

# Making Europe in their Image

## Communities of expertise and the shaping of transnational governance

**Nina Boeger**, University of Bristol, [nina.boeger@bristol.ac.uk](mailto:nina.boeger@bristol.ac.uk)

**Joseph Corkin**, Middlesex University, [j.corkin@mdx.ac.uk](mailto:j.corkin@mdx.ac.uk)

The paper asks whether the shift in EU governance from centralized harmonisation to softer forms of co-ordination and disciplining between member states can be fully explained by orthodox accounts that attribute it to the preferences of national governments, and might instead be attributed to the expert networks that do that co-ordinating. Reluctant to assign more policymaking competences to the EU, but recognising the need for cross-border coordination of complex issues beyond their unilateral reach, the member states turn increasingly to an intermediate mode of European integration, dubbed 'New Governance', in which they submit their policies to the scrutiny (against agreed benchmarks) of transnational networks that bring together their own national experts. The paper questions orthodox (intergovernmental) explanations for this trend, which attribute its softer disciplining – via expert peer review, monitoring and evaluation, as opposed to centralised, prescriptive and legally-binding EU rules – to the preferences of national governments. The paper asks instead whether the very expert networks upon which New Governance depends might in fact account for its (trans)formation as a mode of governance. In other words, whether expert networks' well-documented influence over policymaking might extend to the design of the processes through which they exert that influence, in which case they are likely to ramp up certain characteristics in those processes that we associate with them (experimentation, peer-review and consensus building; the collegiate sharing of best practice; organisation around a common epistemic perspective rather than national affiliation; a preference for cooperative, technocratic and transnational settings over parochial politics; and so on). This in turn suggests that New Governance is path-dependent; its symbiotic relationship with its expert networks making the two self-reinforcing.

The paper illustrates this innovative endogenous account of the shaping of EU governance with a case study of the recent negotiations over two specific reform issues related to the governance of telecoms in the EU: (1) the design of the new EU regulator, which boiled down to a choice between a network of national regulators or a centralised agency; and (2) the extent of the Commission's powers over remedies designed by national regulators to solve competition problems on their telecoms markets, which boiled down to whether the Commission should be able to veto and/or harmonise national remedies. The significance of these issues is that the choices involved fell either side of the governance fault-line that the paper explores. They pitch traditional EU lawmaking against New Governance; harmonisation against decentralised processes and local discretion; and an EU agency against a networked model. On each issue, we know the bottom line (even if there remain interpretive disagreements over the Commission's harmonisation powers): It was agreed that the Commission should be empowered with a veto over a regulator's analysis of the competition problems that trigger a remedy, but not over the design of that remedy (whose amendment/withdrawal it can only

recommend); and the Commission was denied the agency that it favoured, instead having to exercise its powers taking "utmost account" of a new advisory body based on the existing network of national regulators. These outcomes suited that expert network. The paper will follow the dynamics of the negotiations to understand the course they took and the network's influence upon them.