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Research Article

## Pushing the Boundaries

## New Research on the Activism of EU Supranational Institutions

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## Abstract

This contribution introduces the concept of ‘activism’ to the study of EU supranational institutions and their role in EU policy making and European integration. While long present in studies of the Court of Justice of the EU, ‘activism’ has rarely been examined systematically in the context of analyses of other supranational institutions. This contribution offers a definition of ‘supranational institutional activism’, examines its analytical usefulness in relation to other concepts such as ‘entrepreneurship’ and through the lens of a number of political science and EU integration theories and analytical approaches. The specific analytical insights derived from the disciplines of political science, history and legal scholarship of the twelve articles of this special edition on ‘supranational institutional activism’ are also considered. While the powers and roles of EU supranational institutions have been examined in numerous studies, this article presents a concept that can contribute to a more systematic and comprehensive understanding of the contribution of these entities to EU policy making and European integration.

## Keywords

European Union, activism, entrepreneurship, European integration, supranational institutions

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Much political science literature on European integration and EU policy-making focuses upon the role of supranational institutions. Most of the main theories and approaches applied to examine integration and EU policy making assign supranational institutions a specific role, yet provide merely a partial understanding of their operation. In neofunctionalism, supranational institutions are central actors, becoming increasingly independent through both functional, political and cultivated spillover. Neofunctionalist analyses, however, frequently underestimate the role of member state governments and the central importance of intergovernmental negotiations to European integration and EU policy making, thus distorting the relative importance of the role of supranational institutions. Intergovernmentalism, by contrast, sees supranational institutions as principally technocratic coordination mechanisms under the control of member state governments, established to serve national interests and facilitate intergovernmental bargaining. The different versions of institutionalism — notably, historical, sociological and rational choice — applied to examine EU policy making, normally attribute a much more central role to supranational institutions to explain policy outcomes. Institutional studies ascribe to these institutions the capacity to shape the preferences of their officials.<sup>1</sup> However, these studies often examine supranational institutions as secluded entities, underestimating the impact of external actors — notably member state governments — and events on policy developments. Constructivism is an example of a theoretical approach that often downplays the role of supranational institutions — although it should be noted that a number of constructivists analyse supranational institutions as ideational (norm)

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<sup>1</sup> When discussing ‘officials’, this article refers both to administrators and (elected/appointed/delegated) members of an institution. As will be outlined with regard to specific cases below — some of which are discussed in more detail in the contributions to this special edition (including Pegan; Piquet; Roos; Schönlaue) — appointed staff, delegated staff and elected members may have different motivations for activism, as well as different foci, preferences and loyalties.

entrepreneurs or point to their strategic use of ideas. A number of EU institutions, and notably the Commission, have also specifically been described and analysed by both neofunctionalists and intergovernmentalists as 'supranational entrepreneurs'. The distinction between activism and entrepreneurship will be discussed later in this article, with the explanation that entrepreneurship is but one form of activism that demonstrates specific features including policy innovation.

Academic work that points to an important role performed by EU supranational institutions, parallels and/or takes inspiration from international relations scholarship on the role of international organisations. Several theories of international relations, and notably regime theory (for example, Krasner 1983; Pollack 2001), argue that officials working in international organisations shape the outcomes of intergovernmental negotiations in a number of ways, notably the initiation of new policies, mediation among participating national governments and the mobilisation of domestic groups. Some constructivists (for example, Barnett and Finnemore 1999) argue that top international officials engage in entrepreneurial leadership — and notably informal mediation — without which successful international cooperation is often impossible. Several studies (for example, Cox 1969) point to the importance of 'leadership' rather than formal powers to explain the expanded roles and authority of international organisations.<sup>2</sup>

Historical studies of European integration have also placed emphasis on the role of supranational institutions — notably the Commission and the European Parliament (the Parliament, EP) — but frequently neglect or downplay the supranational role of other institutions, particularly those with no direct legislative influence. In legal studies, the Court of Justice of the EU (the Court, ECJ) has long been examined as a promoter of European integration. The Court's role has been the subject of substantial criticism — both political and legal — and its perceived 'judicial activism' has been decried by some since the ground-breaking work of the late Hjalte Rasmussen (1986). More recently, however, the idea of 'judicial activism' itself has been put under a more rigorous theoretical lens, examining the pattern of structural incentives and constraints under which the Court operates (Dawson et al. 2013).

This special edition does not aim to develop new theories of European integration; nor does it declare existing theories to be invalid. It calls, however, for a critical application and even a combination of the above-mentioned approaches and others in order better to understand the roles and powers of supranational institutions in the context of EU policy making, and their development in the context of European integration. First and foremost, this special edition directs attention not only to the official EU institutions and other EU bodies as such, but also to their activism and their impact on EU policy-making. While the powers and roles of EU institutions have been examined in numerous studies, this special edition aims to contribute to the as yet rather thin corpus of literature systematically analysing the 'activism' of supranational institutions.

The special edition includes articles examining the five supranational entities that are officially recognised as EU institutions by the Treaties — the Commission, the European Parliament, the Court of Justice of the EU, the European Central Bank (ECB) and the Court of Auditors. The special edition also includes studies of two entities created through the Maastricht Treaty that are not legally recognised as EU institutions but nonetheless have significant powers and responsibilities: the Committee of the Regions and Europol. We use the term 'institution' as short-hand to refer to both the legally recognised institutions and the other entities. What makes these institutions 'supranational' is that they are bodies in which the final decision making officials are not acting as official representatives of EU member state governments. Thus, for example, each EU member state

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<sup>2</sup> See also the recent special edition of the *Journal of European Integration* (39(2)) on leadership in the European Union, and notably the introduction (Tömmel and Verdun 2017).

has a member in the Court of Auditors and each euro area member state has a voting member in the ECB Governing Council; however, these members are legally required to serve the interests of all the EU/euro area, and not operate as representatives of member state governments. While largely focused on the recent past and the present, most of the articles of this special edition also examine critically the development of the activism of supranational institutions over time.

Given limited space, a number of important supranational bodies are either not analysed in this special edition, or only examined briefly. The European Ombudsman and the European Economic and Social Committee (EESC) are examined briefly in the context of Pegan's (2017) comparative study of bureaucratic growth in a number of EU bodies. Omitted altogether are the European Anti-Fraud Office and most EU agencies — 37 at present — attached to, but operationally distinct from, the European Commission. These agencies vary in their organisation and operation, with some consisting of member state representatives and others of only EU or seconded national officials. A number of entities attached to the Council of Ministers — such as the Economic and Financial Committee — or other, in part, intergovernmental bodies — such as the Single Resolution Board — include a significant number of non-member state representatives and engage in policy making that might escape the control of national governments. The operation of these entities — in addition to the Council of Ministers itself — might also have been considered in a more comprehensive examination of supranational activism in the EU as opposed to the activism of just specifically supranational bodies. In the conceptualisation of political spill-over by the 'founding father' of neofunctionalism, Ernst Haas, even national authorities are predicted to exercise some supranational activism in so far as they have transferred their loyalties to the European project — the EC/EU more generally — and beyond their national governments.

The next section considers the difficulties defining 'activism' with regard to the operation of EU supranational institutions and other bodies. This is followed by a critical overview of how we can understand the 'activist' preferences of supranational institutional officials. The penultimate section explores theories that focus upon the structural and institutional roots of supranational institutional activism. The conclusion considers the contribution of this special edition to the literature focused on EU institutions, European integration and European integration theory.

### **THE CHALLENGE OF DEFINING 'ACTIVISM'**

There is an absence of clear definitions of 'activism' in the literature that examines the role of EU supranational institutions. This section attempts to fill this void by developing a general concept applicable to the analysis of all supranational institutions. This special edition interprets institutional activism as:

a particularly energetic effort on the part of an entity to fulfil an expansively defined understanding of its officially prescribed powers and goals and / or an effort, explicitly or implicitly, to expand these powers and goals.

As a starting point to understand this activism, it is helpful to examine the consequences of the most frequently analysed supranational institutions' behaviour. The role of the Court of Justice of the EU inherently involves interpreting the treaties and law which involves developing or even potentially significantly moving the status quo. Among the most important ECJ rulings in that sense are the cases 26/62 of *Van Gend en Loos* versus the Dutch Administratie der Belastingen (1963) and 6/64 of *Costa* versus ENEL (1964), in which the European judges established the two principles of the supremacy of European over national law, and of its direct effect — something that many scholars (for example, Stein 1981) argue was not evident either among the member states or the other supranational institutions, as a number of Commission and European Parliament communications of

the time show. Indeed, this supremacy was not included in the founding Treaties. In other rulings, such as the famous *Defrenne versus SABENA* case 43/75 (1975), the ECJ declared Treaty provisions as directly applicable, regardless of additional legislation either at the European or national level.

Similarly, a considerable element of European Commission activism — its launch of White and Green papers and initiation of legal proposals — has stemmed from treaty provisions not previously applied. While the Treaties give the Commission the main task of initiative, the Commission has frequently interpreted the relevant Treaty clauses as points of departure rather than limits to action — which the Treaties invite, at least to a certain extent (for example, Article 155 EEC, according to which the Commission shall formulate recommendations and opinions ‘where the Commission considers it necessary’). As with the ECJ, the Commission inevitably interprets the treaties and their appropriate application. Efforts to perform to the full the treaty / law assigned roles and objectives of an institution constitutes activism — as well as more obvious efforts to expand roles and objectives — especially where the goal of ‘ever closer union’ is one that is implicitly part of the mandate of all EU supranational institutions and their officials which operate to uphold the treaties. In this sense, activism might be seen to be in the DNA of EU supranational entities. However, given the vagueness of this mandate, it would be problematic to consider all EU supranational entities to be inherently ‘activist’. There is also a sliding scale of ‘activism’ which can be measured in terms of the extent to which supranational entities shape EU policy making and policy outcomes and push the boundaries of their expected powers and roles as specified in EU treaties/law.

Supranational institutional activism may result in pushing European integration ahead, to the extent that the increased role of supranational entities in a policy area suggests a diminished role and influence for member state governments — although European integration should not be understood as a zero-sum game in which the national level loses power whenever the supranational level gains in competences, as will be discussed below. Moreover, activism that undermines or even reverses European integration is also possible — that is, a supranational body pushing, either explicitly or not, in favour of an EU policy that involves *de jure* and/or *de facto* increased member state margin of manoeuvre in policy making at the national or EU level. Activism in either direction might also come at the request of the Council and/or specific member states. The European Commission’s push on ‘subsidiarity’ or ‘better regulation’ in the Lisbon Strategy — which potentially meant less EU regulation in some areas — stemmed from agreements among the member state governments. However, the Commission’s activist implementation of its role through ‘subsidiarity’ and ‘better regulation’ audits may have gone well beyond the preferences of some member states. Furthermore, the activism of one supranational institution may limit the powers of another; due either to the greater influence/power of the former in relation to the latter, or to contemporary circumstances, allowing for a certain push toward supranationality in one, but not another policy area.

This special edition’s definition of the activism of supranational institutions does not necessarily imply that institutions aim to pursue, or succeed in pursuing, an ‘ever closer union’, given the vagueness and teleological nature of such a supposed aim and motivation of concrete action. Importantly, the definition embraced here allows for the failure of supranational institutional activism: we do not assume that such activism necessarily leads to short- or long-term success in terms of the extension of institutional powers and/or roles. The history of European integration is littered with examples of failed, or failing, activism. Following the signing of the Treaties of Rome, the Commission aimed not merely at ensuring the timely establishment of the Common Market; it also used its power of initiative to author a number of proposals going beyond the Treaty articles, and at times beyond what member states were willing to accept, not least in the areas of agricultural and social policy. In the ‘Luxembourg Compromise’ of 1966, following the ‘Empty Chair’ crisis of 1965, the member state governments put the Commission ‘in its place’ by setting clear limits

to future initiatives. More recently, a case that has yet to be shown as either successful or failed activism is the so-called 'Spitzenkandidat' procedure applied in the run-up to the latest European Parliamentary elections in June 2014. Instead of the previously established (and Treaty-based) nomination procedure, the President of the Commission was, in effect, indirectly elected by European voters, as most EP party groups put forward a candidate from their own ranks and the candidate of the party group winning the most seats became the EP's choice for Commission president. However, strong opposition to the non-Treaty based 'Spitzenkandidat' procedure was expressed by a number of member state governments and party groups and, following the June elections, the European Council launched a review of the appropriate selection procedure for the Commission President.

Supranational institutional activism should also not be interpreted as a combined effort on the part of supranational institutions pushing in one direction. Clearly, combined activism is frequent, notably between the European Parliament and the Commission. Furthermore, as Piquet (2017) demonstrates in her study of Europol, the activism of one institution (Europol) can contribute to the activism of other bodies, here the EP, which extended its policy making role in some areas of Justice and Home Affairs in connection to the increased role of Europol, not least in order to increase its control over the agency. Roos (2017) argues that the EP supported the Commission's aims to increase its scope of influence, notably in terms of initiative: every new policy area for which the Commission could draw up proposals potentially gave the EP the opportunity to influence legislation. The Commission's efforts in favour of the construction of Banking Union largely reinforced the European Central Bank's efforts. Notably, the Commission actively promoted the transfer of all euro area bank supervision to the ECB (Epstein and Rhodes 2016).

However, the activism of one supranational entity might also come at the expense of another. Activism creates the potential for conflict both between the intergovernmental Council and supranational institutions — as shown by Paris (2017) in the case of the Blue Card Directive, with tensions between Commission and Council — but also among supranational institutions. Indeed, in the relations between the European Parliament and the Commission — both with important but distinct roles in the EU legislative and policy-making process, and distinct memberships and mandates — conflict appears inevitable. In this special edition, Pegan (2017) and Roos (2017) both examine the tensions created in Parliament-Commission relations due to the Parliament's activism. Łacny (2017) analyses the difficult role of the ECJ manoeuvring between Commission and member state interests on financial corrections, leading to the result that at some times the ECJ favoured supranational preferences, while at others it accommodated member state preferences, not least in terms of setting clear principles that the Commission has needed to observe. Furthermore, the potential for conflict between the Commission and its numerous agencies is real (Everson et al. 2014; Piquet 2017). Activism by the Court of Auditors — notably through critical performance and financial audits of all the other EU bodies — created the potential for conflict with and among these bodies (Stephenson 2017). One historic example of conflict between supranational institutions is the initial competition between the European Parliament and the Economic and Social Committee, to which the Treaties of Rome 1957 assigned fairly similar powers — mainly consultative — in a number of policy areas (Kapteyn 1968). Eventually, the Parliament emerged as the far more powerful body. However, for at least their first two decades, both competed in the same policy areas, and in their insertion of a political dimension into the Community legislative process, in addition to the intergovernmentalism within the Council.

A study of supranational institutional activism in the EU must take into consideration not only the role of institutions in the drafting of policies and legislation, but also their role in negotiations with other institutions and member state governments through the Council and information exchange (or not). A study of activism must also consider the outcome — the policies and legislation actually

adopted and thus the impact of activism. A study of supranational institutional activism can furthermore consider not only formal / official activities but also informal behaviour, which can be inherently difficult to analyse. Yet much supranational institutional activism has, both in the early years of European integration and more recently, led to enduring institutional and political changes only or principally because of informal procedures. This is notably true for the European Parliament (Servent 2014; Farrel and Héritier 2003; Hix 2002). Much of the legislative power it had gained by the time of the Single European Act (1986) was based on the development of informal routines between the Parliament, Commission and Council, which became formalised from the 1970s onwards — first in inter-institutional agreements, then in Treaties (Roos 2017). Furthermore, the Parliament also, from the 1970s, repeatedly used newly gained influence and powers to push for more influence in other areas. The Parliament did this by making clear to the Council that if it opposed the Parliament's involvement on a certain issue, the Parliament would block legislative projects or budgetary negotiations in other areas where it already had a say.

Is supranational institutional 'activism' simply another label for the concept of supranational 'entrepreneurship' which in EU studies has been used and developed in numerous works (see, for example, Sandholtz and Zysman 1989; Cram 1997; Moravcsik 1999)? Entrepreneurship by definition involves organising, managing and assuming the risks of an enterprise. Beyond its core definition, entrepreneurship can also imply far-sightedness and innovation. In political science and public policy analysis, the role of the entrepreneur can be more modest but normally incorporates most or all of these elements. For Kingdon (1984: 188) an entrepreneur is an individual or institutional actor that advocates a policy and invests resources in promoting a position in return for some future benefit. For Roberts (1992: 294), entrepreneurship may involve setting the policy agenda, popularising the issue and potential solutions, building support and legitimacy for particular positions, inventing solutions that overcome political hurdles and brokering deals.

We argue that 'activism' is more encompassing than entrepreneurship. Institutions can be 'activist' — in the sense of energetically fulfilling an expansively defined understanding of officially prescribed powers and goals without operating as entrepreneurs, either formally or informally, explicitly or implicitly. Activism implies no necessary management or assumption of risks, although these are often present. Far-sightedness and innovation may be features of activism. However, they are not inherent in activism. Several of the examples of supranational institutional activism examined in this special edition could not be qualified as 'entrepreneurship' let alone 'leadership'.

Our focus on 'activism' accepts the insights of scholars who focus on the important role of supranational institutions yet challenge the usefulness of the 'entrepreneur' concept. Laffan (1997) and Bauer (2006) examine the shifting role of the Commission from 'policy entrepreneur' to 'policy manager', which owes, they argue, to the level of integration already achieved by the 1990s and a less benign political environment. While emphasising the considerably strengthened role of the Commission in economic governance, Bauer and Becker (2014) similarly challenge the relevance of 'entrepreneurship' and rather call for further research that assesses the changing Commission's role in terms of its ability to use 'its political room [to] manoeuvre in supervising and steering policy implementation' (2014: 227). Our understanding of 'activism' can be applied to such research. Table 1 summarises the broad understanding of activism embraced in this special edition in terms of seven categories ranging from efforts that expand the institutions' official powers and roles to the management and implementation of policies assigned to the institutions. This table also provides examples from this special edition and/or the academic literature for each of the seven categories.

Table 1: A typology of supranational institutional activism

Type of activism	Examples in this special edition and/or in the literature
<b>Expanding the institution's official powers and roles</b>	ECB and banking supervision (Gren 2017); ECB and Banking Union (Heidebrecht 2017); Europol (Piquet 2017); ECJ and monetary policy (Tridimas and Xanthoulis 2016)
<b>Expanding the institution's informal powers and roles</b>	CoR and Covenant of Mayors (Schönlau 2017) EP and Social Policy (Roos 2017); EP and Foreign Policy (Tulli 2017)
<b>Shaping the design of laws and policies by formal means</b>	EP and Social Policy (Roos 2017); Commission and Skilled Migration (Paris 2017); ECB and Banking Union (Heidebrecht 2017); ECJ and Financial Corrections (Łacny 2017); Court of Auditors (Stephenson 2017); Europol (Piquet 2017)
<b>Shaping the design of laws and policies by informal means</b>	EP and Foreign Policy (Tulli 2017); Europol (Piquet 2017)
<b>Facilitating intergovernmental negotiations / Brokering among member states</b>	EU Negotiators (including the Commission) and Environmental Agreements (Delreux 2009)
<b>Policy shaping management and implementation</b>	ECJ (Dawson et al. 2013); Commission (Laffan 1997; Bauer 2006)
<b>Effective management and implementation</b>	The Commission and Economic Governance (Bauer and Becker 2014); EP and Crisis-related Debates (Högenauer 2017); ECJ and Financial Corrections (Łacny 2017)

### EXPLAINING ACTIVIST PREFERENCES

The potential for 'activism' was most obvious for the three EU institutions created with specific autonomous policy making powers: the Commission, the Court of Justice of the EU and the European Central Bank. Two institutions — the European Parliament and the Committee of Regions (CoR) — were initially created as purely consultative entities, with the task of performing a specific function. The Parliament's powers were expanded subsequently. The Court of Auditors was, from its creation, significant given the expansive remit of its audit — yet its 'decisions' (conclusions and recommendations) were not intended to be directly enforceable. For example, the repeated refusal of the Court to sign off the EU budget given irregularities was (is) principally significant to the extent that this refusal might affect the position of other institutions or member states on subsequent budgets. Europol was created as a policy implementing body. The articles of this special edition examining these seven institutions effectively demonstrate how their officials both sought to make full use of their treaty / law-based powers and assert their role — either directly or indirectly, publicly or behind the scenes. For example, the two articles focused upon the historical evolution of the European Parliament (Tulli 2017; Roos 2017) examine more specifically the development of institutional officials — here Members of the European Parliament (MEPs) — which contributed directly to the Parliament's activism.



The activist preferences of the officials of supranational institutions stem from one or more of at least three causal factors — each of which relates to a distinct political science or European integration theory. First, preferences may result from an underlying interest to expand the officials' and thus the institution's power — a claim relating to rational choice theory. Second, the activist preference to transfer new or expand existing decision making or implementation power in a specific policy area to the EU level may stem from support for European integration — a claim relating to neofunctionalism and constructivism. Third, the preference might be rooted in the perception of a 'need for action' (though not necessarily EU-level action) given the perceived inadequacy of existing policy — a claim relating to an ideational explanatory framework. We consider each of these in turn. Table 2 summarises the various possible causes of activism, the related analytical approaches and examples of the studies that have applied them in this special edition and / or elsewhere in the academic literature.

Table 2. The causes of activism and related analytical approaches

Cause of activism	Related analytical approach	Examples in this special edition and/or in the literature
<b>Type 1: ideational</b>		
<b>Commitment to European integration</b>	Neofunctionalism/Constructivism	EP prior to 1979 (Roos 2017); EP and Direct Elections (Tulli 2017)
<b>Commitment to other socio-economic goals</b>	Constructivism/Norm Entrepreneurship	Commission (Paris 2017); CoR (Schönlau 2017); Multi-level governance (Piattoni 2010)
<b>Expertise</b>	Epistemic Communities	Central bankers and EMU (Verdun 1999); CoR (Schönlau 2017)
<b>Type 2: rationalism</b>		
<b>Utility maximisation (pursuit of 'rational' interests)</b>	RC Institutionalism/PA approach.	ECB (Gren 2017); EP (Farrell and Héritier 2003); ECJ and Financial Corrections (Łacny 2017); Europol (Piquet 2017); EP (Högenauer 2017); EU Negotiations and Environmental Agreements (Delreux 2009); Commission and budgetary and economic surveillance (Savage and Verdun 2016)
<b>Type 3: institutional constraints</b>		
<b>Path dependence (within the institution or within the EU institutional framework)</b>	Historical Institutionalism	Commission and ECJ (Leibfried and Pierson 1995; Pierson 2004); EP prior to 1979 (Roos 2017)

<b>Socialisation</b>	Sociological Institutionalism/Neo-functionalism	EP (Goetze and Rittberger 2010)
<b>Inter-institutional dynamics</b>	Historical/Rational Choice Institutionalism	Council versus Commission and Skilled Migration (Paris 2017); ECB versus Council (Heidebrecht 2017); Court of Auditors versus other EU institutions (Stephenson 2017)
<b>Type 4: External factors</b>		
<b>Functional spill-over</b>	Neo-functionalism	Commission and Trans-European Transport Networks (Stephenson 2010)
<b>Interests of transnational capital</b>	Neo-Gramscianism	Cafruny and Reiner (2003)

For variants of rational choice theory, the activism of supranational institutions can best be explained in terms of the maximisation of utility — defined normally in terms of increased policy influence and resources (staff and budgets). Individual officials in the institutions might seek specifically to increase their own utility or that of the institution more generally, independent from broader European integration goals, which might also serve these utility maximising goals. For elected officials (members of the Parliament, Committee of the Regions and several EESC officials) or officials hoping to (re-)enter EU or national politics, electoral considerations can also be included in the study of utility maximisation. In this special edition, Schönlau (2017) argues that the activism of regional government members of the Committee of the Regions stemmed largely from the desire to protect regional government policy-making powers from the incursion of national governments in the context of EU policy making. Pegan (2017) emphasises the rationalist source of, respectively, European Parliament and Commission activist preferences. While not emphasising a specifically rationalist approach in her article — she applies a ‘bureaucratisation’ framework to the Parliament’s administration. The extension of the administration’s resources (staff and budgets) reflects the utility maximising efforts of the Parliament (and MEPs) more generally.

A version of rational choice institutionalism is the Principal-Agent approach. In the EU context, the principal is normally the member states acting collectively, through the Council, to delegate policy-making powers to a supranational agent — as outlined for instance by Piquet (2017) with regard to the activism of Europol in relation to the member states. ‘Through delegation to an agent, the principal(s) hope to manage externalities through the centralisation of expertise, facilitate collective decision-making, resolve disputes, enhance credibility, and/or lock in commitments. The principal(s) and the agent bargain over the extent of agent autonomy’ (Howarth and Sadeh 2011: 624; see also Hawkins and Jacoby 2006; Hawkins et al. 2006). According to the Principal-Agent approach, the underlying interests and preferences of the agent frequently diverge from those of the principal. While, in the EU context, the existence of a collective principal necessarily muddles an understanding of preferences, the agreed terms of delegation count as the main preferences to consider. Member state governments are driven above all by re-election concerns, while the preferences of supranational institutions will stem from policy influence and resource (staff and budget) expansion — their main underlying interest. The member state principals will seek to overcome asymmetric information, which normally benefits the supranational agent, by establishing a range of ex ante and ex post controls on the behaviour of the agent. ‘The principal(s) prefer that the agent use its autonomy to further their interests, but agency loss is inevitable through the costs

of control and/or slack' (Howarth and Sadeh 2011: 624). An application of the Principal-Agent approach to the EU thus assumes that the likelihood of supranational activism is great but the approach also provides the collective principal with a tool-kit to hold this activism in check.

One of the best-known applications of a Principal-Agent framework to the EU focuses upon the role of the Commission as an 'engine of integration' (Pollack 2003). In this special edition, Gren (2017) applies a Principal-Agent framework to explain the ECB's 'activism' in supranational bank supervision, pushing convergence in national supervisory practice arguably beyond what was called for in the legislation that transferred supervisory powers to the ECB. Piquet (2017) applies a Principal-Agent framework to examine the activism of Europol, extending its policy remit beyond the preferences of its member state government principals, while supported by its Commission principal. Several other articles discuss the tensions arising from the conflicting interests and preferences of member state governments and the supranational institutions that they have created and transferred powers to over time. Notably, Högenauer (2017) argues in her analysis of voting behaviour in the European Parliament in times of crisis that MEPs have two principals: their EP party group, and their national party, with the former deciding over the MEPs' career within the Parliament, and the latter deciding whether to allow them to run again for office. Given these two masters, Högenauer analyses to what extent European interests prevail in times where strong national positions re-emerge in the Council. Heidebrecht (2017) analyses the struggle of the ECB to maintain a balance between the pursuit of its mandate that includes political and operational independence, and the challenge of not overstretching its relatively narrow remit. Supranational institutions can use the advantage of an asymmetry of information between them (operating as agents) and member state governments (principals) — an asymmetry that is reinforced given the increasing complexity of EU policy issues. 'Activist' use of information in turn allows supranational institutions to steer policy developments in a direction that better ensures the achievement of their goals.

The second explanation of the activist preferences of supranational institutions stems from support for European integration. In European integration theory, neofunctionalism predicts political spill-over, where national and EU-level policy making elites shift their allegiance from the national to the EU level. EU supranational institutions use their powers to deepen integration — by facilitating and manipulating the pressures created by functional spill-over. This form of spill-over is downplayed by Hodson (2010) and Bickerton et al. (2015) who argue that supranational institutions are not 'hard-wired' to pursue further integration. However, there remain numerous studies of EU supranational institutions which have deliberately pushed for further integration. In recent years, the Commission has been ambitious in launching detailed initiatives and legislative proposals on economic governance, coupled with an integrationist 'spillover' discourse of 'completing the unfinished project' of establishing the single market and single currency (Vilpišauskas 2013). This discourse was also specifically embraced by the Commission and the European Central Bank with regard to Banking Union (Howarth and Quaglia 2016).

The third source of supranational activist preferences is ideas, entirely or largely independent from views on European integration. While overlapping with political spill-over, ideas can be emphasised distinctly from functional spill-over pressures. Thus, Roos (2017) shows how MEPs saw in European-level policy making the opportunity to forward social objectives to which they were committed. Schönlau (2017) argues that the activism of regional government members of the Committee of the Regions was not only driven by a desire to protect regional government policy making powers from the incursion of EU policy making but also because of strong views about 'subsidiarity' and the importance of subnational government as 'closer to the people'.

In analyses of supranational institutional activism, two or more of these explanations of the causal factors shaping preferences can be combined. Rational interests, the promotion of European

integration or other ideas can shape institutional preferences on particular policy areas / issues. For example, strategic constructivism (Jabko 2006) emphasises the strategic manipulation of ideas (in the EU context by supranational institutions) to achieve preferences stemming from rationalist or other interests. While not applying the strategic constructivist framework, both Roos (2017) and Tulli (2017) argue that MEPs wielded the concept of 'democratic legitimacy' to justify the expansion of the Parliament's role and powers and, eventually, direct election itself.

### **EXPLORING THE STRUCTURAL, INSTITUTIONAL AND EXTERNAL ROOTS OF 'ACTIVISM'**

Like entrepreneurship, activism can suggest agency on the part of supranational institutions but can also stem from existing structural and institutional conditions. There are other theoretical explanations that place less emphasis on the preferences (be these rooted in interests or ideas) of policy makers in driving supranational institutional activism and, rather, interpret this activism in terms of structural or institutional dynamics. These explanations and examples of studies applying them from this special edition and/or elsewhere in the academic literature are also summarised in Table 2. In European integration theory, neofunctionalism emphasises functional spill-over (Haas 1958, 1961; Wolf 2006). The activism of supranational bodies can be explained in terms of functional spill-over which creates pressure to extend European integration (and thus EU policy making) into new areas. Stephenson's (2010) study of Trans-European Transport Networks (TENs) emphasises the importance of functional spill-over to explain the push of the Commission in this policy area. Vilpišauskas (2013) examines how functional spill-over created pressures for the Commission to push for the reinforcement of economic governance, especially for euro area member states and with regard to fiscal policy. Epstein & Rhodes (2016) detect strong functional and political spill-over pressures encouraging both the Commission and the ECB to push for Banking Union and specifically for the extension of ECB control over bank supervision. Banking Union was seen as a crucial step to promote financial market integration — to which both institutions were committed in their mandates. The ECB also argued that, by reversing financial market integration, Banking Union also contributed directly to the effectiveness of its monetary policy.

In political science — thus void of the broader claims about the progress of European integration — historical institutionalism can be applied to explain supranational institutional activism in terms of path dependence, unintended consequences (especially with regard to long-term implications), self-unfolding dynamics and necessary responses to 'critical junctures' (Pierson 2000, 2004). Both unintended consequences and self-unfolding dynamics become possible crucially because supranational institutions are usually created based on compromises between actors with different preferences and interests (Conran and Thelen 2016). Indeed, Glöckler et al. (2016) explain the recent efforts of the Commission and the ECB to move to Banking Union in terms of path dependence — the implications of the operation of the euro area — and response to a punctuated equilibrium — here caused by the exogenous shocks of the international financial and euro area sovereign debt crises.

It is important to counter the oversimplified assumption of a necessary power struggle between, on the one hand, supranational institutions, and on the other, member state governments and national institutions, in which one loses power when the other gains in influence. Instead, supranational activism in a policy area can result in a new political dynamic that might increase the influence of member state governments in that policy area — Milward's (2000) 'Rescue of the Nation State' thesis — or strengthen specific national institutions in relation to others. The implementation of EU fiscal policy rules, for example, can be seen as strengthening national ministries of finance in relation to spending ministries.

Furthermore, supranational activism may be requested by the Council of Ministers and European Council, with the member state governments responding to either functional spill-over pressures — the need to fill a policy and / or institutional void — or economic or political pressures from within the member states. The Commission will also normally pursue policy areas — and thus demonstrate activism — only when it knows that it has the support of a number of member state governments. The recent push on the Commission's Investment Plan for Europe (known by the shorthand 'Juncker Plan') to increase European Investment Bank (EIB) spending on infrastructure demonstrates Commission and EIB activism. However, the Plan also responds to longstanding demands of a number of member states, led by France, which have limited national fiscal margin of manoeuvre and thus seek to expand EU level investment. Supranational institutions had a rational interest in pursuing the Juncker Plan: the Commission demonstrated its central importance to member states at a time of growing Euroscepticism and intergovernmentalism, while the EIB expanded rapidly in staff size. However, the supranational institutions also responded to member state demands for action.

Intergovernmentalists thus explain supranational institutional activism in terms of Council and member state preferences. The autonomy of this activism is generally downplayed. Indeed, intergovernmentalists are the most likely to express scepticism as to the significance — if not reality — of distinctive unilateral supranational activism in EU policy making. This scepticism extends to liberal intergovernmentalism, which reduces supranational institutions to the role of the guarantor of intergovernmental bargains — ensuring the credibility of commitments. Moravcsik (1991, 1993, 1998), for example, largely denies these institutions 'agency', in the sense of the ability to pursue an autonomous agenda. For intergovernmentalists, supranational bodies might make a lot of noise. However, their actual impact on policy is very limited and almost always of secondary importance in relation to the positioning of the Council and member states, and above all the largest member states. For intergovernmentalists, supranational institutional activism is principally driven by the Council, and in most cases the preferences of larger EU member states.

Intergovernmentalist scepticism as to an independently effective supranational institutional activism even extends to policy areas where supranational bodies are assigned clear powers and autonomy of action — for example the Commission and Competition Policy — and to ECJ rulings. Clearly, in the study of a number of institutional developments since the Maastricht Treaty — notably the creation of the independent ECB with significant policy making powers — intergovernmentalism has been shown to be of limited analytical usefulness. Nonetheless, in the bulk of EU policy making, intergovernmentalists continue to insist that supranational institutional activism is secondary at best, insofar as governmental positions are taken to be determinant. A striking example is the Burley and Mattli (1993) versus Garrett et al. (1998) debate about EU law in the 1990s, with Garrett et al. effectively denying the autonomy of law by way of an argument that the ECJ follows the interests of the larger member states in its rulings.

'New intergovernmentalism' (Bickerton et al. 2015) is the most recent incarnation of intergovernmentalism and forwards specific hypotheses as to the significance of supranational institutions in EU policy making. New intergovernmentalists insist that the 'preferences of supranational institutions themselves may not be as hard-wired towards supranationalism as was generally assumed by many scholars' (Bickerton et al. 2015: 712). Such claims neither necessarily contradict those made in this introductory article nor do they necessarily undermine the potential significance of supranational institutional activism. However, 'new intergovernmentalism' still mainly focuses on the delegation of powers, while underestimating the evolving internal dynamics of the institutions or bodies to which the powers were delegated. Attempts to reconcile intergovernmentalism and other approaches to European integration with a focus on supranational institutions exist, though they are as yet rather limited in number. A notable example is the study by

Costa and Maignette (2003) which analyses the reasons why the member states repeatedly assigned powers to the European Parliament despite its historical lack of leverage — the findings of which are based on a combination of intergovernmentalist and neofunctionalist assumptions.

## CONCLUSION

This special edition does not forward one theoretical or analytical approach to analyse and explain supranational institutional activism. It brings together scholars from three different disciplines, and different sub-disciplines of political science, thus juxtaposing very different analytical approaches and methodologies. We have seven distinct applications of political science frameworks (Paris; Högenauer; Gren; Heidebrecht; Schönlau; Piquet; Pegan), one public policy analysis (Stephenson), one legal analysis (Łacny); and two historical analyses (Roos; Tulli).

Several of the contributions in this special edition also discuss the legitimacy of supranational institutional activism. Previous research has discussed the question of legitimacy extensively for the ECJ and the European Parliament, to which some articles in this issue add new insight. Roos (2017), for example, shows the struggle of the European Parliament to gain the powers typical of parliaments in national liberal democracies, not least in order to legitimise EU decision-making and legal procedures through parliamentary control and involvement. Tulli (2017) analyses the EP's activism in order to solidify its role in the European Communities, aiming to eventually have the power to justify direct elections, which most MEPs considered crucial for the EP's legitimacy by the late 1970s. Once the Council had agreed to direct elections, the Parliament used its position as the only directly elected EC institution and as representative of European citizens to claim a broader involvement in Community legislation and policy. Heidebrecht (2017) discusses the possibilities of ECB activism through the establishment of Banking Union, which has resulted in a considerable expansion of the role and powers of the ECB. However, Heidebrecht also recognises that the ECB's expanded remit risks posing fundamental questions regarding its legitimacy.

With this special edition, we do not seek to join the choir of those predicting an unstoppable process of ever closer integration, nor do we aim to depict the development of supranational institutions as an eternal teleological gain of power. The aim here is to offer a correction to the increased academic focus of late on the important role of member state governments in EU policy making, especially in tackling the recent financial, sovereign debt and migration crises, and other difficulties facing the EU. The rise in anti-EU populism, the Brexit vote and the impending UK departure from the EU, create a direct challenge to European integration and the role and influence of supranational institutions. However, none of these developments necessarily undermines the reality of ongoing supranational institutional activism. This special edition seeks to familiarise readers with a range of approaches and conceptual tools with which to explore the role of supranational institutions in the EU policy making process, moving beyond some of the simplifying assumptions of both neofunctionalism and intergovernmentalism.

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