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Europe's New Technocracy: Boundaries of Public Participation in EU Institutions

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Introduction

Regional organizations in the Global North have sought to create avenues for legitimating integrationist activities. Participatory initiatives are one such route. Referring to mechanisms whereby 'independently created forms of collective action', encompassing trade unions, special interest groups and pressure groups, political parties, business organizations, and mass social movements can influence regional decision making, participatory initiatives are proliferating among regionalist bodies (Gerard and Mickler, this issue). This article argues that the proliferation of participatory mechanisms can be conceptualized as the development of a 'new technocracy' in regionalist organizations. To make this case, the article examines the case of regionalist participatory initiatives in the European Union's (EU) directorates and agencies.

Recently, an evolving literature on the EU as a 'responsive technocracy' has analysed how the growing politicization of EU-level initiatives and institutions had led to those institutions responding by, for example, adopting new legislation (Rauh, 2016, 2019). Scholars also suggest the need to analyse the 'responsiveness' of EU organizations at an administrative level (De Wilde and Rauh, 2019). This article adds to this literature by analysing the boundaries of participatory initiatives by analysing their technocratic logic, and thus showing how they operate as methods for furthering 'technocratic responsiveness', rather than democratic innovation.

This argument about the limits of participatory initiatives is not new. Existing literature also notes serious shortcomings given participatory initiatives tend to be colonised by more powerful, often corporate, actors, and an economistic logic (Parker and Pye, 2017). This article adds to the debate by unearthing the technocratic logic behind them, using a framework developed in public administration scholarship on the 'new technocracy' (Esmark, 2017). This 'new technocracy' is comprised of three aspects:

- *Connectivity*: EU institutions aim to circulate information online to inform relevant 'multipliers' at national level and relay detail of regulatory procedures.
- *Risk management:* EU institutions seek to craft an image of technical competence through engagement with stakeholders, rather than relying on their independence to ensure that image is created.
- *Performance*: EU institutions engaging with a variety of stakeholders as a core aspect of monitoring and evaluating the EU's regulatory performance.

This framework draws upon a theory recently posited by Anders Esmark (2017, 2020) that the concept of technocracy has been widely misunderstood in governance studies. Contemporary forms of technocratic governance, Esmark argues, are intended to engage broadly with civil society to enhance their functional utility, both at national and transnational levels. They are characterized by the need to connect with relevant actors by ensuring they receive relevant information, manage risk in terms of foreseeing and displacing the possibility of political contestation, and monitor the performance of EU regulations. The article argues that processes of public involvement are viewed by those engaged in them as functional to EU institutions, and therefore can be seen principally as mechanisms for extending technocratic legitimacy. To show this, the article analyses semi-structured interviews with 24 European Union Commission Directorates-General (DGs), civil society organizations and independent agencies, as well as stakeholder engagement strategies and engagement requirements provided in governing regulations.

This article proceeds in four sections. First, it charts the evolution of the EU's technocracy and suggests that since the early 2000s EU institutions have responded to criticisms they are insular and disconnected from the public. Second, it introduces Esmark's theory and suggests this can be applied as a way of framing this development as the emergence of a *new technocracy* rather than a renewal of democratic legitimacy. Third, the article presents interview and documentary evidence demonstrating how stakeholder engagement processes in EU institutions are viewed by those who enact and receive them as forms of technocratic governance enabling: (1) connectivity, (2) risk management and (3) performance. Fourth, the article reflects upon the implications of this analysis for our understanding of the potential of EU stakeholder engagement strategies as normatively desirable forms of democratic participation. It suggests the development of new technocracy might have potential, if its logic of seeking external legitimacy through responsiveness can be developed to coincide with logics of participatory or deliberative democracy.

I. From 'Old' to 'New' Technocracy in the EU

Technocracy has been an ever-present 'spectre' in European integration (Streeck, 2012). Haas' (1958) original thesis in *The Uniting of Europe* that practical concerns about economic growth and political stability would lead to 'ever closer union' has influenced EU scholars and policymakers, who became concerned principally with developing legitimacy through the 'outputs' produced by expert-led institutions. This 'neofunctionalist' argument, as Moravcsik (2005, p. 350) suggests, 'remains a touchstone for scholarship and, albeit tacitly, for practical politics concerning the EU'. As Martin Shapiro (2004, p. 345) states, in the EU the 'prevalent trend has been an attempt to recruit technocratic legitimacy for government regulation as a substitute for democratic legitimacy'. This form of technocratic rule has changed over time, however, and has implications for our understanding of the boundaries of public participation in EU institutions.

What I call the 'old technocracy' has its roots in classical functionalist arguments about the basis of European integration. Old technocracy is defined as 'rule by experts', seeking legitimacy through checks and balances with public actors and institutions. Wallace and Smith (1995) provide a detailed elaboration on how technocratic tendencies historically influenced EU integration. The 1951 Treaty of Paris, they show, set up a High Authority

(later to merge into the European Commission in 1967) advised by a Consultative Committee of 'representative organizations' including consumers, businesses and workers: 'functional representation assisting technical experts' (Wallace and Smith, 1995, p.142). Here, the place of democracy was in essentially pluralist underpinnings of technocratic rule. The High Authority had to 'consult' trade unions and employers, and its decisions were taken in light of consultation. This approach carried through to the late 1980s, with a 1988 regulation emphasising 'close consultation between the Commission, the member states concerned and the competent authorities' (Regulation (EEC) 2052/88).

The old technocracy thus had its basis in pluralist assumptions, that: (1) there needed to be a balance of power between competing interests of member states, and of economic actors, and (2) the functional necessity of post-war economic recovery and growth provided an underpinning consensus for integration. Here, the boundaries of participation are conceptualized in a Madisonian way, as a *set of checks and balances* on Commission power by member states and, to a lesser extent, employer and worker representatives.

New technocracy is defined as 'rule by experts', seeking legitimacy through responsiveness to the public (see Table 1, below). This came about through the growing importance of 'responsiveness' as a key question through the 1990s and 2000s. The growth of Euroscepticism since the 1980s led to theories that the 'permissive consensus' on integration had morphed into a 'constraining dissensus' (Hooghe and Marks, 2009). Scholars noted growing politicization (De Wilde, 2011) and contestation of integrationist tendencies (Adam and Maier, 2011). These political dynamics have not, however, led to the disappearance of an earlier technocratic approach, but to its transformation. Analysing dynamics of integration during the Eurozone crisis, Schimmelfennig (2014, p. 335) argues, 'The process of technocratic integration during the crisis has largely followed neofunctionalist instead of postfunctionalist expectations'. Supranational integration increased in economic policy, for example, with technical agencies like the European Banking Authority gaining more power.

That is not to say, however, that the rationale for technocratic forms of governance looked the same as in the 1950s, or that the boundaries of public participation are the same. Rauh (2016, 2019, p. 361) instead identifies a 'responsive technocracy' in which 'widespread EU politicization creates Commission incentives to serve immediate public interests in contemporaneously salient initiatives'. His interview research suggests 'Commission bureaucrats, who are usually portrayed as the most distant and technocratic actors in the EU's polity, are aware about the immediate distributional consequences of their policy choices and are willing to adapt them to changes in the political context of European

Table 1: Boundaries of Participation in 'Old' and 'New' Technocracy

Logic for engagement	Old technocracy	New technocracy
Political context	Permissive consensus	Constraining dissensus
Rationale for seeking external legitimacy	Checks and balances	Responsiveness
Actors engaged	Stakeholders in industry and society	Stakeholders in industry and society (expanded)
Exemplary texts	Regulation (EEC) 2052/88	2001 European Commission White Paper on Governance

integration' (Rauh, 2019, p. 361). This 'responsiveness' does not mean technocratic institutions abandon their objectives. Rather, it suggests a subtle reconfiguration of the boundaries of public participation, summarized in Table 1.

An incremental shift from 'old' to 'new' technocracy can broadly be captured in the emergence of a participatory agenda initiated in the 2000s–2010s. In 2001 a widely cited Commission White Paper stressed that 'many people are losing confidence in a poorly understood and complex system to deliver the policies that they want' (European Commission, 2001, p. 1). We can view this statement as an acknowledgement of a shift in the political context from 'permissive consensus' to 'constraining dissensus'. The White Paper hence proposed the Commission should 'renew the Community method by following a less top-down approach and complementing the EU's policy tools more effectively with non-legislative instruments' (European Commission, 2001, p. 2).

This agenda has been reflected in a deeper and more diverse range of consultation processes, including 'Roadmaps' and 'Inception Impact Assessments' implemented by all Commission DGs. The 'Better Regulation' initiative has also emerged, aiming to avoid introducing new legislation by updating and improving existing laws, complementing this with widespread engagement of relevant affected communities (Bunea and Ibenskas, 2017).

The subtle difference between 'old' and 'new' technocracy is explicated here. While the stakeholders are not too dissimilar to those established as representative organizations in the 1951 Treaty of Paris creating the European Coal and Steel Community, the intensity of interaction has increased substantially and the range of representatives expanded to cover Non-Governmental Organizations (NGOs) and consumers in various areas of EU competence (see Arras and Beyers, 2020; Pérez-Durán, 2019; Wood, 2018). These changes are incremental, and there has not been a scaling back of the technical role of EU agencies and DGs. The most significant transformation, however, is the *rationale* underpinning reasons for seeking legitimacy by engaging external environments – from instituting checks and balances to *responding* to dynamics of politicization.

II. Administrative Responsiveness: The Rationale of the New Technocracy

Whereas in the 'old' technocracy participation is conceived as seeking legitimacy through formalized checks and balances on Commission power, in 'new' technocracy engagement is defined as expert-led agencies seeking legitimacy through responsiveness in a broader context of politicization. This means the boundaries of participation are conceived potentially wider, so as to effectively manage politicization pressures by including a range of affected actors, but narrower in the sense that the flexibility of responsive technocracy means engagement is justified largely on the basis of the implications of engagement for the core workings of EU bodies. Responsiveness is conceptualized primarily as adjustments to policy and institutional practice (such as adoption of legislation) in response to politicization (De Wilde and Rauh, 2019). Analysing the underlying rationale for stakeholder and societal engagement within an administrative context can unpack this is more detail. De Wilde and Rauh (2019) suggest a fruitful approach shifting analysis from 'systemic' responsiveness (policy adjustments and legislative adoption) to a 'procedural' approach studying 'dynamic adaptation' of administrative actors to external pressures. This article fits within this agenda. It assesses how managers of EU institutions

conceptualize their engagement practices as *responses* to external pressures. In doing so, it draws from recent innovations in public administration theory to establish a conceptual framework from which to analyse participatory initiatives as forms of technocratic responsiveness, in EU institutions.

Esmark's (2017, 2020) framework for assessing the 'new technocracy' in public administration is the most systematic recent theorization of how technocratic governance has shifted in the so-called 'late modern' era of capitalism. Esmark (2017, p. 501) asks the question: 'how are we to interpret administrative reforms and policy that have challenged the bureaucratic model in recent decades?' These reforms, he argues broadly, have brought about an era of 'governance' characterized by fluid risks and dispersed information. For some, this has led to a replacement of technocratic bureaucracy with engaged and interconnected 'governance'. However, Esmark is not so quick to dismiss the idea of technocracy and 'rule of experts'. His argument is that this rule has morphed to become more responsive and engaged, rather than being introverted and withdrawn: 'Although the governance paradigm clearly deploys the language of organizational and technological imperatives, it is not exactly hidden or subdued: it is rather an open, assertive, and largely transparent paradigm' (Esmark, 2017, p. 506). This theoretical perspective links well with the procedural approach to responsiveness advocated by De Wilde and Rauh (2019).

Esmark's argument is not that expert technocrats have become less powerful, but that technocracy has become less associated with legitimation through bureaucratic rationality (*qua* Max Weber), and more associated with self-legitimation through three aspects: *connective governance, risk management and performance management* (Esmark, 2020). Each element involves a shift in the way in which technocratic authority is legitimated, or the ways in which appeals are made in an attempt to gain acceptance for political authority (legitimacy). They provide a way of shifting analysis of 'responsiveness' as a new organizing perspective on EU technocracy, down to the level of administrative organization and management, as advocated by De Wilde and Rauh (2019).

Connective Governance

The first element is concerned with a shift from legitimation through formalized procedures and processes of internal governance (for example Boards and advisory positions), to the management of relatively uncontrolled information networks. This links to what Esmark calls 'connective governance', which, drawing on Castell's seminal work on the 'network society', involving 'the implementation and use of information technology, largely conducted under the umbrella of e-governance'. Connective governance is defined as *designing decision making processes to come in line with evolutions in technology in collecting information, including Web 2.0 and social media*. 'Rather than the design and operation of social machines, connective governance requires the adoption of an informational logic and the attempt to deal with the transformative effects of informational flows' (Esmark, 2017, p. 508; see also Esmark, 2020, p. 125). As such, connective governance is concerned with the design of flexibility into decision making processes using technological advances to collect information. In the 'old' technocracy this information was less dispersed, and available through formal repositories, for example scientific journals, and institutions such as universities or government departments. 'Connectivity' is required because this transformation in information 'abundance' requires governing

actors to ensure regulatory information gets to those who require it to make or communicate decisions. Actors who legitimate their decisions through connectivity set up and manage complex information networks that at once facilitate 'engagement' with the outside world, but for purposes of information collection and dissemination rather than for explicitly democratic ends. The boundary we expect to see is that such exercises are conceived as information gathering and disseminating, or any democratic element is coincidental to their operation, rather than central to how they are justified.

Risk Management

The second element of the new technocracy is risk management (Esmark, 2020, pp. 141–172). Drawing on Ulrich Beck's classic argument about the emergence of the risk society, Esmark argues that the new technocracy involves 'the internalization of risk and the impossibility of insurance against dangers and uncertainty' (2017, p. 508). Whereas 'old' technocracy was largely impervious to systemic risks, in the new technocracy there is 'a state of uninterrupted anticipation that can be described as state of perpetual threat and permanent crisis requiring continuous change'. The engagement of stakeholders ought to be viewed in this context, as such engagement is not done purely to inform decision making, but to monitor and shape the external environment, such that the public organization is constantly aware of emerging dangers and can smooth out the concerns of relevant actors. While governments have always recognized and managed threats and dangers, the key to the new technocracy is a shift from *reaction* to *reflexivity*, the key point being the need to *anticipate* danger. This has profound implications for the kind of legitimacy that experts can claim:

> The realization that there is ultimately no protection against threats and that government decisions are likely to exasperate existing problems and/or produce new ones makes the original technocratic belief in the proportional relation between technical knowledge and problem-solving capacity untenable (Esmark, 2017, p. 509).

The result of this disconnection is the need to alter the very grounds upon which technocratic authority is claimed, namely through what Bob Jessop calls 'self-reflexive irony':

> 'the reshaping of the technocratic ambition… such that the participants in governance recognize the likelihood of failure but then continue as if success were possible' (Esmark, 2017, p. 509).

Risk management in the new technocracy can hence be defined as *engagement for the purposes of identifying, monitoring and designing responses to systemic dangers to organizational legitimacy*. The new technocrats are clear that they are fallible, and thus look towards multiple sources of authority to 'collaborate' and bolster their credentials as effective governors.

Performance Management

Last, the new technocracy engages society to improve performance management (Esmark, 2020, pp. 173–202). Traditionally, external auditing procedures are used to evaluate performance, usually on an annual basis. However, contemporary governance is conspicuous by its commitment 'to link the sequences of the traditional linear process

of policy-making together in a cyclic and continuous process of innovation and learning that will ensure the development of better policy solutions' (Esmark, 2017). Here, the legitimacy claims of transnational technocracy are based again on reflexivity, but with an emphasis on monitoring and auditing. Performance management in this context can hence be defined as *engagement based on the aim of monitoring and auditing organizational learning and experimentation practices*. While this element of new technocracy is closely linked to that of old technocracy, it has greater flexibility built in:

> The functionalism of early technocracy... was primarily invested in the creation of models identifying and linking the key forces of the social machine. Learning from evidence and continuous improvement of policy, by contrast, involves an experimentalist ambition about finding out "what works and why" (Esmark, 2017, p. 511).

Esmark notes that this focus on experimentation also introduces greater standards of accountability than older forms of 'top-down' expert knowledge. Experts are challenged to a greater extent than before, to 'transparency and... responsibility to continuously demonstrate results and provide evidence to the general public, the media, and stakeholders with a vested interest in particular issues' (Esmark, 2017, p. 511). This again links scientific or 'epistemic' legitimacy to engagement with external communities, rather than legitimacy-by-default, as assumed in the 'old' technocracy (Table 2).

III. Methodology

The purpose of this article, and this special issue, is to analyse the boundaries of participation in regionalist organizations (Gerard and Mickler, this issue). This article therefore does not set up benchmarks for comparing participation in 'old' and 'new' technocracy, but instead assesses boundaries in how extensive participation is, and can be, from the perspective of EU institutional actors. It does so by mobilising a dataset of 24 semi-structured interviews with managers in EU European Commission DGs,

Table 2: Aspects of the Rationale for Participation in Old and New Technocracy

	Old technocracy	*New technocracy*
Rationale for external legitimacy	Checks and balances	Responsiveness
Collecting and disseminating information	**Internal governance**: Boards with formal institutional stakeholders (for example academics)	**Connective governance**: Designing decision making processes to come in line with evolutions in technology in collecting information.
Engagement with risks	**Reaction to crisis**: Risks are identified only once they have caused a crisis. Formal accountability processes.	**Risk management**: Engagement for the purposes of identifying, monitoring and designing responses to systemic dangers to organizational legitimacy
Monitoring outcomes	**External audit**: Independent private auditors check and evaluate organizational performance (for example finances)	**Performance management**: Engagement based on the aim of monitoring organizational learning and experimentation practices.

decentralized arm's length agencies and stakeholder representatives including industry, consumer organizations and civil society representatives.

The aim of the interviews was to understand how stakeholder engagement methods were understood by these actors, and therefore uncover their democratic potential and basis for their legitimacy. I targeted stakeholder and communications managers in agencies and DGs, and public affairs teams in industry, consumer and civil society organizations. Interview invitations were sent out to all agencies and DGs, and a selection of key stakeholders in agencies and DGs that responded to interview requests. This purposive sampling method identified those within these organizations who were best able to articulate at length how their organizations understand participatory initiatives, their underlying logic and rationale.

These interviews are supplemented with document analysis of stakeholder engagement strategies in 33 decentralized agencies and 53 DGs and agencies, covering post-2010 documents for each body. I also analysed historical laws and regulations regarding stakeholder engagement, including the founding regulations for each EU agency requiring stakeholder or public engagement. I analysed the documents in NVIVO using thematic coding based on Esmark's framework. The purpose of this coding was to highlight portions of text of relevance to each element of the framework (some were relevant to more than one). I then synthesised these inductively, into an analysis of each core concept of the framework to identify the boundaries interviewees imposed on public/stakeholder engagement, and why and how they come about.

IV. Inside Europe's New Technocracy

Thus far this article has argued that technocratic governance in the EU takes the shape of an outwardly open and engaged interface, which is designed with the purpose of encouraging broad stakeholder engagement. However, within this logic of engagement, there exists a latent functionalism requiring that actors with requisite expertise to inform regulatory decisions be informed, involved and given priority in engaging with regulatory decision-making. Requirements for risk management also lead stakeholder managers to inform 'affected' actors via stakeholder consultation routes. We can see this technocracy at work through the stakeholder engagement processes within the European Commission's DGs, and the decentralized agencies that inform and carry out regulatory activities.

Connective Governance

First, EU institutions connect with the public via online consultation processes. This is a key aspect of the 'New Regulation' agenda developed over the past ten years, in which the Commission has sought to create an 'online feedback tool [that] allows citizens and stakeholders to express their views during the entire policy and law-making process' (European Commission, 2016). The 'feedback tool', called 'Have Your Say', firstly includes opportunities to give feedback on general 'roadmaps' and impact assessments proposed by the Commission, usually over a period of four weeks. It then includes public consultation periods on new initiatives or evaluations of existing laws and regulations, usually covering 12 weeks, and for Commission recommendations to the European Parliament, usually eight weeks. There are also specific online consultation periods of four weeks for delegated and implementing acts, and broader opportunities to submit a

proposal for 'lightening the load'–simplifying burdensome EU regulations–submitted via a separate platform ('REFIT').

These general procedures operate alongside attempts to connect with European citizens online via websites and social media. For example, agencies issue calls for key personnel or Board members: 'usually the [agency] calls for an expression of interest via the website. We usually ask the National Competent Authority to relate this call for expression of interest' (Interview 8). DGs use websites as forums for engagement and as tools for achieving 'stakeholder engagement', as one manager notes: 'In terms of the value of stakeholder engagement we used to have a platform… for stakeholders… There is also… an open discussion of specific networks, it's an online platform.' These platforms also extend to ways of tracking and maintaining a handle on the range of stakeholders these institutions need to connect to, as one communications manager noted: 'We have a Customer Relations Management (CRM) database which is how we track, monitor and maintain the data that we have on all the people who have signed up to our work [and] who are interested in us' (Interview 11). More broadly, social media has become an important aspect of connecting to stakeholders, although not without its detractors. As the interviewee notes:

> When social media began to take hold however many years ago…five years ago, maybe… when I put forward a plan/project for our future communication … Well, there was feedback which was … negative … 'You're not going to waste money on that' (Interview 11).

Nevertheless, social media is a challenging environment because of the diverse range of actors who may potentially be interested in the work of an EU institution, which in turn can sap vital resources. As one agency communications official noted:

> I've got a very strict limit to how many resources I would need to put into [social media]. I cannot spare a whole person to do social media. We have in total, perhaps half of full-time equivalent working on social media (Interview 5).

This evidence suggests 'connectivity' has become a key issue for EU agencies and DGs, as they seek to reach out to stakeholders in response to pressures to apply resources to catch up with private and voluntary sectors, and relatively new demands to manage a 24-hour news media cycle. To an extent, this engagement has meant that agencies and DGs have become more open and connected to their stakeholders. As one interviewee notes:

> Have these challenges changed over time? Yes, because 20 years ago they [DGs] were even more isolated. I will not say 'arrogant' but they behaved as a 'closed shop'. Now … we are more connected to them (Interview 15).

However, the ways in which this connectivity happens is more about providing information than mobilising action. One interviewee expressed dissatisfaction with the superficial way in which online communication occurs:

> I mean, they do open these sort of consultations in terms of the website and things like that. Often quite technical, you know, 'Do you think this font is big enough? Do you think that the navigation menu …' but it's not thinking about what kind of content should be on there [and] how it's best transmitted to people (Interview 19).

This critical assessment raises an important point – that agencies and DGs are *required* to engage their stakeholders online, providing them with information or 'connecting' with

them, but the *content* of the engagement is often left undefined. Agencies may, for example, provide information as a way of evidencing their 'transparency', but the information refers to procedural aspects of what is 'going on' within the agency, or opportunities to submit opinions into a black box process. Such communication is an empty way of providing technical detail in a more 'efficient' or 'productive' manner, without offering a form of political engagement that would enable actors potentially interested in a particular regulatory area – be it food, pharmaceuticals or environment – to contest or meaningfully shape a regulatory decision.

Risk Management

The second aspect of Europe's new technocracy is risk management, namely the process by which managers in EU institutions engage with stakeholders for the purposes of reducing potential political fallout or disagreement during regulatory processes. Within the European Single Market, risk management has become crucial in customs and international trade, with inter-agency coordination, cooperation with traders and widespread information sharing viewed as crucial for ensuring safety and security in the goods being traded and hence a 'smooth flow of trade' (European Commission, 2017). At the institutional level, risk management is a consistent driver for agency and DG staff involved in stakeholder engagement. One interviewee noted, in relation to the Transatlantic Trade and Investment Partnership (TTIP):

> We do political risk management – the European Commission is a political organization. If there is a risk stakeholders are excluded then that is a problem. It's also about learning and awareness, and flaws in legal construction. You cannot see one without the other. Outreach is part of the political process. (Interview 3).

This form of risk management involves consultation for the purposes of avoiding damaging politicization in the form of multi-stakeholder disagreement or accusations of 'bias' in processes of scientific assessment and analysis. Engagement is necessary to enable 'learning and awareness' about the issues and displace the potential for contentious issues to be raised in the media. In the case of the European Medicines Agency, for example, staff engage in risk management by downplaying that there is any risk at all in communications with stakeholders:

> The main focus is not risk but, first of all, every medicine has risks and side effects, so you always have to look at it in the balance … in the end, we evaluate medicine and recommend a positive opinion because we think actually that this medicine has a benefit – that the benefit outweighs the risk (Interview 1).

Other agencies see risk management as a way of displacing the political tensions created by bringing private sector stakeholders on board to fill gaps in expertise, recognizing the need for discrete knowledge while maintaining an image of technical competence:

> So we try to really stand firm on the fact that we are a technical body. When we have to deal with very tricky accounting or risk measures … [where] potentially we are not the best experts in the market…we are very happy to bring them in, use their expertise to make a product that is eventually beneficial to everyone. But we do not want to introduce a political debate in our work (Interview 8).

> Same with colleagues in Stockholm… [their] first task is to monitor outbreaks of diseases… Who see themselves also a bit more as promoters of preparedness, health, capacity building in general. They're also organizing conferences, publishing manuals and brochures that are just on general health policy management or health communication as well (Interview 17).

Interestingly here, it is the very fact that an agency is engaged with 'the market' that it needs to 'stand firm' and maintain its image as a 'technical body' concerned with 'policy management'. Were the agency disengaged from the market, its image would not need to be managed. However, engagement with industry creates the potential for 'introduc[ing] a political debate' – which the agency cannot afford to do. It is therefore invested in achieving 'a win-win situation where they are getting more and more interested and they see this as potentially [good] for them' (Interview 8). Risk management is therefore about maintaining a balance between 'evidence-based' decision making and securing 'buy in' from 'the market'. Any imbalance between the two can be seen as an undesirable weakening of agency competence. Interviewees agreed that there is 'a big risk… about maintaining reliability and objectivity in our work while also working closely with external bodies' (Interview 1), 'Risk management is a natural thing' and 'you should always think about how communication effects credibility' (Interview 10) and even that risk is so encompassing that 'We are risk managers all the time' (Interview 2). The emphasis placed on the need to manage political fallout, or maintain a neutral scientific image differs between agencies and DGs, but it is clear that risk management is crucial for understanding the roots of EU stakeholder engagement processes–the perceptions of external actors need to be carefully crafted and are about active engagement with 'the market', consumer representatives and the wider media to shape their views of the policy process, rather than withdrawal or insulation, as in Esmark's 'old technocracy'.

Performance Management

The final aspect of Europe's new technocracy is that stakeholder engagement serves as a primarily functional aspect of the regulatory process – an integral part of how the Union evaluates its own performance. Despite the potential of stakeholder engagement to contribute towards normative visions of participatory democracy, normative desirability is only reflected in the 'mood music' of stakeholder engagement practices. Their primary purpose is to link engagement to the functional aims of economic growth and safety management. The European Food Safety Agency (EFSA), which operates one of the most extensive stakeholder consultation processes in the Union, states that:

> Engagement is effective only if it takes place at a moment when it maximizes value for EFSA and stakeholders alike – in other words, when it can help to shape the final outcome of EFSA's work. Authentic engagement requires that EFSA identifies clearly when and how contributions from stakeholders are made, that it remains open to scrutiny throughout the process, and that it explains when and how stakeholder input is taken into account (EFSA, 2016, p. 12).

Importantly, and in contrast to traditional notions of technocracy, stakeholder engagement of this form is not merely 'for show' or part of a 'veneer' of participative

engagement. It is deeply functional to the way EFSA works. Its procedures are intended to include a wide range of stakeholders who are affected by EFSA decisions, including consumer representatives, farmers, hotels, restaurants and caterers, NGOs and other diverse organizations. In this sense, it is somewhat reminiscent of deliberative innovations by ambitious academic theorists of EU democracy. However, this inclusive breadth is justified not in terms of deliberation, but rather as a means to ensure the objectivity of decision-making. As the agency notes in its engagement strategy, '*To ensure that the objectivity of its scientific work is safeguarded*, the Agency strives at all times to achieve a balanced representation of interests and to avoid the possibility that specific communities exert any undue influence through the various mechanisms it proposes for interaction' (EFSA, 2016, p. 12, italics added).

In Europe's new technocracy, engagement through a wide range of mechanisms is the norm, but is not justified in terms of widening democratic deliberation. Rather, it is justified as a way of improving regulatory performance. Interviewees from DGs and agencies stated, for example; 'You don't just communicate good news or concentrate on the media. You ask the stakeholders as well' (Interview 2). Similarly, one agency interviewee noted that 'as part of our work, we try as much as possible to work with external stakeholders' (Interview 8). Stakeholder engagement is seen as a normalized or functional part of an agency's technical job, rather than an antithesis to it.

In the European Commission, stakeholder engagement is seen as integral to enhancing the overall performance of the Union and evidence of its value to member states. In one DG, for example:

> Communication with stakeholders is important. Growth and jobs are our main objective at the Commission, we are here to help Europe grow, we need to work with economic actors … We have conferences and events to get them to apply to our process. It's a model we could use in other areas. We tend to use traditional methods of speaking face to face to people (Interview 2).

Stakeholder engagement here is integrated within processes of performance monitoring, integrating workshops and conferences alongside technical assessment. In this sense, stakeholder engagement bolsters technocratic aims of efficiency and effectiveness, *rather* than posing a democratic alternative to them, as has been argued in the debate around EU democracy. One interviewee from an NGO expressed frustration at this way of engaging stakeholders throughout EU institutions:

> I do not know why…maybe Brussels just attracts people like [the 'usual suspects']. I'm not sure but it's really that thing if it's not specifically and expressly written in a directive or a regulation or in the guidance of how this process works, it does not and cannot and should not happen (Interview 23).

Less critically, one representative from a consumer organization detailed the close relationship they have with an EU agency in the field of health:

> We are the conduits of information from [agency] employees to the [consumer] communities because we put their information and their news in our newsletters, member communications and so on.… We find…sometimes [the agency] need[s] a specific kind of patient representative so we tap into our members' network (Interview 22).

The close relationship between agencies, DGs and consumer/industry organizations through stakeholder membership on Boards, working groups and other engagement mechanisms integrates these 'non-state' actors within the core institutions of the EU, thus making them integral to the performance of the Union. Again, it is crucial to stress that this integration is far more systematic than a traditional 'technocratic' perspective would give credit for. For EU DGs and agencies, engaging stakeholders is central to their perceived capacity to perform adequately. The technical knowledge and professional competence of participating stakeholders is seen as a key part of the Union's success, but close integration of this form does not correspond with traditional views of the EU's technocracy.

V. Developing the EU's New Technocracy

This article has argued that Europe's 'New Technocracy', constructed over the past 20 years, has increasingly engaged with stakeholders in industry and society, but with a technocratic rationale that puts boundaries on the potential of such engagement to enhance democracy. The European Commission and decentralized agencies are commonly engaged with industry, consumer organizations, NGOs and professional bodies on a regular basis in developing, implementing and evaluating EU regulations. Specifically, stakeholder involvement is necessary for the purposes of: circulating information online to inform relevant 'multipliers' at national level of regulatory procedures; crafting an image of technical competence through engagement with stakeholders, and engaging with stakeholders as a core aspect of monitoring and evaluating regulatory performance.

The interview data and document analysis provides evidence for the three points above. Taken together, they suggest how 'responsiveness' occurs within technocratic EU bodies at an everyday level. It is precisely *through* mechanisms of engagement that EU institutions create and assert their technocratic power. Put simply, the argument of this article is that such engagement processes *are the very means by which (new) technocratic governance works*. Images of technical credibility, information distribution and performance monitoring are implemented through engagement with a variety of stakeholder groups, including 'traditional' industry and corporate stakeholders, but also NGOs, consumers and citizens. Engagement is seen by EU institutional actors as a way of communicating information, managing risk, and monitoring performance. If such engagement achieves democratic aims, this is a secondary or tertiary aim, and is not seen as 'relevant' where engagement either falls outside the institution's functional remit, or does not provide an opportunity for efficiency in information exchange.

In sum, the data presented in this article suggest that the way EU public managers justify stakeholder engagement is through technocratic means, but not that they are opposed to secondary or tertiary democratic benefits that might derive from that engagement. As such, the key to democratizing EU governance may be less a matter of creating 'new' institutional arrangements, than of developing the logic through which public managers at the EU level can justify and extend stakeholder engagement practices. This perspective could inform a distinctive approach to recent thinking on 'throughput legitimacy' in the EU, and the kind of institutional innovations within

the EU's governance procedures that might enhance accountability, transparency, inclusiveness and openness (Schmidt and Wood, 2019). This approach might suggest we need fewer 'new' structures, and instead, better ways of equipping EU public managers to think innovatively, and act in 'mending' democratic connections and relationships within their already existing organizational roles and familiar practices (Hendriks *et al., 2020*).

One recent example of how this has happened is the European Medicines Agency's program of physical public hearings. Standard stakeholder engagement have been complemented with public hearings where patients themselves can make arguments on the Agency's regulatory decisions as they are being made. Unlike many engagement exercises by EU agencies, there is an explicit aim of 'engaging the public' alongside the 'information gathering' exercise (Wood, 2019). Despite the acknowledged restrictions on deliberation of public hearings, they nevertheless expand the boundaries of participation and give a democratic rationale to create a hybrid technical/participatory exercise. Extending this logic further could be an important way of enhancing the democratic logic of ambitious technocratic organizational reforms.

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Appendix 1: Interviews

1: European Medicines Agency official, author, London, June 2016.
2: DG Sante official, author, telephone, June 2016.
3: DG Trade official, author, telephone, May 2016.
5: OSHA official, author, telephone, August 2016.
8: European Banking Authority official, author, London, June 2016.
10: EIOPA official, author, telephone, July 2016.
11: Eurofound official, author, Dublin, August 2016.
15: Member of European Parliament, author, Brussels, January 2017.
17: European Medicines Agency Official, author, London, January 2017.
19: Non-governmental Organization (Health) official, author, Brussels, January 2017.
22: Consumer rights organization (Health) official, author, Burssels, January 2017.
23: Non-governmental Organization (Environment) official, author, Brussels, January 2017.