reliability and validity are substantial (Yin, 2009, p. 40). Furthermore, a concept like autonomy is hard to define and even harder to measure. Any operationalization of autonomy is therefore essentially contested. However, it is imperative to account for, not only the conceptualization, but also the reliability and validity of a study. This section intends to do so by discussing reliability and validity in consecutively.

3.3.1 Reliability

Reliability concerns first and foremost the extent to which the case study is replicable (Babbie, 2014, pp. 407-408; Van Thiel, 2014, p. 48; Yin, 2009, 45). Under the similar circumstances the same measurement instruments should have to produce similar results (Van Thiel, 2014, p. 48). The reliability of case study research is hampered by the small-N problem. The limited amount of cases increases the possibility of unforeseen and undetected factors influencing the research results. Yet, the added value of case study research lies in the wealth of information it produced and used to make convincing inferences. In order to avoid the effects of the small-N problem, two strategies are used. First, multiple cases, with different institutional characteristics, are used to study the same phenomena (ERN autonomy). By including multiple cases the likelihood of coincidence is reduced and the results become more reliable (Yin, 2009, p. 61). Second, triangulation of sources has been employed. Triangulation is a well known research strategy to increase the reliability of case study research (Van Thiel, 2014, p. 92). However, the options for triangulation in unobtrusive research are limited; researchers are constrained to primary data sources (Babbie, 2014, pp. 14-18). However, diversification in collecting and processing information has been achieved by relying on different sources of primary information, collected from various origins, and presenting different viewpoints.

Though this variant of triangulation does not present the full range of possibilities triangulation offers, it does provide a method to diversify the data and thereby increase the reliability of the study.

Increasing reliability through the reproducibility of research is the main topic of political scientist's Robert Yin's (2009, p. 45) discussion on reliability. According to Yin (2009), the main objective of reliability is *"to minimize the errors and biases in a study"* (p. 45). He focuses on the accountability of the research process. He compares the researcher with an accountant and argues that the researcher should assume that someone should always be able to replicate the research process (p. 45). In order to make the study transparent to external reviewers, as many steps of the research process as possible should be documented and accounted for. This strategy to enhance and account for the reliability of the research process has been used in this study. As recommended by Yin, a case study protocol to guide the data collection and analysis has been composed (Yin, 2009, pp. 79-91)

Whereas Yin focused on the accountability of the research process, Van Thiel (2014) focuses on the precision of the measurement instrument used in the study. She argues that reliability is achieved by accuracy (the precision of the measurement instruments), and consistency (repeatability of the measurements). According to Van Thiel, the main drawback of the unobtrusive research strategy is the operationalization problem (Van Thiel. 2014, p. 48). By their very nature, primary sources have not been composed for research purposes. The data they contain often does not match the research variables or questions. Van Thiel offers two procedures to solve this problem: one, "*find the information that meets the research needs as adequately as possible"*, and two, "*use the existing information in such a manner that its contents will come to concur with the research subject*" (Van Thiel, 2014, p. 106).

With these two procedures in mind, the aggregation and the analysis of the data has been conducted in, what the political scientists Alexander George and Andrew Bennett (2005) call a *structured, focused comparison*: the collection of data in a systematic style. This way the reliability has been enhanced by using only those aspects of the case that are relevant for the objectives and

requirements of the study (George & Bennett, 2005, p. 67), while at the same time, the data requirements of the study have been pre-defined and structured (George & Bennett, 2005, p. 67). As such, the data has been collected on the basis of the same factors and conditions that have been identified in the operational framework, across the different cases. Quirky and idiosyncratic information encountered during the research process has been assessed along the same line of the initial data sources, before deciding on its use.

3.3.2 Validity

The validity of a study reflects the degree to which the concepts of interest have been adequately operationalized (Babbie, 2014, pp. 408-410; Van Thiel, 2014, p. 49; Yin, 2009, pp. 41-44). Though many different forms of validity can be distinguished, in essence they are all variants of two basic types: internal and external validity (Van Thiel, 2009, p. 49). For the sake of this study, both types of validity have been discussed and assessed.

Internal validity refers to the convincingness of the study design and operationalization in relation to the objectives of the study. It assess if the researchers measures what he/she wants to measure. Two elements of internal validity are discussed: is the theoretical construct adequately operationalized, and does the relationship between the dependent and the independent variables actually exist? (Van Thiel, 2014, p. 49). First, is the theoretical construct adequately operationalized? According to Yin (2009, p. 41), many case studies lack a sufficiently operational and subjective set of measurements, which severely decreases the cogency of those studies. In this study, several measures have been taken to account for this problem. An extensive operationalization of the variables of interest has been included in this chapter (next section), including the relevant indicators, the possible scores on those indicators, and the preferred sources of data for those indicators, thus providing a thorough operational framework. Furthermore, the validity of the operationalization has been increased by including only indicators that have already been used and validated by other researchers in other studies (Van Thiel, 2014, p. 50). Lastly, as recommended by

Yin (2009, p. 41), the validity and suitability of the operationalization has been discussed by third party reviewers during the research and writing process. The second element of internal validity that is assessed is the question whether or not the causal claim made in the theoretical framework holds merit. This is especially important in explanatory research (Yin, 2009, p. 43). Making claims of causality in social research is very problematic (if not impossible), especially because unforeseen inferences and effects might contribute to the predicted outcome (small-N problem). In accordance with Yin (2009, p. 43) two methods have been used to construct a causal claim, pattern matching and explanation building. In the theoretical framework, validated explanations for EU agency autonomy have been used to theorize about ERN autonomy (pattern matching), and the theoretical Orchestration model has been used to theorize about possible explanations for ERN organizational autonomy (explanation building). However, true causality cannot be proven in social sciences but is subject to a plurality of interpretations (Reiss, 2009).

External validity refers to the degree to which the research findings can be generalized to the entire class of phenomena (all the ERNs). External validity is especially important in statistical research. In any case, the generalizability of case study research is weak at best. The small-N problem of case study research makes brass generalizations unreliable (Van Thiel, 2014 p. 92). However, case study research can assist in analytical generalization, wherein the researcher strives to generalize particular outcomes to a broader theory (Yin, 2009, p. 43). However, this form of analytical generalization takes a lot of replication research and time (Yin, 2009, p. 44). Therefore, though this study could contribute to the development of Orchestration theory in general, contributing to causal explanations of ERN autonomy is methodologically shaky at best. That being said, because of the methodologically weak base for case study generalizability, this study does not claim external validity. Its research goals are limited to explaining autonomy in the select cases.

Assessing the reliability and validity of the study is an indispensible part of scientific research. They form the basis for assessing the truthfulness and cogency of research. It is vital to develop a

thorough operational model by which the data is aggregated and analyzed. This operational model is presented in the following section.

3.4 The case selection

This section presents the selection of the cases that are included in the analysis. This selection is based on the research objectives, the theoretical framework, and the methodological approach of the study. First, the number of cases is determined. Second, the criteria for case selection are presented. Third the substantive selection of cases is discussed. Fourth and final, some remarks about the availability of primary sources on ERNs are made. Together these four points explain the case-selection process of this study.

3.4.1 The number of cases

The first thing that has to be decided on in the selection of cases is the number of cases that have to be included in the analysis. For the purpose of this study, the number of cases included is four. According to Yin (2009, pp. 54, 58), the number of cases is dependent upon the logic of replication. The logic of replication entails that when several cases are studied independently, their aggregated results should concur with the predicted outcome to be reliable. There are two logics of replication: when similar results amongst the cases are predicted the replication is literal, but when contrasting results are predicted but for anticipated reasons, the replication is theoretical. The aggregated results from these independently conducted case studies, when in accordance with the predicted results, provides compelling evidence for the general research question (Yin, 2009, p. 54). In this study, all cases are expected to display differences between formal and actual organizational autonomy, therefore the logic of literal replication is best suited. Yin (2009) argues that 3 to 4 cases included into the multiple-case study design are sufficient to provide compelling aggregated evidence to assess hypotheses (p. 54). Therefore, the multiple-case study design employed in this study includes four cases.

3.4.2 Case-selection criteria

The cases under consideration have been assessed on the basis of two institutional criteria. The criteria resemble the broad institutional variance of ERNs. In order to compellingly study the difference between formal and actual organizational autonomy, and explore possible causes for these differences in a multiple-case study design, a number of variables have to be controlled for. These variables include the orchestrator of the ERN and the level of formal autonomy as initial value. In order to incorporate these conditions, a most dissimilar system design or two-tail design, has been chosen to select the cases (Yin, 2009, p. 59; Van Thiel, 2014, p. 90). The criteria for selection in this most dissimilar system design are: type of formal orchestrator and the variance of formal autonomy. Together, these two criteria constitute a four-field matrix. This matrix, including the four ERNs selected as cases, is presented in table 6.

The variation on which the cases are selected concerns (in part) the dependent variable, not the independent variables. This is contrary to the recommendations of Van Thiel (2014, p. 90) and King, Keohane and Verba (1994, pp. 141-143). They argue that case selection on the basis of the dependent variable makes proving causality problematic. However, the goal of this study is not to prove causality. Furthermore, the population is of cases is so small, and the variance in independent variables so numerous, that it would be impossible to make the independent variables the criteria for case selection. Finally, the variance in the dependent variable serves, in part, as control for institutional variance of ERNs. Though there are persuasive arguments to select cases based on the variance on the independent variables, the research objectives and design of this study made such selection criteria unsuitable.

3.4.3 The selection of cases

Substantively, the case selection is based on the population of ERNs identified by Levi-Faur in his 2011 survey of 36 EU regulatory regimes (Levi-Faur, 2011). He identified a total of 57 ERNs in the period between 1955 and 2011. On the basis of this survey, four cases have been selected in three

rounds of considerations. First, all the ERNs that have been active in the past but have since been dissolved, integrated into existing EU agencies, or integrated into European Commission have been discarded, leaving an active population of 32 ERNs. Secondly, all ERNs that do not publish or draft the documents needed to determine the formal and actual autonomy, and are therefore unsuitable to be studied through the research design employed in this study, have been discarded. Leaving a total of 7 ERNs suitable for study. Amongst these seven ERNs are three different orchestrators. One orchestrator was only present in one ERN, The European System of Central Banks (ESCB). Thereby making the well-studied ESCB unsuitable for the two-tailed design of this study. The ESCB was therefore discarded. Of the remaining 6 ERNs, three are orchestrated by the European Commission and three are orchestrated by their constituent national authorities. In order to select the cases between which existed the greatest degree of formal autonomy, the formal autonomy of all 6 ERNs was determined. The two cases in both categories exhibiting the least extreme degree of formal autonomy were discarded. The four remaining ERNs were selected as cases. The formal autonomy of these ERNs is discussed in the individual case studies. The ERNs orchestrated by their constituent member state authorities that have been selected are The Council of European Energy Regulators (CEER), displaying a relatively high degree of formal autonomy, and The European Platform of Regulatory Authorities (EPRA) displayed a low degree of actual autonomy. The European Commission orchestrated ERNs that were selected are The Body of European Regulators for Electronic Communications (BEREC), showing a relatively high degree of autonomy, and The European Regulators Group for Postal Services (ERPS), showing a relatively lower degree of autonomy. It should be noted that (especially) the Commission orchestrated ERNs both show low levels of formal autonomy, varying only in respect to one another. Table 6 displays the selected cases in relation to their criteria for selection.

Table 6: Case selection matrix

Case selection matrix			
		Degree of actual autonomy	
		High	*Low*
Orchestrator	*National Regulatory Authorities*	CEER	EPRA
	European Commission	BEREC	ERPS

3.4.4 The (un)availability of primary sources

The case selection displays a major drawback in studying ERNs through primary sources: their lack of formal documentation. Because ERNs are mostly informal networks they are not required to produce constituent or financial documentation. Only those that do can reliably be studied. This leaves a major part of the population of ERNs unsuitable for research. This lack of documentation could indicate both the presence and the lack of autonomy for those ERNs. On the one hand, the lack of these documents might signal a high degree of autonomy because ERNs without such documents might be free to determine their own role and function. On the other hand, those ERNs might lack these documents precisely because they have no autonomy at all but are fully integrated into their orchestrator; making the orchestration a fiction. Without the existence of, or access to, these documents, it is impossible to determine the formal and actual autonomy those ERNs. This has serious consequences for the external validity of any research into ERNs. This observation should be taken into account when assessing the reliability and validity of this study.

In this section, the selection of cases, as well as the rationale behind the selection process, has been explained. The cases that have been selected for research are: The Body of European Regulators for Electronic Communications, The European Regulators Group for Postal Services, The Council of European Energy Regulators, and the European Platform of Regulatory Autonomy. In the following chapter, each of these cases will be examined in a structured and focused comparison to determine the difference between formal and actual organizational autonomy, and to test five hypotheses that might explain these differences.

Case studies

In this chapter of the study, the independent case studies are presented. In all case studies, the formal autonomy is determined first. Then, the actual autonomy is determined. Based on the examination of the formal and actual autonomy, an inference on the evolution of organizational autonomy in the case is made. After the difference between formal and actual organizational autonomy is assessed, the five independent variables are determined. The order of cases studied in this chapter is as follows: first the Council of European Energy Regulators (CEER), second the European Platform of Regulatory Authorities (EPRA), third The Body of European Regulators for Electronic Communications (BEREC), and finally the European Regulators Group for Postal Services (ERPS). The inferences made in this chapter are aggregated and determined in the following chapter.

4.1 The Council of European Energy Regulators

This section presents the study into the case of the Council of European Energy Regulators (CEER). First the formal organizational autonomy is determined, then the actual organizational autonomy. Third, both forms of organizational autonomy are compared to ascertain if formal and actual organizational autonomy differ. Finally, the inferences on the independent variables for the case of CEER are determined.

4.1.1 The founding and internal organization of CEER

The Council of European Energy Regulators (CEER) is a forum for deliberation, cooperation and exchange of best practices for NRAs in the field of European energy and gas policy. During the 1990's, changes in the structure and ownership of national energy industries required regulation, expanding the role of national energy regulators. Resulting from the EU's *First Legislative Package* (1996-1998), third-party actors gained regulated access to national energy and gas networks. The EU's *Second Legislative Package* in 2003, further required all member states to establish NRAs in the field of energy and gas. These national regulators were given regulatory capabilities to regulate the energy market, and were instructed to coordinate with each other and the European Commission on energy market policies (Buchan, 2010, p. 366).

These EU directives encouraged the energy NRAs to establish CEER as an informal forum for deliberation cooperation and exchange of best practices. In March 2000, they signed a *Memorandum of Understanding for the establishment of the Council of European Energy Regulators* (Council of European Energy Regulators [CEER], 2015a). Furthermore, in 2003 CEER was formalized as a non-for-profit association under Belgian private law. A Secretariat was established in the Belgian capital Brussels. According to its website, CEER's main purpose is to facilitate the establishment of a single, competitive, internal market for gas and electricity in Europe. As such, CEER acts as a forum for cooperation and information exchange, while also providing the liaison with the European Commission. The CEER is *"the voice of Europe's national energy regulators at [the]* EU" (CEER, 2016a).

All of CEER's 29 members are competent member state NRAs. In addition, 4 NRAs of accession candidate countries hold observer status (CEER, 2015a, art. 5.1, 6.1). CEER is composed of three statutory organs and comprises of seven working groups/task forces. The most important organ is the General Assembly, comprised of all the network's members. It decides on strategic and public matters; ratifies the budget, position papers, and other official documents; elects (and fires) the association's president and vice-presidents; and can amend the associations statutes and rules of procedure (CEER, 2015a, art. 14-15). The operational responsibility for the CEER is delegated by the General Assembly to the Board of Directors. The Board of Directors consists of a president and up to five vice-presidents (but no less than two). The responsibilities of the Board include the organization of General Assembly meetings and the supervision of the Secretariat. The discretion of the Board is delimited by the predefined tasks and objectives as stated by the General Assembly (CEER, 2015a, art. 19-22).

The secretariat facilitates all of CEER's activities. The secretariat is headed by a Secretary General, appointed by the General Assembly, and seven additional staff (CEER, 2016b). The secretariat is responsible for the general administration and coordination of CEER. In addition, it administers the main consultative bodies of the organization, the seven working groups/task forces, which are composed of experts of the national regulatory authorities. CEER's working groups/task forces focus on: Implementation, benchmarking and monitoring; Market integrity and transparency; Electricity; Customers and retail markets, International coordination, and on distribution systems) (CEER, 2016c). Figure 2 presents the association's organization chart.

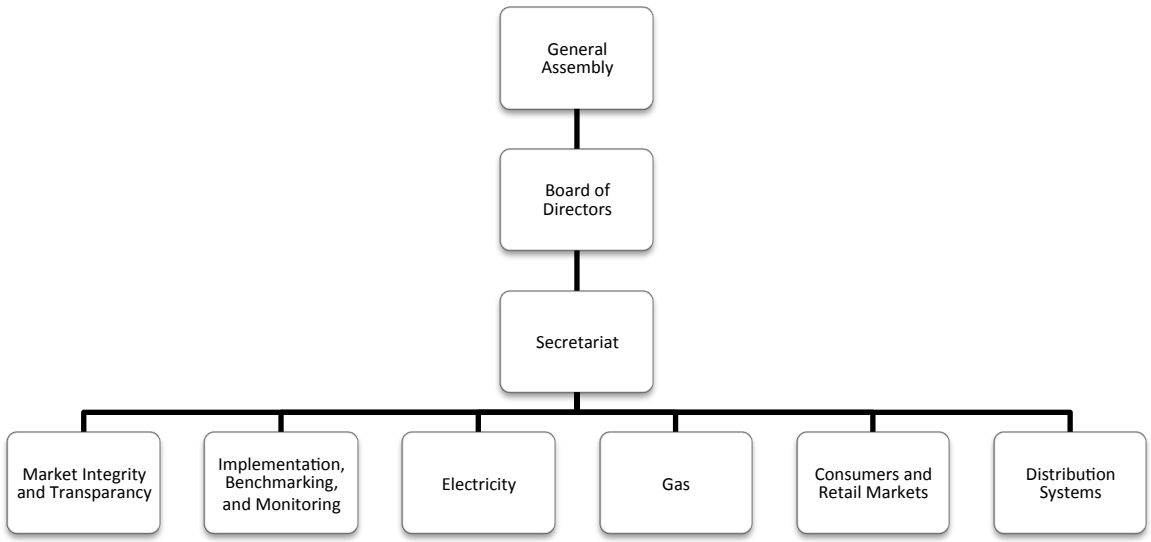

Figure 2: The organization chart of the Council of European Energy Regulators

4.1.2 The formal organizational autonomy of CEER

The first variable that has to be determined is CEER's degree of formal organizational autonomy. The formal autonomy of CEER is defined in the *Memorandum of Understanding for the establishment of the Council of European Energy Regulators* as adopted by the General Assembly in 2000 and amended in September 2015 (CEER, 2015a). In this section the degree of formal autonomy of CEER is determined by assessing of the three dimensions of formal organizational autonomy defined in the operational framework.

First, CEER's formal financial autonomy. As an association with legal personality under private law, CEER has financial autonomy. According to articles 26 and 27 of the organization's statutes, CEER's president is responsible for drafting an annual budget, which comes into force after the approval and endorsement of the Board of Directors (CEER, 2015a, art. 27). Second, the association has the statutory liberty to acquire its own sources of revenue. According to article 3.3 of the statutes "*the association my carry out any act or activity […] among others, the recruitment of staff, the acquisition, lease or rent, production, transfer of exchange of all movable and immovable properties, to contract, to borrow and lend money, to provide mortgages, pledges or any other form*

of guarantee on its possessions" (CEER, 2015a, art. 3.3). Both indicators show a high degree of formal financial autonomy.

The second dimension is CEER's formal autonomy to interpret its mandate, objectives, and tasks. First, as an association with legal personality, CEER is formally independent. Though the association has a legal personality, its mandate is quite detailed, listing 14 objectives and 10 separately tasks (CEER, 2015a, art. 3.0-3.2). The level of detail in the mandate, the clarity in the objectives, and the specificity in the tasks are all high. Furthermore, the policy instruments CEER can employ to fulfill its mandate is specified in article 3 of the statutes (CEER, 2015a). In all, the formal autonomy of CEER to interpret its mandate, objectives, and tasks low.

Finally, the formal managerial autonomy. The period of office of managerial and executive directors is two-and-a-half years, the second longest tenure period that has been encountered in this study (CEERa, 2015, art. 20). Furthermore, these tenures are renewable (CEER, 2015a, art. 20.2). Both indicators are illustrative for strong formal managerial continuity and formal autonomy. Lastly, decisions are made by a two-thirds qualified majority, pursuant the voting weights (CEERa, 2015, art. 17). In all, formal managerial autonomy is moderate.

On the basis of the operationalization of formal autonomy as presented in the operational framework of the study, the formal autonomy of CEER is assessed as high. On two out of three dimensions CEER scores high on formal autonomy, on one moderate.

4.1.3 The actual organizational autonomy of CEER

The second variable is the level of actual organizational autonomy. This section starts with a short discussion on the aggregation of confidential information at private organizations. After which the actual autonomy of CEER on finances, mandate, objectives, and tasks, and management is assessed.

First of all, the aggregation of confidential data on private organizations is problematic. In this study not all the data needed to properly assess the actual autonomy of CEER has been examined. Though CEER is required to draft an annual budget, account for its spending, and keep

records of its meetings, it is not required to make it public because its legal personality is recognized under private law. Unfortunately, CEER refused to disclose any information regarding its finances and staff.[2] This in turn makes answering the research questions on actual autonomy problematic. In order to address the actual autonomy of CEER without the preferred data, other sources of information have been used. Though these sources are less reliable, they are the best there is. CEER publishes annual work programmes and annual activity reports. Together with the association's constituent documents, these sources of information provide enough data to determine the inferences of the indicators formulated in the operational framework.[3]

The lack of data proved most problematic in assessing CEER´s actual financial autonomy. It was impossible to determine if CEER actually (re)allocates its own financial resources or if its expenditure has grown over the past few years. However, the question whether or not expenditures are questioned has been answered. According to the 2016 annual work programme, member states pressured their regulatory authorities to reject the work programme because of the resources needed for its implementation. Though the motives for these voting recommendations could be diverse and substantive, the member states specifically addressed the resources involved. Furthermore, there were no substantive objections to the work programme itself (CEER, 2016d, p. 3). The conclusion must therefore be that member states do question the expenditure of CEER. The fourth indicators is the source of funding. CEER is fully funded by its members (CEER, 2015a, art. 12). According to the European Commission's Transparency Register, CEER had a total budget of € 1,025,00.00 euro for the year 2014 (European Commission, 2016). The inference is that CEER is highly dependent on its members for funding. Based on these indicators, the actual financial autonomy of CEER is moderate. At the same time, there are clear indications for differences between formal and actual organizational autonomy, especially considering the questioning of CEER's expenditure by the member states.

[2] CEER has been contacted with an information request on May 24, 2016. The reason for this information request was included. This request was denied two days later, on May 26. According to the staff member who replied, the requested information was not open to the public and would not be shared.

[3] Ironically, CEER won the Energy Transparency Award for the organization that contributes most strongly to the transparency of the energy market in Europe in 2011 (CEER, 2011).

There are no indications that the actual autonomy in interpreting the mandate, objectives, and tasks differs from its formal mandate. However, the actual autonomy on this dimension is considerable. Because CEER is formally independent and has personality under private law, its actual autonomy is already far reaching. The statutes, can be adjusted by the General Assembly, and according to those same statutes, should be updated regularly (CEER, 2015a, art. 17.8, 30). Indeed, the most recent version stems from September 2015 (CEER, 2015a). Under such conditions, evolution of autonomy becomes a matter of perspective. Regarding two of this dimension's indicators, the mission and role of CEER have been specified in the statutes, and so are the interpretations of the working methods. Indicative for actual autonomy is that CEER interprets its own objectives and tasks. Furthermore it publishes its own opinions, conclusions and recommendations. In the case of CEER, the publishing of these documents can be regarded its principle functions. Annually, CEER publishes a work programme in which it explains that years priorities. The interpretation of the association's objectives and tasks are subjected to consultations amongst the association's members and put forward to a vote in the General Assembly (CEER, 2015a, art. 16). Also, CEER regularly publishes opinions, conclusions and recommendations as part of its daily operations. A database of these documents is kept at the association's website (www.ceer.eu). In all, CEER's actual autonomy to interpret its mandate, objectives, and tasks is high.

Finally, the CEER's actual managerial autonomy. CEER employs its own administrative staff. At the association's secretariat, eight people are permanently employed (CEER, 2016b). Furthermore, the Articles of Association grand the Board of Directors the possibility to hire additional staff. However, policy experts are not employed by CEER. Experts are contracted or attributed by the national regulatory authorities to participate in CEER's management or working groups. The same holds true for the association's president and vice-presidents. They are all seniors staff members of associated regulatory authorities and lose their position at CEER when they are no longer employed as such (CEER 2015a, art. 19). Hence, the CEER employs its own administrative staff, but relies on the national regulatory authorities for expertise. Furthermore, the managerial discretion of the President

and the Board of Directors extends beyond the preparation and chairing of CEER meetings. The Board supervises the Secretariat and has the statutory responsibility to execute all tasks that have not been attributed to the General Assembly (CEER, 2015a, art. 22). However, their discretion is limited. The General Assembly has to consent with expenditures over € 20.000,- Euro and the delegation of powers to staff or third parties (CEER, 2015a, art. 22.2).

In all, CEER displays a high degree of actual autonomy. Despite the problems of aggregating the appropriate data, some inference could be made. CEER displays a moderate degree of actual financial autonomy and high degree of actual autonomy to interpret its own mandate, objectives and tasks. At the same time, it only employs administrative staff and relies on the expertise of its members. There are, however, clear indications for the evolution of autonomy.

4.1.4 Evolution of CEER's organizational autonomy

In the previous two sections, the formal organizational autonomy and the actual organizational autonomy of CEER have been determined based on the operationalization presented in chapter 3 of this study. In this section, the results of these two previous sections are compared to determine if the evolution of organizational autonomy has taken place. Table 7 summarizes the results of the previous two sections and the comparison of CEER's formal and actual autonomy.

Based on the comparison as presented in table 7 three inferences can be made. First, a reliable comparison between formal and actual financial autonomy based on the data presented above is problematic. The inferences on two out of four indicators for actual financial autonomy could not be produced. However, based on the remaining indicators and idiosyncratic evidence, a preliminary inference has been made for this dimension. When the inferences on formal and actual financial autonomy are compared, it's changes shows a negative effect. The formal financial autonomy displays a higher degree of autonomy than the actual financial autonomy. The two missing indicators could explain this difference. Second, the dimension on the liberty to interpret mandate, objectives and tasks displays the evolution of autonomy as defined in chapter 3 of

Table 7: Comparative table CEER's organizational autonomy

Comparative table CEER			
Formal autonomy		**Actual autonomy**	
Indicator	**Score**	**Indicator**	**Score**
1.	Yes	*1.*	Member-funded
2.	Yes	*2.*	-
3.	Yes	*3.*	-
4.	High	*4.*	Yes
5.	High	*5.*	Moderate
6.	High	*6.*	Moderate
7.	No	*7.*	Yes
8.	2.5 years	*8.*	Yes
9.	Yes	*9.*	Yes
10.	Qualified	*10.*	moderate
Dimension	Score	Dimension	score
Financial	High	*Financial*	Moderate
Mandate, objectives, tasks	Low	*Mandate, objectives, tasks*	High
Managerial	Moderate	*Managerial*	High

this study. The formal scores on this dimension are considerably lower than the actual scores, indicating that CEER does take more liberty in interpreting its mandate, objectives, and tasks than its constituent documents grant. Though the formal mandate, objectives, and tasks of CEER do not change between the formal and actual dimensions, the liberties CEER can take to expand upon its formal constitution are considerable. Third, the comparison between the formal and actual managerial autonomy as conducted above displays the evolution of autonomy. Where its formal score is moderate, its actual score is high. Of special significance for this inference is the fact that decisions are taken with qualified majority in accordance with the voting weights as determined in the network's statues. Because of these formal voting procedures, the formal managerial autonomy is considered to be moderate. At the same time, the actual managerial autonomy is hampered by the moderate executive discretion in day-to-day management, but strengthened by the fact that CEER employs its own staff. When the two dimensions of managerial autonomy are compared, the evolution of autonomy becomes manifest.

In all, the comparison between the formal organizational autonomy and the actual organizational autonomy in the case of CEER provides evidence for the evolution of organizational autonomy. In two out of three dimensions of organizational autonomy as applied in this study, the evolution of autonomy has taken place. In the one dimension this has not been proven (financial autonomy), two out of four indicators of actual autonomy were missing. Furthermore, idiosyncratic evidence further strengthens the case for the evolutionof autonomy. As explained in the section on actual financial autonomy, the member NRAs of CEER accepted the 2016 Work Programme despite opposition by their respective national governments. In doing so, these NRAs displayed strong solidarity with CEER, thereby strengthening its organizational autonomy.

In all, it is concluded that the evolution of organizational autonomy has taken place in the case of CEER.

4.1.5 The independent variables for CEER

The first independent variable that has to be established is the European Commission's competence in energy policy. The Treaty of Lisbon clearly states the policy competence of the European Commission in energy policy. According to article 2.C.2.(i) of the Treaty of Lisbon, energy is a shared competence between the EU and the member states (Treaty of Lisbon, 2007, art. 2.C.2.(i)). Furthermore, the closely related policy areas of the internal market and trans-European networks are also shared competences (Treaty of Lisbon, 2007, art. 2.C.2.(a), (h)). The treaty stipulates that the EU's energy policy aims to establish a Europe wide energy market and to stimulate sustainable and environmental friendly energy (Treaty of Lisbon, 2007, art. 176.A.1). The Intergovernmental Conference that prepared the Treaty of Lisbon emphasized that these articles in no way diminish the authority of national governments to secure and acquire sources of energy by themselves (Treaty of Lisbon, 2007, Declaration 35). Community regulation concerning energy policy is made through the ordinary legislative procedure; the Commission initiates the policy process and the Council and the European Parliament both independently deliberate and decide (Treaty of Lisbon, 2007, art. 176.A.2;

Nugent, 2010, p. 309). However, energy legislation with fiscal implications is made through a special legislative procedure, requiring unanimity in the Council and Parliamentary consultation only (Treaty of Lisbon, 2007, art. 176.A.3).

The second independent variable that has to be determined is the importance of CEER in its policy regime. For this, oblique indicators have been used. First, CEER is not the only network organization in the field of European energy policy. A brief stocktaking reveals several other networks, most notably: ACER (Agency for the Cooperation of Energy Regulators) and EnR (European Energy Network). Other network organizations in this field are: the European Commission's Directorate-General Energy (DG ENER), IEA (International Energy Agency), FEDARENE (European Federation of Agencies and Regions for Energy and the Environment), the Florence Forum for Electricity, the Madrid Forum for Gas, and WIND Europe. For sure, the European energy policy regime is very diversified. Second, the number of plenary meetings. The General Assembly has the statutory obligation to meet at least 4 times a year (CEERa, 2015a, art. 16.1). However, its meets more often. According to the Annual Reports of 2014 and 2015, the General Assembly meets 10 times a year (CEERa, 2014, p. 19; CEERa, 2015b, p. 19). Third, the frequency of executive meetings. The Articles of Association do not stipulate a mandatory frequency of Board meetings or working group sessions, this indicators could therefore not be determined. However, the annual report of 2015 does stipulate that in 2015 229 CEER meetings of various kinds have taken place (CEER, 2015b, p. 13). Fourth, the interdependence of the organizations associated in with CEER. The national regulatory authorities have voluntarily consented in cooperating in CEER. They rely on each other to disseminate and exchange best practices, deliberate on regulation, and lobby the European Commission. The tasks attributed to CEER therefore show a high degree of interdependence for the NRAs. At the same time, CEER is dependent on the national regulatory authorities for financial recourses and expertise. CEER's interdependence is therefore high. Concluding, the network importance of CEER high. While there are plenty of opportunities for regulatory authorities to bypass

CEER, the network is very active and highly interdependent. Therefore, the network importance of CEER is high.

The third independent variable is the level of goal divergence amongst CEER's members. Though CEER keeps many of its internal documents confidential, it does publish evaluation reports on the public consultations of its annual work programmes. These documents, together with the online data, provide excellent sources to assess the goal divergence of CEER's members. Every year, all members are asked about their opinions on the draft version of the programme and its individual priorities. These opinions are summarized ('not important', 'important', 'very important') and published online. The aggregated results of these questionnaires are used to indicate the level of goal divergence in CEER. According to CEER's own assessments, the reports showed consistent results for the period 2011-2016: "*broad consensus on the general outline of the work programmes*" (CEER, 2016d, p. 3; 2015c; 2014b; 2013; 2012; 2011b). For the years 2014-2016, the figures have been reconstructed. In 2014, 9% of the responses were negative, 51% was positive and 40% was very positive (CEER, 2013, June 29). In 2015, 8% of the responses were negative, with 42% positive and 50% very positive (CEER, 2015c, pp. 8-11). In 2016, 10% of the responses were negative, 39% were positive, and 51% were very positive (CEER 2016d, pp. 9-18). Figure 3 displays a bar chart of these figures in absolute numbers. Overall, the members of CEER agree with an overwhelming majority with the policy proposals, and considering the structure of the organization, with each other. Therefore, the goal divergence in CEER is low. Better yet, there appears to be evidence for goal convergence.

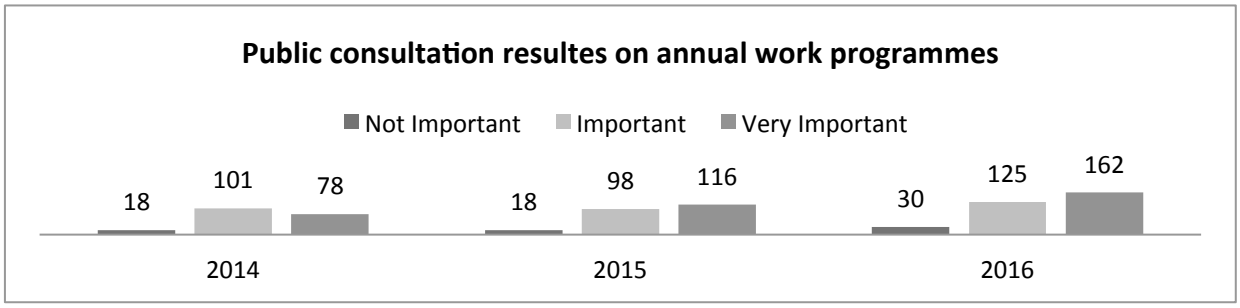

Figure 3: Public consultation results on annual work programmes CEER

The fourth independent variable that has to be determined are the ex ante controles over the operations of CEER. These controles determine the degree to which CEER's executives can be held accountable by its orchestrators. The orchestrators for CEER are the national regulatory autorities that are in the CEER network. They excersise ex ante control through their membership in the General Assembly. The General Assembly represents these authorities in the operational decesion-making of CEER, and according to the *Memorendum of Understanding*, the ex ante controles of the Assembly are extensive (CEER, 2015a, art. 2). Most importantly, the General Assembly has the statutory obligation to assess and apporove the budget before it can come into force (CEER, 2015a, art. 27). In addition, the General Assembly has to assess and approve the annual work programmes, eventhough these have been drafted through the explicit cooperation of the national regulatory authorities (CEER, 2015a, art. 15). The approval procedure for both documents is relativally strict. Both have two be approved by a two thirds majority of the authorities represented in the General Assembly, in accordance with their relative voting weights (CEER, 2015a, art. 17.1, 17.4). As such, the ex ante control over the opperations of CEER are internal and in accordance with associations under private law. At the same time, because the General Assembly in comprised soley of the institution's orchestrators, they do have final say over the association's course. Secondly, the orchestrators can excersise a substantial influence ex ante (or ex post) on the executive and managerial staff of the network. The General Assembly has the power to elect and dismiss Directors, elect and dismiss the Secretary General, and elect and dismiss the Statutory Auditor (CEER, 2015a, art. 15). Under these conditions, the orchestrators can change the CEER's managenet with a two thirds majority. What is more, those powers are exclusivly reserved for the General Assembly (CEER, 2015a, art. 15). The orchestrators also keep CEER's operation's in check throught the shadow of legal action. The CEER's managers are dependent on the General Assembly for decharge at the end of their term of office (CEER, 2015a, art. 15). When the General Assembly is unsatisified with the actions of its executives, it can refuse decharge, whereby the managers remain liable for their operational decions during their term in office. Concluding, the ex ante control over CEER is exersised internally

through the General Assembly. The level of control the orchestrators have through these means ishigh.

The fifth and final variable that has to be determined is the level of entrepreneurial behavior by CEER's executive directors, the presdent and the vice-presidents. In order to do so, the careers of these persons and the level of entrepreneurial statements made by CEER's president are assessed. CEER is precided over by Lord J. Mogg. In addition to being President of CEER, he is also president of the Board of Regulators of ACER and of the British regulatory autority on energy, Ofgem. Lord Mogg has held various senior positions in the British government and at the European Commission. Most notably, he has served for 3 years as the European Commission's deputy Director General on Industry, and 10 years as Director General Internal Market and Financial Services (Agency for the Cooperation of Energy Regulators [ACER], 2016). The five vice-presidents of CEER, originating from The Netherlands, Belgium, Germany, Croatia, and Itally, have all had carreers as civil servents, either at their national governments or the various NRAs. Only one of them has had a career outside the civil service and worked as an Economic's proffessor at the University of Rome Tre.[4] Together these careers display a close relation with the field of energy policy and regulation. Furthermore they have all had senior positions before. Most notably the President himself, who has had rather an impressive career already. Therefore the level of ambition dicerned from the resumees of members of CEER's Board of Directors is high. Second, the level of entrepreneurial retoric in lord Mogg's speeches has been analysed to determine the level of entrepreneurial behavior of CEER's president. For sure, this does not provide sufficient evidence to suport any inference on the actual behavior of lord Mogg, but it does provide a researchable indication for entrepreneurial behavior. Based on three speeches delivered by Lord Mogg, it can be stated that he does use entrepreneurial rethoric in his speeches. The speeches analyzed all follow a similar pattern. First a sence of urgency is created, a need for action. Two exemplary excerpts: in one speech he strated by saying that it was a "*critical time for consumers – prices rising – crucial component of very difficult financial climate impacting on*

[4] The résumés of the Vice-Presidents of CEER have been reconstructed based on their LinkedIn profiles (www.linkedin.com). Retrieved on June 1, 2016.

consumers' living standards across Europe" (Mogg, 2011, p. 1) in another he remarked that "*the challenges before us all are huge; the targets demanding*" (Mogg, 2015, p. 1). After the stage is set for decisive action, Lord Mogg introduces his solutions to the problems he defined. The central parts of those solutions are the organizations he precides over, notably CEER. Lord Mogg displays entrepreneurial behavior in his speeches by reframing the policy problems in such a way, that CEER is the solution to that problem. Furthermore, Lord Mogg is able to attach CEER's policies and influence onto previously initiated reforms (Mogg, 2015, p. 3). Therefore, it is concluded that Lord Mogg displays entrepreneurial behavior in his speeches. In all, the inference on this variable are high.

Concluding, Table 8 displays the results on the independent variables in the case of CEER. These results are compared with the other ERNs examined in this study in the next chapter.

Table 8: Results on the independent variables in the case of CEER

Results on the independent variables in the case of CEER	
Community Competence	Shared Competence
Network importance	High
NRA Goal divergence	Low (very)
Orchestrators' ex ante control	High
Executive's entrepreneurial behavior	High

4.2 The European Platform of Regulatory Authorities

This section presents the study into the case of the European Platform of Regulatory Authorities (EPRA). First the formal organizational autonomy is determined, then the actual organizational autonomy. Third, both forms of organizational autonomy are compared to ascertain if there is a difference between formal and actual organizational autonomy. Finally, the inferences on the independent variables for the case of EPRA are determined.

4.2.1 The founding and internal organization of EPRA

EPRA is a forum for deliberation by regional and national regulatory authorities in the field of broadcasting. During the 1990s, the Contact Committee, chaired by the European Committee, facilitated the representation and information sharing of broadcasting NRAs. However, the regulatory authorities were only involved intermittently and their representation was usually performed by representatives of the national governments. Therefore the NRAs favored the creation of an informal forum for information and experience sharing without the interference of the European Commission or national governments. In Malta in 1995, these regulatory authorities decided to establish EPRA, outside the EU framework (Michalis, 2007, p. 230). EPRA is responsible for information sharing only, encouraging a frank and open exchange of views and specifically prohibiting the adoption of common positions or declarations (European Platform for Regulatory Authorities [EPRA], n.d.(a)). EPRA aims to be a forum for informal discussions and exchanges in fields of the media, a forum for exchange of information on national and European media regulations, and a forum for discussion of practical solutions to legal problems regarding the interpretation and application of media regulation (EPRA, 2011, art. 1).

EPRA consists of 52 members from 41 countries, drawn from regional and national regulatory authorities (EPRA, 2011, art. 2). The membership of EPRA extends beyond the borders of the EU (for example: Azerbaijan and Israel) and includes autonomous regions (for example: Isle of Man). EPRA consists of two statutory bodies under the supervision of an unspecified plenary meeting (assembly)

of all the association's members. Though the status of the plenary meeting as an administrative body is unspecified, it is responsible for the election of the association's executive body, the Executive Board. The Executive Board consists of one chairperson and up to four vice-chairpersons, one of which is officially designated as senior vice-chairperson; the deputy of the chairperson. The Executive Board is responsible for the association's meetings and agendas, whereas the chairperson chairs the meetings and represents the association in its external relations (EPRA, 2011, art. 3). In addition, the Executive Board may decide to invite representatives and observers to the plenary meeting.

EPRA is supported by a Secretariat, which is appointed by the plenary meeting on the nomination of the Executive Board. The Secretariat is responsible for most of EPRA's operational activities. It organizes the association's meetings, background documents, minutes, and press releases. Furthermore, the Secretariat facilitates the exchange of information between the members and compiles and maintains a Resource Center on media regulation (EPRA, 2011, art. 7). The secretariat is also responsible for the coordination of the association's three working groups. The working groups are organized along issue specific lines. Two annual working groups address issues of heightened interest ('hot-topics' and 'evergreens'). The third working group is an ad-hoc group, addressing the emergence of new and innovative topics in the field of broadcasting (EPRA, 2016a, p. 1). Figure 4 displays the organizational chart of the EPRA.

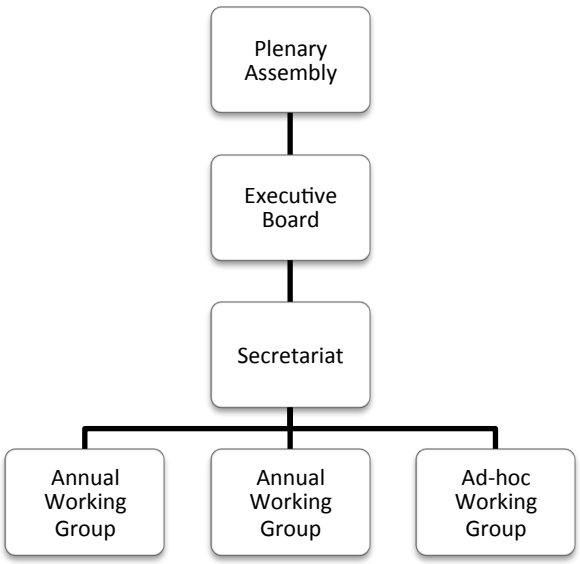

Figure 4: The organization chart of the European Platform of Regulatory Authorities

4.2.2 The formal organizational autonomy of EPRA

The degree of formal autonomy of EPRA is defined in its statutes (EPRA, 2011), and elaborated upon on the association's website: www.epra.org. In this section, the degree of formal autonomy of EPRA is determined

First of all, the formal degree of EPRA's financial autonomy is determined by the association's financial accountability and its possibility to engage additional sources of revenue. The association has full financially accountability. The budget is determined annually by the Executive Board and approved at the association's autumn meeting. When a surplus or deficit occurs, the General Assembly decides on how to complement the budget or distribute the surplus (EPRA, 2011, art. 8). At the same time, the EPRA is limited to membership fees and contributions as the only source of revenue (EPRA, 2011, art. 2, 8). Hence, the association does not have the possibility to ascertain additional sources of income. Furthermore, to minimize administrative costs, the secretariat is supported by a host organization (EPRA, 2011, art. 7). Since 2005, that organization is the European Audiovisual Observatory in Strasbourg (EPRA, n.d.(b)). The host organization has the statutory obligation to guarantee the secretariat's independence (EPRA, 2011, art. 7.1). Based on these two indicators, the formal financial autonomy of EPRA is labeled moderate.

The second dimension of formal autonomy comprises the relative precision of EPRA's mandate, objectives and tasks. The association has legal personality under private law. The association's Board Association is registered as a non-profit association under Alsatian law (EPRA, n.d.(a)). Furthermore, EPRA's independence is formally stated in its statutes (EPRA, 2011, art. 1). Second, the association's mandate is of limited size, only three functions are stated in the statutes. However, it is comparatively detailed. EPRA's functions call attention to the purpose of the association as a forum for informal discussion and exchange of views in the field of the media, the exchange of information about common issues of national and European media regulation, and the discussion of practical solutions to legal problems regarding the interpretation and application of media regulation (EPRA, 2011, art. 1). Third, the association does not have the freedom to select its

own policy instruments. The instruments of EPRA are limited by its statutes and organizational character. The association values an open and frank discussion about media regulation, but refrains from publicly expressing political or controversial statements (EPRA, n.d.(a)). Furthermore, the statutes explicitly prohibit the adoption and publication of public statements and declarations (EPRA, 2011, art. 1.2). The formal autonomy assigned to EPRA based on the mandate, objectives, and tasks is low. Even though the association is formally independent, its scope of action is restricted.

The final dimension of formal autonomy encompasses the association's formal managerial autonomy. The time in office of management and executive appointments is two years (EPRA, 2011, art. 3). Appointments are renewable, indicating moderate executive continuity. Decisions are taken by simple majority, both in the General Assembly and in the Executive Board (EPRA, 2011, art. 5.3). As such, EPRA has a moderate degree of formal managerial autonomy.

4.2.3 The actual organizational autonomy of EPRA

In this section the actual autonomy of EPRA is assessed. First, the actual financial autonomy. The organization is fully financed through income from membership contributions. The regional and national regulatory authorities that are member of EPRA are required to pay an annual fee to the secretariat before the start of every new accounting year. The amount is decided annually by a simple majority by the General Assembly (EPRA, 2011, art. 2.2). In 2015, the annual fee amounted to € 2,400,- euro per member (E. Machet, Personal Communication, May 30, 2016). EPRA does not allocate its financial recourses freely. The modest yearly income is used to operate and finance the secretariat only. Furthermore, most of the operation costs are fixed. As a matter of fact, the association's budget is established based on the estimate of the secretariats expenses for the coming fiscal year (EPRA, 2011, art. 8). Additional expenses, including conference venues and travel expenses are paid directly by the regional or national regulatory authority responsible for hosting the conference or hiring the staff (E. Machet, Personal Communication, May 30, 2016). Also, according to EPRA staff, there is no true increase in the financial resources of the association. According to one

staff member, the expenditures of EPRA do not truly change from year to year (E. Machet, Personal Communication, May 30, 2016).[5] In light of the association's modest expenses, this is not surprising. Finally, there are no indicators to suggest that the financial expenses of EPRA are questioned by its members. Again, the modest annual fee, but also the association's long existence (since 1995) might account for this inference. Concluding, ERPA's actual financial autonomy is limited to its operational expenditures. For all other costs, it relies fully on the participation of its members. Therefore, the actual financial autonomy of ERPA is low.

Second, the actual autonomy in interpreting the association's mandate, objectives, and tasks. EPRA does not determine its own mission and role. The aims of the association have been clearly defined in the association's statutes (EPRA, 2011, art. 1). Furthermore, the association has been statutory remitted to issue common declarations or opinions (EPRA, 2011, art. 1.2). However, these provisions can be amended by a two thirds majority of the voting members (EPRA, 2011, art. 11). Still, considering the association's organizational culture, that would seem very unlikely. EPRA does posses discretion in interpreting its own annual objectives and tasks. Annual work programmes, drafted by the Executive Board and based on member's suggestions, stipulate the association's yearly priorities and tasks. The work programme's are approved by the Executive Board. The working methods EPRA can employ in fulfilling its objectives are stated in the statutes. EPRA is primarily a forum for informal discussion and the exchange of information. Furthermore, it can institute working groups and draft working papers and reports. That said, its statutes limit unilateral collective action by EPRA (EPRA, 2011, art. 2.2). Finally, though EPRA is prohibited from issuing collective statements or opinions, it can draft working papers and reports. Therefore, EPRA does publish conclusions and recommendations. However, these conclusions and recommendations are directly related to the field of broadcasting policy in Europe, not the collective action of EPRA (EPRA, 2011). Concluding, the autonomy of EPRA in interpreting its own mandate, objectives and tasks is limited to the substantive

[5] These inferences are based on the information provided by an EPRA staff and the association's budget for the year 2015. No historical or comparative data has been analyzed. Again, because EPRA has personality under private law, it is not obliged to publish financial or internal information. However, I am grateful to EPRA for the information that it did provided.

deliberation on broadcasting policy. It does not extent to the level that EPRA can truly as a unilateral political actor. Therefore, the actual autonomy of EPRA in interpreting its own mandate, objectives and tasks is moderate.

Third, the actual managerial autonomy. EPRA employs its own administrative staff, comprising of a secretary and an assistant secretary. 85% of EPRA's budget is spent on administrative staff expenditures.[6] The chairperson and the vice-chairpersons exercise their activities for EPRA, in addition to their job within their own regulatory authorities, on a non-paid, *philanthropic,* basis (EPRA, n.d.(a)). The same holds true for the people comprising the working groups. These experts are employed by their respective regulatory authorities. Finally, the discretion of the Chairperson and the Executive Board in the day-to-day operations of the association is moderate. In addition to presiding over the association's meetings (Plenary, Executive Board, and working group meetings), the Chairperson and the Executive Board are responsible for administering and legally representing the association in its daily business (EPRA, 2011, art. 3). The fact that the chairpersons preside over all the meetings of the association, not just of the Executive Board, is indicative for a high degree of executive control. Concluding, the actual managerial autonomy of EPRA is high.

All in all, the actual autonomy of EPRA appears to be moderate. Though the association is formally independent and employs its own staff, it relies fully on its member for financial resources and expertise. The importance of the regional and national regulatory authorities that comprise EPRA is best illustrated by its statutory remit on common statements and conclusions. The association is designed to refrain from agitating its member organizations.

4.2.4 Evolution of EPRA's organizational autonomy

In the previous two sections, the formal organizational autonomy and the actual organizational autonomy of EPRA have been determined based on the operationalization presented in chapter 3 of this study. In this section, the results of these two previous sections are compared to determine if

[6] €100,665.43 euro of the €119,037.31 euro budget is spent on staff (100,665.43/119037.31*100=84.56).

there is a difference between formal and actual organizational autonmy. Table 9 summarizes the results of the previous two sections and the comparison of EPRA's formal and actual autonomy.

Table 9: Comparative table EPRA's organizational autonomy

Comparative table EPRA			
Formal autonomy		**Actual autonomy**	
Indicator	**Score**	**Indicator**	**Score**
1	Yes	*1*	Member-funded
2	No	*2*	No
3	Yes	*3*	No
4	High	*4*	No
5	High	*5*	No
6	High	*6*	Moderate
7	No	*7*	Moderate
8	2	*8*	No
9	Yes	*9*	Yes
10	Simple	*10*	Simple
Dimension	Score	*Dimension*	Score
Financial	Moderate	*Financial*	Low
Mandate, objectives, tasks	Low	*Mandate, objectives, tasks*	Low
Managerial	Moderate	*Managerial*	High

Based on the comparison between formal organizational autonomy and actual organizational autonomy as presented in table 9, there is modest evidence to support the claim of evolution of organizational autonomy. One out of three dimensions indicates a difference between formal and actual autonomy. In the case of financial autonomy, the trend is negative. EPRA has a higher score on formal financial autonomy than on actual financial autonomy. This can primarily be explained by the facts that EPRA does not autonomously (re)allocates its financial resources, did not experience an adjusted increase in revenues, nor had its finances questioned by its orchestrators. Therefore, there did not appear to be a difference in financial autonomy. The autonomy to interpret its mandate, objectives, and tasks (both formal and actual) is severely hampered by EPRA's specifically stated remit on issuing common opinions and declarations. From the very outset, this provision has prevented EPRA to seek out the limits of its formal mandate and experiment with new modes of

operations. Lastly, the dimension of managerial autonomy displays a modest change between formal and actual autonomy. Where its formal score is moderate, its actual score is high. For all intents and purposes, formally EPRA can already take decisions with relative ease. However, the term of office (2 years) is moderate. In comparison therefore, the actual managerial autonomy is higher than the formal managerial autonomy.

That said, it is important to note that autonomy is a relative concept. Autonomy is detectible only in comparison to other actors and gains value only in its specific frame of reference. EPRA has been formalized as a non-profit under private law and possess thereby a dé facto high degree of autonomy. Furthermore, for EPRA their does not appear to be any functional need to push the limits of its formal autonomy. In all, the case of EPRA provides modest support for the evolution of organizational autonomy.

4.2.5 The Independent variables for EPRA

First, the EU's competence in audiovisual and media policy. According to the EUR-Lex's summaries on EU legislation, the EU's audiovisual and media policy is based on article 167 of the Treaty of Lisbon (EUR-Lex, n.d.). Article 167 comprises the Culture chapter of the Treaty and safeguards national and regional cultural diversity (Treaty of Lisbon, 2007, art. 167.1). The EU's policies in this particular policy field are aimed at encouraging cooperation between member states, and to support and supplement their actions (Treaty of Lisbon, 2007, art. 167.2). The European Parliament and the Council are empowered to adopt incentive measures, excluding the harmonization of laws and regulations of the member states, by ordinary legislative procedure and only after consulting with the Committee of the Regions (Treaty of Lisbon, 2007, art. 167.5.1).In addition to these treaty provision, the Audiovisual Media Service Directive (ACMSD) of 1989, amended in 2010 and currently open for public consultation, laid down the basis for establishing a common market for audiovisual service (Directive 2010/13/EU). Also, the European Commission's Education, Audiovisual and Culture Executive Agency (EACEA), responsible for funding several cultural programmes including Erasmus,

runs the 1.5 billion Creative Europe framework programme to support the culture and audiovisual sectors (Regulation (EU) 1295/2013). In all these policies, the EU has the ability to support, coordinate or supplement the actions of the member states. Culture is a policy area in which the EU has supporting competences only (Treaty of Lisbon, 2007, art. 2.E.(c)).

The second variable that needs to be established is the relative importance of EPRA in its respective policy field. Four indicators serve to determine the relative importance. First, the presence of additional network organizations in the field of EU audiovisual and media policy. EPRA's only publically published annual report and its annual work programmes have served to determine this indicator. According to the annual report (EPRA, 2016b), EPRA cooperates closely with the Commission-instituted European Regulators Group for Audiovisual Media Services (ERGA), established in 2014. Other organizations with which EPRA cooperates are The Council of Europe Steering Committee Media and the Information Society (CDMSI), the Audiovisual Observatory, and the European Broadcasting Union (EBU) (EPRA, 2015, p. 2-3). Furthermore, according to the work programme for 2015, the member's of EPRA urged the Executive Board to demonstrate complementarily with ERGA and prevent the overlap of competences (EPRA, 2015, p. 1). By urging EPRA to adjust to ERGA, EPRA's members seem to insinuate that they prefer cooperation within ERGA. Second, the number of plenary meetings of EPRA. The number of annual plenary meetings of EPRA has been statutory determined. According to article 6.1: "*EPRA Members meet, as a rule, twice a year*" (EPRA, 2011, art. 6.1). These meetings last two to four days and include the organization's administrative affairs (operations and finances) and the substantive affairs. According to the meetings agenda's, plenary meetings include plenary policy discussions and deliberations, interspersed with parallel meetings of the working groups (EPRA, 2016c; EPRA, 2015). Third, the number of meetings of EPRA's Executive Board. According to the annual report of 2015, the Executive Board met five times. These meetings took place evenly dispersed throughout the year, every time in another member state (EPRA, 2016b, p. 2). Finally the interdependence within EPRA. Interdependence in EPRA is low, limited to voluntary and informal dialogue amongst the members.

EPRA does not liaise with the European Commission, nor can it adopt common positions or statements. Furthermore, chairperson Celene Craig, unintentionally remarked about the apparent indifference of EPRA members about attending plenary meetings by stating that 2015 was a unique year, because "*we had all 52 members participating for the first time in EPRA history*" (EPRA, 2016b, p. 2). In all, the importance of EPRA in audiovisual and media policy is low.

Third, the level of goal divergence amongst EPRA's orchestrators. The level of goal divergence displays the degree to which the association's members agree on EPRA's operations. The suitable sources for determining the level of goal divergence are documents concerning the establishment of the annual work programme. However, the contributions of the individual orchestrators are not published, nor are the notes on the draft proposals made public. Also, in contrast to CEER, EPRA does not publish evaluation reports on its public consultations. Therefore, the level of goal divergence amongst EPRA members has to be derived from other sources. One such source is the procedure through which the work programme is established. This procedure involves five separate phases. The basis for the annual programme is laid at the association's autumn meeting, where topics of interest are exchanged between EPRA's members. Next, suggestions for priorities are collected through a formal call for topics. Based on these two phases of consultation, the Executive Board drafts a concept work programme and distributes this draft amongst its members. In the third phase, a new consultation is started based on the draft prepared by the Board. On the basis of this latest round of consultations, the Executive Board drafts and adopts a final programme, somewhere at the end of January (EPRA, n.d.(c)). In all, the drafting of a work programme takes up to three months, with three separate phases of member consultations. However, the Executive Board has the final say. According to the work programme for 2016, the Board strives to incorporate the preferences of all members. Stating that: it "*has attempted to accommodate these [suggestions] as much as possible*" (EPRA, 2016a, p. 1). What the consultation procedure and the previous comment reveal is that goal convergence is not achieved at EPRA. The fact that the Board is responsible for drafting and adopting the work programme shows that EPRA's

members are only indirectly involved in ratifying the document. More importantly, there are no public mechanisms through which can be assessed if the suggestions of EPRA's members have sufficiently been incorporated into the work programme. Based on these results, it is argued that the goal divergence at EPRA is moderate.

The fourth inference that has to be made is the degree of ex ante control that is exercised by EPRA's orchestrators over its operations. EPRA's orchestrators are represented by the plenary meeting, all regulatory authorities that are a member of EPRA have a vote in this body. However, the powers and the responsibilities of the plenary meeting remain unspecified in the statutes of the association. Instead, the orchestrators control EPRA indirectly, through the Executive Board. According to the statutes, the budget has to be prepared in advance of EPRA's plenary autumn meeting (EPRA, 2011, art. 8.1). During the autumn meeting, the financial documents are discussed (EPRA, 2016c). Furthermore, the Executive Board is required to examine the budget at least once a year, and provide an external auditor's report on it (EPRA, 2011, art. 8.4). As discussed above, the Executive Board is also responsible for the drafting and adopting of the annual work programmes. The control the plenary meeting can exercise over the Executive Board is formalized in the Alsatian civil code, under which jurisdiction EPRA is a legal personality. It is important to note that the Alsatian civil code diverges from the French civil code. Though Alsace is part of France, the French civil code was adopted when Alsace was still German, in 1901. As a result, Alsace has a civil code of its own (Glenn, 1974). Under the Alsatian civil code, association in general have more freedom to act. For example, contrary to French associations, Alsatian associations are allowed to make a profit as long as they do not compete with private organizations with the same objectives. However, of relevance here is the relation between the plenary meeting and the Executive Board according to the Alsatian civil code. In all matters, the plenary meeting holds final say. In addition, the plenary meeting can excuse the association's executive freely, without any formal legal obstructions (Code civil local, 1985, art. 27). According to article 27, "*la direction est librement révocable*" (Code civil

local, 1985, art. 27). Therefore, the Executive Board can be fired at all times by the plenary meeting. The orchestrators hold high indirect ex ante control over EPRA.

The fifth and final independent variable that has to be determined is the level of entrepreneurial behavior of EPRA's management. This level is determined through two indicators: the résumés of the directors of the association, and the level of entrepreneurial behavior in the speeches of EPRA's director. However, only the résumés could be examined. There were no public speeches found by Celene Craig, EPRA's chairperson, as chairperson of EPRA. Under the assumption that the lack of public speeches found equals a lack of public speeches given, it is determined that Craig does not display entrepreneurial behavior regarding her speeches. Regarding the résumés of EPRA's Executive Board members, it is concluded that they indicate a moderate to low level of entrepreneurial spirit. Four out of five directors has made a career in the civil service, predominantly in regulatory agencies and media policy. Two of those have also been active in civil society organizations related to media policies and academia. Only one member of the Executive Board has seen the media landscape from the other side, and made a career working for international news organizations and investment in venture capital start-up's (EPRA, n.d.(d)). In all, experience in media policy and regulating is well represented in the Executive Board, entrepreneurial spirit less. Based on these two inferences, the entrepreneurial behavior of EPRA's Executive Board is assessed as low.

Table 10 displays the results on the independent variables in the case of the EPRA. These results are compared with the other ERNs examined in this study in the next chapter.

Table 10: Results on the independent variables in the case of the ERGP

Results on the independent variables in the case of the ERGP	
Community competence	Supporting competence
Network importance	Low
NRA Goal divergence	Moderate
Orchestrators' ex ante control	High
Executive's entrepreneurial behavior	Low

4.3 The Body of European Regulators for Electronic Communications

This section presents the study into the case of the Body of European Regulators and for Electronic Communications (BEREC). First the formal organizational autonomy is determined, then the actual organizational autonomy. Third, both forms of organizational autonomy are compared to ascertain if there is a difference between formal and actual organizational autonomy at BEREC. Finally, the inference on the independent variables for the case of BEREC are determined.

4.3.1 The founding and internal organization of BEREC

BEREC is a deliberative and advisory forum for NRAs and the European Commission in the field of electronic communication (telecom) policies. BEREC was created as part of the Telecom Reform package on November 25, 2009 (EC 1211/2009). During the 1990s, the EU started the process of creating a common, harmonized telecommunications market amongst its member states. A first regulatory package was agreed upon in 1998 and comprised of a series of directives on licensing, competition and standards. The European Commission and the European Parliament called for the establishment of a European regulatory authority to harmonize the telecommunication market, but was opposed by the member states. Despite national opposition to the centralization of the telecommunications market, several national regulatory authorities started forming independent regulatory groups (IRG) as unofficial forums of information sharing. In 2002, the Commission succeeded in creating an advisory group, the European Regulators Group (ERG) consisting of 27 European NRAs. However, its goal remained unclear, and the IRG remained in existence.

For all intents and purposes, the arrangement was an unhappy one. As the need for further harmonization of the telecommunications market continued, the European Commission announced it would establish a European Electronic Communications Markets Authority as a Community agency. However, the rivalries with the national governments continued during the Telecom Reform package negotiations, a deal was reached (Saz-Carranze, Longo & Salvador Iborra, 2014, p. 105-108; Boeger &

Corkin, 2012, p. 54-58). The organization that resulted from these negotiations, BEREC, adopted a hybrid structure; an agencified network, containing structural elements of both EU agencies and regulatory networks (Levi-Faur, 2011, p. 15).

The complexity of the founding of the BEREC is reflected in its organizational structure. Regulation 1211/2009 establishing BEREC in fact established two organizations: BEREC and the Office. The main deliberative functions of the organization are attributed to BEREC. BEREC comprises of a Board of Regulators, consisting of one representative of all associated NRAs, with the European Commission holding non-voting observer status. The Board is mandated to offer advice, adopt opinions, guidelines and recommendations, and to share best practices. Furthermore, it appoints a chair and vice-chairs to preside over its meetings. Moreover, the Board has been authorized to institute expert working groups to assist in its tasks (EC 1211/2009, art. 2-3).

Contrary to the Board of Regulators, The Office was founded as a Community body with legal personality (EC 1211/2009, art. 6). Most of the administrative functions attributed to BEREC are carried out by The Office (EC 1211/2009, art.6). These include the provision of professional and administrative support to BEREC, the collection and transmittance of information to and from the NRAs, the dissemination of regulatory best practices, providing assistance to the chair of the Board of Regulators, and the composition of working groups at the request of the Board of Regulators (EC 1211/2009, art. 6). The Office comprises of an Administrative Manager and a Management Committee. The Administrative Manager is responsible for the day-to-day operations of the Office and carries out its tasks (EC 1211/2009, art. 8-9). The Administrative Manager is overseen by the Management Committee. The Committee comprises of one representative of each associated national regulatory authority and one representative of the European Commission. Indeed, the Committee appoints and discharges the Administrative Manager. Furthermore, the committee provides guidance to the administrative manager and is responsible for the appointment of staff. Finally, the Management Committee also assists the expert working groups in the execution of their tasks (EC 1211/2009, art. 7). Despite the formal and functional separation between the Board of

Regulators and The Office, supervision of BEREC remains in control of the national regulatory authorities. Figure 5 presents BEREC's organizational chart.

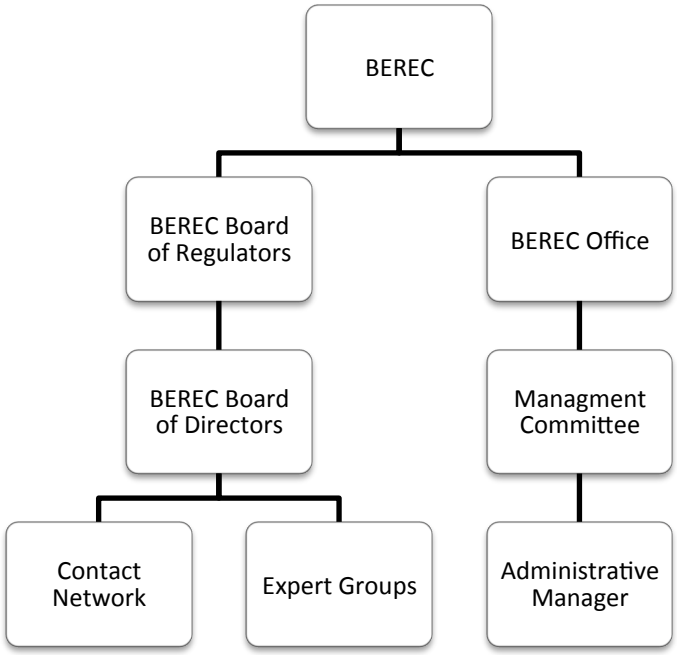

Figure 5: The organization chard of the Body of European Regulators for Electronic Communications

4.3.2 The formal organizational autonomy of BEREC

The formal functioning of BEREC is entrenched in its constituent regulation (EC 1211/2009) and governed by its rules of procedure (BEREC, 2014a). In this section, the degree of formal autonomy of BEREC is determined

The formal financial autonomy of BEREC is differentiated between the Board of Regulators and the Office. The Board of Regulators has no financial responsibility of its own, but gathers its recourses directly from its members. The Office does have its own financial responsibility, but is dependent on the European Commission for budgetary approval. Every year, the Administrative Manager and the Management Committee prepare a draft budget. The Management Committee then transmits a financial estimate to the European Commission. The European Commission enters this estimate into the EU budgetary authority, together with its recommendation on that estimate.

The budget then becomes part of the draft general budget of the EU. On the basis of the adopted general budget, the Office receives Commission subsidy for its expenses (EC 1211/2009, art. 12). Despite the mandatory approval of the European Commission on the Office's budget, the Office can avert to other sources of revenue. The national regulatory authorities are empowered and encouraged to submit voluntary financial contributions to specific operational expenditures of the Office (EC, 1211/2009, art. 11.1b). Furthermore, according to the same article, all member states have to ensure that their respective national regulatory authorities have sufficient financial resources to contribute to the Office. The voluntary contributions are introduced to the EU's budgetary authority before the Committee's draft estimate, in order to adjust the annual Community subsidy to the Office. Consequently, the budgetary accountability resides with the Administrative Manager and the Management Committee of the Office. However, the role of the European Commission is commanding. Therefore, the formal financial autonomy of BEREC is moderate.

The formal autonomy demonstrated in the mandate, objectives and tasks is high. This classification is primarily the result of the strong insistence on BEREC's formal independence in the constituent regulation. According to regulation (EC) 1211/2009), "*BEREC shall carry out its tasks independently, impartially and transparently*" (art. 1.4), later adding that "*the Board of Regulators shall neither seek nor accept any instruction from any government or NRA, from the Commission or from any other public of private entity*" (art. 4.5). Furthermore, the same article grants the European Commission only observer status in the Board of Regulators. The same holds true for the Office. The Office has legal personality under community law (EC 1211/2009, art. 6.1). Also, the Office is directed to execute its objectives under the guidance of the Board of Regulators (EC 1211/2009, art. 6.2). The mandate of BEREC is specified in great detail in articles 2 and 3 of the regulation, including 5 objectives and 13 tasks. The objectives are clear and the tasks are well specified. Most of the tasks and opinions involve delivering opinions and consulting the European Commission and the national regulatory authorities on electronic communications. Furthermore, these tasks have been specified to particular articles and directives (EC 1211/2009, art. 2-3). The European Commission and the

national regulatory authorities are pressed to take the utmost account of any opinion, recommendation, guideline, advice or regulatory best practice adopted by BEREC (EC 1211/2009, art. 3.3). The constituent regulation further stipulates that the BEREC can decide to take on any and all other tasks instrumental to the accomplishment of its mandate by unanimous decision (EC 1211/2009, art. 3.2). Furthermore, with a qualified majority (2/3), the Board of Regulators can decide freely on instituting new working groups (BEREC, 2014a, art. 9, 11). BEREC has the freedom to select policy instruments as long as they do not contrast with the art. 2 tasks and the constituent regulation (EC 1211/2009, art. 2; BEREC, 2014a, art. 1). In all, the formal autonomy according to this dimension is high.

Finally, the formal autonomy that emerges from the dimension of formal managerial autonomy. The term of office of the chairs and vice-chairs of the Board of Regulators is three years, of which one as chair. Chair's are elected in a three-year tenure of which they serve the first and last year as vice-chair (BEREC, 2014a, art. 2.). As such, executive terms of office in the Board of Regulators are non-consecutive. The same cannot be said of the Office. The Administrative Manager, who is appointed on merit instead of elected, has a term of office of three years (EC 1211/2009, art. 8. 3). This term can be extended once for not more than three years, and only when justified "*by the duties and requirements of BEREC*" (EC 1211/2009, art. 8.4). Lastly, for all decisions made in BEREC, both in the Board of Regulators and the Administrative Committee, a qualified majority (2/3) is required (EC 1211/2009, art. 5.4; BEREC, 2014a, art. 9.1; BEREC, 2014b, art. 9.1). The formal managerial autonomy of BEREC is low.

The organizational structure of BEREC is complex. This complexity is reflected in the formal autonomy of the organization. Though BEREC is financially accountable, the European Commission plays a dominant role in its finances. Though the legal dependence of BEREC is emphasized formally, its mandate is extensive and detailed. And though the tenure of the executive staff is limited, its responsibilities are moderate. All in all, the formal autonomy of BEREC, including its differentiated and complex character, is moderate.

4.3.3 The actual organizational autonomy of BEREC

In this section the actual autonomy of BEREC is assessed. First, the inferences of the three dimensions of actual autonomy are determined, then a concluding assessment of the actual autonomy of BEREC is made.

First, BEREC´s actual financial autonomy. In contrast to CEER and EPRA, BEREC's Office has legal personality under Community law. This means that all administrative documents concerning BEREC's operations have to be published (Regulation 1211/2009, art. 13.8). This means that the appropriate documents for determining the actual autonomy of BEREC can be studied. This increases the reliability of this inquiry. The figures used in this section (with the exception of comparative figures) stem from the 2014 financial account, the most recently validated account of BEREC's finances (BEREC, 2014(budget)).

BEREC´s operation´s are almost exclusively financed through a Community subsidy as part of the general budget of the EU. A minor part of funding stems from other sources, most notably voluntary contributions by national regulatory authorities, but also derived surpluses of previous years (BEREC, 2014c, p. 31). Importantly, the revenues and expenditures of BEREC are exclusively contributed to the BEREC Office, the Board of Regulators and its associated working groups rely solely on resources and expertise from the associated NRAs (Blauberger & Rittberger, 2015, p. 62). BEREC's total budget for 2014 was € 4,162,784.00 euro (BEREC, 2014c, p. 32). Consequently, BEREC's finances are primarily used to finance its administrative Office. Its freedom to allocate financial resources is limited. That being said, BEREC does spent a considerable part of its budget supporting the implementation of its work programme, the expert working groups, and the gathering and distributing of information. These operational expenditures make up 42% of BEREC's budget in 2014 (BEREC, 2014c, p. 32, 35).[7] Furthermore, the financial resources of BEREC have been increasing steadily since 2011 (BEREC became financially autonomous in September 2011). Between the years 2011 and 2015, BEREC annual revenue has grown from € 1,178,785.61 euro in 2011 to €

[7] € 1,752,435.03 euro of the € 4,162,784.00 euro budget was reserved for operational expenditures (1,752,435.03/4,162,784.00*100=42.1)()

4,124,838.00 euro in 2015. Figure 6 displays the rise in BEREC revenues in this period.[8] Finally, there is no evidence to supports any claim of inference on the questioning of BEREC's finances. This might be the case because BEREC's subsidy is part of the negotiations on the general budget of the EU. The € 4.1 million euro spent on BEREC in 2014 might well have gone overlooked in its € 135,505 billion euro 2014 budget (European Commission, 2015; BEREC, 2014c, p. 24).[9] Concluding, BEREC's actual financial autonomy is high. Though BEREC relies almost exclusively on its Community subsidy, it has full financial autonomy and there is free (re)allocation of financial resources. Furthermore, it has seen a strong increase in revenue over the years.

Second, BEREC´s actual autonomy in determining its own mandate, objectives, and tasks. BEREC does not determine its own mission or role. The role and mission of BEREC, and the tasks of

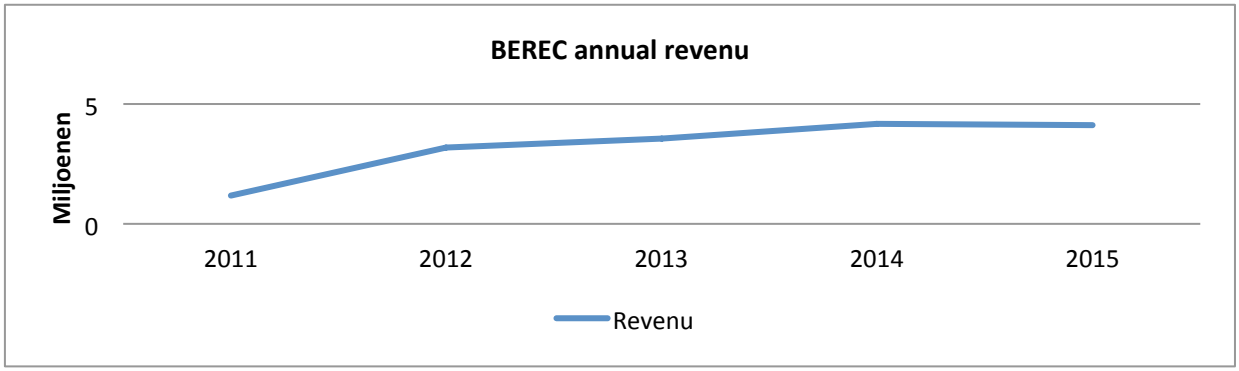

Figure 6: BEREC annual revenues

the Office, have been well established in the organizations founding regulation (art. 2-3, 6). This regulation has been the subject of parliamentary proceedings and has been approved by the European Parliament and the Council of Ministers. There are no measures either the Board of Regulators or the Management Committee could undertake to change, amend or adapt it. However, BEREC can interpret its mission and role within the confines of the regulation. Every year the Board of Directors and the Office draft and publish a work programme. The Board of Regulator's BEREC work programme contains the details of the work to be carried out by BEREC for which the Office will provide the necessary administrative support (BEREC, 2015a, BEREC, 2015b).

[8] Figure 6 is based on BEREC's financial accounts for the years 2011, 20012, 2013, 2014, and the budget for 2015.
[9] BEREC's budget amounted to 0.003% of the general EU budget for 2014.

The same can be said on BEREC's autonomy in interpreting its own objectives and tasks. Though it cannot determine them, it can interpret them within the confines of the regulation. Furthermore, the working methods the Board of Regulators and the Office can employ are limited by its mandate in the regulation. However, both bodies can determine which methods they deem most appropriate for specific tasks. Annually, both bodies have to account for the working methods they have employed in an evaluation report. This report is also forwarded to the European Parliament and the Council of Ministers. The European Parliament is required to issue an opinion on this evaluation report (art. 25). Finally, BEREC issues and publishes opinions, conclusions and recommendations in the field of electronic communications policy. On its website, BEREC maintains a public register of BEREC and BEREC Office documents. Thought these documents are non-binding, the Commission and the national regulatory authorities are obliged to take the "*utmost account*" of them (art. 3). Concluding, the actual autonomy of BEREC in determining its own mandate, objectives, and tasks is a matter of degree. Though the mandate, objectives, and tasks are laid down clearly in the founding regulation, BEREC reserves, and makes use of, the possibility to interpret its founding principles. The actual autonomy of BEREC in determining its own mandate, objectives, and tasks is therefore moderate.

Third, BEREC´s actual managerial autonomy. BEREC employs its own staff, however there is a difference between BEREC and the BEREC Office. BEREC's Board of Regulators and expert working groups rely fully on national regulatory authorities for experts and participants. Expert working groups are comprised of staff of national regulatory authorities. BEREC Office does employ its own staff. In 2014 a total of 28 people were actively employed by the BEREC Office (BEREC, 2014c, p. 56) and a further 6 people were contracted agents into the Office bureaucracy (BEREC, 2014c, p. 57). The actively employed staff by the BEREC Office has been growing steadily since 2011. In 2011, 18 people worked for the office, in 2015, 28 people did. Figure 7 displays the growth of jobs in the BEREC Office.[10] In 2014, total staff costs for BEREC amounted to 51% of total expenditure.[11] The

[10] Figure 6 is based on the BEREC's financial accounts for the years 2011, 2012, 2013, 2014, and the budget for 2015.

discretionary competences of the executive and management staff is delimited by the provisions set out in the regulation and the rules of procedure. The Chair is responsible for the external relations on behalf of BEREC, for which he can be granted a clearly defined mandate by the Board of Regulators (BEREC, 2014a, art. 3.1/2). Furthermore, the chair presides over BEREC's meetings (BEREC, 2014a, art. 4.1). The Administrative Manager is responsible for heading the Office, and as such for assisting the Board of Regulators, the Management Committee, and the Expert Working Groups in the executing of their tasks. Furthermore, under the supervision of the Management Committee, the Administrative Manager has discretion to supervise the implementation of the work program of the Office, the implementation of the budget, and the draft annual report on the activities of BEREC in general (EC 1211/2009, art. 9). Actual managerial autonomy is therefore high.

All in all the actual autonomy of BEREC is high. Despite the fact that BEREC is highly dependent on the European Commission and on the national regulatory authorities, and that its

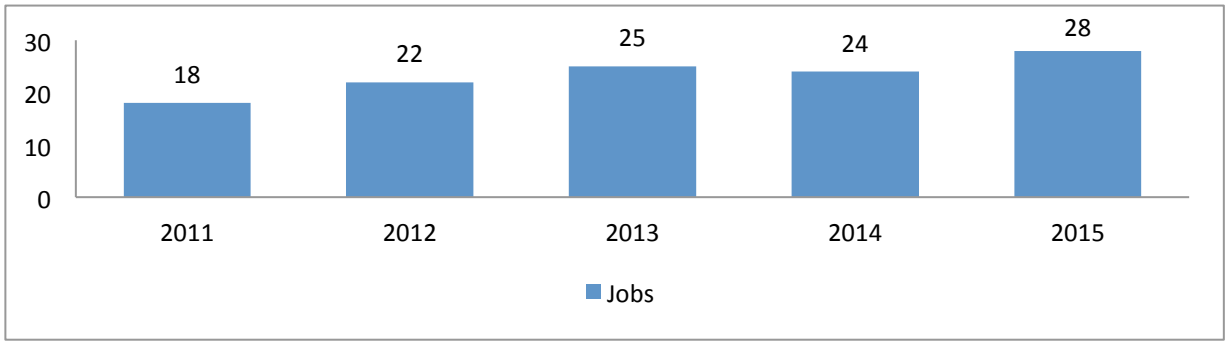

Figure 7: BEREC annual job growth

mandate, objectives, and tasks have been laid down in detail in its founding regulation, BEREC has a Discretion to act autonomous in its daily operations. Furthermore, the Work Programmes attest to BEREC's willfulness. Lastly, there are serious indications that BEREC's actual autonomy has evolved away from its formal autonomy.

[11] €2,126,089.97 euro of the €4,162,874.00 euro budget was spent on staff (2,126,089.97/4,162,874.00 *100=51.07).

4.3.4 Evolution of BEREC's organizational autonomy

In the previous two sections, the formal organizational autonomy and the actual organizational autonomy of BEREC have been determined based on the operationalization presented in chapter 3 of this study. In this section, the results of these two previous sections are compared to determine if the evolution of organizational autonomy has taken place. In the case of BEREC, the distinction between BEREC and BEREC Office has been made in comparing the results on the inferences of formal and actual autonomy. The final conclusion on the differences between formal and actual organizational autonomy is made for BEREC as a whole. Tables 11 and 12 summarize the results of the previous two sections and the comparison of BEREC's formal and actual autonomy.

Table 11: Comparative table BEREC's organizational autonomy

Comparative table BEREC			
Formal autonomy		**Actual autonomy**	
Indicator	**Score**	**Indicator**	**score**
1	No	*1*	Community
2	No	*2*	Yes
3	Yes	*3*	Yes
4	High	*4*	No
5	High	*5*	No
6	Moderate	*6*	Moderate
7	Yes	*7*	Yes
8	1	*8*	Yes
9	No	*9*	No
10	Qualified	*10*	High
Dimension	**Score**	***Dimension***	**score**
Financial	Low	*Financial*	High
Mandate, objectives, tasks	High	*Mandate, objectives, tasks*	Moderate
Managerial	Low	*Managerial*	Moderate

First BEREC (table 11). The comparison between formal and actual organizational autonomy displays support for a change between formal and actual autonomy. In two out of three dimensions, the changes in autonomy has taken place. In the one remaining dimension however, the trend was negative. The formal autonomy to interpret mandate, objectives, and tasks has got a high score, while its actual counterpart dimension has been granted a moderate score. Derived from the BEREC

Office budget (which has grown steadily), BERECs resources have continued to grow. Yet BEREC has no formal financial stability or possibility to attract additional resources. Conversely, its actual financial autonomy displays a lot more autonomy. Despite the fact that BEREC is Community funded, it can (re)allocate its finances. The autonomy to interpret mandate, objectives, and tasks displays a negative trend. This is due to the strict mandate of the organization, which leaves BEREC little leeway to interpret it. Furthermore, it needs parliamentary approval to change. The increase managerial autonomy is chiefly due to the modest formal managerial position (short term in office and qualified majority voting) compared to the extensive executive discretion in BEREC's day-to-day operations. In all, the case of BEREC supports the evolution of autonomy.

Table 12: Comparative table BEREC Office's organizational autonomy

Comparative table BEREC Office			
Formal autonomy		Actual autonomy	
Indicator	Score	Indicator	score
1	Yes	*1*	Community
2	No	*2*	Yes
3	Yes	*3*	Yes
4	High	*4*	No
5	High	*5*	No
6	Moderate	*6*	Yes
7	Yes	*7*	Yes
8	3	*8*	Yes
9	No	*9*	Yes
10	qualified	*10*	High
Dimension	Score	*Dimension*	score
Financial	Moderate	*Financial*	High
Mandate, objectives, tasks	High	*Mandate, objectives, tasks*	Moderate
Managerial	Moderate	*Managerial*	High

Despite their organizational differences, BEREC and BEREC Office display a comparable evolution of organizational autonomy (table 12). Two out of three dimensions display changes between formal and actual autonomy. On one dimension the trend was negative. BEREC's formal financial autonomy is high but totally dependent on the European Commission. Yet, its financial resources have risen steadily and it can autonomously (re)allocate its revenues. Again, the negative

trend in the autonomy to interpret mandate, objectives, and tasks is due to the strict mandate, which leaves BEREC little leeway for interpretation. The managerial autonomy also displays a modest change of autonomy. Formally, the executive managerial autonomy is strong but voting procedures are qualified. Conversely, its actual counterpart displays a higher degree of autonomy resulting from the employment of own staff and the high managerial discretion.

In all, the inferences in the case of BEREC display strong support for the evolution of organizational autonomy. Despite the fact that its mandate is clearly defined, financial resources are expanding and managerial activity appears growing. The organizational differences between BEREC and BEREC Office make a separate discussion on their autonomy necessary. However, I agree with Blauberger and Rittberger (2015) when they state that BEREC Office falls short of being a Community Agency of its own and is limited to assisting BEREC (p. 60). Next, we turn to the independent variables to explore possible explanations for changes in BEREC's organizational autonomy.

4.3.5 The independent variables for BEREC

In this section, the inferences on the five independent variables discussed in the theoretical framework and operationalized in the operational framework are discussed. However, some variables suffer from operational problems, making their reliability and validity questionable. Furthermore, some of the inferences rely on the use of idiosyncratic data sources to determine the indicators value. This has been indicated in those specific instances.

The first independent variable is the competence of the EU in the field of telecommunications. The Community competences in this policy field have not been explicitly specified in the TFEU and the TEU, therefore other data sources have been used. EU Telecommunications policies are fiercely debated by the European Commission and national governments (Tsatsou, 2011; Blauberger& Rittberger, 2015). Disagreement centers on the extent of policy harmonization and decision-making centralization. Political scientist and policy researcher Panayiota Tsatsou argues that EU telecommunications policies are subjected to the principle of

subsidiary (Tsatsou, 2011, p. 1). According to the TEU, subsidiary that the EU can only act "*if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the member states*" (Treaty on European Union, art. 5.3). What is more, the principle only applies in policies that do not fall within the exclusive competences of the EU (Treaty on European Union, art. 5.3).

To further specify the Community competence in telecommunications primary sources are used. The directives and decisions that comprise the Third Reform Package and the BEREC's constituent regulation (Regulation (EU) 1211/2009) invoking article 95 of TFEU. This article bans discrimination through the application of different rates on the same goods and services; it arranges harmonization as the internal market. Finally, according to the 2002 framework directive on electronic communications networks and services, national regulatory authorities determine the setting of regulations and standards in national telecommunications policies (Directive 2002/21/EC, art. 3). That same directive declares in its opening provisions, that the directive and all specific directives that follow "*are without prejudice to national law and preferences*" (Directive 2002/21/EC, art. 1). Based on shared responsibilities between the EU and the member states, the invoking of article 95 TFEU, and the importance on national regulatory authorities, EU telecommunications policies are deemed a shared competence.

The second independent variable is the relative importance of BEREC in the EU telecommunications policy regime. First, there are several network organizations active in the field of EU telecommunications policies. Most importantly the Independent Regulators Group (IRG). Formally the IRG (formerly the European Regulators Group[ERG]) was integrated into BEREC. However, according to Blauberger and Rittberger (2015), the remnants of the IRG was formalized as an association under Belgian law and remain operational parallel to BEREC (p. 62). In addition, BEREC's Work Report on 2015 lists several organizations with which BEREC has cooperated in order to fulfill its objectives, amongst them are: ENISA (European Union Agency for Network and Information Security), RSPC (Radio Spectrum Policy Group), ERGA (European Regulators Group for Audiovisual Media Services), and the Article 29 Working Group on Data Protection (BEREC, 2016, pp. 48-49).

Therefore, there are additional network organizations active in the EU telecommunications policies field. Second, the Board of Regulators, BEREC's plenary assembly, met the statutory four times in 2015 (BEREC, 2016, p. 60). Third, the BEREC's Chair and Vice Chairs met fifteen times in 2015 (BEREC, 2016, pp. 54-55). In addition, the supporting Contact Network convened four times in 2015 (BEREC, 2016, p. 61). The frequency of Expert Working Group meetings depends on the amount of documents they prepare but could not be ascertained because the Expert Working Group's rules of procedure are not open to the public (BEREC, 2016, pp. 56, 72).

Fourth, the degree of interdependence between the organizations cooperating in BEREC; the national regulatory authorities and the European Commission. The national regulatory authorities are required to cooperate in BEREC in accordance with BEREC's founding regulation. In order to fulfill the statutory obligations to participate in consultations, deliver opinions, and disseminate best practices, the national regulatory authorities have to cooperate. However, they do not dependent solely on BEREC for information sharing and the disseminating of information. IRG provides the possibility for national regulatory authorities to bypass BEREC on these issues, an opportunity they keep open deliberately (Blauberger & Rittberger, 2015, p. 61). The dependence on BEREC by the Commission is more resolute. BEREC is tasked to participate in fixed EU legislative procedures (notably the single market consultation (article 7) procedure, and two consultation procedures in accordance with articles 7, 7b and 19 of the 2002 framework directive 2002/21/EC (BEREC, n.d.(a)). Though these consultations are also non-binding, they are mandatory. Hence interdependence is moderate and skewed towards the European Commission. In all, the importance of BEREC for EU telecommunications policies is moderate. Other network organizations are active in the same field, plenary meetings take place four times a year, executive meetings take place 15 times a year, and interdependence is moderate and skewed.

The third variable is the degree of goal divergence amongst BEREC's member NRAs. In the other cases of this study, goal divergence was determined using the evaluations of the public consultations on the annual Work Programmes. However, the organizations eligible for these

consultations at BEREC are third-party stakeholders, not national regulatory authorities. No documents are made public in which the opinions of BEREC members are brought together or can be retraced. Instead this section relies on primary sources describing consultation procedures and a Commission-issued report on BEREC.

The primary data sources used to determine the degree of goal divergence describe the procedure through which annual Work Programmes and long term strategies come about. The rules of procedure of BEREC's Board of Regulators and BEREC Office's Management Committee specify that decisions can only be taken with a two thirds qualitative majority. (BEREC, 2014a, art. 9.1; BEREC Office, 2014b, art. 9.1). Indicating that a substantial degree of accord has to exist between BEREC's members for decisions to take place. Furthermore, article 7 and 7b procedures indicate a need for cooperation between national regulatory authorities in BEREC. These procedures are initiated when marked failure is detected and has to become subject of new EU policies (BEREC, n.d.(b)). After a national regulatory authority has notified the Commission on market failures and the proposed solutions, the Commission has to assess if the new policies are in accordance with EU law. The Commission is obliged to request an opinion by BEREC, who will institutes a special Expert Working Group on this topic. These Expert Working Groups are composed of representatives of the national regulatory authorities, and have to work in close cooperation with the plaintiff authority (BEREC, 2014a, art. 13). Though the presence of these procedures indicate strong cooperation, documentation on its proceedings and votes are not made public (BEREC, n.d(b)).

More straightforward indications of convergence through cooperation are found in the 2012 Commission-issued report (Pierre et al, 2012). The most important cleavage the report discovers is between the European Commission and the national governments, about the role and function of BEREC (Pierre et al, 2012, p. 45). This in turn results in disagreements amongst regulatory authorities over the advisory role of BEREC vis-a-vis the Commission (Pierre et al, 2012, p. 44). Overall the cooperation between the national regulatory authorities is assessed positively. In an online survey included in the report, participants were asked to assess the "*cooperation among NRAs and between*

NRAs and the EC" (cited in: Pierre et al, 2012, p. 43) on a 5-point Likert-scale. The satisfaction level was high: 4,43 out of 5. Furthermore, one NRA representative indicated "*All actors involved […] have amply demonstrated in all cases their commitmen"* (cited in: Pierre et al, 2012, p. 123). Another said "*We continually learn from our engagement with our peers, and I believe this improves the quality of our national analysis and decision-making*" (quoted in: Pierre et al, 2012, p. 124). Though the sources of data on which the inference on this variable rely differ from the sources of data used for the same variables in the other cases, the inference is useful in light of this study. Goal divergence is moderate.

The fourth variable is the degree of ex ante control over BEREC's operations by its orchestrator(s). As an independent body, BEREC determines its own annual Work Programme. Final approval resides with the Board of Regulators and the Management Committee respectively. The procedure of drafting the BEREC Work Programme is relatively open. With the assistance of the Office, the Board's Chair and Vice-Chairs prepare a draft document. All members and observers can contribute. This draft is put to consideration through the internal Contact Network and open for amendments. Once approved by the Board, the draft is put forward for public consultations amongst BEREC's stakeholders. Thereafter, the draft is finalized by the Chair and the Administrative Manger and sent to the Board of Regulators for final approval. Furthermore, the Board of Regulators has to transmit the Work Programme to the European Parliament, Council, and Commission (BEREC, 2014a, art. 14). The procedure for the Office Work Programme does not allow for public considerations. Instead, the Administrative Manager and the Management Committee prepare and finalize a document. This document then awaits approval of the Management Committee. It has to be finished before the Board's Working Programme and ratified by the European Parliament and the Council (Regulation 1211/2009, art. 9.3). In both cases, the bodies responsible for drafting and adopting the Work Programme are also responsible for overseeing its implementation and determining compliance.

Though BEREC is formally independent, the orchestrators determine its operations. Furthermore the ex post control process in BEREC and BEREC Office is seriously flawed. According to

the 2012 evaluation report, there are no accountability systems to ensure that BEREC fulfils the objectives set out in the Work Programmes (Pierre, et al., 2012, p. 42). The report recommended that BEREC set out clear annual priorities and Key Performance Indicators to assess its own performances (Pierre, et al., 2012, p. 163). Though BEREC now publishes thorough annual reports in which it reflects on its annual performances, Key Performance Indicators evaluations are not reported (BEREC, 2016). The findings of the report hold true to the extent that the Board of Regulators can dismiss its Chair and that the Management Committee can fire the Administrative Manger. The degree of ex ante control over BEREC's annual operations is high. The national regulatory authorities determine the substance of the annual Work Programmes and the European Parliament, Council, and Commission are involved in its ratification, including on its budgetary provisions. The applicable ex ante control mechanisms are internal and there are no specific mechanisms to attach consequences to such controls.

The fifth variable assessed is the level of entrepreneurial behavior by BEREC's directors. As discussed above, the indicators used for this variable are flawed and lack reliability and validity. However, they have been included to try to make an inference on this variable. Furthermore, the reliability of the entrepreneurial behavior of BEREC' chair is further diminished by the short terms of office employed at BEREC, one year (with two additional years as vice-chairperson). These remarks have to be taken into account while assessing the inferences of this variable. First the level of ambition in the résumés of BEREC's chair and vice-chairs. Of the chair and the (four) vice-chairs heading the organization in 2016, two have made a career in national politics and three have (also) made a career in academia (Economics and Law). One has experience as senior advisor to the European Commission. All five have extensive careers as civil servants and nobody has private sector experience. The overall level of ambition is therefore low. Second the level of entrepreneurial behavior in the speeches of BEREC's Chairperson. The presentations of BERECs Chairpersons are published on the BEREC website. Yet these presentations do not reveal a high level of entrepreneurial behavior. The 10 presentations reviewed all demonstrated BEREC's role and

activities in the policy under discussion and included recommendations on policy improvements and reform (BEREC, n.d.(c)). However these presentations did not indicate entrepreneurial behavior. In the form of in statements intended to increase the scope or mandate of BEREC, nor by reframing the policy problems to suit an enlargement of the BEREC organization. In all, level of entrepreneurial behavior assessed through the operationalization employed here is low.

Table 13 displays the results on the independent variables in the case of the EPRA. These results are compared with the other ERNs examined in this study in the next chapter.

Table 13: Results on the independent variables in the case of the BEREC

Results on the independent variables in the case of the BEREC	
Community competence	Shared competence
Network importance	Moderate
NRA Goal divergence	Moderate
Orchestrators' ex ante control	High
Executive's entrepreneurial behavior	Low

4.4 The European Regulators Group for Postal Services

This section presents the study into the case of European Regulators Group for Postal Services (ERGP). First the formal organizational autonomy is determined, then the actual organizational autonomy. Third, both forms of organizational autonomy are compared to ascertain if there are differences between formal and actual organizational autonomy has taken place. Finally, the inferences on the independent variables for the case of the ERGP are determined.

4.4.1 The establishment and internal organization of the ERGP

The ERGP has been established as a forum for consultation, coordination, and cooperation between national regulatory authorities and the European Commission in the field of postal services policies. The objective of European postal-sector policy is the creation of a single market for postal services. The first step in creating this single market was taken in 1997 with the adoption of the Postal Directive (Directive 97/67/EC), establishing a regulatory framework for European postal services. In addition of specifying postal market provisions, the setting of basic standards, and the establishment of a timetable for further liberalization, the directive specified that all member states were required to establish NRAs for postal services, independent of the postal operators. The Second Postal Directive further opened the postal market to European competition in 2002 (Directive 2002/39/EC). A third amendment of the initial Postal Directive of 1997 was implemented in 2008 (Directive 2008/06/EC) requiring all member states to abolish all remaining reserved areas of the postal market by the end of 2010 (Jaag, Trinkner & Yusof, 2014, p. 1).

The postal directives left considerable discretion to national governments and regulatory authorities to adopt country specific postal policies (Trinkner, 2009). The Third Postal Directive therefore specified that national governments had to require their regulatory authorities to comply with the directive (Directive 2008/06/EC, art. 22). In addition, though all member states had regulatory authorities on the postal sector, most of those regulatory authorities also regulate other

sectors (Jaag, Trinker & Jusof, 2014 p. 2). According to the European Commission, the responsibilities and tasks of the national regulatory authorities differed significantly between the member states, and though the directives granted 'flexibility' in applying common rules, the successful development of a common postal market required the consistent application of EU rules. The European Commission therefore decided to establish a regulatory network (group) in the field of postal services. According to the Commission, this group should serve as a body for reflection, discussion and advice to the Commission, and facilitate consultation, coordination, and cooperation between the independent national regulatory authorities and the commission. To this end, the European Commission established the European Regulators Group for Postal Services in 2010 (Decision 2010/C 217/07, preamble).

For all intend and purposes, the organizational structure of the THE ERGP is modest. The Group is composed of the 28 NRAs in the field of postal services in the EU. EEA-countries (3), the European Commission, and the EFTA Surveillance Authority hold permanent observer status (Decision, 2010/C 217/07; European Regulators Group for Postal Services[ERGP], 2010, art. 1). The NRAs are represented at the ERGP by their chairperson or by senior executive officers. The members of the Group elect a common chairperson, and up to two vice-chairpersons, to convene and preside over the Group's meetings. The chair serves the first year as vice-chair, than twelve months as chair, and finally another year as vice-chair (ERGP, 2010, art. 3). The objectives of the Group can be carried out by sub-groups, which have to be disbanded at the moment their objectives are fulfilled (ERGP, 2010, art. 8). According to the 2015 work programme, four specific working groups are currently operational: Regulatory accounting / price registration sub-group, Implementation and transformation of universal services sub-group, End-user satisfaction and monitoring of market outcome sub-group, and the cross-border subgroup (ERGP, 2014). Furthermore, the rules of procedure of the ERGP introduce a special sub-group called the Contact Network, responsible for the coordination and exchange of information throughout the network (ERGP, 2010, art. 9).

The European Commission resides at the heat of the organizational structure of the ERGP. Not only does it hold permanent observer status, it also has to approve to the convening of meetings and to the establishment of the meeting's agendas (ERGP, 2010, art. 5). Furthermore, the Commission's directorate responsible for the ERGP, the Directorate General for Internal Market and Services (DG IMS), provides all the secretarial and administrative support to the ERGP and is responsible for the Group's finances (Decision, 2010/C 217/07, art. 5-6; ERGP, 2010, art. 4). Therefore, The European Commission performs an important role within the ERGP. Figure 8 displays the organization chart of the ERGP.

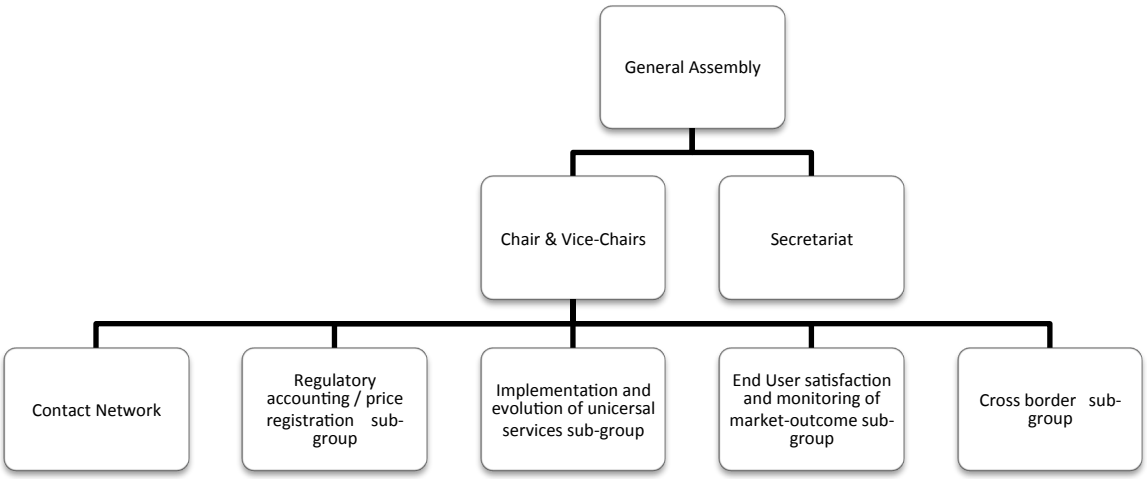

Figure 8: The organization chart of the European Regulators Group for Postal Services

4.4.2 The formal organizational autonomy of the ERGP

The formal autonomy of the ERGP is laid-down in the Commission Decision establishing THE ERGP (Decision 2010/C 217/07) and the internal rules of procedure as adopted during the ERGP's first meeting on December 1, 2010 (ERGP, 2010). In this section the degree of formal organizational autonomy of the ERGP is ascertained by taking stock of the three dimensions of formal autonomy defined in the operational framework of this study.

First, the level of formal financial autonomy. The ERGP has a minimum level of formal financial autonomy. The ERGP has no financial resources of its own. According to the Commission Decision establishing the ERGP, all operational (and other) financial matters of the ERGP are handled by the Commission. The Commission reimburses all travel and subsistence expenses for members, experts and observers in connection with the group's activities (Decision 2010/C 217/07, art. 5). Furthermore, there are no regulations included into the rules of procedure regarding any financial matters. Not surprisingly, the ERGP also has no possibilities to generate its own sources of income.

The level of formal autonomy to interpret mandate, objectives, and tasks is also minimal. The Commission Decision establishing the ERGP and the rules of procedure do not formally state the independence of the ERGP. Moreover, the motivation for the establishment of the ERGP as presented in the Commission Decision indicates that the main function of the ERGP is directly related to the Commission's functional need for information and coordination (Decision 2010/C 217/07, preface 6). The mandate of the ERGP has been clearly defined in both the Commission Decision and the rules of procedure: "*to advice and assist the Commission in the consolidation of the internal market for postal services, to advice and assist on the consistent application in all member states of the regulatory framework for postal services, and to disseminate and exchange best regulatory practices*" (Decision 2010/C 217/07, art. 2; ERGP, 2010, preface). The tasks and objectives of the ERGP are fixed to three specific tasks (Decision 2010/C 217/07, art. 2). The freedom to select policy instruments is limited to a predefined set of non-binding types of acts, established in the rules of

procedures (art. 2). Though these acts are not biding for the members of THE ERGP, the members are obliged to take "*utmost account*" of them (art. 2.3).

Likewise, the degree of formal managerial autonomy is minimal. The term of office of the chair and the vice-chairs is three years, one of which as chair and two as vice-chair (ERGP, 2010, art. 3). These terms in office are therefore non-consecutive. Finally, the ERGP adopts acts by consensus or, if not possible, on the basis of a simple majority with at least two thirds of members voting (ERGP, 2010, art. 2.3). Altogether the managerial procedures of the ERGP are dominated by the European Commission, formal managerial autonomy is minimal.

The Commission Decision and the rules of procedure of the ERGP display a dominant organizational role for the European Commission. As a result of the controlling role of the European Commission in the organization of the ERGP, the ERGP's formal autonomy is minimal.

4.4.3 The actual organizational autonomy of the ERGP

In this section the actual autonomy of THE ERGP is assessed. First, the actual financial autonomy of the ERGP. Actual financial autonomy at THE ERGP is next to nonexistent. The ERGP is fully funded by the European Commission, it does not have to cover deficits itself, and it has no ability to increase its funding by additional activities. Actually, one cannot speak of Community funding for THE ERGP at all. There is no legal framework on which basis financial resources are transferred from the European Commission to the ERGP. Rather, the European Commission's DG IMS simply settles all financial matters on behalf of THE ERGP (Decision 2010/C 217/07, art. 5). As such, the ERGP has no competence in (re)allocating the financial resources it does not have. Nor are its resources increasing. Also, there is no evidence to suggest that THE ERGP expenditures are questioned. Conversely the Commission Decision clearly states, and thereby limits, which expenditures can be reimbursed; only travel and subsistence expenditures (Decision 2010/C 217/07, art. 5). Therefore,

according to the operational framework applied in this study, the ERGP has no actual financial autonomy to speak of.

Secondly, the actual autonomy in interpreting the ERN's mandate, objectives, and tasks. Just like with the actual financial autonomy, there appears to be next to no actual autonomy for THE ERGP to interpret its mandate, objectives, and tasks. The ERGP does not determine its own mission and role, these have been clearly defined in its founding Commission Decision (Decision 2010/C 217/07, art. 2). However, the ERGP does draft and publish work programmes and holds public consultations on its strategy (ERGP, 2015; ERGP, 2016). However, these documents are always drafted close cooperation with the European Commission and underline the Commission's objectives of a single postal market (2016(MTS)). The ERGP also does not determine its own objectives and tasks, nor its own working methods, without the consent of the European Commission. However, the ERGP can make use of various instruments approved by the Commission (THE ERGP, 2010, art. 2). Finally, the ERGP does publish documents like position papers, reports, consultation documents, and work programmes (ERGP, 2010, art 2) that can substantively influence policy making in the postal sector. According to article 2.(a) of the rules of procedure (ERGP, 2010), the ERGP can issue positions and reports on its own initiative. However, these documents are always directly related with the policy field in which the ERGP is operational. In all, the actual autonomy in interpreting the association's mandate, objectives, and tasks is low.

Thirdly, the actual managerial autonomy. Again, actual managerial autonomy appears to be nonexistent. The ERGP does not employ its own staff. Though the General Assembly does elect a chair and vice-chairs, they are not operational within the network (ERGP, 2010, art. 3). The working groups are comprised of experts of the national regulatory authorities, and the ERGP has no secretariat of its own (ERGP, 2010, art. 4). Lastly, the discretion of the chair and the vice-chairs is minimal. All the discretion that has been delegated to them is shared with the European Commission (ERGP, 2010, art. 4, 5.1, 6). Therefore, the actual managerial autonomy of the ERGP low.

All in all, the actual autonomy of the ERGP appears to be minimal to nonexistent. The European Commission plays a dominant role in all the organizational and institutional facets of the network. Under these circumstances, evolution of organizational autonomy would be hard to discover.

4.4.4 Evolution of ERGP's organizational autonomy

In the previous two sections, the formal organizational autonomy and the actual organizational autonomy of the ERGP have been determined based on the operationalization presented in chapter 3 of this study. In this section, the results of these two previous sections are compared to determine if there are differences between ERGP's formal and actual organizational autonomy. Table 14 summarizes the results of the previous two sections and the comparison of ERGP's formal and actual autonomy.

Table 14: Comparative table of ERGP's organizational autonomy

Comparative table of ERGP organizational autonomy			
Formal autonomy		**Actual autonomy**	
Indicator	**Score**	**Indicator**	**Score**
1	No	*1.*	Community funded
2.	No	*2.*	No
3.	No	*3.*	No
4.	High	*4.*	No
5.	High	*5.*	No
6.	High	*6.*	No
7.	No	*7.*	No
8.	1 year	*8.*	Yes
9.	No	*9.*	No
10.	Simple	*10.*	No
Dimension	Score	*Dimension*	Score
Financial	Low	*Financial*	Low
Mandate, objectives, tasks	Low	*Mandate, objectives, tasks*	Low
Managerial	Low	*Managerial*	Low

It should first be noted that the organizational autonomy of ERGP is in all cases minimal. For both the formal and the actual autonomy, just as for the underlying dimensions, the autonomy scores are low. In the case of ERGP it could be argued that there is no organizational autonomy to speak of and that the network is integrated into the European Commission in all but its name. The formal organizational autonomy of ERGP is characterized by the absence of financial autonomy; clear and straight mandate, objectives, and tasks; and no managerial autonomy to speak of. The only indicator of formal autonomy that indicates in favor of formal autonomy in the case of ERGP is the fact that decision can be taken by simple majority. But besides from that last indicator, the other nine indicators indicate only the lack of formal autonomy.

The inferences for actual autonomy show a similar picture. Again, all but one indicator indicate the absence of actual autonomy as defined in chapter 3 of this study. Only the possibility to issue opinions, conclusions and recommendations points towards some degree of actual autonomy. Actual financial autonomy is absent; there are no ways for ERGP to interpret or broaden its mandate, objectives, and tasks; and ERGP has no staff of its own or executive discretion to speak of.

In all, there appears to be no discernable trend in the comparison between formal and actual autonomy. In all cases, the scores are minimal: low. The dominance of the European Commission over ERGP is present in all organizational aspects. Therefore, no evidence has been found to support evolution of organizational autonomy in the case of ERGP.

4.4.5 The independent variables for ERGP

In this section, the inferences on the independent variables in the case of the ERGP are presented and discussed. Each of the independent variables is discussed separately. The inferences on the indicators, including the sources on which they are based, are also described. In the following chapter, these inferences will be compared with those of the other cases.

The first independent variable that has to be established is the Community's Competence in the field of postal services. The TEU and TFEU do not explicitly state the competence of the EU in

postal services polices. Conversely, the Community's competence has to deduced through THE ERGP's constituent documents and related directives. The ERGP's constituent document, Commission Decision 2010/C 217/07, refers to directive 97/67/EC as basis for its establishment. Directive 97/67/EC introduces the establishment of common rules for the development of the internal market for postal services. The development of the internal market is a shared competence (TEU, art. 4.2.a). Furthermore, according to European law scholar Siofra O'Leary (2011), postal services was part of the EU's fragmented and piecemeal corpus of market harmonization of before the Services Directive of 2006 (Directive 2006/123/EC). The Services Directive refers to articles 14 of the Treaty establishing the European Union (as amended by the Nice Treaty). It discloses the EU's ambition to create an internal market, without internal frontiers and with free movement of goods, persons, services, and capital (TEU Art. 14.1, 14.2). According to TEU the internal market is part a competence the Community shares with the member states. The Community's competence in postal services policies is therefore shared with the member states.

The second independent variable is the relative importance of the ERGP in the EU postal services policy regime. Four indicators serve to determine this variable. First, the presence of additional regulatory networks or authorities in the EU postal services policy regime. According to ERGP policy documents and a brief internet search, the EU postal services policy regime contains additional networks and agencies that serve to regulate the postal services specifically and services in general. Most notably CERP (European Committee for Postal Regulation) and OHIM (Office for Harmonization in the Internal Market). Second, the annual number of plenary meetings. Though the Commission Decision establishing THE ERGP (2010/C 217/07) does not specify the exact amount of plenary meetings to be held, the documents register on the ERGP-website indicates that the ERGP convenes two meeting every year (ERGP, n.d.). So far, nine annual meetings have taken place, either in the summer or autumn (ERGP, n.d.). Third, the number of executive meetings. This indicator could not be determined. The documents published by the ERGP do not provide information on the exact number of executive meetings. However, some inference can be made using the Commission

Decision establishing the ERGP. According to this document, the sole purpose of the ERGP's executive is to prepare the plenary meetings in accordance with the European Commission (art. 4.1). This suggests at least two executive meetings a year. However, without access to the annual reports, the annual number of executive meetings cannot be determined with certainty. Fourth, the orchestrators' interdependence in the cooperation within the ERGP. According to the network's website, the ERGP aims to "*facilitate consultation, coordination and cooperation between EU countries and the Commission*" (ERGP, n.d.). Furthermore, the ERGP serves as a body for "*reflection, discussion and the provision of advice to the European Commission*" (ERGP, n.d.). To achieve these tasks and objectives, how unsubstantive they may be, the NRAs associated in the ERGP depend on each other. Therefore, the ERGP orchestrator interdependence is moderate. In all, only three out of four indicators on the importance of the ERGP in the EU postal services policy regime could be determined. Together, these indicators signal the ERGP to be of moderate importance its policy regime.

The third independent variable is the level of goal divergence amongst the ERGP's constituent NRAs. This variable could not be determined; no relevant documents have been made public. According to the ERGP's rules of procedure, all working documents, including summary minutes of meetings, shall be made accessible to the ERGP's members only (art. 13.4). As such, the ERGP does not publish documents that might indicate the level of agreement or disagreement amongst its constituent NRAs. Furthermore, the Commission Decision establishing the ERGP explicitly compels the members (individuals and organizations) to comply with the obligations of professional secrecy laid down in the Commission Decision 2001/844/EC (2010/C 217/07, art. 4.4), and warns that failure to do so might result in the European Commission taking "*all appropriate measures*" (2010/C 217/07, art. 4.4). In addition, the ERGP's public consultations also do not provide information on the level of goal divergence amongst its orchestrators. These consultations are held with third party actors (stakeholders) only, not with NRAs (ERGP, 2010, art. 14). It has therefore been impossible to make any inferences on the level of goal divergence amongst the ERGP's constituent NRAs.

The fourth independent variable is the level of ex ante control exercised by the ERGP's orchestrator: the European Commission and the NRA's. The level of ex ante control over ERGP's operations by the European Commission is extensive. According to the network's rules of procedure (ERGP, 2010) the European Commission has to consent on a number of key decision: the invitation of experts and observers (art 1.3), the convening of plenary meetings (art. 5.1), the meeting's agenda (art. 6.1), the drafting of internal documents (art. 7.1), the substance of working programmes (art. 11.1), and the publication of ERGP documents (art. 13). Furthermore, according to the Commission Decision establishing the ERGP, the European Commission arranges all the network's expenses and receives the annual reports (which it does not make public). Finally, as mentioned before, the ERGP's secretarial services are provided by the Commission (2010/C 217/07). It would not be an exaggeration to say that the Commission dominates all organizational aspects of the ERGP. However, the NRAs also have a say in ERGP's operations. They decide on the chair and vice-chairs, approve the networks documents, and provide for its knowledge and expertise (ERGP, 2010). That said, the influence of the NRAs in the ERGP appears to be limited to the substantive side of the organization; the production of knowledge. Second, the procedure to fire the network's executives. Both the Commission Decision establishing the ERGP and the internal rules of procedures do not provide a procedure or mechanism to fire the network's chair or vice-chairs. This can be explained through the relative unimportance of the networks executive members; they only prepare and chair the meeting. The substantive tasks are conducted by the secretariat, which is beyond the reach of the ERGP itself (2010/C 217/07). In all, the level of ex ante control over the ERGP is very high.

The fifth and final independent variable is the level of entrepreneurial behavior by ERGP's executives. Two indicators serve to determine this variable. First, the level of ambition displayed in the resumes of ERGP's executives. All of the last three ERGP executives have extensive experience in the public sector. Two of them have been schooled as an engineer, one as an organizational psychologist. Only one of them has extensive experience in the private sector, the other two have worked in the public sector their entire career, either at a national or a municipal level. All three are

senior executives of competent NRAs and one of them also holds a senior position at another ERN (BEREC). In all, their resumes display a moderate level of ambition.[12] Second, the level of ambition voiced by the executives in speeches or press releases. Though the ERGP executives do not hold speeches in their role as ERGP chairs, press releases are issued. However, these seven press releases studied only provide a summary factual reproduction of the contents of the annual meetings (ERGP, 2016, n.d.). They do not provide any indication for entrepreneurial behavior by the ERGP's executives. In all, the level of entrepreneurial behavior of ERGP's executives is low.

Table 15 displays the results on the independent variables in the case of the ERGP. These results are compared with the other ERNs examined in this study in the next chapter.

Table 15: Results on the independent variables in the case of ERGP

Results on the independent variables in the case of the ERGP	
Community Competence	Shared Competence
Network importance	Moderate
NRA Goal divergence	-
Orchestrators' ex ante control	High
Executive's entrepreneurial behavior	Low

[12] Inferences on the level of ambition displayed in the resumes of ERGP's current and former executives (Feliksas Dobrovolskis, Catalin Marinasecu, & Jack Hamande) have been made based on their LinkedIn profiles.

4.5 The aggregated evidence of the case studies

In the four sections above, the differences between formal and actual organizational autonomy in CEER, EPRA, BEREC, and ERGP have been investigated, as have been the inferences on the five independent variables. In this section, the results of these cases will be aggregated in order to determine if the evolution of organizational autonomy has taken place and, if so, to explore if the explanations formulated in chapter 2 can serve as an explanation. First, it is determined if the evolution of autonomy has taken place, and if so where those changes have been strongest. Second, the relations of the independent variables to the changes in organizational autonomy are determined in order to see if they contribute to explaining that process.

4.5.1 The evolution of organizational autonomy

This section presents the findings related to the changes between formal and actual organizational autonomy as presented in the case studies above. The data of the four separate case studies is aggregated in order to make a reliable inference on the question whether or not evolution has taken place. Furthermore, because a multidimensional approach to organizational autonomy has been used, it can be determined on which dimensions the possible evolution has been strongest. The results of these inquiries are presented here.

In this study, organizational autonomy has been defined as the degree of autonomy of an ERN in relation to its orchestrator(s). Organizational autonomy therefore refers to the ERN as a whole. In addition, organizational autonomy has been divided into three related dimensions (financial autonomy; autonomy to interpret mandate, objectives, and tasks; and managerial autonomy). Together, these three dimensions compose what is defined as organizational autonomy in this study. In order to determine if the evolution of organizational autonomy has taken place, the three dimensions of organizational autonomy have been assessed in their formal and actual guise. The positive difference between them (higher actual autonomy scores than formal autonomy scores)

indicates the evolution of autonomy. The possible scores attributed to the degree of autonomy for each dimension in both formal and actual guise are low (autonomy), moderate, and high (autonomy). Table 16 displays the findings as presented in the previous four cases.

Table 16: Aggregated results on the differences between formal and actual organizational autonomy

Aggregated results on the differences between formal and actual organizational autonomy					
	CEER	***EPRA***	***BEREC***	***ERGP***	***Number of cases positive***
Financial autonomy	**Negative** (high → moderate)	**Negative** (moderate → low)	**Positive** (low → high)	**Neutral** (low → low)	1 out of 4
Autonomy to interpret mandate, objectives, tasks	**Positive** (low → high)	**Neutral** (low → low)	**Negative** (high → moderate)	**Neutral** (low → low)	1 out of 4
Managerial autonomy	**Positive** (moderate → high)	**Positive** (moderate → high)	**Positive** (low → moderate)	**Neutral** (low → low)	3 out of 4
Number of dimensions positive	2 out of 3	1 out of 3	2 out of 3	0 out of 3	

As table 16 shows, three out of four cases displayed support for the evolution of autonomy. CEER, EPRA, and BEREC all showed positive trends between one or more dimensions organizational autonomy. Only one case (ERGP) did not display any trend, positive or negative, in its comparison between formal and actual autonomy. That said, the results are varied. CEER and BEREC both displayed positive trends on two out of three dimensions, but both on different dimensions. CEER displayed positive results the autonomy to interpret mandate, objectives, and tasks, and on managerial autonomy. BEREC displayed positive results on financial autonomy and managerial autonomy. In the case of EPRA, only the dimension of managerial autonomy displayed the evolution of autonomy.

In addition to positive results on the evolution of organizational autonomy, two other results were also possible: negative results (lower actual scores than formal scores) and neutral results (the

same formal and actual scores. In three out of four cases, one dimension displayed negative results. For both CEER and EPRA, the dimension of financial autonomy displayed a lower actual than formal score. In the case of BEREC, the autonomy to interpret mandate, objectives, and tasks saw a higher formal than actual score. Negative results on the evolution of autonomy do not necessarily indicate a decline in organizational autonomy. The autonomy granted to organizations during their inception cannot be taken away unknowingly. Instead, negative results indicate that the ERN in question does not make full use of the autonomy granted to it. Furthermore, in two out of four cases, neutral results were detected. In case of EPRA, the dimension on the autonomy to interpret mandate, objectives, and tasks did not display a difference between formal and actual autonomy. Most striking however is the case of ERGP. ERGP did not present a single positive or negative result. Instead, all three dimensions in the case of ERGP displayed neutral scores.

In all, the four cases studied above provide modest support for the evolution of organizational autonomy. In aggregated form, twelve dimensions could indicate positive, negative, or neutral scores. Five dimensions, divided over three cases provided support for the evolution of organizational autonomy amongst the studied ERNs. 5 out of 12 dimensions is 41%. Autonomy changes were strongest at CEER and BEREC, followed by EPRA, and lowest at ERGP. The question whether or not ERNs display evolution of organizational autonomy is therefore answered affirmative.

What is more, it can be determined which of the dimensions of organizational autonomy displayed the biggest difference in autonomy. The dimensions financial autonomy and the autonomy to interpret mandate, objectives, and tasks both displayed a positive result in one out of four cases. However, the dimension of managerial autonomy displayed a positive result in three out of four cases. The evolution of autonomy has therefore been the strongest in managerial autonomy. Furthermore, the evolution of autonomy has been weakest at the dimension of financial autonomy, where two out of four cases displayed negative results (both NRA orchestrated ERNs). In the middle is the dimension of autonomy to interpret mandate, objectives, and tasks: one positive, two neutral, and one negative. The aggregated comparison of these results is presented in table 16.

4.5.2 Independent variables

Now that it has been established that the evolution of organizational autonomy at ERNs does take place, five possible explanations are discussed that might explain those differences. These five possible explanations have been formulated as hypotheses in chapter 2 of this study, and transposed into five independent variables in chapter 3. These variables have been examined in each of the four cases and are now compared to determine if there are relations between them and the degree of autonomy evolution as discussed and attained just above. The aggregated results on these variables are displayed in table 17 and assessed here.

Table 17: Results on the independent variables

Aggregated results on the independent variables				
	CEER	EPRA	BEREC	ERGP
Community competence	Shared competence	Supporting Competence	Shared Competence	Shared Competence
Network importance	High	Low	Moderate	Moderate
Goal divergence	Low	Moderate	Moderate	-
Orchestrator ex ante control	High	High	High	(very) High
Executives' entrepreneurial behavior	High	Low	Low	Low

As table 17 shows, two variables hold remarkably stable over the four cases. These variables appear to be more explanatory for the existence of orchestration as a strategy of indirect government in the EU than for the evolution of autonomy in individual ERNs. Most notably the level of ex ante control by orchestrators over the four ERNs examined in this study. As has been discussed in the cases, all four ERNs are indirectly controlled by their orchestrators and/or member NRAs. In the cases of CEER and EPRA, indirect control is exerted by the NRAs only, as they hold legal personality as associations. EU community organs are not member of these organizations. But seeing that NRAs are the only members of those two organizations, they are in control. In the cases of

BEREC and ERGP, the European Commission established them but only holds full control of ERGP. Control of BEREC has been delegated to the NRA, though not completely. Only ERGP is still fully under the ex ante control of the European Commission and has almost no autonomy of its own. So though it seems that a high level of ex ante control by the orchestrator is indicative for ERNs in general, the higher degree of ex ante control is indicative for the absence of autonomy differences between formal and informal autonomy.

A second variable that appears to be indicative for ERNs as a strategy of indirect governance is the Community's competence in the ERN's policy field. In all four cases, the EU has either shared (3 out of 4) or supportive (1 out of 4) competences in the policy field in which the ERN is active. It therefore appears that the EU and the NRAs resort to ERNs in policy fields where the EU cannot act as the sole policymaker and enforce legislation, while at the same time EU-wide cooperation is deemed necessary by the member states. In only one case, harmonization is forbidden (EPRA). So rather than providing an explanation for the occurrence or absence (and degree) of autonomy evolution, the policy competence of the EU explains why orchestrators make use of ERNs.

Opposed to the level of orchestrator ex ante control and the Community competence, the second independent variable studied in the cases, the importance of the ERN in its related policy regime does show high variance across the four cases. In the cases with relatively big differences between formal and informal autonomy, ERN importance is either high or moderate, while in cases where those differences are small, ERN importance is either moderate or low. It therefore appears that high network importance is indicative for evolution of autonomy and can serve as an explanation for the evolution of organizational autonomy. In all cases, network importance was dependent on the goals and objectives of the ERN. The goals and objectives of the ERN could only be accomplished in cooperation between the NRAs. Therefore, this independent indicator appears to have a structural effect on the organizational autonomy of ERNs. In the cases examined in this study, high network importance is related to bigger differences between formal and actual organizational autonomy.

The fourth independent variable discussed in this study, and the second with considerable variance between the different cases, is goal divergence. However, in one of the cases (ERGP) there was not enough information to make a reliable inference on this variable. Furthermore, the case that lacks this inference is on the low end of changes in organizational autonomy and is therefore crucial for reliably determining the effect of goal divergence on the evolution of autonomy. Yet, in order to draw a conclusion on this independent variable, the three remaining cases will be used, without inferences from the ERGP. As can be derived from the table 17, a low degree of goal divergence (or a high degree of goal convergence) appears to relate positively to bigger differences between formal and actual organizational autonomy. In the case with the biggest differences between formal and actual organizational autonomy, the goal divergence is lowest (CEER). In the cases with either a big or moderate differences in autonomy, goal divergence is moderate. Goal convergence amongst NRAs therefore appears to relate positively with the evolution of organizational autonomy.

The final independent variable that could offer an explanation for the evolution of autonomy that is discussed in this study is the entrepreneurial behavior of the ERN's executives. However, this variable has been problematic, and not all inferences are made very reliably. Therefore, this variable should be studied further. Yet some preliminary conclusions might be drawn based on this study. In thee out of four cases, entrepreneurial behavior was low. In only one case, CEER, was the executives' entrepreneurial behavior assessed as high. However, the case in which executives' entrepreneurial behavior was assessed as high was also the case in which the evolution of organizational autonomy was strongest. Therefore two preliminary conclusions are made. First, most of ERNs executives do not engage in entrepreneurial behavior. They usually have already had long careers as civil servants and do not speak out for responsibilities beyond their mandate. This is not surprising when one realizes that ERN executives are recruited amongst the related NRAs only. Second, in the case that does indicate entrepreneurial behavior amongst its executives, the support for the evolution of autonomy is also strong. Though the variance on the variable and the reliability of its inferences are too weak to make these claims permanent, the results do seem to point in the direction of a

relationship between executives' entrepreneurial behavior and the evolution of ERN's organizational autonomy.

4.5.3 Conclusion

Concluding this section in particular and this chapter in general, it can be said that the evolution of organizational autonomy does take place within ERNs. While the ERN's importance in the related policy regime, the goal divergence amongst NRAs and the level of orchestrator ex ante control appear to contribute in explaining the evolution of organizational autonomy, the evidence for executive entrepreneurial behavior was too weak and the community competence does not appear to make a relevant difference within the scope of ERNs themselves. In the following chapter, the conclusion to this study, it is determined what the effects of these findings for the research question of this study are.

5. Conclusion

The last two decades witnessed the rise of ERN as instruments of policy consultation and deliberation in the emerging compound executive order of the EU. During this period, various authors have studied the emergence of such organizations, but their development after their establishment has not been thoroughly studied. Seeing the general importance those authors attribute to ERNs in the process of EU policymaking, the absence of such studies is surprising. This study was aimed to, in part, contribute to our understanding of the development of ERNs after their establishment. It tried to do so by unobtrusively studying the development of organizational autonomy of four methodically selected ERNs active in the multilevel Administrative System of the EU. A double research question was formulated to guide the research: *to what extent has the organizational autonomy of European Regulatory Networks transformed beyond their formal level, and how can that be explained*. In this concluding chapter, this question will be answered.

First the question whether or not the organizational autonomy of ERNs has moved beyond their formal level has been studied. The changes in autonomy have been defined as evolution, a positive processes of autonomy development between formal and actual autonomy. As has been concluded in the closing section of chapter 4, the four cases revealed that there is evidence to support the claim that the autonomy of ERNs has moved or transformed between the formal and the actual perceptions of organizational autonomy. In 41% of the dimensions that have been researched (5 out of 12) a significant increase in autonomy has been discovered. It is therefore concluded that the evolution of organizational autonomy of ERNs does take place. Furthermore, a conclusion on the intensity of this process of autonomy development has also been established. As said, in 41% of the dimensions, positive results have been discovered. However, on three dimensions the results were negative and on four dimensions the results were neutral. So though the evolution of organizational autonomy was significant, it was not overwhelming. In all, it is concluded that the extent to which the organizational autonomy of ERNs has moved beyond their formal levels is modest.

Second, the five hypotheses that are formulated to try and explain the evolution of organizational autonomy have to be assessed. Three hypotheses are corroborated, one remains inconclusive due to insufficient reliable evidence, and one is rejected. The hypotheses are discussed one by one. Table 18 summarizes the final conclusions on all five hypotheses.

H1. *The difference between formal and actual organizational autonomy of European Regulatory Networks is bigger when the policy specific Community competences are weaker.*

This hypothesis is rejected. According to the evidence presented in this study, there is no relation between the strength of the Community competences in the related policy field and the evolution of organizational autonomy. Rather, the Community's competence in a given policy field is one of the determinants for the European Commission and the NRAs to consider using ERNs as a policy instrument. The variable Community competence showed general stability over the four cases.

H2. The difference between formal and actual organizational autonomy of European Regulatory Networks is bigger when they are more central within their policy regime.

The hypothesis has been confirmed. According to the results of the four cases, the centrality of the ERN related positively with cases in which evolution of autonomy took place. As such, it could be concluded that ERNs that play an important role are more autonomous.

*H3. The difference between formal and actual organizational autonomy of European Regulatory Networks is bigger when the goals of the national regulatory agencies converge.*The hypotheses is corroborated by the research done in this study. Though all ERNs appear to have high levels of ex ante orchestrator control, at least indirectly, the ERNs with the highest levels of ex ante control display lesser (or no) evolution of organizational autonomy.

H4. The difference between formal and actual organizational autonomy of European Regulatory Networks is bigger when their orchestrators have weaker ex ante control over them..

The evidence presented in this study corroborates the hypothesis. In the cases discussed above, a positive relationship has been found between the level of goal convergence between the NRAs and the extent to which the organizational autonomy of ERNs transformed. This indicates that ERNs that experience little contestation amongst their member organizations are better able to transform their autonomy beyond their formal levels.

H5. Europ The difference between formal and actual organizational autonomy of European Regulatory Networks is bigger when their managers engage in policy entrepreneurship.

The hypotheses has not been corroborated nor rejected in this study. The inferences made on its derivative independent variable were too weak to make conclusive claims. Furthermore, the reliability of the evidence presented for those inferences was questionable. Therefore, no conclusions are drawn based on this hypothesis. That said, the study did reveal strong indications that suggest that executive managerial behavior relates positively with the bigger differences between formal and actual organizational autonomy. Especially in the case of CEER, strong executive entrepreneurial behavior could account in part for changes in organizational autonomy. However, CEER was the only case in which executives' entrepreneurial behavior was conclusively observed. In all, this hypothesis seems very promising for explaining the evolution of organizational behavior, yet further research is necessary to determine its validity.

Table 18: Table of hypotheses' results

Table of hypotheses' results		**Results**
H_1	*The difference between formal and actual organizational autonomy of European Regulatory Networks is bigger when the policy specific Community competences are weaker.*	Rejected
H_2	*The difference between formal and actual organizational autonomy of European Regulatory Networks is bigger when they are more central within their policy regime.*	Corroborated
H_3	*The difference between formal and actual organizational autonomy of European Regulatory Networks is bigger when the goals of the national regulatory agencies converge.*	Corroborated
H_4	*The difference between formal and actual organizational autonomy of European Regulatory Networks is bigger when their orchestrators have weaker ex ante control over them.*	Corroborated
H_5	*The difference between formal and actual organizational autonomy of European Regulatory Networks is bigger when their managers engage in policy entrepreneurship.*	Inconclusive

6. Discussion

After concluding an academic study, the author should comment and reflect on her or his work. In such a discussion, the author needs to review the results in conjecture with the theory, research design, and findings. The discussion is also the place to demonstrate the limitations of the research and formulate some implications. These objectives are the general aims of this section. First the theory is reflected upon, followed by the research design. Third, some remarkable findings are discussed. Throughout these three sections, the limitations of the study are discussed. This chapter ends with five recommendations, two for practitioners and two for further research.

6.1 Reflection on theory

In the theoretical framework of this study it is argued that ERNs are an instrument of indirect governance in the European Administrative System. It is argued that the most widely used theoretical approach to indirect governance – Principal-Agent theory- is unsuitable to study the organizational autonomy of ERNs. Instead, Orchestration theory was introduced to understand and theorize about ERNs. Whereas Principal-Agent theory assumes hierarchical structures, principal oversight, and resource asymmetries, Orchestration assumes parity amongst actors, voluntary cooperation and resource interdependence. Furthermore, Orchestration theory is better suited to incorporate multiple orchestrators (cf. principals) for a single mediator (cf. agent). It was therefore argued that Orchestration is a more suitable theory to study indirect governance by ERNs than Principal-Agent theory. The cases have shown that the assumptions about indirect governance as stated in Orchestration theory are present in ERNs. Therefore, Orchestration is a suitable theory to study ERNs. However, a more wide ranging comparative study should be conducted in order to determine if Orchestration is truly more suited to study ERNs than Principal-Agent theory.

Second, not all hypotheses have been confirmed. Three out of five hypotheses were corroborated, one is still open for debate, and one was rejected. Though the primary reason for

studying hypotheses is theory testing, the process of studying those hypotheses shows a great deal about the unit of analysis. The process of making inferences on the independent variables is also a process of exploration of the unit of analysis. Despite the fact that two out of five hypotheses have not been corroborated, is not testament to the failure of Orchestration theory to theorize about ERNs. Rather, it is testament to the lack of imagination of me as a researcher. The hypotheses are inspired on the research by Abbott, Genschel, Snidel, and Zangl (2015) into orchestration as a theory of indirect governance. The hypotheses they formulated to explain the rise of Orchestration have inspired me to formulate hypotheses to account for differences in formal and actual organizational autonomy of ERNs. This might explain the results on the first hypothesis, the relevance of the Community competence, but does not explain the significant results of the three hypotheses that have been confirmed. In all, the development of organizational autonomy remains a topic that deserves more academic inquiry.

On such inquiry into organizational autonomy was conducted by Verhoest, Peters, Bouckaert, and Verschuere back in 2004. This study has been able to corroborate some of their conclusions. In three cases, dimensions showed a negative trend in the evolution of organizational autonomy. ERNs had more formal autonomy than they actually used. I therefore agree with Verhoest, Peters, Bouckaert, and Verschuere (2004) who found that "*The formal –legal status is not an appropriate measure for the level of autonomy of a government organization"* (p. 111). Though formal autonomy is an important indicator to determine the general level of autonomy, it is not instructive for the actual use of autonomy. Hypothetically, ERNs could have a very high degree of formal organizational autonomy, but when they would not use it their actual autonomy would be limited. Furthermore, another conclusion of Verhoest, Peters, Bouckaert, and Verschuere (2004) is also corroborated. They argued "*tensions may occur between different types of autonomy"* (p. 111). The cases showed that different dimensions of autonomy had different levels of autonomy, sometimes even opposing levels of autonomy. For example, EPRA displayed low degree of actual financial autonomy but a high degree of actual managerial autonomy. The opposite could also be true. In the case of ERGP all three

dimensions displayed the same level of formal and actual autonomy over all three dimensions: low. One contribution of this study has therefore been that it has been able to corroborate findings of other studies into organizational autonomy.

6.2 Reflection on the research design

The design used in this study was an qualitative unobtrusive desk research with four (holistic) cases. The major advantage of this design has been that it made comparative research of organizations spread out over 28 states physically possible. Had another research design been used, for example one incorporating the aggregation of original data through interviews, the research process would have taken an enforceable long period of time. Furthermore, language would have become a major barrier. However, by using an unobtrusive research design, only existing sources of publically available primary and secondary data have been used. Making it possible to conduct the research from 'behind the desk' at home or at the university. So, the only way of trying to answer the research question formulated for this study in the period of time available was by using an unobtrusive approach. That said, some important drawbacks resulted from this design.

First, the research question posed in the introduction of this study included an examination of the evolution of autonomy beyond the formal level as has been granted to the ERN during its establishment. Such a question requires a temporal investigation. One would like to study the development of autonomy over a given period of time between inception and point of measurement. Such an approach would produce a valid answer to that question. However, that approach has not been used in this study. This study compared formal autonomy (as stated in the ERNs constituent documents) with actual autonomy. In effect, the study compared the formal with the behavioral. Though this approach serves to answer the same research question, its validity decreases. In an ideal situation, a temporal approach would have been preferable to a behavioral one. However, time and resource constraints prohibited the use of such an approach. Further research might use a temporal approach to determine if the results of this study are replicable.

Second, the use of an unobtrusive research strategy brought about a problem of operationalization. Unobtrusive research makes use of existing data sources only. All the answers needed had to be produced from documents that had not been composed for the purpose of research. Rather than simply asking for the relevant speck of information, it had to be distilled and interpreted. The opinions, preferences, and the deficiencies of me as a researcher have therefore become part of the study. In addition, the same variables relied on different sources of information for similar inferences. The four organizations all had different internal rules and policies on the publication of internal documents. For example, only BEREC publishes its annual budgets and financial statements. Financial information on other ERNs had to be deduced from other sources, like the EU transparence register or remarks in the annual reports. This makes the process of data gathering relatively idiosyncratic and the inferences less reliable. Ideally, one would have wanted to use the same sources for the same variables amongst the different ERNs. But as one is dependent on the internal rules and regulations of those same organizations, that was impossible.

I have tried to overcome this pitfall be making use of a systematic, focused comparison. Searching for the information needed to answer the question and making inferences on the variables only. Two tips made by Van Thiel (2014) have been instructive: *"Find the information that meets the research needs as adequately as possible"* and *"use the existing information in such a manner that it contents will concur with the research subject"* (p. 106). The information was assessed on its adequacy for making inferences on a satisfactory manner. This could result in biased and debatable inferences. I have therefore endeavored to recall and name the sources of information on all statements I have made throughout the cases. That way, the exact source of information is traceable for the reader and can be accessed directly. Furthermore, I have written an extensive and thorough operationalization to account for all variables and reflected extensively on the validity and reliability of the research design in chapter 3. This way, all the methodological shortcomings of the study are debated and transparent.

A third point of attention has been the case selection. The research design has a theory testing element and therefore required the inclusion of multiple cases. The cases have been chosen in a structured fashion, on verifiable assumptions. Though the exact amount of cases needed to make reliable statements about theory is always a matter of debate, I have chosen for four cases because of the time and resources available and the institutional diversity of ERNs. Furthermore, most research strategists would argue that cases should be selected based on their inferences on the independent variables (Van Thiel, 2014, p. 90; King, Keohane & Verba, 1994, pp. 141-143). However, I have chosen to select them based on the dependent variable, the ERNs themselves. Though this is choice can be debated, I felt compelled to do so because of the institutional variance amongst ERNs. These, and probably many other, aspects of the research design had a negative effect on the reliability and validity of the study. Where possible, I have named this pitfalls in the empirical chapter of the research. Next, the research findings are discussed.

6.3 Reflection of results

A latent assumption in the research question has been that ERNs transform their organizational autonomy over time. Why would one otherwise incorporate a question about possible explanations for the evolution of autonomy in the same research question where one asks to what extent ERNs transform their organizational autonomy. Nonetheless, is has been an important part of the research to answer the question whether or not differences between formal and actual organizational autonomy take place, and to which extent it does. As this study has shown, these differences take place to a moderate extent. In addition, three out of the five hypotheses were corroborated, one remained on the table, and one was rejected.

Perhaps one of the most striking conclusions that can be drawn from this research is a conclusion that has been discussed latently. It appears that ERNs established by NRAs alone are considerably more autonomous than ERNs that were created by the European Commission. Especially the case of ERGP is instructive. The NRA established ERNs discussed in this study all have

legal personality under private law and are all fully financially responsible. The same cannot be said about the ERNs established by the European Commission, which hold either legal personality under Community law or no legal personality at all. Furthermore, the Commission instituted ERNs are not financially independent or responsible but answer the Commission. A possible reason for this could be that NRAs establish ERNs primarily for information sharing and the establishment of best practices, whereas the Commission also needs ERNs for policy specific advice and market harmonization. Further research might pursue such a course of inquiry and determine if the differences in autonomy can be explained by the nature of their orchestrators. Such a research would need to incorporate all the Commission and NRA established ERNs, and compare their constituent documents and possible mandates.

Another striking result from this exploration of ERNs is their institutional variance. Though the institutional variance was one of the considerations of the case selection, it has instructive to see how big these differences actually were. Some ERNs practically function as agencies (like BEREC) while others appear to be no more than an advisory organ of the Commission (like ERGP). Some ERNs have considerable influence in policymaking and have the instruments to affect the constituent NRAs and the European Commission (like CEER), while others are specifically forbidden to take common positions and make common recommendations (like EPRA). The administrative space between the European Commission and the NRAs taken by ERNs is truly extensive.

6.4 Recommendations

It is commonplace for Public Administration research to include a list of recommendations as one of its conclusions. However, Van Thiel (2014) warns for the casual and rash formulation of recommendations and argues that prescription is a valued-driven and normative activity, one which readers should be able to trace back to the study's results (p. 164). Based on the study's results some recommendations have been formulated. However, since this study has not been geared at everyday

practices and is not engaged with a practical organizational problem, the list includes five distinct recommendations: two for practitioners and three for researchers.

1. ERNs can be used to assist in overcoming the perceived obtrusiveness of the EU.

   ERNs are unobtrusive policy instruments that combine EU-wide policy ambitions with national policy competences. As such, they can be used to formulate and implement new EU policies without derogating national sovereignty or policy competences. Furthermore, their increased use would not require changing the EU treaties because they fit in the existing institutional structure of the EU. We cannot ignore the fact that the EU is increasingly perceived as an obtrusive actor that harms the national self-determination of European states. Whether or not that statement holds true is not part of this research. We can state however, that such an apprehension, true or falls, has real political consequences. In the time of writing this report, the United Kingdom opted by popular referendum to secede from the EU. The use of ERNs as an instrument to deliberate, formulate and implement policies can help circumnavigate such problems by continuing formulating EU-wide policies, but specifically on national terms. Whether or not such actions would be politically and morally desirable is not for me to say, I simply address its possibility.

2. ERNs should become more transparent

   In regard to their internal documents, ERNs lack transparency. For people outside of the networks that compose ERNs, it is almost impossible to grasp how they are managed and held to account. Many ERNs do not publish annual reports or financial statements. As a matter of fact, this lack of transparency has seriously hampered the research conducted in this study. At the same time it should be stated that not all ERNs lack transparence, in this regard BEREC is a 'best practice' case. In this too, like so many other (institutional) aspects, ERNs display great variance. But on moral grounds, for organizations that have a public

function and play such an important role in the formulation and implementation of EU policies, the lack of transparency is undesirable, no matter their public our private legal personality.

3. Further research into the effect of the instituting orchestrator on the organizational autonomy of ERNs.

   Further research should be conducted into the effects of the ERN instituting orchestrator on the evolution of autonomy. This study found strong indications that there is a significant difference in autonomy in ERNs founded by the European Commission and those founded by the NRAs. It appears that ERNs instituted by NRAs alone are more autonomous than ERNs that are established by the European Commission. However, these indications were a byproduct of this study. Comparative research into the role of the orchestrator into the autonomy of ERNs can be very insightful and greatly expand or knowledge and understanding of ERNs.

4. Further research needs to incorporate a temporal comparison of the evolution of autonomy.

   This research compared formal and actual organizational autonomy to determine the extent to which the organizational autonomy of ERNs transformed. A more valid approach to study the evolution of autonomy would be a temporal approach. Future research should focus on the temporal evolution of organizational autonomy by measuring ERN's autonomy in two moments in time. Such research would greatly enhance our understanding of how organizational autonomy develops over time and would contribute to our knowledge on the role and development of ERNs in particular.

5. Further research is needed on the relevance of executives' entrepreneurial behavior.

   In the course of this study, entrepreneurial behavior of ERN's executives appeared to relate positively with the level of evolution of organizational autonomy. However, due to the lack of reliably inferences, conclusion could not be made. Future research could address this variable in more detail. Not only would such an inquiry advance our knowledge of autonomy evolution in ERNs, but also it could greatly increase our knowledge of organizational dynamics in general.

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