JCMS JOURNAL OF COMMON MARKET STUDIES UACES

JCMS 2023 Volume 61. Number 6. pp. 1563–1586 DOI: 10.1111/jcms.13455

Third Country Access to EU Agencies: Exploring Spaces for Influence

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Abstract

EU decentralised agencies dispose of a wide network of external relations giving third countries various degrees of access to their management boards, secondary bodies and/or operational cooperation. These venues constitute hitherto under-explored opportunities for third country influence on EU laws and policies. Based on an original dataset, this article maps the widening scope and depth of third country de jure access to 26 EU agencies over time and provides first explanations for the variation across agencies and countries. We find that agency autonomy and international mandate as well as third country democracy, regulatory capacity, and wealth are positively correlated with access. Whilst the de jure provisions examined in this article capture the formal institutional scope for third country influence, they underline the potential for more detailed case studies on de facto third country influence and its determinants.

Keywords: external differentiated integration; European Union; decentralised agencies; third countries; influence

Introduction

> A federal system is bound to be closed and exclusive; a functional system is naturally open, as changes in membership can be absorbed without doing violence to policy and administration.
> David Mitrany (1965, p. 141)

Whether agreed under trade, cooperation or association agreements, or due to the externalities of internal regulations, EU rules travel beyond EU borders (Lavenex and Schimmelfennig, 2009). Is this external impact a one-way street, or do third countries have opportunities to shape the EU laws and policies to which they then abide? Brexit and the UK's transition from 'rule-making' to – at least partially – 'rule-taking' gives new momentum to this question (Diamond et al., 2018). Yet analyses of third country influence on EU law and policy-making are scarce. Considering that 'Access – whether formal or informal – is a necessary precondition to generate influence' (Maggetti, 2019, p. 260; Hofmann et al., 2022, p. 70; see also Lavenex and Öberg, this Issue), this article sets out to systematically assess third country access to one specific type of EU institution: decentralised agencies. More specifically, we map the formal rules granting third countries' access to agencies' operations and examine how this differs across time, agencies and countries, and why.

EU decentralised agencies have seen a steep proliferation from the mid-1990s onwards. They contribute to policy development and implementation in practically all fields of EU activity (Egeberg and Trondal, 2017) and have a strong record of cooperation with peer regulators from non-EU countries (Hofmann et al., 2019b).

The focus on these secondary institutions is also motivated by theoretical reflections. As proposed by the introduction to this Special Issue (Lavenex and Öberg, this issue), early functionalists (Mitrany, 1965) and theorists of multilevel (Hooghe and Marks, 2003) or polyarchic governance (Sabel and Zeitlin, 2010) have underlined that functional, task-specific jurisdictions are more open to the participation of 'outsiders' than the EU's encompassing and 'multi-purpose' institutions. In contrast to the latter, whose membership is based on territorial criteria and a wider sense of community (see Öberg, this issue), functional bodies are based on 'incongruent memberships' (Schmitter, 1996, p. 136) deriving from structures of interdependence rather than societal bonds (Schmitter, 1996; Hooghe and Marks, 2003, p. 238).

This openness responds to both internal and external demands. Most agencies have mandates that transgress EU boundaries. Whether we look at aviation safety, consumer standards, environmental protection, energy regulation or migration flows – cooperation with external partners is often endemic to agencies' tasks and necessary for goal attainment. Conversely, external partners also have an interest in cooperation with EU agencies. As a recent analysis of third countries affected by EU fisheries policies notes, 'we would expect the administrations of these countries to develop formal and informal relations with EU actors and exploit access points to influence EU policy processes' (Van Der Zwet et al., 2022, p. 5). What seems straightforward from a functionalist point of view, however, cannot be taken for granted. Scholars have observed the Union's growing concern with safeguarding the homogeneity of its internal market and its institutional boundaries more generally (Gstöhl, 2015, p. 866; Schimmelfennig, 2021), including stronger control over agencies' external relations (Lavenex et al., 2021). From the part of the third countries too, participation in EU regulatory bodies demands a certain investment in terms of time and resources (Maggetti, 2019). This notwithstanding, there are also important political reasons sustaining agencies' role in extended regulatory cooperation, namely, the enduring need for flexible modes of association below the threshold of membership for countries that either cannot or do not want to become full EU members (Pirozzi et al., 2022).

The interest in third country cooperation with EU agencies is not entirely new. A recent volume by Hofmann et al. (2019b) examines the legal framework for agencies' external action and cooperation. Coman-Kund (2018) provides a detailed analysis of external action by the border agency Frontex, the law enforcement agency Europol and the aviation agency EASA. Political scientists have explored the foreign policy and functionalist motives behind third countries' 'differentiated integration' in selected EU agencies (Lavenex, 2015; Rimkuté and Shyrokykh, 2019) and have engaged in comparative analyses of agencies' openness towards third country participation (Lavenex et al., 2021). Most recently, a symposium published in the *Journal of Common Market Studies* examines the role of joint institutional frameworks established under EU bilateral agreements (Tyushka et al., 2022). Whilst these joint frameworks work outside EU structures, they have direct connections to regulatory networks including EU agencies (Eckert, 2022a). Drawing on this research, this article makes two contributions. We present the first systematic assessment of agencies' de jure openness towards third countries for 26 EU agencies from their inception until today based on our original database of 'Differentiated Integration in Transgovernmental Europe' (DITE). DITE is composed of 18 indicators focusing on agency governance and measuring the scope and depth of third country access (Lavenex and Poussardin, 2022). Second, we probe possible determinants of agency openness towards third country influence complementing the quantitative analysis with descriptive illustrations.

I. EU Agencies as Spaces for External Influence

Decentralised agencies constitute a central pillar of the EU's administrative space. Egeberg and Trondal, (2017) document an acceleration in their creation over the last 15 years in terms of numbers but also in terms of powers and quality. Today, the EU counts 34 decentralised agencies across all areas of EU policy-making[1]; these form a constitutive layer of the EU's institutional architecture.

'Agencification' of the EU administration has been regarded as a compromise between functional needs for the supply of more regulatory capacity at the European level and member states' reluctance to transfer executive authority to the European Commission (Egeberg and Trondal, 2017, p. 675). In many cases, EU agencies have developed from transgovernmental networks (Levi-Faur, 2011). Their transformation into agencies has come with a stronger formalisation, also regarding participation by non-EU regulators. Hofmann et al. (2019b, p. 1) define agencies from a legal point of view 'as bodies governed by European public law that are institutionally separate from the EU institutions, that have their own legal personality, that enjoy a certain degree of administrative and financial autonomy and that have clearly specified tasks'.

Openness towards International Cooperation

As technocratic bodies set up with the task to promote effective solutions to genuinely transboundary problems, EU agencies depend on cooperation with interdependent non-member states and organisations to accomplish their missions. This is usually provided in their founding acts: third countries that 'have concluded agreements … which provide for the adoption and application by these countries of Community law in the area covered by the basic act' (European Commission, 2006) shall have the possibility to participate. However, such a provision is not a precondition for agencies to enter into international cooperation. As our analysis shows, several agencies have no legal basis in their regulations yet concluded cooperation agreements with third countries (e.g. EMA, the EU's Medicines Agency, 11 and EUIPO, dealing with intellectual property, 31 agreements).

All agencies have a certain leeway in their external relations. Yet differences exist with regard to their autonomy and the extent to which they require prior approval or consultation with the European Commission or Parliament. Also, agencies' founding regulations can include instructions as to which countries agencies shall cooperate with (see below).

Agencies' external relations are also circumscribed by overarching foreign policy provisions. The 1992 EEA Agreement grants Iceland, Liechtenstein and Norway general access to EU agencies including 'in the Administrative Board … [with] the same rights and

[1]See the EU's list of decentralised agencies at https://european-union.europa.eu/institutions-law-budget/institutions-and-bodies/institutions-and-bodies-profiles_en?f%5B0%5D=oe_organisation_eu_type%3Ahttp%3A//publications.europa.eu/resource/authority/corporate-body-classification/AGENCY_DEC&page=0.

obligations as EU member states, except for the right to vote' (EEA, 2012: §4.3) – yet voting is not frequent in these boards. An exception is the Food Safety's Agency (EFSA) Advisory Forum in which EEA/EFTA countries enjoy the same voting rights as the EU member states (Öberg, 2019, p. 210). This far-reaching integration concurs with these countries' commitment towards the *acquis communautaire*, including its dynamic development.

Candidate countries' participation in EU programmes was formally endorsed with the Copenhagen European Council Decisions in 1993. These provided that candidate countries should have access to the same programmes that had been opened to EFTA states (European Council, 1993, p. 15). The Commission introduced agencies into the pre-accession strategy in 1999 with a 'framework approach' streamlining the Community procedures required to agree the conditions and modalities of the participation (European Commission, 1999). Like for EU programmes and committees, participation in EU agencies is seen as a means to familiarise candidate countries with EU policies and to support the development of the legislative and administrative capacities required for adopting the EU *acquis communautaire*. Agencies are encouraged to offer participation, including observer status, to candidate countries in management boards and expert group meetings. This is also supported by the EU Instrument for Pre-Accession Assistance (IPA) providing funding to EU agencies for such cooperation.

The European Neighbourhood Policy (ENP) has embraced EU agencies in 2006 (European Commission, 2006). This Communication emulated many elements of the enlargement policy, including the idea that 'the participation of neighbouring countries [in EU agencies] may be in the interests of the enlarged EU and of the neighbouring countries' (European Commission, 2006, p. 3). It also stressed that ENP countries' participation would serve 'the European Union's overarching goal of encouraging and supporting regulatory and administrative reform and institution building in neighbouring countries … in the overarching Community interest' (European Commission, 2006, p. 3). As for candidate countries, cooperation agreements with ENP countries and all other third countries have to be negotiated on a case-by-case basis.

In sum, access to EU agencies is regulated either through overarching association agreements (such as the EEA), by bilateral treaties with the EU, or on the basis of administrative arrangements or memoranda of cooperation between the agency and a third country. According to EU official documents, access to EU agencies should vary with countries' 'privileged' (Gstöhl and Phinnemore, 2019) status as EEA, candidate or ENP country, and the scope and depth of access should mirror the countries' commitment to the EU acquis.

Influence in EU Agencies

The potential of EU agencies for third country influence was first recognised in the preparations leading to the 1992 EEA Agreement. Access to these bodies as well as to EU committees and networks was conceived of as a venue to associate the EEA/EFTA countries to EU 'decision-shaping'. Whereas this term does not figure in the EEA Agreement as such, it was subsequently defined by the EFTA Secretariat (2009, p. 20) as 'the process of contributing to and influencing policy proposals up until they are formally adopted'. Participation in EU agencies opens opportunities for influence from the development and specification of EU laws and policies to their implementation. Agencies' tasks range from providing scientific advice and specific services; collecting and exchanging information; training national officials according to agreed curricula; offering capacity-building and technical support to national authorities; carrying out joint operations; and more generally coordinating national authorities. A good number of agencies have regulatory mandates and define common standards that are valid (if not necessary always legally binding) for national authorities. A recent study shows that EU agencies with 'relevant regulatory functions' produce a significant share of soft law in their respective sectors (Cappellina et al., 2022, p. 13). Finally, an increasing number of agencies have become either indirectly or directly involved in the monitoring and enforcement of regulations (Scholten, 2017).

Brexit has given new relevance to third country participation in EU agencies. According to a 2020 policy paper, 'The costs of the UK's withdrawal from EU regulatory bodies include the … loss of influence in pan-European (and sometimes global) standard setting' (Senior European Experts, 2020, p. 6). The Brexit arrangement negotiated under Prime Minister May acknowledged the relevance of maintaining access to most EU agencies (UK, 2018). Even though the EU–UK Trade and Cooperation Agreement no longer tackles this question, continued regulatory alignment and hence cooperation with EU agencies remain particularly relevant for the 'backstop' solution negotiated under the Protocol for Northern Ireland (Phinnemore, this issue).

Influence in these bodies can take different forms. For agencies with standard-setting competences, it can mean 'uploading' their own preferences onto common rules. For instance, a recent study documents that Norway, by participating in relevant agencies (in particular ACER), was able to avoid EU oil regulations to be considered EEA relevant and hence binding on Norway (Wright et al., 2020, pp. 16, 67). Hofmann et al. (2022, p. 83) report that Switzerland succeeded in having the EU's Electricity Balancing Guideline, which regulates access to European balancing power, address Swiss concerns about unscheduled flows and grid stability.

In other cases, influence can be more horizontal and informal. Most agencies promote coordination of national policies based on the exchange of best practices, the sharing of information or the development of common curricula for national civil servants. Horizontal influence occurs when a country's domestic templates are identified as good practice or when its scientific data or other valuable information is retained in decision-making processes. Hofmann et al. (2022) document how Swiss expertise and data contributed to the development of electricity trading platforms and the Clean Energy Package (see also Hofmann et al., 2019a). The principle of mutual recognition agreed in certain bilateral agreements and procedures asserting the equivalence of legislation are another source of potentially shared influence that operates via EU agencies. The EU–US cooperation in aviation security is a case in point. As documented in Hoekman and Sabel, (2019, p. 304), the principle of mutual acceptance included in the 2011 agreement on 'cooperation in the regulation of civil aviation safety' (EU-US BASA, 2011) implies that the certification of airplanes designed in the to EU (concretely: Airbus) by the EU's Air Safety Agency (EASA) must at the same time conform to EU and US (Federal Aviation Administration) standards.

Participation in EU agencies is also relevant at the stage of policy implementation and, increasingly, enforcement. Recent research highlights these bodies' implication in 'multi-level implementation' structures contributing to the 'domestication' of European policies

– that is, the 'process of interpretation of superordinate law by actors who are embedded within distinct and multiple contexts' (Thomann and Sager, 2017, p. 1257). Participation allows third countries to jointly circumscribe 'the scope of flexibility available to domestic regulators in the application of EU rules' (Thomann and Sager, 2017), including for themselves. Finally, third countries may have an influence on agencies' direct or indirect enforcement powers when participating in subsidiary bodies responsible for the collection of data and information relevant for sanctioning compliance.

II. Mapping Third Country Access to EU Agencies

Having established the various dimensions in which third countries may exert influence in EU agencies, we now examine the first precondition for such influence: access to relevant bodies and operations. Our analysis draws on our novel database of 'Differentiated Integration in Transgovernmental Europe' (Lavenex and Poussardin 2022). We cover 26 of the EU's 34 decentralised agencies.[2] The data are based on information collected from agencies' founding regulations, attached protocols and amendments; international agreements signed between the agencies and/or the EU with third countries; and other EU documents.

We assess third countries' de jure access at agency and third country levels and measure the width of access in terms of scope and depth. Scope measures the extent of cooperation on a numerical scale. At the agency level, it counts the number of countries an agency has cooperation agreements with. At the country level, the scope variable counts the number of agencies a country has cooperation agreements with. The depth dimension is a more detailed categorical measure of the extent of third country access to agency structures and activities based on seven different indicators ranging from 0 (*no access*) to 2 (*full access*) (see Table 1 and Appendix S1).[3] 'Agency depth' measures agencies' access across third countries, whereas 'third country depth' captures this country's access across agencies.

To trace evolution over time, we code these indicators for the duration of an agency's founding regulation. With each reform of its founding regulation, an agency receives a new entry.

Based on the previous review of official EU documents, we start from the assumption that third country access to EU agencies should broadly reflect countries' different level of commitment to the EU acquis and type of foreign policy association. The EU divides its foreign policy relations in different 'privileged partnerships' (Gstöhl and Phinnemore, 2019). The EEA provides for the closest form of association; Switzerland comes close based on its bilateral agreements. Candidate countries follow with their progressive obligation to adopt the *acquis communautaire*. A commitment to approximate domestic legislation with important parts of the *acquis* is also enshrined in the ENP. Privileged relations also exist with the former colonies in Africa, the Caribbean and Pacific through the Lomé and Cotonou conventions. Finally, the EU has also signed a number of Economic Partnership Agreements that foresee regulatory cooperation – such as with as Canada, Japan and South Korea – and it entertains close relations with the

[2]Eight agencies had to be dropped because of difficulties in getting the necessary documentation such as the text of international agreements. The final dataset includes all 34 agencies (Lavenex and Poussardin, 2022).
[3]Some of the indicators have missing values. Therefore, we imputate the variable mean for these cases when calculating the depth index.

Table 1: Scope and Depth of Institutional Access

	EU Agency	*Third Country*
Scope	Number of countries it has cooperation agreements with	Number of agencies it has cooperation agreements with
Depth	For all third countries having a cooperation agreement with the agency …	For all EU agencies the third country has cooperation agreements with …
	… the sum of the values on a 0–2 scale regarding • Access to management board • Access to secondary bodies • Participation in secondary bodies • Participation in operational activities • Scope of agency activities third countries participate in • Access to stakeholder fora • Financial contribution to the agency's budget	

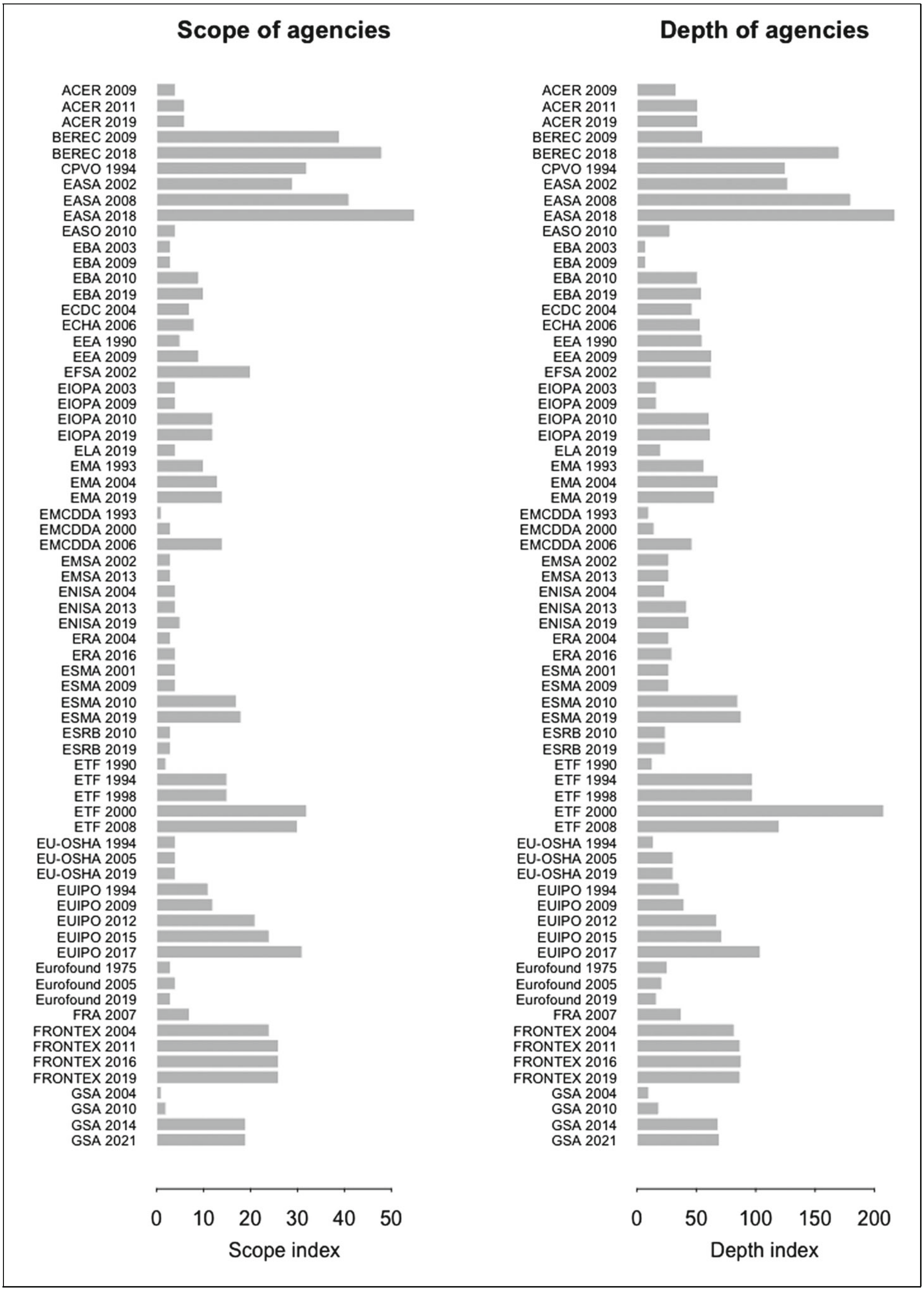
United States and other important trade partners. From a foreign policy logic, third country access to EU agencies should reflect the countries' status as 'privileged partner', that is, we should expect broadly similar patterns across agencies and variation across groups of 'privileged countries'.

Access across EU Agencies

The overview of the scope and depth of third country access to our 26 EU agencies in Figure 1 defies the foreign policy logic according to which access is largely determined by a third country's affiliation to a particular 'privileged partnership'.

Over time, all agencies have expanded the number of third countries they cooperate with, as well as the depth of access granted to them. The few cases showing declining values are due to third countries shifting from EU candidates to members. Beyond this common feature, however, we find strong variation across agencies. Only two agencies in our sample do not cooperate beyond the EEA/EFTA countries. This is the EMSA (maritime security and safety) and the ESRB (macro-prudential oversight). Both agencies lack international agreements; cooperation with Iceland, Liechtenstein and Norway is based on the EEA agreement's general provisions. The comparison with other agencies shows that there is no simple explanation for this lack of international engagement. For instance, the ERA responsible for a unified European railway system was also limited to EEA/EFTA countries based on the EEA Agreement only. Yet ERA has concluded an agreement with Switzerland in 2019. For the ESRB, it is its status as a Board affiliated to the European Central Bank that limits its capacity to engage in international agreements. The comparison with these three other financial supervision authorities (EBA, EIOPA and ESMA) is instructive. The latter have all expanded their international cooperation and have concluded agreements with between 12 (EIOPA) and 18 (ESMA) countries. ESMA is particularly interesting because its predecessor, the Committee of European Securities Regulators, also only cooperated with the EEA/EFTA states based on the EEA Agreement. In 2004, however, it signed an agreement with the United States. Its transformation into a full-fledged agency (ESMA) under the 2010 Regulation entailed agreements with all

Figure 1: Scope and Depth of EU Agency Access.



Note: The bar plots display the scope and depth of third country access amongst EU agencies. The values are sorted by agency and year. To document evolution over time, an agency's values were coded separately for each period covered by their founding regulation, that is, we recoded the data after each reform of an agency's regulation. The year of the respective regulation in force is indicated after the agency's name. Source: DITE Dataset.

major financial centres (Australia, Brazil, Canada, Dubai/UAE, Hong Kong, Japan, Mexico, New Zealand, Singapore, South Africa, South Korea, Switzerland).

These examples corroborate the general expansion expansion of third country access over time. When aggregating across all agencies, the average number of countries an agency cooperates with has moved up from nine under the agencies' first regulations to 15 under the current regulations. The two most inclusive agencies are the aviation safety agency EASA (agreements with 55 countries)[4] and the agency responsible for electronic communication BEREC (48 countries).

The data also show a strong correlation between the scope and depth of agencies' third country access ($r = 0{,}9$; see Appendix S1). The average depth of agencies' cooperation with third countries has increased by more than a third from the agencies' first regulations to today. BEREC and EASA score highest in depth too. This is mainly due to the comparably generous access to their main and, partly, secondary bodies and operational activities. For instance, EASA and BEREC have granted EEA/EFTA and candidate countries observer status in their management board; in the case of EASA, this has been extended to some ENP countries with more recent regulations (Moldova and Georgia). These two agencies also offer wide access opportunities in secondary bodies (for EASA) and in operational cooperation to numerous non-European countries. Industry stakeholders and experts from third countries also have access to relevant fora and consultations.

Access across Third Countries

The mapping of access per third countries corroborates the relatively limited role of EU 'privileged partnerships' on agencies' external relations, at least beyond the group of EEA/EFTA states (see Figure 2).

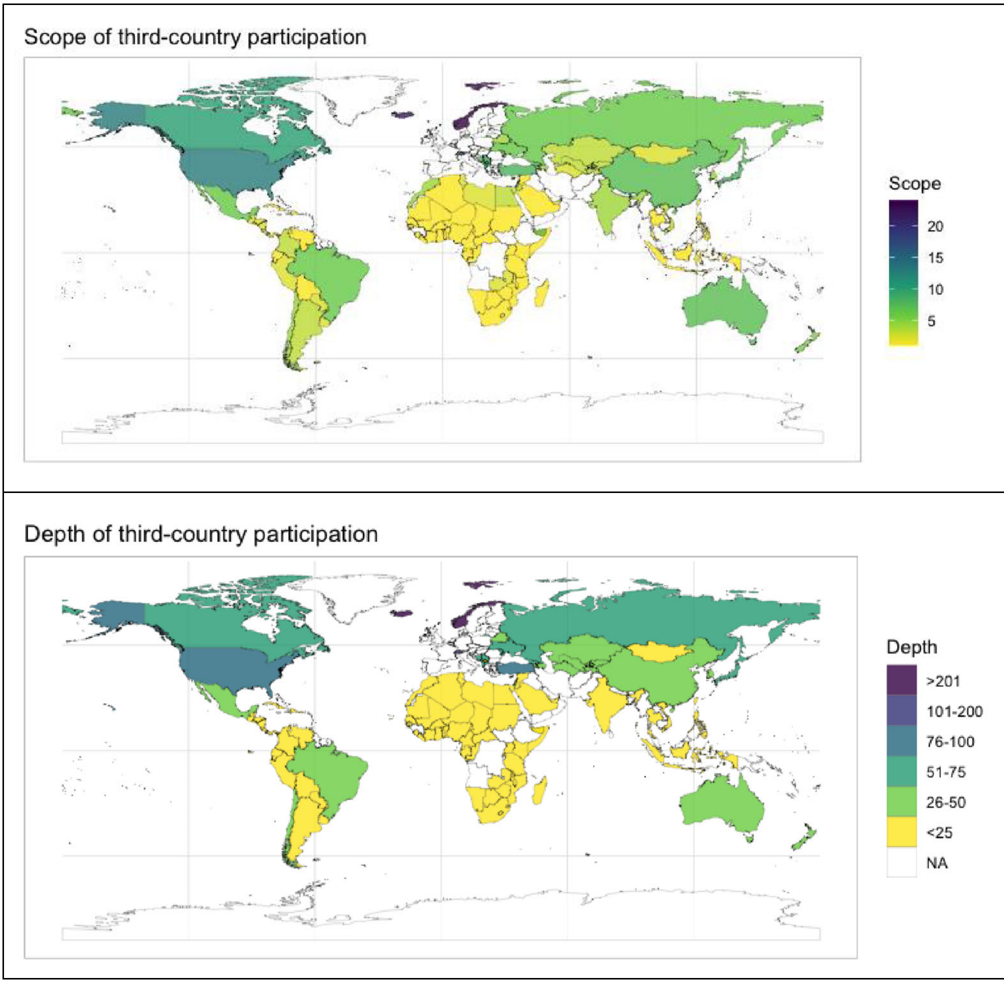
Not surprisingly, the EEA countries Iceland, Liechtenstein and Norway – enjoying automatic access to all EU agencies – score highest in scope and depth. These countries have also negotiated dedicated agreements specifying the terms of cooperation with single agencies (Norway 24, Iceland 22 and Liechtenstein 20). Switzerland follows closely with a scope of 18 agencies but less depth. Contrary to the EEA/EFTA, Switzerland has not systematically gained access to agencies' management boards, and some cooperation agreements only cover certain activities.

Interestingly, the next countries in the ranking are not those bound to align with large parts of the EU acquis, that is, candidate or ENP countries, but major trade partners. The United States and Canada score right after the EEA/EFTA countries and Switzerland having in agreements with 13 and 10 agencies, respectively. Japan is another geographically remote but functionally close trade partner that cooperates with eight agencies. China and Australia cooperate with seven, Mexico and Brazil with six, New Zealand with five, and South Korea and India with four. The agencies cooperating with most major trade partners are EASA (aviation), EUIPO (intellectual property), ESMA (securities) and EMA (medicines).

Close trade partners also enjoy comparatively deep access to regulatory agencies, especially the United States and Canada. As for the agency-level values (see above), the correlation between scope and depth of cooperation is high ($r = 0.9$; see Appendix S1). The importance of deeper access is particularly salient when one compares the terms of

[4]In addition, EASA has technical cooperation agreements with 78 countries, which however focus on capacity-building comparable to technical cooperation programmes that are conducted by other agencies under the IPA and ENPI. These capacity-building programmes do however not qualify as third country access and are therefore not included in our analysis.

Figure 2: Scope and Depth of Third Country Access in EU Agencies. [Colour figure can be viewed at wileyonlinelibrary.com]



Note: The maps display the scope and depth of third country access to EU agencies. The values of the depth index are divided into six categories to allow for an easier visual distinction.

agencies' cooperation with these 'peer regulators' and those with candidate or ENP countries (see below). A case in point is EASA whose comprehensive bilateral agreements with the United States, Canada, Brazil, China and Japan allow for eye-level cooperation based on the principle of mutual recognition, including for safety certificates (Hoekman and Sabel, 2019; Lavenex et al., 2021). In some agencies, the United States has been granted access to secondary bodies, such as the possibility for the Food and Drugs

Administration (FDA) staff to participate as observers the EMA's Pharmacovigilance Risk Assessment Committee, the Committee on Human Medicinal Products on product-related safety concerns or the Paediatric Committee meetings. Similarly, the United States, Canada and Australia cooperate with the EMA and competent subcommittees in joint training activities or in the mutual recognition of conformity assessments.

Notwithstanding their important commitment towards the acquis, the seven candidate countries cooperate with fewer agencies and enjoy lower access. Their fairly homogeneous patterns of cooperation however speak in favour of an overarching foreign policy logic guiding their access. All participate in BEREC (electronic communication), EASA (aviation), EFSA (food safety), ETF (occupational training) and Frontex (external borders). In addition, select candidates also cooperate with FRA (fundamental rights), EMCDDA (drugs), EBA (banking), EEA (environment) and EUIPO (intellectual property). Depth of access is broadly comparable: with the exception of BEREC, EASA, FRA and, for Turkey, the EEA and EMCDDA, which give access to the management board, participation concentrates on operational cooperation. In all cases, the focus is on capacity-building. Frontex, which has far-reaching operational cooperation with the Western Balkan countries, is a case in point: here, cooperation is more about the projection of EU policies than eye-level exchange. This does however not preclude that over time, this cooperation generates an own dynamic (Damjanovski and Nechev, 2022).

Cooperation with ENP countries shows a high degree of variation, defying the notion of a common foreign policy approach. They all cooperate with BEREC and ETF, and the Eastern ENP countries plus Egypt, Israel and Morocco also cooperate with EASA. Israel leads having agreements with eight agencies, and it stands out for being the only ENP country cooperating with the highly technical agencies for infectious disease control ECDC and medical products EMA. The latter provides Israel deep access as it recognises the country's industrial standards as equivalent to European standards and allows for mutual recognition (Lavenex, 2015, p. 846). Even though EASA and ETF have given ENP countries access to the management board and secondary bodies, cooperation focuses on capacity-building and rule transfer. Overall, the Eastern Partnership countries enjoy access to twice as many agencies than the Southern Mediterranean neighbours. Non-OECD, non-candidate or ENP countries have much less connections to EU agencies. African countries have operational cooperation with two agencies via regional organisations: the CVPO has agreements with the African Regional Intellectual Property Organization, and the GSA (satellites) cooperates with the African agency for aviation security ASECNA. Only two sub-Saharan African countries have individual agreements: the Maldives with EASA and Nigeria with Frontex. South American countries have few operational links with BEREC via the regional organisation REGUTEL (including 20 countries); EASA (Columbia); EUIPO (Chile, Paraguay, Peru, Uruguay); CVPO (Argentina, Colombia, Costa Rica); and EMCDDA (Argentina, Chile). Yet another picture emerges for Asia. Here, most countries cooperate with EASA, the Central Asian countries cooperate with ETF and Frontex, and East Asian countries (Thailand, Philippines, Vietnam) have operational cooperation with EUIPO.

III. Theorising Third Country Access to EU Agencies

The descriptive mapping of third country access to EU agencies shows a high level of variation across agencies and country groups. Beyond the EEA/EFTA countries whose access is generally secured, 'privileged status' as candidate or ENP country reflects only in a subset of EU agencies and still with important differences across countries. The large-N analysis thus confirms earlier case studies stating a certain dissociation between the outreach activities of EU agencies and EU foreign policy (Lavenex, 2015; Rimkuté and Shyrokykh, 2019). In the following, we probe into factors that may account for this variation within and between country groups and agencies.

We take our point of departure in rational institutionalist approaches in organisational theory and international relations, which explain access to (international) organisations based on resource calculations and the expected costs and benefits for participating actors. Organisational theory explains membership on the basis of resource dependence relations (Pfeffer and Salancik, 2003). Tallberg et al., (2014, p. 743) explain international organisations' (IO) openness towards transnational actors based on resource interdependence, states' democratic standards and sovereignty concerns. Starting from this functionalist reasoning, we identify scope conditions on the supply side (EU agency characteristics) and demand side (country properties).

Supply-Side: Properties of EU Agencies

EU agencies differ greatly with regard to their autonomy, mandate and authority – all of which are likely to affect their openness towards third countries. '*Autonomy*' describes the extent to which an agency has the leeway to shape the scope and depth of third country access. This depends on the extent to which this leeway is constrained by EU central institutions, that is, the Commission, Council and Parliament. In other words, autonomy indicates how far agencies' regulations leave them 'relatively unbound by the preferences and interests' of external actors in designing their relations with third countries (Groenleer, 2014, p. 258). EU central institutions can limit agencies' discretion in different ways: by including instructions regarding the choice of countries and modalities of cooperation in agencies' founding regulations; and by prescribing the requirement of authorisation or consultation by/with the Commission, Council or Parliament for entering in cooperation (see Coding Guide in Appendix S1). Our first expectation is accordingly that

> *H1* Agencies enjoying strong autonomy from EU central decision-making bodies have wider third country access.

The effects of agency autonomy however should be more pronounced for countries not benefitting from overarching foreign policy privileges. Therefore, we examine this factor separately for countries with a foreign policy privilege (candidate and ENP countries) and without.

Whilst autonomy captures the extent to which cooperation patterns flow from an agency's own decisions, agencies' *mandate* addresses the expected benefits of such cooperation. As task-specific institutions, agencies should be 'mission-oriented' (Wilson, 1989) and adhere to the principle that 'form follows function', that is, seeking cooperation when this is deemed functional to fulfilling underlying tasks. As per Hooghe and Marks (2003, p. 240), such institutions adapt their membership to the scope of the 'particular policy problems' they are charged to resolve, and not to overarching criteria of political community. This means that agencies should privilege third country regulators whose co-operation contributes to fulfilling their tasks – regardless of the country's status as a candidate, ENP or other. This scope of interdependence is defined in agencies' mandate. Some agencies deal with purely internal matters such as fundamental rights (FRA) or labour conditions (ELA) in member states. Other agencies have a regional scope extending to neighbouring countries. This applies, for instance, to Frontex for migratory routes or the energy regulator (ACER) for energy networks. Agencies regulating access to the single market and responsible for consumer safety such as for aviation (EASA), medicines (EMA), chemicals (ECHA) or electronic communication (BEREC) need to cooperate with relevant regulators from all countries seeking EU market access regardless of geographical proximity. Therefore, our second expectation is:

H2 Agencies with stronger international mandate have wider third country access.

Next to agencies' autonomy and mandate, their political *authority* should matter, that is, the extent to which 'their opinions and decisions impact directly on policy outcomes and thus on citizens, governments and stakeholders' (Rittberger and Wonka, 2011, p. 785). A formal indicator of authority is the competence to issue legally binding decisions (Hooghe and Marks, 2015). Access to an agency that has authoritative decision-making powers in a given policy area is more consequential than participation in an agency that focuses on data collection and information-sharing. We may expect that agencies having the competence to set binding rules are more reluctant to involve third countries as their participation would potentially entail higher 'sovereignty costs' to the regular members (Tallberg et al., 2014, p. 756). Conversely, just like looser transgovernmental networks, agencies whose activities consist in the co-ordination of national regulations and practices and who operate on the basis of 'soft law' are likely to be more inclusive (Abbott and Snidal, 2000, Eberlein and Newman, 2008, p. 29). Therefore, our third hypothesis is that

H3 Agencies without the competence for legally binding decision-making have wider third country access.

The Demand Side: Third Country Properties

So far, we have proposed factors increasing the likelihood for agencies to cooperate with third countries. Now, we shift the perspective around to the third countries and their leeway, capacity and propensity to access these institutionalised channels of influence.

As for the determinants of agencies' openness, we expect third country regulators' domestic *autonomy* to facilitate access. This assumption draws on the literature on transgovernmental cooperation. Referring to notions from bureaucratic politics, Bach and Newman, (2014, p. 402) argue that 'Not only should independent regulators be less constrained and more capable to network with foreign counterparts than institutional alternatives, they also have powerful incentives to do so', including 'building up their reputation and authority'. 'Institutional alternatives' such as sectoral ministries in contrast are found to be less likely to join transgovernmental networks (Bach and Newman, 2014). Drawing on this reasoning, we further expect that given their lack of sectoral specialisation, foreign ministry representatives should be the least likely to join EU agencies. These assumptions are backed by research on European regulatory networks, which finds that complementarity of tasks and regulatory models increases the likelihood of participation (Maggetti, 2014; Eckert, 2022b). We expect that

H4 Third countries whose regulators enjoy greater autonomy from central government have wider access to EU agencies.

Next to autonomy, we expect *regulatory capacity and capability* to facilitate access. As task-specific jurisdictions, agencies' primary orientation is problem-solving rather than politically driven (Egeberg and Trondal, 2017). As highlighted in the literature on regulatory politics and transgovernmentalism, the key 'currency' in interactions is regulatory capacity and capability. Regulatory capacity denotes the 'regulatory expertise, coherence, and … statutory sanctioning authority' to implement and enforce regulations (Bach and Newman, 2007, p. 831). A country's ability to yield influence also depends on its regulatory 'capability' to recognise its interests and articulate regulations that advance those interests. As pointed out by Cafaggi and Pistor, (2015, p. 102), 'In contrast [to regulatory capacity], the emphasis of regulatory capabilities is not on skills to ensure compliance with regulatory standards set by others, but on the ability to choose among different regimes and to develop alternatives'. We therefore expect that

H5 Third countries enjoying higher levels of regulatory capacity and capability have wider access to EU agencies.

Finally, we expect a country's wealth and level of democracy to be positively associated with transgovernmentalism (Farrell and Newman, 2014) and, herewith, access to EU agencies. This is because wealth tends to go along with a more differentiated economy and closer trade integration, which demand regulatory cooperation. The establishment of transgovernmental ties between regulators in turn requires a certain disaggregation of executive powers (Slaughter, 2004), which is more akin to democratic than centralised authoritarian systems. Our last hypothesis reads:

H6 Third countries enjoying higher levels of wealth and democracy have wider access to EU agencies.

Our dependent variable is the width of de jure access in terms of scope and depth at the EU agency level (H1–H3) and at the country level (H4–H6), based on the DITE dataset (see above). For our independent variables, we draw on the DITE dataset and external sources. Agency autonomy flows from the instructions regarding international cooperation and the requirements for coordination with EU central bodies in the founding regulation and reaches from 0 (*low*) to 1 (*medium*) and 2 (*high*). Authority for binding decision-making is also specified in the founding regulation and is coded between 0 (*legally binding*), 1 (*non-legally binding*) and 2 (*no*) decision-making. International mandate is coded on the basis of the agency's tasks as described in the founding regulation and reaches from 0 (*internal*), 1 (*regional*) and 2 (*global*). On the side of third countries, the autonomy of domestic regulators takes the values 0 (*foreign affairs representatives*), 1 (*sectoral ministry*) and 2 (*independent regulatory agency*). For regulatory capacity and capability, we use a measurement of 'government effectiveness' provided by the World Bank's Worldwide Governance Indicators (Kaufmann et al., 2010).[5] Democracy is measured with an aggregated index of 'Liberal democracy' provided by the V-Dem dataset (Coppedge et al., 2022) and countries' wealth by their GDP per capita as provided by the World Bank.

IV. Exploring Variation across Agencies and Countries

Drawing on these theoretical reflections, we now explore the relationship between third country access to EU agencies and supply-side (EU agencies' autonomy, mandate and authority) and demand-side factors (third countries' autonomy, regulatory capacity, democracy and wealth).

EU Agency Properties

As argued above, agencies dispose of different degrees of autonomy in crafting their external relations depending on whether they require authorisation from EU central bodies and have clear instructions in their founding regulations.

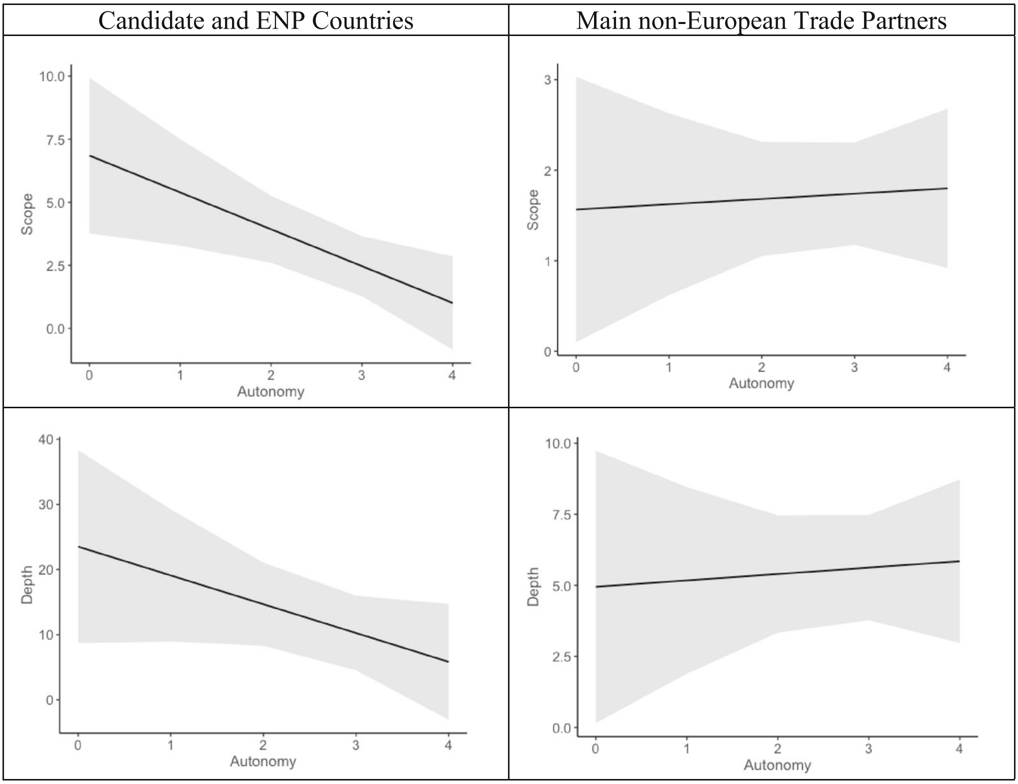
Our first hypothesis (*H1)* is that agencies enjoying strong autonomy from EU central decision-making bodies grant wider access to third countries. Agency autonomy should matter most for countries lacking privileged status, in particular the EU's main trade partners. Therefore, we regress the scope and depth of third country access on agency autonomy separately for candidate/ENP countries and non-European main trade partners (Figure 3). Since EEA/EFTA countries access is predetermined, we exclude them from this step of the analysis.

The results confirm our expectation: those agencies having reached out to main trade partners usually do not require authorisation by EU central bodies (e.g. EBA, ECDC, ECHA, EFSA, EMA, ESMA) and have only very general instructions in their regulations. However, we can see that over time, new regulations tend to introduce new authorisation requirements and additional instructions (see also Lavenex et al., 2021). As expected, agency autonomy does not favour cooperation with countries whose cooperation is encouraged by EU political actors: candidate and ENP countries. In fact, the agencies these countries cooperate with score generally low on autonomy.

Whilst an agency's autonomy circumscribes the extent to which it can follow its own priorities, we expect the choice of international engagement to 'follow function', that is agencies whose mandate requires global cooperation should grant wider access to third countries than agencies whose focus is mainly intra-EU (*H2*). In order to test this idea, we divided our 26 agencies in 3 groups depending on whether their mandate covers tasks that can be primarily realised within the EU, whether their tasks require cooperation

[5]Using the indicator 'Regulatory quality' from the same dataset as an alternative measurement of third countries' capability yields largely similar results.

Figure 3: EU Agency Autonomy and Third Country Access (H1).



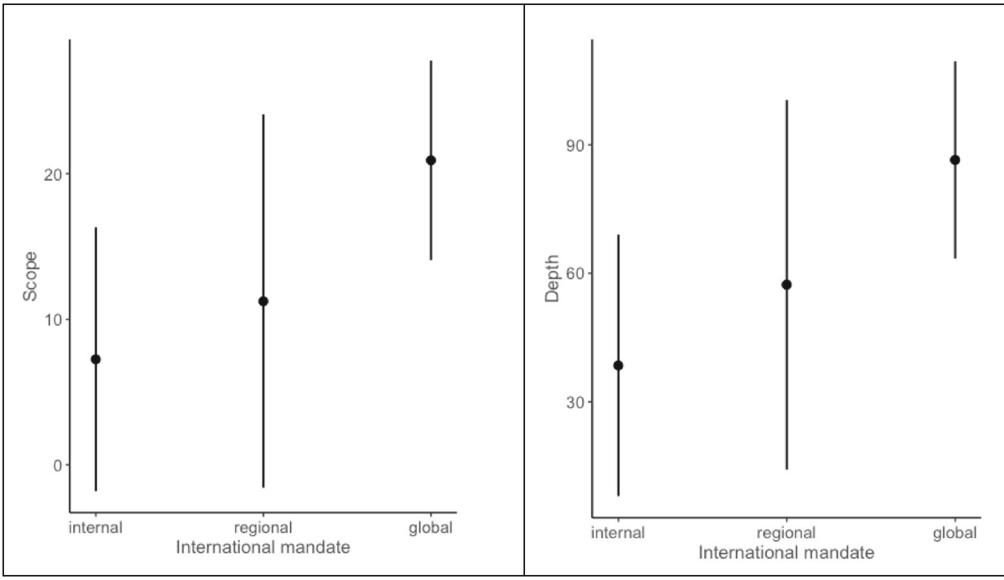
Note: The plots display the predicted values from bivariate linear regression models with the scope and depth of third country access as dependent variable and agency autonomy as independent variable. These models are estimated separately for countries with candidate status or part of the European Neighbourhood Policy and the EU's main non-European trade partners (Australia, Brazil, Canada, China, Japan, South Korea, USA). See Table A1 in the Online Appendix for the complete model output.

primarily from close neighbouring countries or whether their mandate involves global cooperation.

The coefficient plots in Figure 4 corroborate our expectations.[6] Agencies with global mandate – that is, those dealing with product regulations and global public goods such as aviation safety – cooperate with more countries and offer also deeper access than agencies with mandates that are mainly internal (such as FRA) or regional (such as Frontex). However, our results also show large confidence intervals especially for these two latter categories. Only the agencies with global mandates have a statistically significant difference to the other agencies.

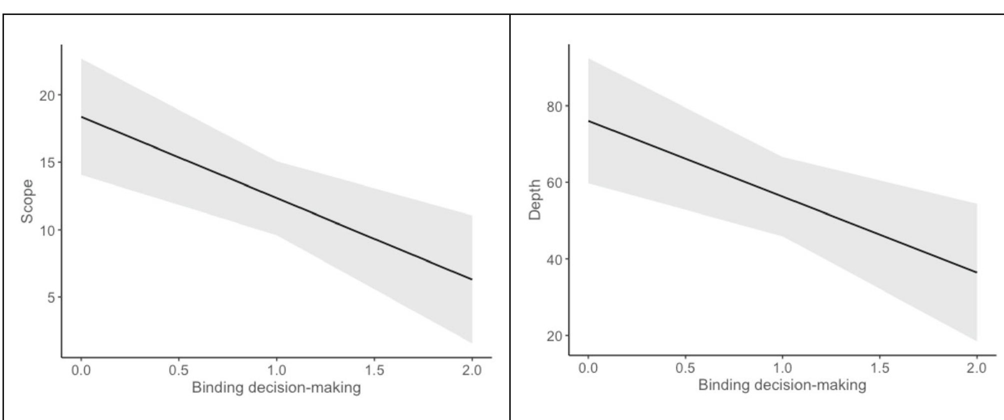
[6]To assess effect heterogeneity, we run a model with an interaction term between international interdependence and autonomy, revealing no significant interaction effects.

Figure 4: EU Agency Interdependence and Third Country Access (H2).



Note: The coefficient plots are based on linear regression models using the three categories – variable of mandate as predictor for the scope and depth of third country access. The plots display the predicted values based on point estimates and 95% confidence intervals. See Table A3 in the Online Appendix for the complete model output.

Figure 5: EU Agency Authority and Third Country Access (H3).



Note: Predicted values based on linear regression models with the extent of binding decision-making as predictor for the scope and depth of third country access. Higher values represent a softer mode of coordination. 95% confidence intervals shown. See Table A2 in the Online Appendix for the complete model output.

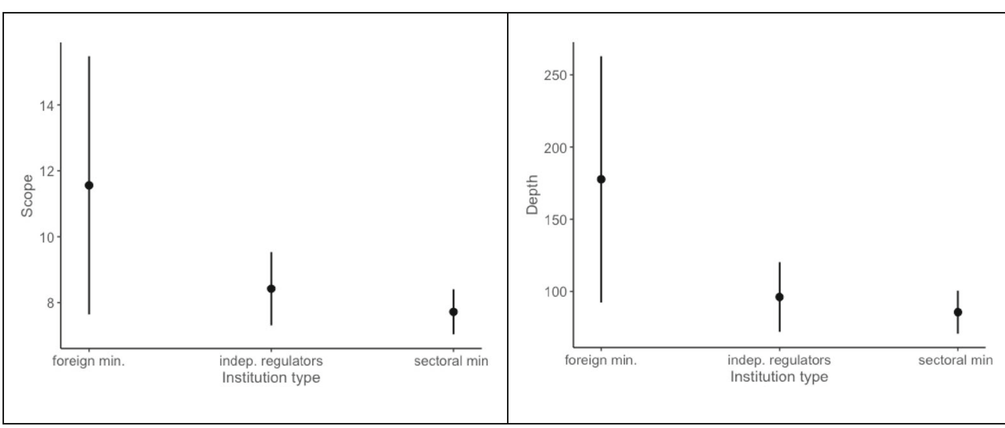
The third agency characteristic that we expect to affect third country access is its authority in terms of binding decision-making competence (*H3*). Our data do not corroborate the argument posited in the literature on the authority of IOs and network governance that 'soft' modes of coordination are more inclusive than more legalised settings. As documented in Figure 5, access decreases both with regard to scope and depth with declining decision-making authority.[7]

Comparative qualitative analyses are needed to understand the relationship between agency authority and third country access. A recent analysis of EU access to IOs, for instance, finds that more authoritative IOs are more likely than less authoritative IOs to grant access to the EU because this allows them to gain influence over the Union (Tokhi, 2022). This interpretation would also be consistent with our rational institutionalist resource exchange framework as more authoritative agencies have potentially more to gain in terms of influence on the third countries than less authoritative ones, even if third countries' participation implies potentially higher sovereignty costs for regular members. Conversely, third countries might be more inclined to seek participation in more authoritative agencies as the costs of non-participation are potentially higher. This reflection points to the importance of third country properties for understanding access patterns.

Third Country Properties

On the side of the third countries, we expected the autonomy of the domestic regulator, their regulatory capacity and levels of democracy and wealth to be positively associated with access to EU agencies.

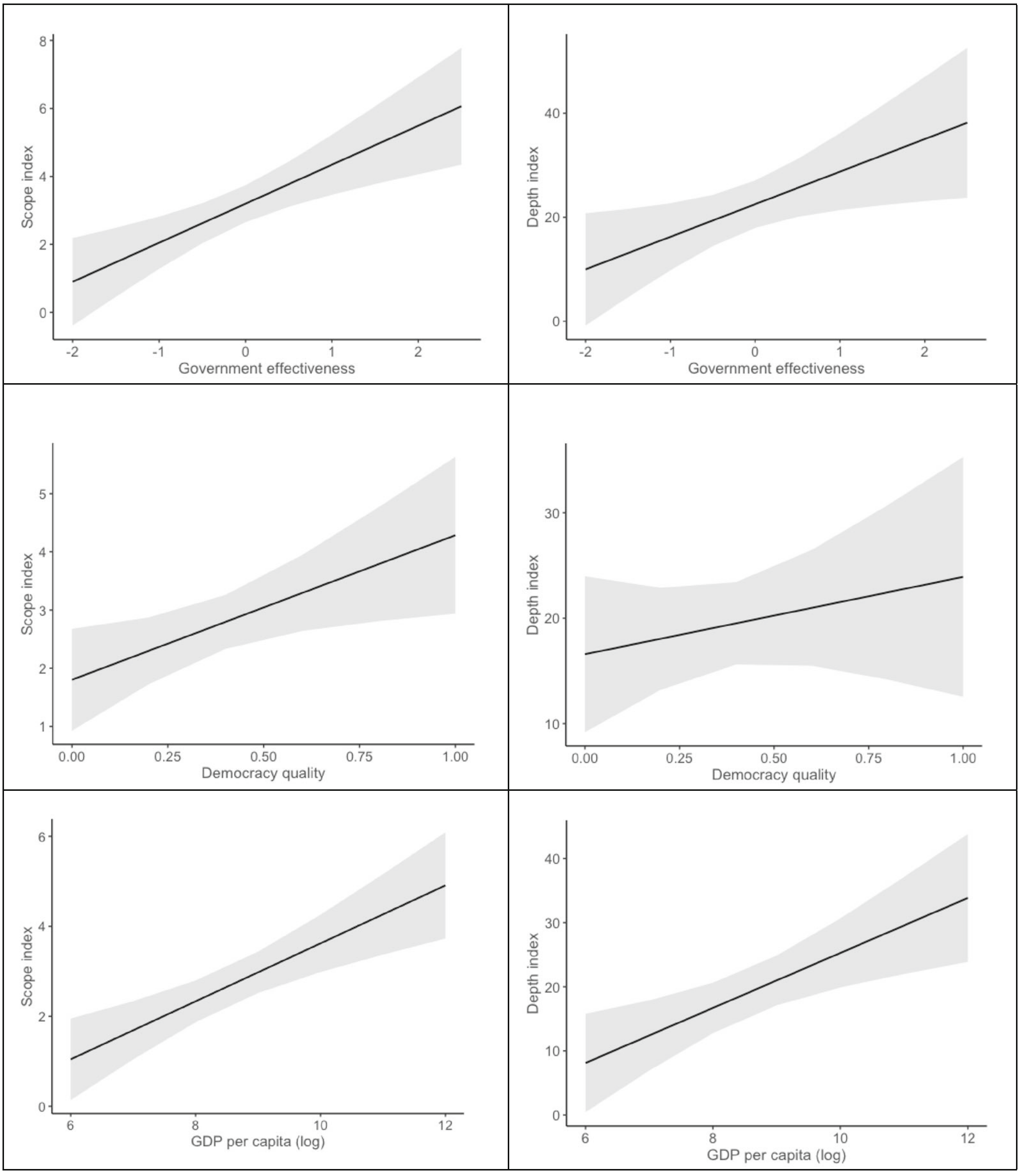
Figure 6: Domestic Autonomy and Third Country Access (H4).



Note: The coefficient plots are based on linear regression models using the three categories-variable of institution type as predictor for the scope and depth of third country access. The plots display the predicted values based on point estimates and 95% confidence intervals. See Table A4 in the Online Appendix for the complete model output.

[7] As for H1, we tested the effect of agency authority also separately for candidate and ENP countries and main non-European trade partners. The effects remain negative in both cases but are only statistically significant for the second group.

Figure 7: Regulatory Capacity, Democracy, Wealth and Third Country Access (H5 and H6).



Note: Predicted values based on linear regression models with the scope and depth of third country access as dependent variable. The regression with GDP per capita as predictor uses the log-transformed variable. 95% confidence intervals shown. See Table A5 in the Online Appendix for the complete model output.

Our data do not corroborate all expectations. With regard to autonomy (*H4*) we find indeed that delegates from sector-specific independent regulators from third countries enjoy more frequently access to EU agencies than delegates from sectoral ministries (Figure 6). The high values for delegates from foreign ministries and the large confidence interval must be taken with care as we only have very few such cases in our database.

For regulatory capacity, democracy and wealth, finally, we find positive effects on third country access – however, these factors impact more on the scope of access than on its depth (Figure 7). These findings corroborate the literature on transgovernmentalism which highlights that in democracies, where power is 'disaggregated', regulators are more likely to enjoy the leeway to organise in cross-border networks (Slaughter, 2004; Farrell and Newman, 2014). Indeed we observed also for *H4* that the independence of domestic regulators - which is generally associated with democratic division of power - aligns more frequently with agency access.

Conclusions

The process of agencification goes along with a process of external differentiation by which more and more third countries have gained and deepened their cooperation with the EU's administrative space. Considering agencies' significant role in the preparation, implementation and enforcement of EU laws and policies, formal arrangements granting access to management boards, secondary bodies or operational activities open hitherto under-explored venues for potential third country influence.

Based on a novel dataset, this article has mapped third country de jure access to 26 decentralised agencies along the dimensions of scope and depth and has tested preliminary hypotheses exploring the variation across agencies and countries. Whilst accounting for different overarching foreign policy arrangements, we have found a positive impact of agencies' autonomy, international mandates and third countries' democracy, regulatory capacity, and wealth. Our expectation according to which agencies without binding decision-making authority should be more open was not corroborated.

Providing the first overarching and comparative measurement of third country access, this analysis has several limitations that point to the importance of further research. Firstly, the de jure provisions in agencies' regulations and international agreements do not directly reflect a country's de facto participation; and they indicate the institutional scope for potential impact rather than effective influence. Whereas access to decision-making bodies like the management board or other important secondary bodies constitutes a necessary condition for exerting influence, one should also remain sensitive to the overarching framework of EU regulatory outreach towards these countries. Furthermore, influence in agencies is intricately linked to participation in related transgovernmental regulatory networks. We therefore plan to complement the DITE dataset with analyses of third countries' de facto performance in EU agencies and participation in associated networks. Secondly, our quantitative analysis only provides a rough assessment of potential factors driving these institutional openings. More issues are likely to play a role such as sector-specific interdependence or path dependencies that we were not able to cover in this broad comparative analysis. Important differences exist between agencies, policy sectors and EU–third country relations that require more fine-grained analyses. Yet the data presented in this article demonstrate the pertinence of the phenomenon and substantiate the relevance of further research.

Acknowledgments

Research funding by the Horizon 2020 Project 'EU Integration and Differentiation for Effectiveness and Accountability' (EU-IDEA) and Swiss National Science Foundation SNF Project 'Condominio Europe? Patterns, dynamics and limits of differentiated integration in the wider European administrative space' (Grant Number 204548) is gratefully acknowledged. The authors thank Matis Poussardin, Sarah Paulina Falcucci, Signe Moe and Benjamin Bertrand for excellent research assistance and Thibaud Deruelle for constructive comments on a previous version.

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References

Abbott, K. and Snidal, D. (2000) 'Hard and Soft Law in International Governance'. *International Organization*, Vol. 54, No. 3, pp. 421–456.

Bach, D. and Newman, A.L. (2007) 'The European Regulatory State and Global Public Policy: Micro-institutions, Macro-influence'. *Journal of European Public Policy*, Vol. 14, No. 6, pp. 827–846.

Bach, D. and Newman, A.L. (2014) 'Domestic Drivers of Transgovernmental Regulatory Cooperation'. *Regulation & Governance*, Vol. 8, No. 4, pp. 395–417.

Cafaggi, F. and Pistor, K. (2015) 'Regulatory Capabilities: A Normative Framework for Assessing the Distributional Effects of Regulation'. *Regulation and Governance*, Vol. 9, No. 2, pp. 95–107.

Cappellina, B. *et al*. (2022) 'Ever More Soft Law? A Dataset to Compare Binding and Non-binding EU Law across Policy Areas and over Time (2004–2019)'. *European Union Politics*. https://doi.org/10.1177/14651165221111985

Coman-Kund, F. (2018) *European Union Agencies as Global Actors: A Legal Study of the European Aviation Safety Agency* (Frontex and Europol: Routledge).

Coppedge, M. *et al*. (2022) "V-Dem Codebook v12" Varieties of Democracy (V-Dem) Project.

Damjanovski, I. and Nechev, Z. (2022) External differentiated integration in justice and home affairs: Participation of the Western Balkan countries in EU agencies, EU-IDEA Policy Paper No. 20.

Diamond, P., Nedergaard, P. and Rosamond, B. (eds) (2018) *The Routledge Handbook of the Politics of Brexit* (London: Routledge).

Eberlein, B. and Newman, A.L. (2008) 'Escaping the International Governance Dilemma? Incorporated Transgovernmental Networks in the European Union'. *Governance*, Vol. 21, No. 1, pp. 25–52.

Eckert, S. (2022a) 'Sectoral Governance under the EU's Bilateral Agreements and the Limits of Joint Institutional Frameworks: Insights from EU-Swiss Bilateralism for Post-Brexit Relations with the UK'. *Journal of Common Market Studies*. https://doi.org/10.1111/jcms.13315

Eckert, S. (2022b) 'European Administrative Networks, Private Networks and Agencies: Coexisting, Cooperating or Competing?' *Journal of European Public Policy*. https://doi.org/10.1080/13501763.2022.2104913
EFTA Secretariat (2009) 'Decision Shaping in the European Economic Area'. *EFTA Bulletin*, p. 1-2009.
Egeberg, M. and Trondal, J. (2017) 'Researching European Union Agencies: What Have We Learnt (and Where Do We Go from Here)?' *JCMS: Journal of Common Market Studies*, Vol. 55, No. 4, pp. 675–690.
European Commission (1999) Communication of 20 December 1999 to the Council on "Participation of candidate countries in the Community programmes, agencies and committees", COM710 final.
European Commission (2006) Communication from the Commission to the Council and to the European Parliament on the general approach to enable ENP partner countries to participate in Community agencies and Community programmes, COM724 final.
European Council (1993) Council conclusions of the presidency, SN180/1/93REV1.
European Economic Area (2012) Report on EEA EFTA states' participation in EU agencies, Brussels: European Economic Area.
EU-US BASA (2011) 'International Agreements Council Decision of 7 March 2011 Concerning the Conclusion of the Agreement between the United States of America and the European Community on Cooperation in the Regulation of Civil Aviation Safety'. *Official Journal of the European Union*, Vol. 291.
Farrell, H. and Newman, A.L. (2014) 'Domestic Institutions beyond the Nation-State: Charting the New Interdependence Approach'. *World Politics*, Vol. 66, No. 2, pp. 331–363.
Groenleer, M.L.P. (2014) 'Agency Autonomy Actually: Managerial Strategies, Legitimacy, and the Early Development of the European Union's Agencies for Drug and Food Safety Regulation'. *International Public Management Journal*, Vol. 17, No. 2, pp. 255–292.
Gstöhl, S. (2015) 'Models of External Differentiation in the EU's Neighbourhood: An Expanding Economic Community?' *Journal of European Public Policy*, Vol. 22, No. 6, pp. 854–870.
Gstöhl, S. and Phinnemore, D. (eds) (2019) *The Proliferation of Privileged Partnerships between the European Union and Its Neighbours* (Abingdon: Routledge).
Hoekman, B. and Sabel, C. (2019) 'Open Plurilateral Agreements, International Regulatory Cooperation and the WTO'. *Global Policy*, Vol. 10, No. 3, pp. 297–312.
Hofmann, B., Jevnaker, T. and Thaler, P. (2019a) 'Following, Challenging, or Shaping: Can Third countries Influence EU Energy Policy?' *Politics and Governance*, Vol. 7, No. 1, pp. 152–164.
Hofmann, B., Kolcava, D. and Thaler, P. (2022) 'The Role of Switzerland in European Electricity Governance'. In Hettich, P. and Kachi, A. (eds) *Swiss Energy Governance* (Springer, Cham), pp. 67–92.
Hofmann, H., Vos, E. and Chamon, M. (2019b) *The External Dimension of EU Bodies and Agencies: Law and Policy* (Edward Elgar).
Hooghe, L. and Marks, G. (2003) 'Unravelling the Central State, bBut How? Types of Multi-level Governance'. *American Political Science Review*, Vol. 97, No. 2, pp. 233–243.
Hooghe, L. and Marks, G. (2015) 'Delegation and Pooling in International Organizations'. *The Review of International Organizations*, Vol. 10, No. 3, pp. 305–328.
Kaufmann, D., Kraay, A. and Mastruzzi, M. (2010) The worldwide governance indicators: methodology and analytical issues. Policy Research Working Paper Series 5430, World Bank.
Lavenex, S. (2015) 'The External Face of Differentiated Integration: Third Country Participation in EU Sectoral Bodies'. *Journal of European Public Policy*, Vol. 22, No. 6, pp. 836–853.
Lavenex, S., Križić, I. and Veuthey, A. (2021) 'EU Boundaries in the Making: Functionalist versus Federalist'. *Journal of European Public Policy*, Vol. 28, No. 3, pp. 427–446.
Lavenex, S. & Öberg, M.L. (2022) This issue.

Lavenex, S. and Poussardin, M. (2022) Third country integration in wider European administrative space. Introducing the differentiated integration in transgovernmental Europe (DITE) dataset (Mimeo, University of Geneva).

Lavenex, S. and Schimmelfennig, F. (2009) 'EU Rules beyond EU Borders: Theorizing External Governance in European Politics'. *Journal of European Public Policy*, Vol. 16, No. 6, pp. 791–812.

Levi-Faur, D. (2011) 'Regulatory Networks and Regulatory Agencification: Towards a Single European Regulatory Space'. *Journal of European Public Policy*, Vol. 18, No. 6, pp. 810–829.

Maggetti (2014) 'The Politics of Network Governance in Europe: The Case of Energy Regulation'. *West European Politics*, Vol. 37, No. 3, pp. 497–514.

Maggetti, M. (2019) 'Interest Groups and the (Non-)Enforcement Powers of EU Agencies: The Case of Energy Regulation'. *European Journal of Risk Regulation*, Vol. 10, No. 3, pp. 458–484.

Mitrany, D. (1965) 'The Prospect of European Integration: Federal or Functional'. *Journal of Common Market Studies*, Vol. 4, No. 2, pp. 119–149.

Öberg, M.L. (2019) 'Third Countries in EU Agencies: Participation and Influence'. In Hartman, C. H., Vos, E. and, Chamon, M. and Hofmann, H (eds) *The External Dimension of EU Agencies and Bodies: Law and Policy* (Edward Elgar Publishing), pp. 204–221.

Pfeffer, J. and Salancik, G.R. (2003) *The External Control of Organizations: A Resource Dependence Perspective* (Stanford: Stanford Business Books).

Phinnemore, D. (2022) 'The United Kingdom: Turning its Back on Influencing the EU?' *JCMS: Journal of Common Market Studies*. https://doi.org/10.1111/jcms.13419

Pirozzi, N., Bonomi, M. and Lavenex, S. (2022) 'Special Issue "Governing Differentiation and Integration in the European Union: Patterns, Effectiveness and Legitimacy"'. *International Spectator*, Vol. 57, No. 1.

Rimkuté, D. and Shyrokykh, K. (2019) 'Transferring the Acquis through EU Agencies: The Case of the European Neighbourhood Policy Countries'. In Hofmann, H. *et al*. (eds) *The External Dimension of EU Agencies and Bodies: Law and Policy* (Edward Elgar).

Rittberger, B. and Wonka, A. (2011) 'Introduction: Agency governance in the European Union'. *Journal of European Public Policy*, Vol. 18, No. 6, pp. 780–789.

Sabel, C.F. and Zeitlin, J. (eds) (2010) *Experimentalist Governance in the European Union: Towards a New Architecture* (Oxford: OUP).

Schmitter, P.C. (1996) 'Examining the Present Euro-polity with the Help of Past Theories'. In Marks, G., Scharpf, F.W., Schmitter, P.C. and Streeck, W. (eds) *Governance in the European Union* (London: Sage), pp. 121–50.

Schimmelfennig, F. (2021) 'Rebordering Europe: External Boundaries and Integration in the European Union'. *Journal of European Public Policy*, Vol. 28, No. 3, pp. 311–330.

Scholten, M. (2017) 'Mind the Trend! Enforcement of EU Law Has Been Moving to "Brussels"'. *Journal of European Public Policy*, Vol. 24, No. 9, pp. 1348–1366.

Senior European Experts (2020) Brexit: UK regulatory agencies, Policy Brief.

Slaughter, A.M. (2004) *A New World Order* (Princeton: Princeton University Press).

Tallberg, J. *et al*. (2014) 'Explaining the Transnational Design of International Organizations'. *International Organization*, Vol. 68, No. 4, pp. 741–774.

Thomann, E. and Sager, F. (2017) 'Moving beyond Legal Compliance: Innovative Approaches to EU Multilevel Implementation'. *Journal of European Public Policy*, Vol. 24, No. 9, pp. 1253–1268.

Tokhi, A. (2022) 'International Organizations, European Union Access, and Authority'. *Journal of European Integration*, Vol. 44, No. 5, pp. 617–634.

Tyushka, A., Phinnemore, D. and Weiß, W. (2022) 'Joint Institutional Frameworks in EU Bilateral Agreements: Joint Bodies, Rules and Principles, and Special Procedures'. *Journal of Common Market Studies*. https://doi.org/10.1111/jcms.13333

UK (2018) The future relationship between the United Kingdom and the European Union, report by the UK Prime Minister to the Parliament. London.

Van Der Zwet, A., Connolly, J., Huggins, C. and McAngus, C. (2022) 'Network Resilience and EU Fisheries Policy Engagement in Third Countries: Lessons for Post-Brexit Governance'. *The British Journal of Politics & International Relations*. https://doi.org/10.1177/13691481211067146

Wilson, J.Q. (1989) *Bureaucracy: What Government Agencies Do and Why They Do It* (Basic Books).

Wright, G., Stojanovic, A. and Klemperer, D. (2020) *Influencing the EU after Brexit* (London: Institute for Government).

Supporting Information

Additional supporting information may be found online in the Supporting Information section at the end of the article.

Appendix S1. Supporting Information