TiGRE
Trust in Governance and Regulation in Europe

Democratic Qualities and Representation of Regulatory Bodies:
An empirical overview

TiGRE 2nd Stakeholder Forum meeting & "TiGRE White Paper" workshop

Libby Maman & Juan Triviño-Salazar

Democratic Qualities of Regulatory Bodies

Introducing our dataset

- N=49 regulatory bodies

- 10 Variables (each composed from 5-24 indicators)

Formal
- Formal Transparency
- Formal Participation
- Formal Inclusiveness
- Formal Accountability

De-facto
- De-facto Transparency
- De-facto Participation
- De-facto Inclusiveness
- De-facto Accountability

Control variables
- Political Independence
- Managerial Autonomy

Main variables

- **Transparency**: The disclosure of information by agencies about their characteristics, operational processes, and decisions they make to external actors.

- **Participation**: Procedures aimed for external actors to become involved within agency's decisional, deliberative, or consultative processes related to agency's responsibilities.

- **Inclusiveness**: How various groups are represented in agencies (market oriented and societal oriented). In addition, this dimension examines rules and practices about how human diversity (gender, ethnic, linguistic, age, experience, territories) is considered in agencies.

- **Accountability**: How the agency reports, answers, and justifies its actions to external actors. This involves some possibilities of punishment to them, or feedback with consequences to the agency.

Two dimensions

- **Formal:** The obligation that the regulatory body performs the democratic qualities by law – Primary Laws (General and Sectorial).

- **De-facto:** The actual practice of the democratic qualities by the regulatory body (measured in 2021-2022).

Example

| Formal Accountability	De-facto Accountability
• There is an obligation to submit a strategic plan to the executive branch	• The frequency that the agency appears for parliamentary hearings
• There is an obligation to submit an annual activity report to the legislative	• The frequency that the agency meet with parent ministry
• There is an obligation to submit an annual finance report to the legislative	• There a consumer protection/complaint unit on regulated firms in the agency
• There is an obligation to report the actions of the agency on an ad-hoc basis	• There a process to complain on the agency's performance
• There is an obligation to submit an strategic plan to the executive	• The agency has a board of appeal operative
• There is an obligation to submit an annual activity report to the executive	• The agency has a system to submit complaints on the website
• There is an obligation to submit an annual finance report to the executive	
• There is an obligation to report the actions of the agency on an ad-hoc basis (on request) to the executive	
• There is an obligation for the agency to report public spending's to an audit office	

Regulatory sectors
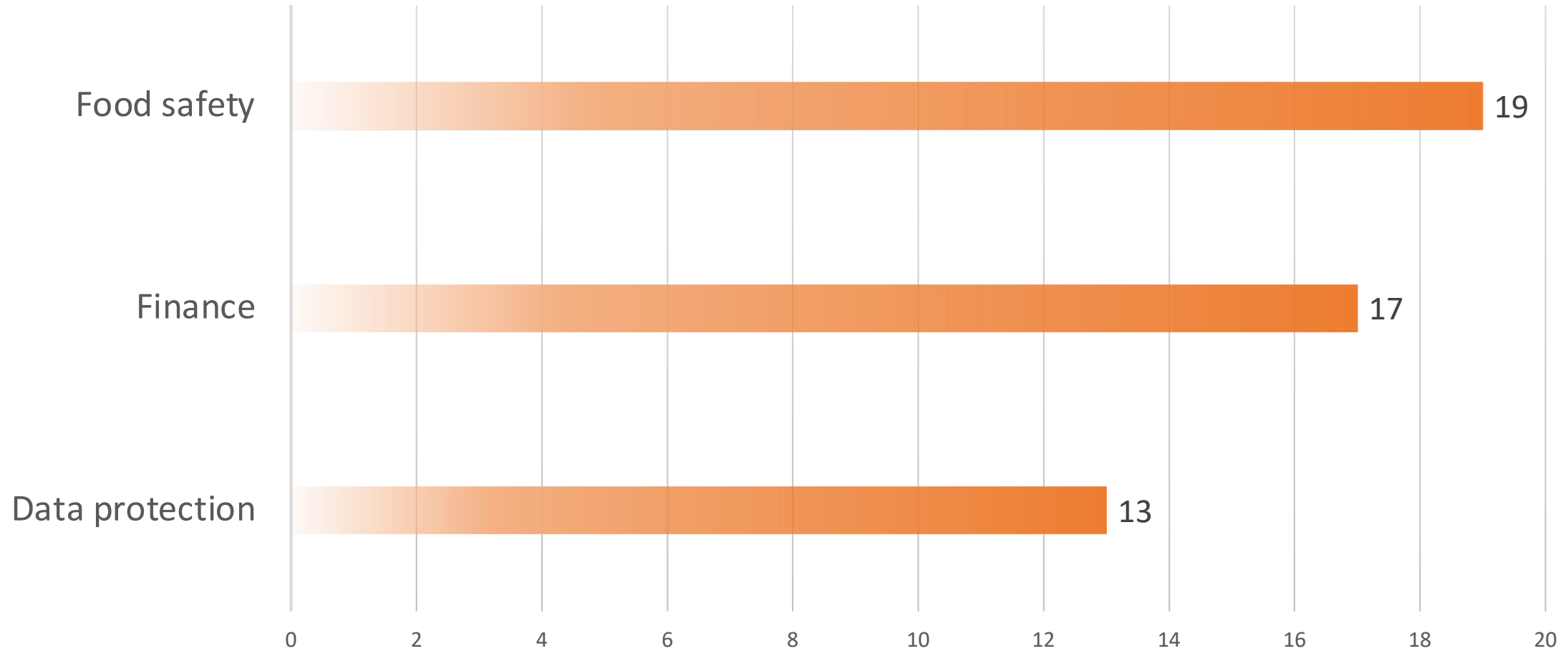
Countries

Organizational type

|		
Ministry	10	
Ministerial unit	2	
Agency	37	
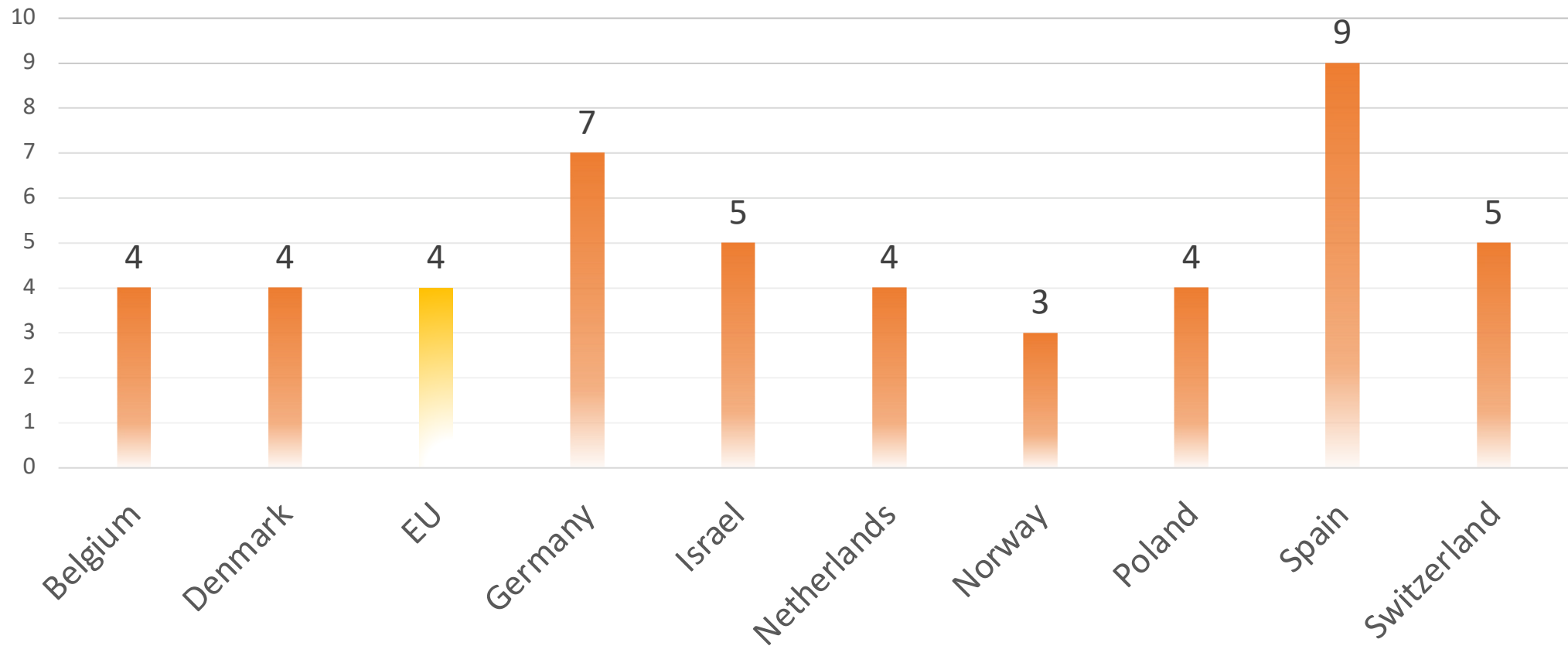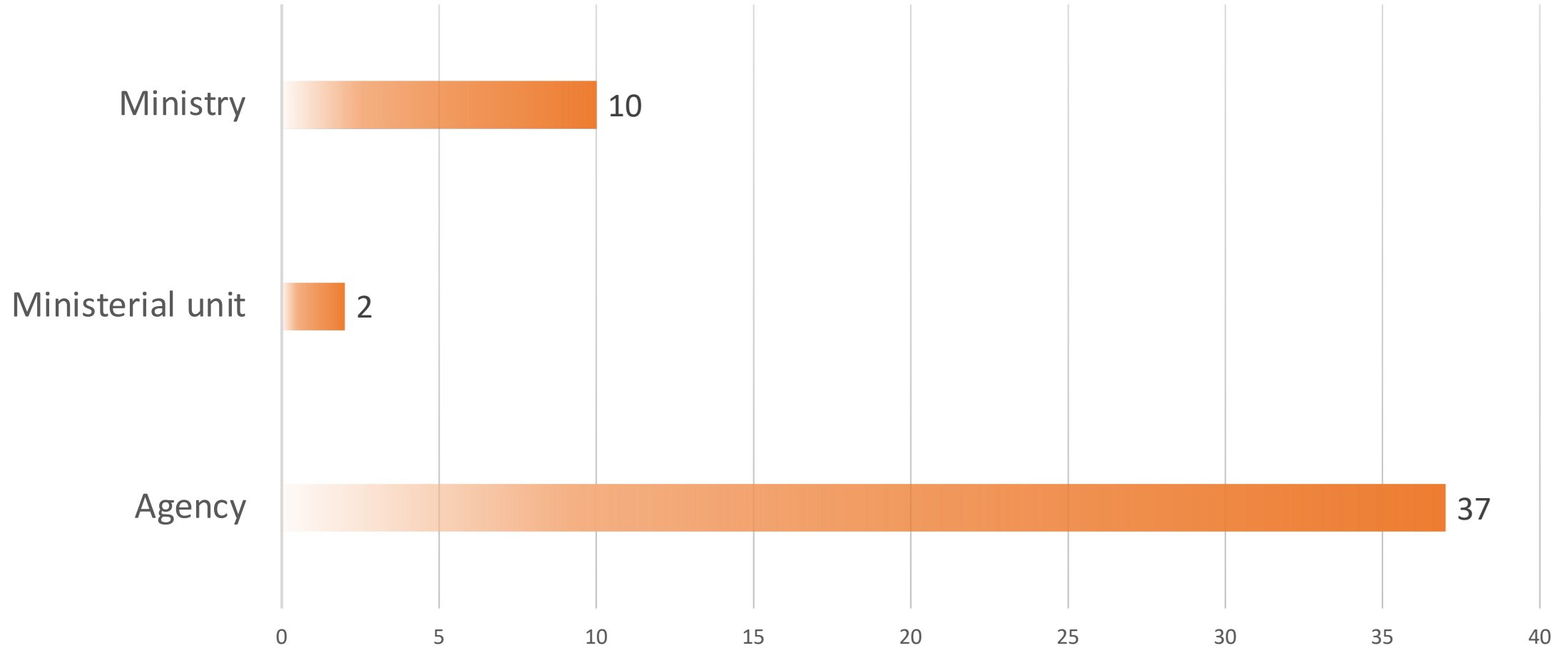
Governance level
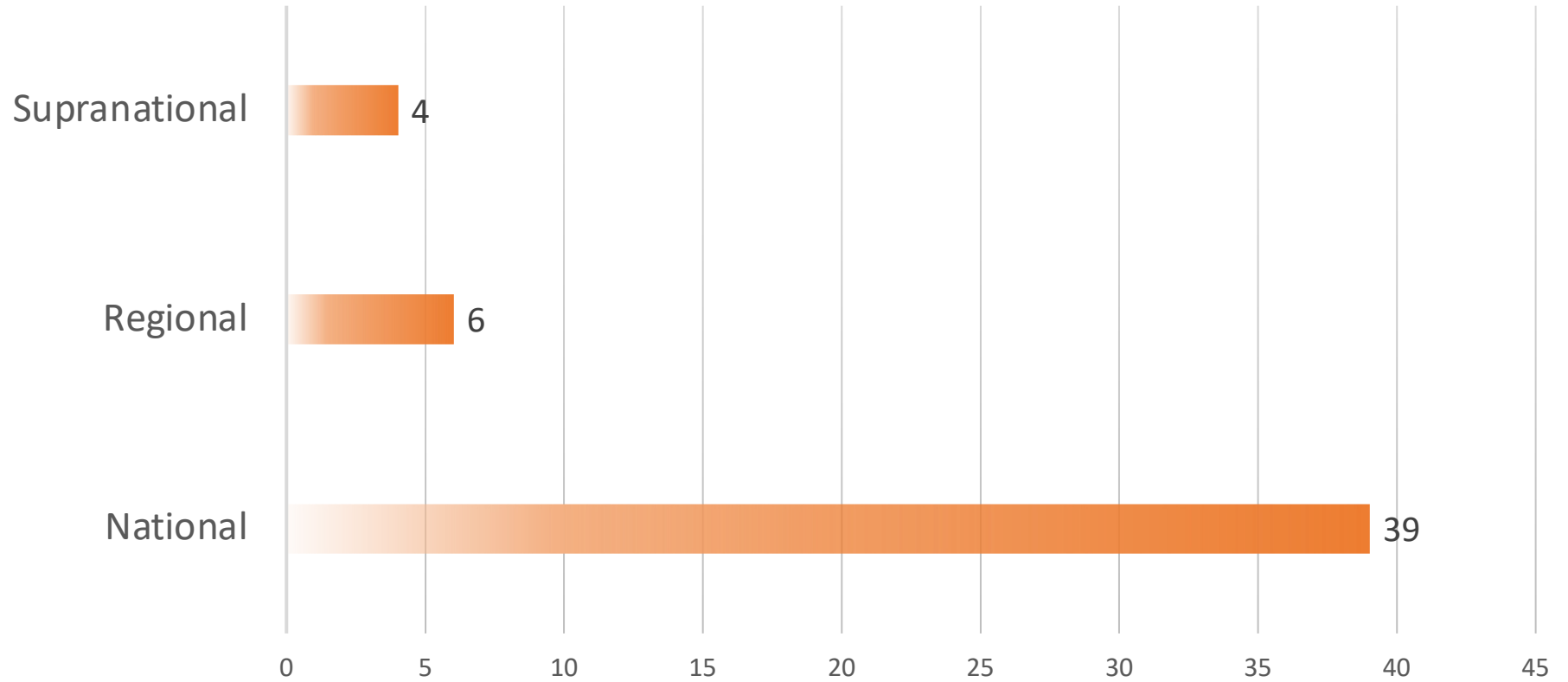
Score calculation

- The scores were calculated using a Bayesian measurement validation method (IRT), that uses the data we collected to calculate the estimated latent variable for each of the eight measures, giving appropriate weights to the different items (indicators).

- Items with negative weights were removed.

- This yields eight scores per regulatory body – which is the median of a standardized to a scale that has, by definition, mean 0 and standard deviation 1.

- Since 2 measures include full data only for 53% of the full sample (accountability de-facto and participation de-facto), many agencies scored 0 for them, which probably affects our scores (we are testing this).
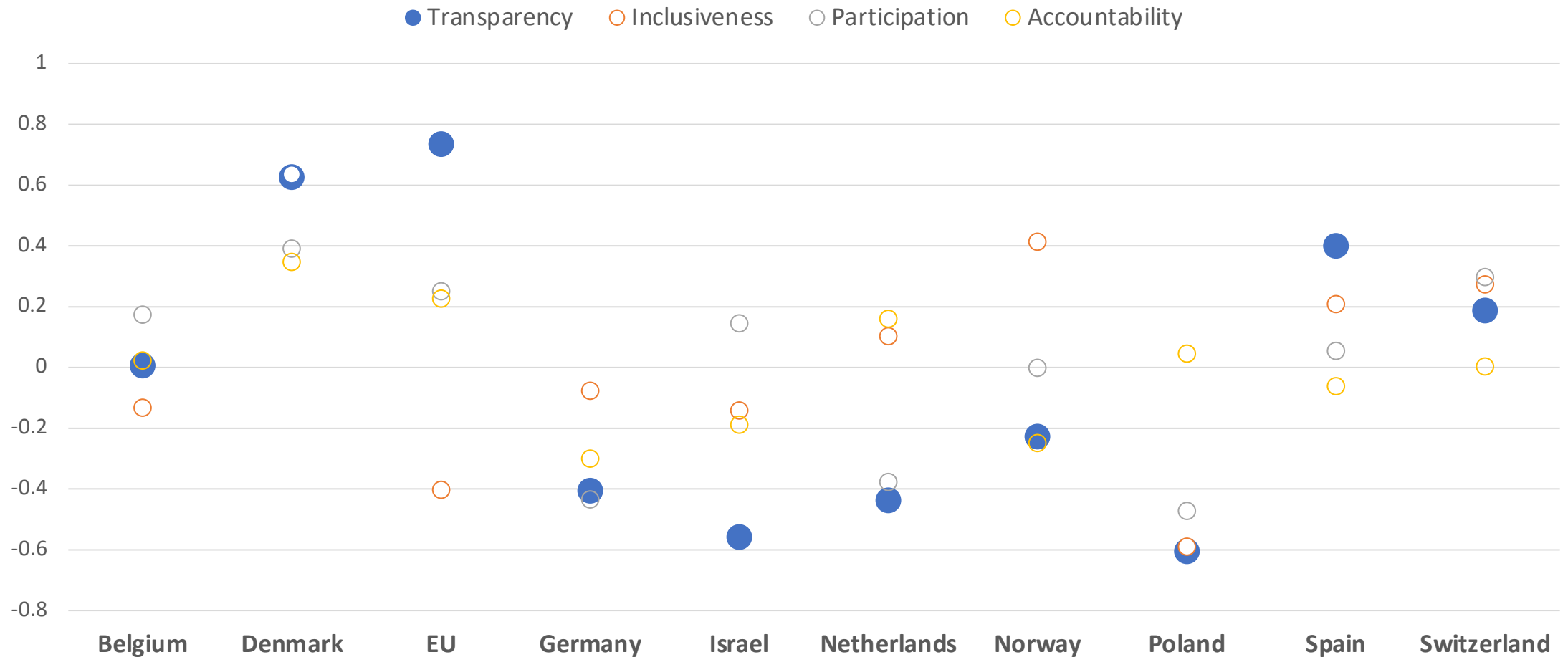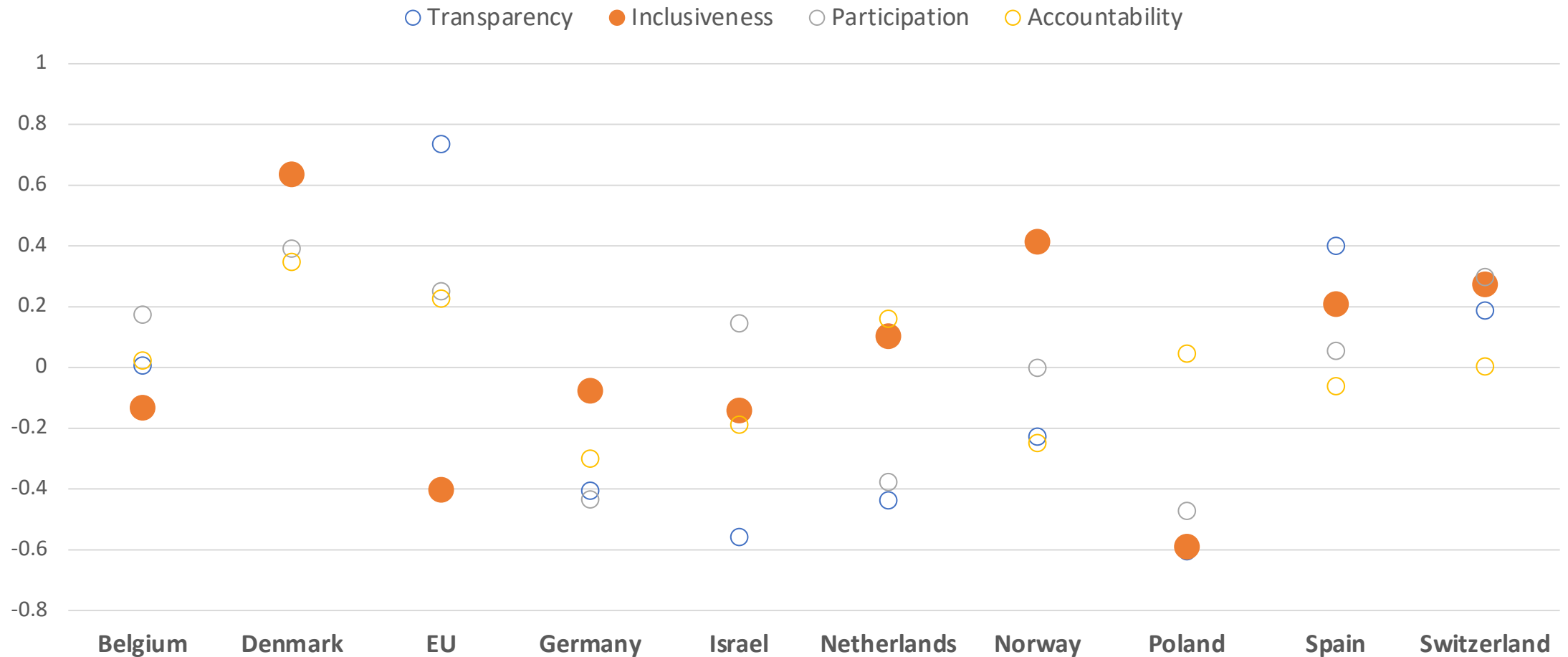
Findings

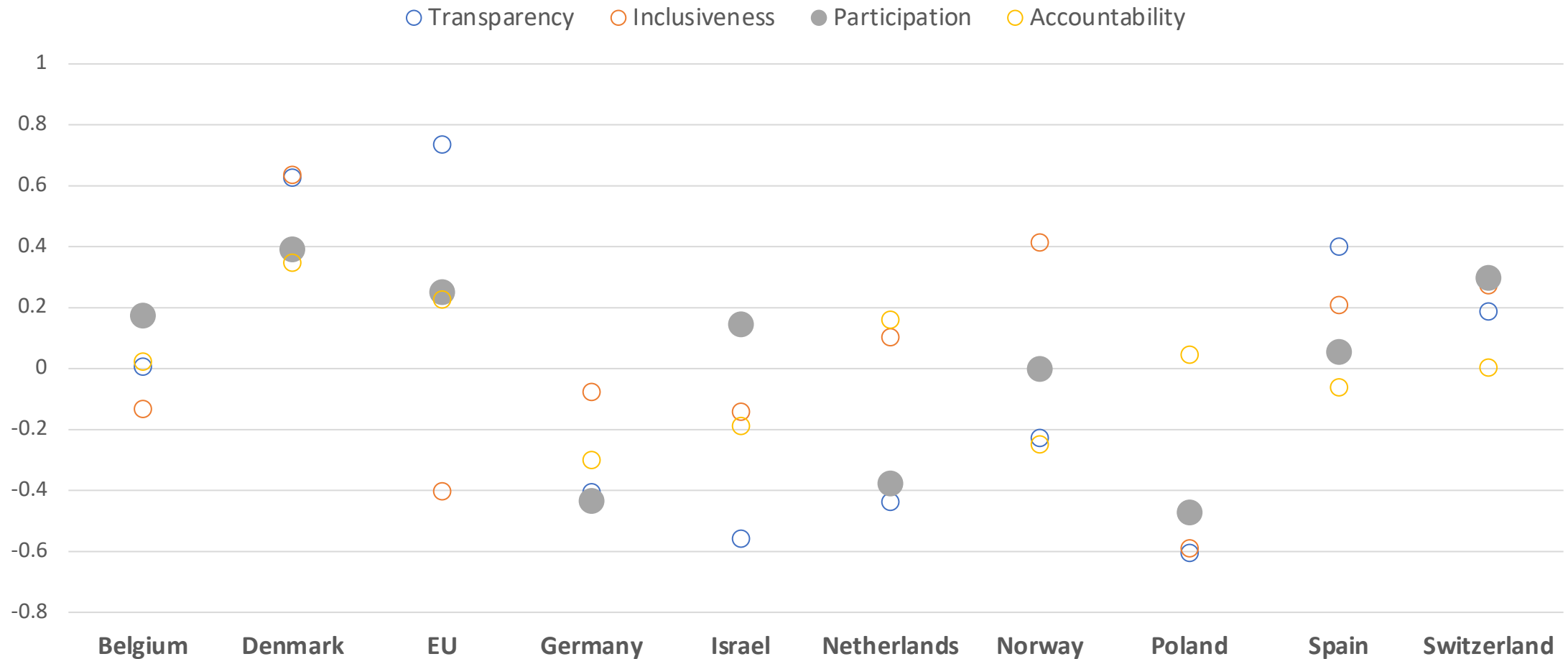# Country comparison of DQs, formal and de-facto aggregated
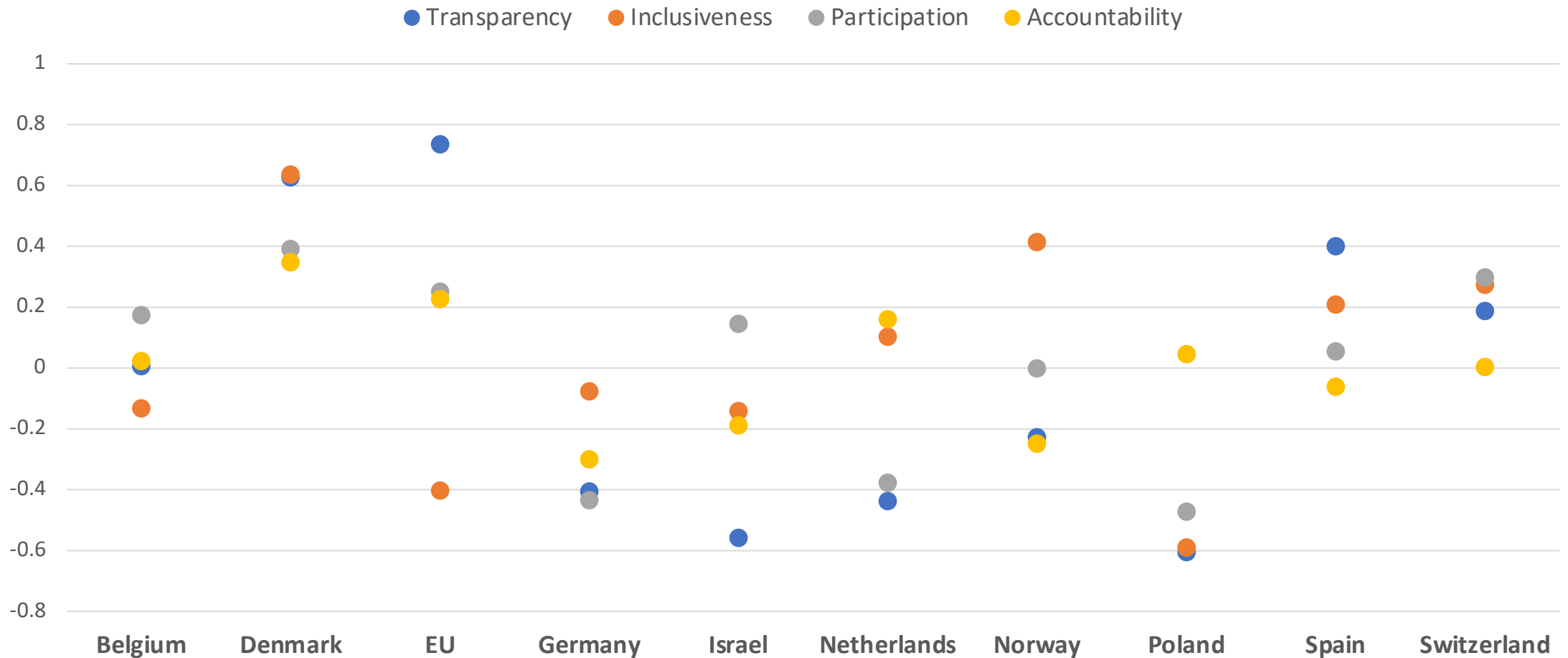
Country comparison of DQs, formal and de-facto aggregated

Country comparison of DQs, formal and de-facto aggregated
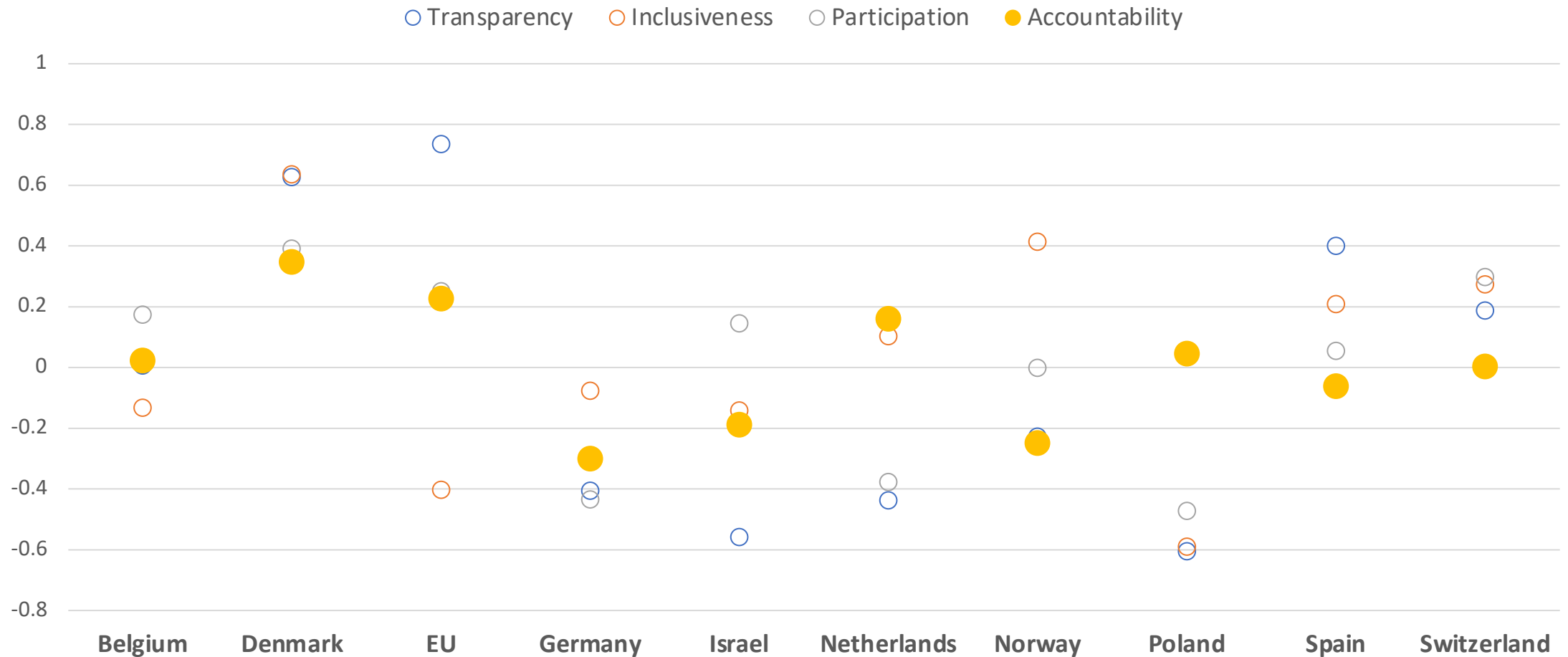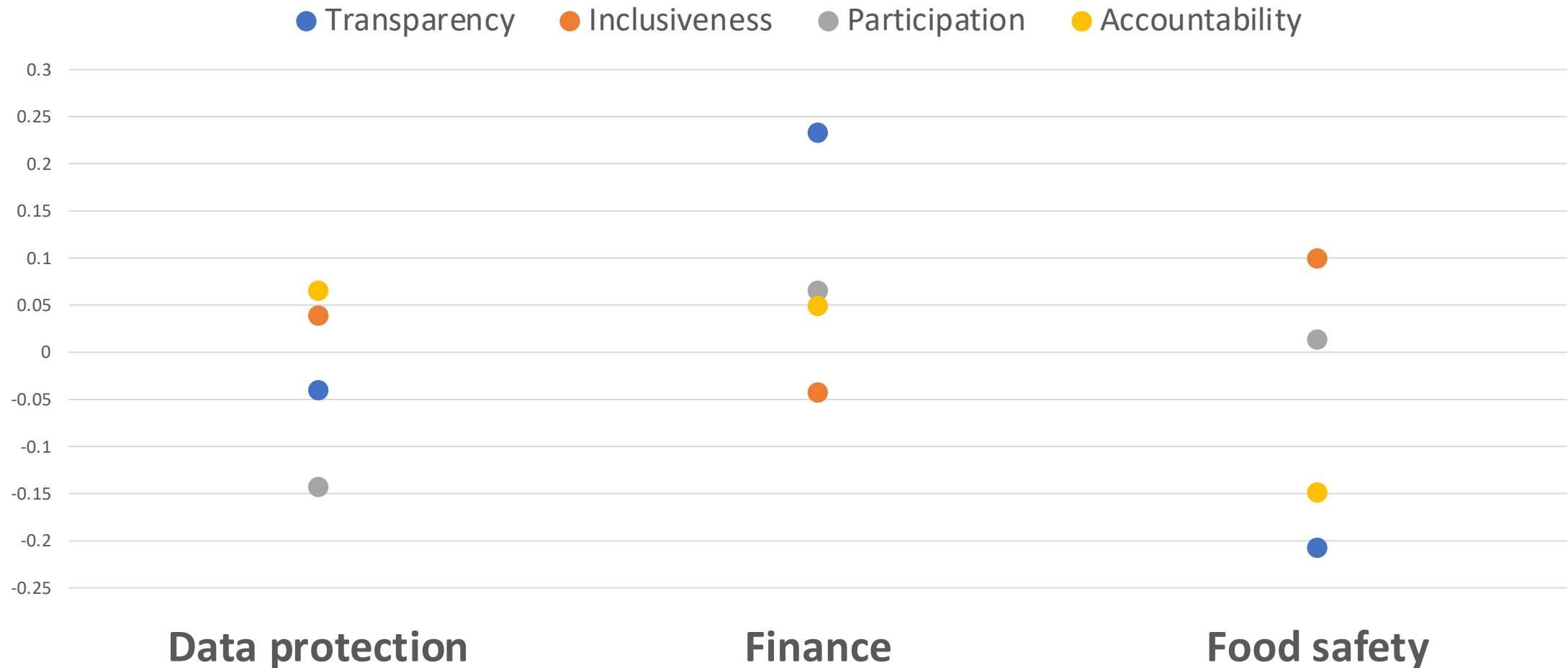
Country comparison of DQs, formal and de-facto aggregated

Country comparison of DQs, formal and de-facto aggregated

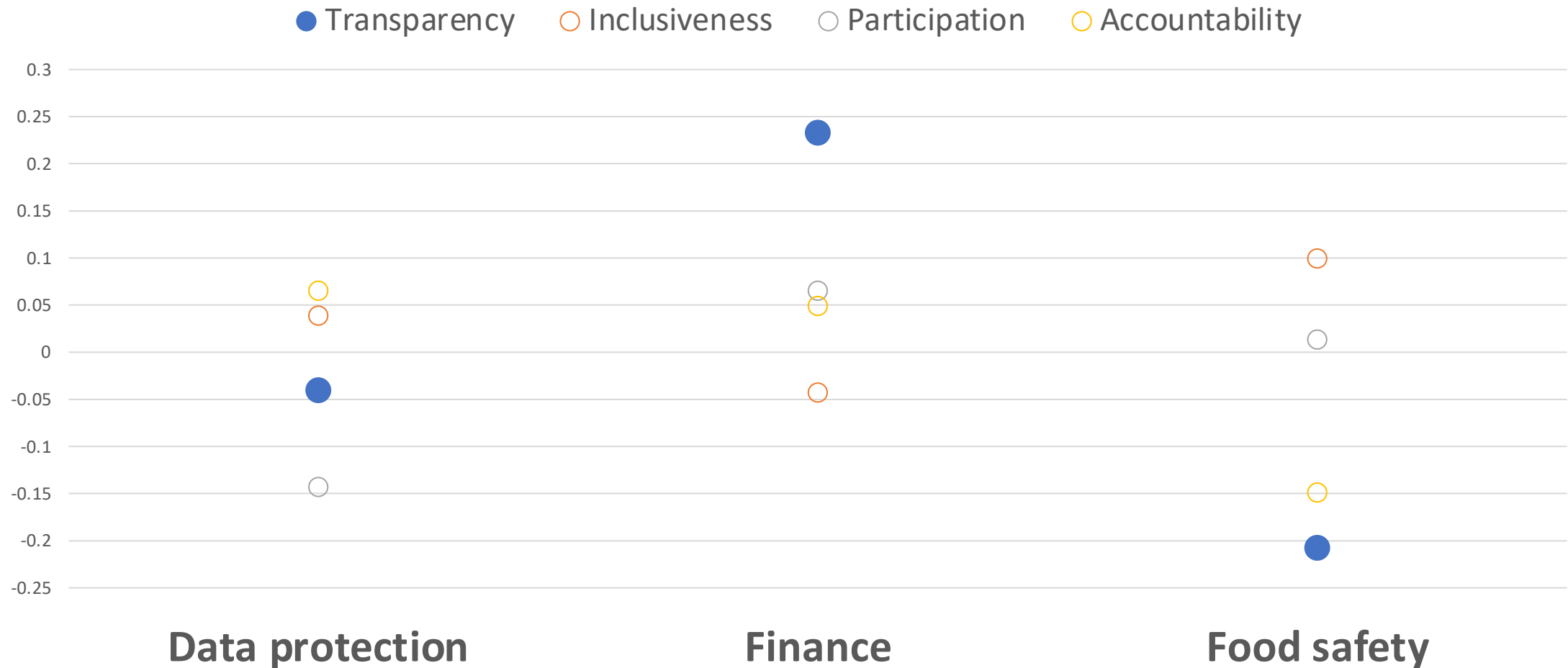# Sector comparison of DQs, formal and de-facto aggregated

Sector comparison of DQs, formal and de-facto aggregated

Sector comparison of DQs, formal and de-facto aggregated

○ Transparency ● Inclusiveness ○ Participation ○ Accountability

Sector comparison of DQs, formal and de-facto aggregated

○ Transparency   ○ Inclusiveness   ● Participation   ○ Accountability

Sector comparison of DQs, formal and de-facto aggregated

○ Transparency   ○ Inclusiveness   ○ Participation   ● Accountability

Data protection   **Finance**   **Food safety**
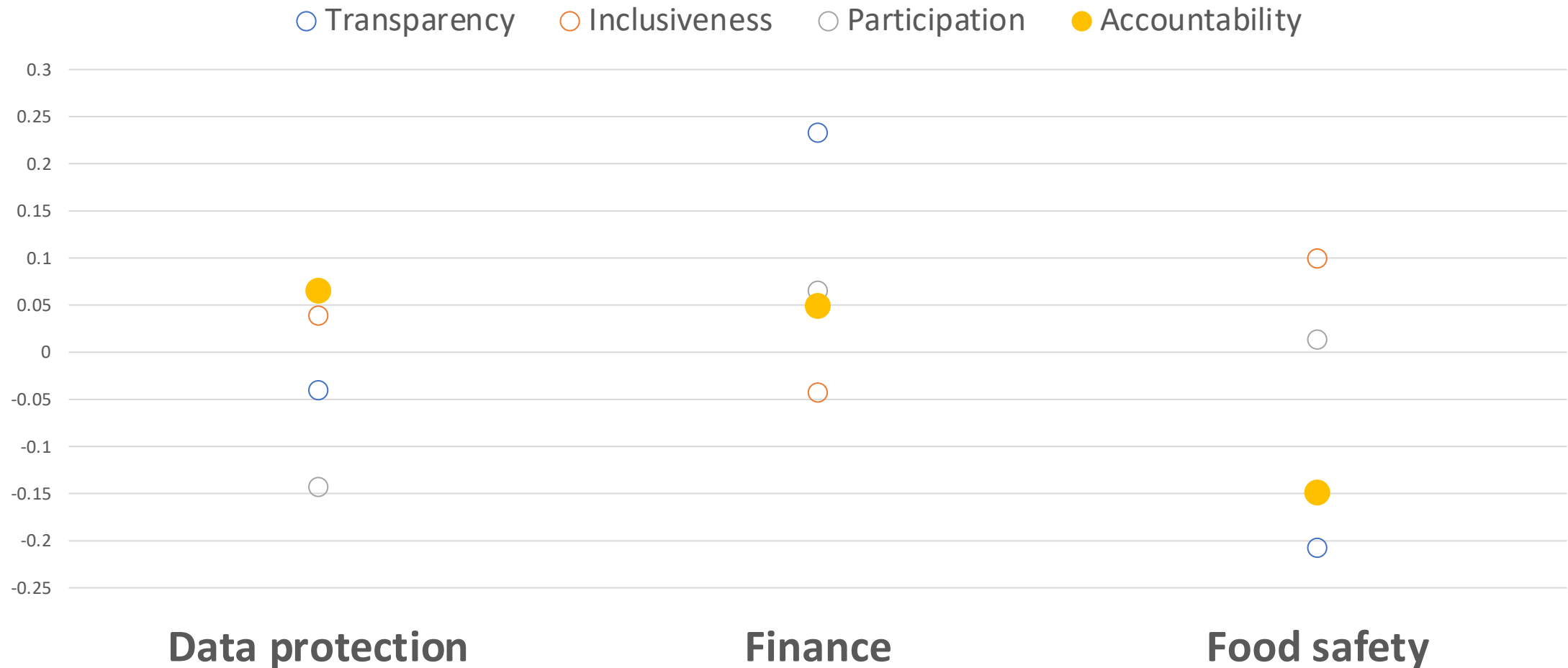
Dimension comparison of DQs (aggregated), per country

● Formal Democratic Qualities   ● De-facto Democratic Qualities

Belgium   Denmark   EU   Germany   Israel   Netherlands   Norway   Poland   Spain   Switzerland
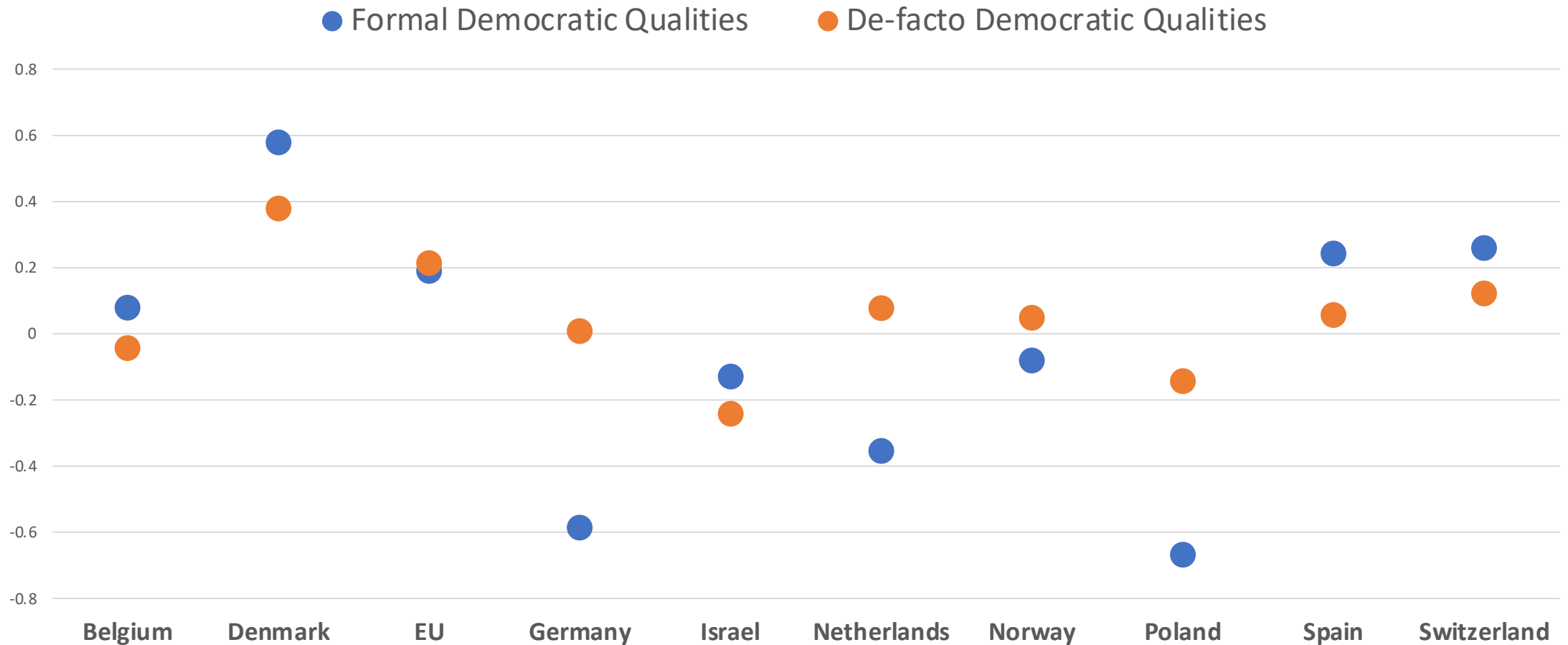
Dimension comparison of DQs (aggregated), per sector
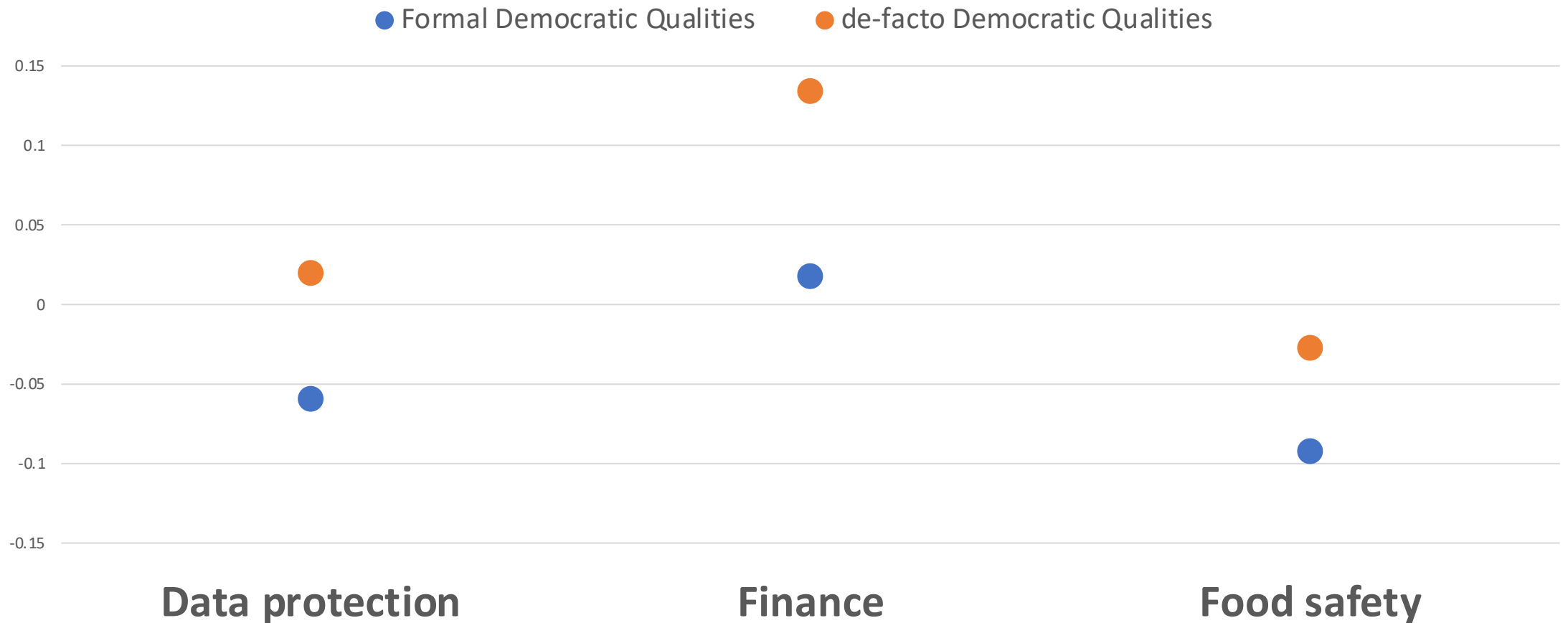
Concluding Remarks

- **Sector differences**
  - Finance is the most transparent sector and Food Safety is the least.
  - Food Safety is the most inclusive sector and Finance is the least.
  - No sector is very participative, nor political accountable.

- **Country differences**
  - EU is the most transparent, then Denmark and Spain.
  - Denmark is the most inclusive, EU one of the least of our sample.

- **Formal vs De-facto**
  - In sectorial comparison – de-facto always more than formal requirements.
  - In country comparison – this is not the case, and big gaps can be identified.
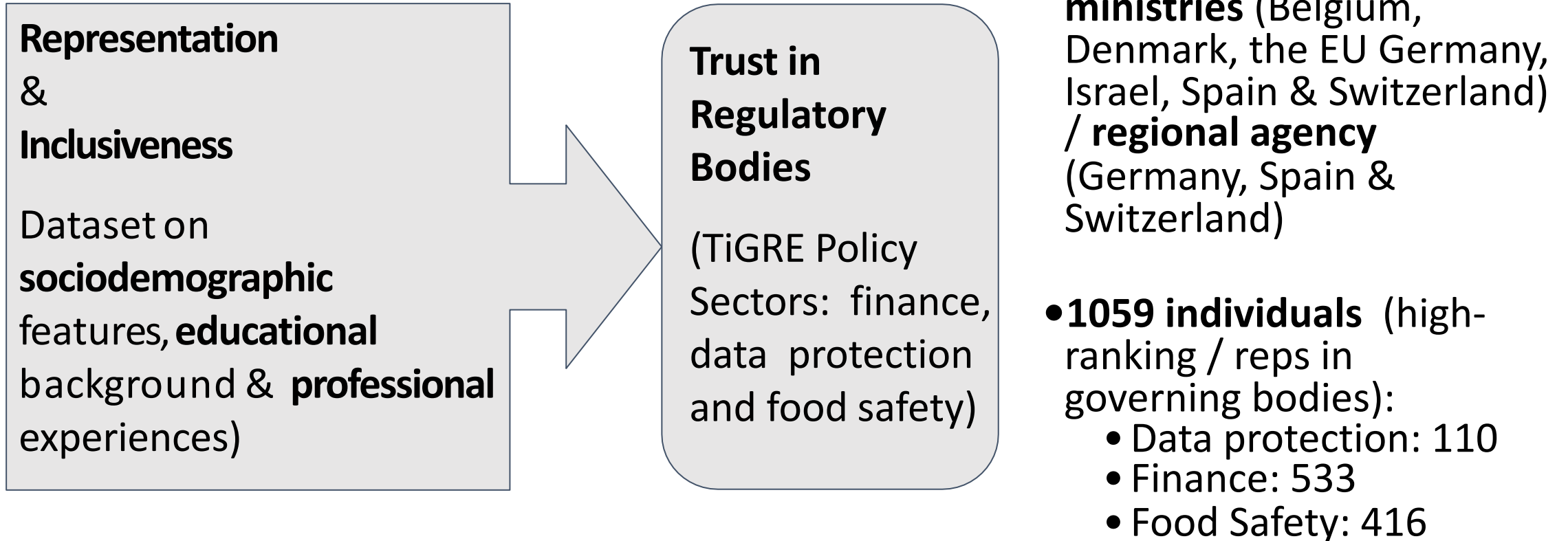
II. Representation and inclusiveness of regulatory bodies in Europe. A novel dataset

Zooming into representation & inclusiveness

- **Trust** in regulatory bodies is **facilitated by the relationships between regulators and regulatees**
  - How various groups are **represented & how diverse bodies are**
  - Representation & inclusiveness needed to:
    - (a) **democratize** the expert advice of regulatory bodies
    - (b) enhance their credibility based on **diverse expertise/knowledge**

- Debate on **representative bureaucracy** & implications on **policy decisions**
  - What happens when there is an **absence of a plurality of voices?**

- Representation & Inclusiveness and their relation to **trust in regulatory bodies**

Zooming into representation & inclusiveness

Representation & Inclusiveness

Dataset on **sociodemographic** features, **educational** background & **professional** experiences)

➡️

Trust in Regulatory Bodies

(TiGRE Policy Sectors: finance, data protection and food safety)

- **National agencies or ministries** (Belgium, Denmark, the EU Germany, Israel, Spain & Switzerland) / **regional agency** (Germany, Spain & Switzerland)

- **1059 individuals** (high-ranking / reps in governing bodies):
  - Data protection: 110
  - Finance: 533
  - Food Safety: 416
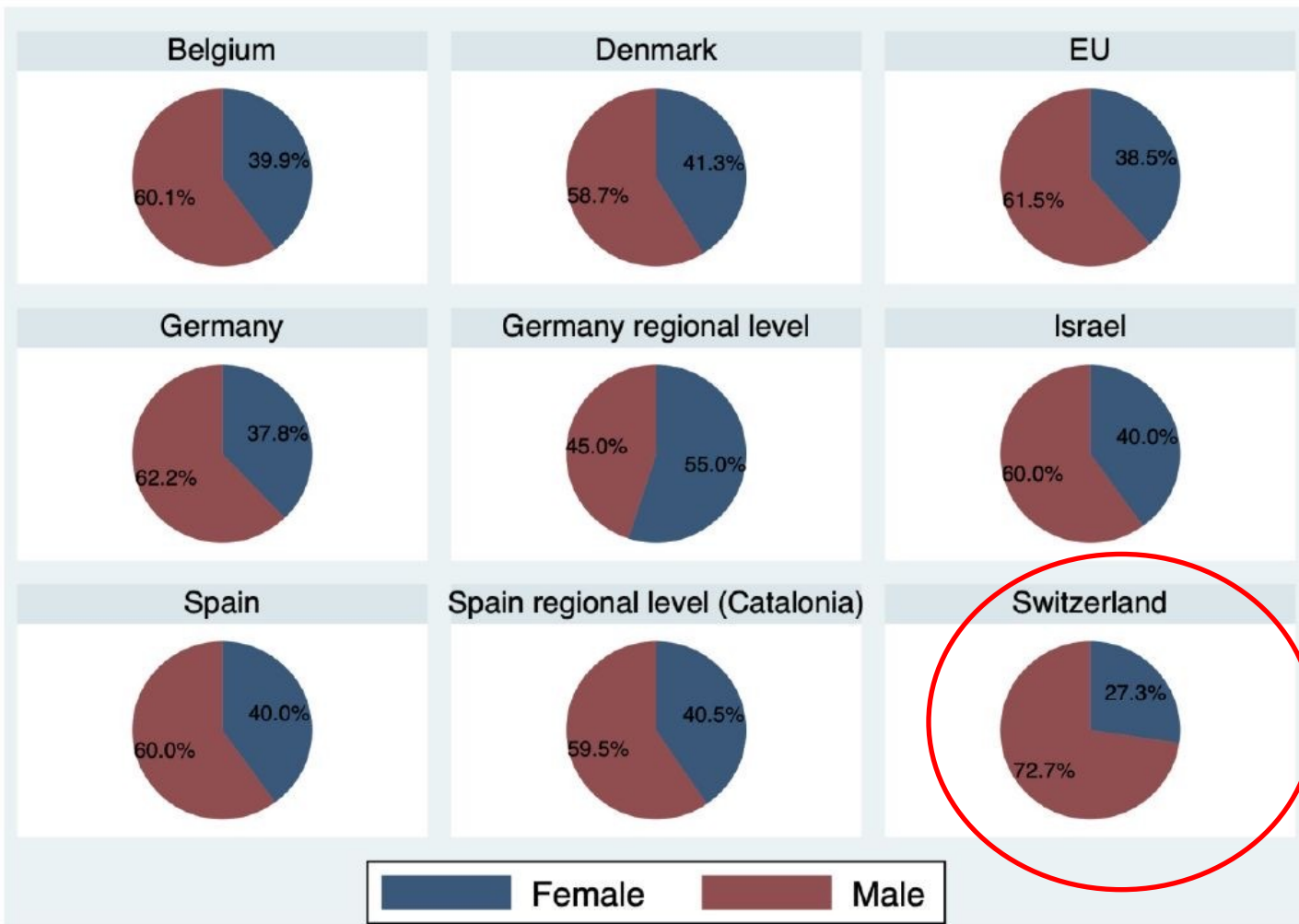
Gender representation

Figure 4. Percentage of male and female members of regulatory bodies by country/at EU level/regional

- More gender balanced according to policy sector (i.e., **food safety)**
- Female inclusion across countries around 40%
  - Exception: Switzerland (27%)
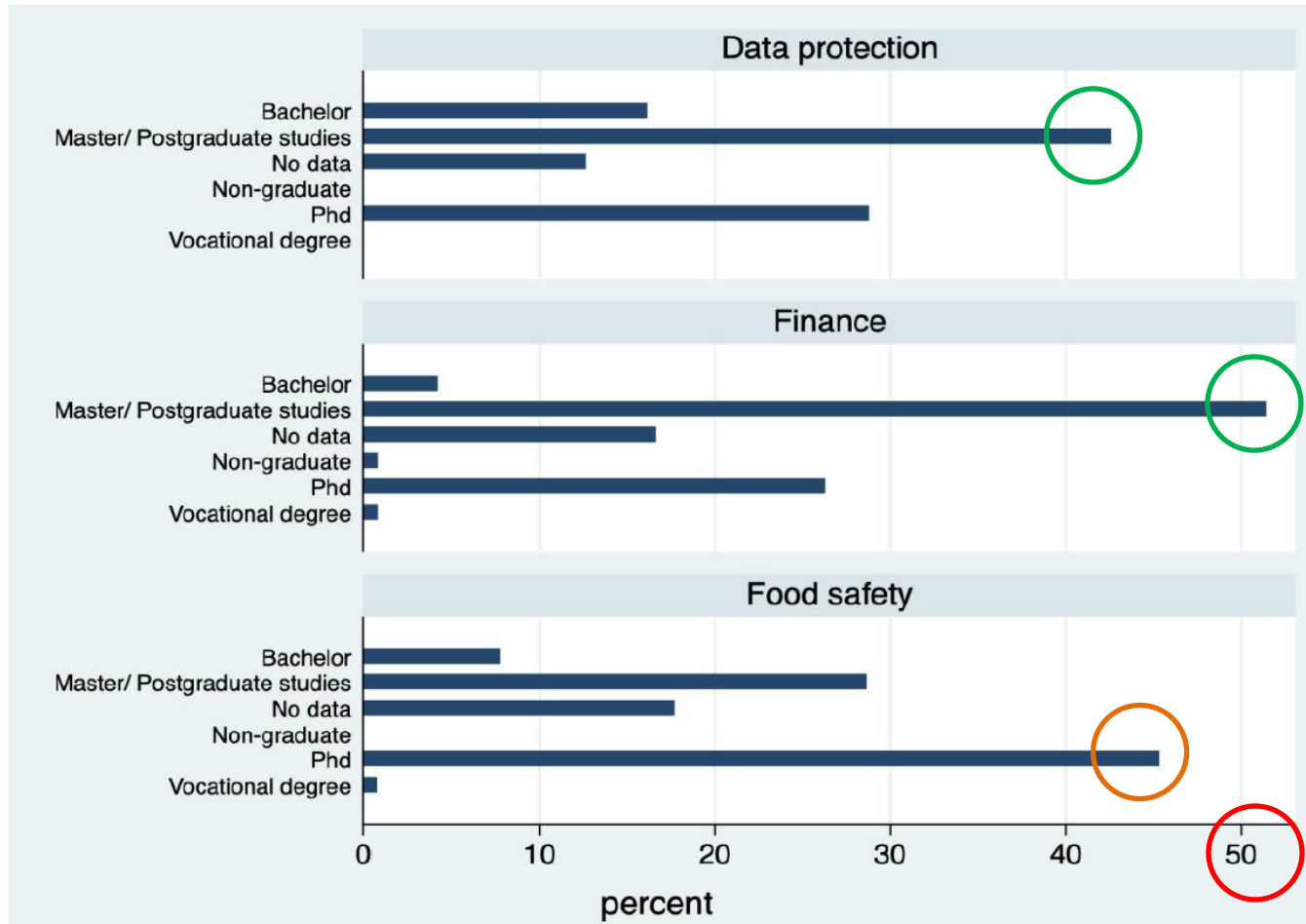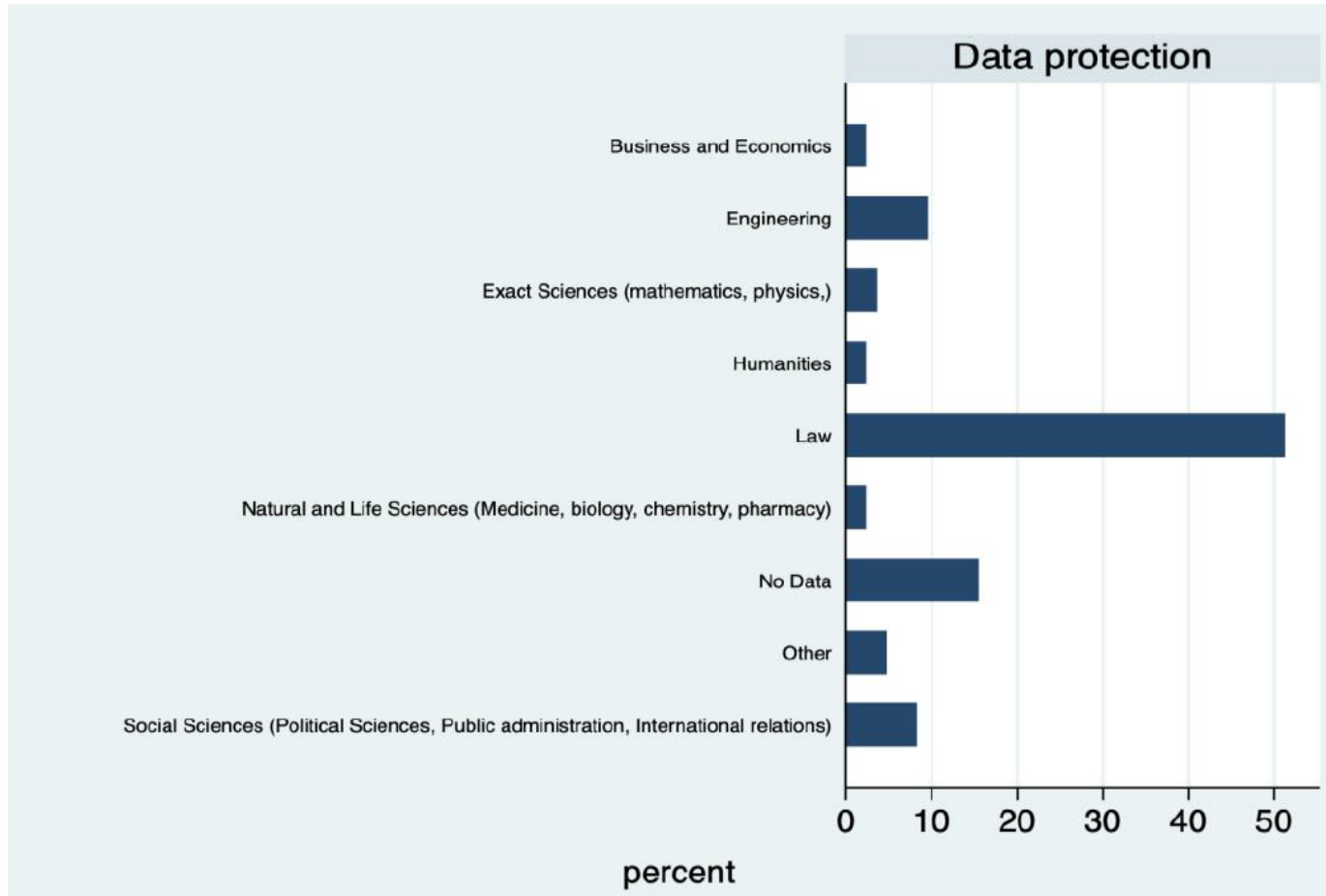
Educational level

Figure 5. Educational level by policy sector

- Over 40% with MA in all sectors
  - Finance: over 50%
- Over 40% with Ph.D. in Food Safety / Germany almost 60% for all three sectors
- Bodies characterized as having a high **level of expertise** in terms of knowledge

Field of education

Figure 13. Field of education in the data protection sector-BA level

- The field of education is **closely related to the policy domain** of the regulatory body in question
  - DP: over 50% BA in Law
  - Finance: 50% BA in business & economics, law
  - Food safety: almost 40% BA related to life sciences

Professional experience in different spheres

Table 17: Summary table - percentage of individuals that have experience in the following sectors, 2012–2021, by country

Body	Public sector national	Public sector-EU	Private sector	Civil society organizations	Political sphere	Academia full time	Trade unions	International organizations
Belgium	81.1	7.7	39	41	7.3	30.9	3.9	4.7
Denmark	46	6.4	59	7.9	0	17.5	22.2	1.6
EU agencies	51.3	25.6	20	5.1	3.1	7.7	3.1	5.1
Germany	25.8	6.0	20	6.9	10	18.4	1.4	6.0
Israel	60	0	35	4.6	0	18.5	0	1.5
Spain	38.3	6.1	31	16	6.7	25	8.9	5.6
Switzerland	29.5	2.3	48	11	18	15.9	2.3	4.6

- High experience in the national public sector
  - Highest in Belgium, Denmark, EU & Israel
- Lower experience in the EU or in politics than in the private sector

Professional experience in different spheres

Professional experience- Civil society organizations
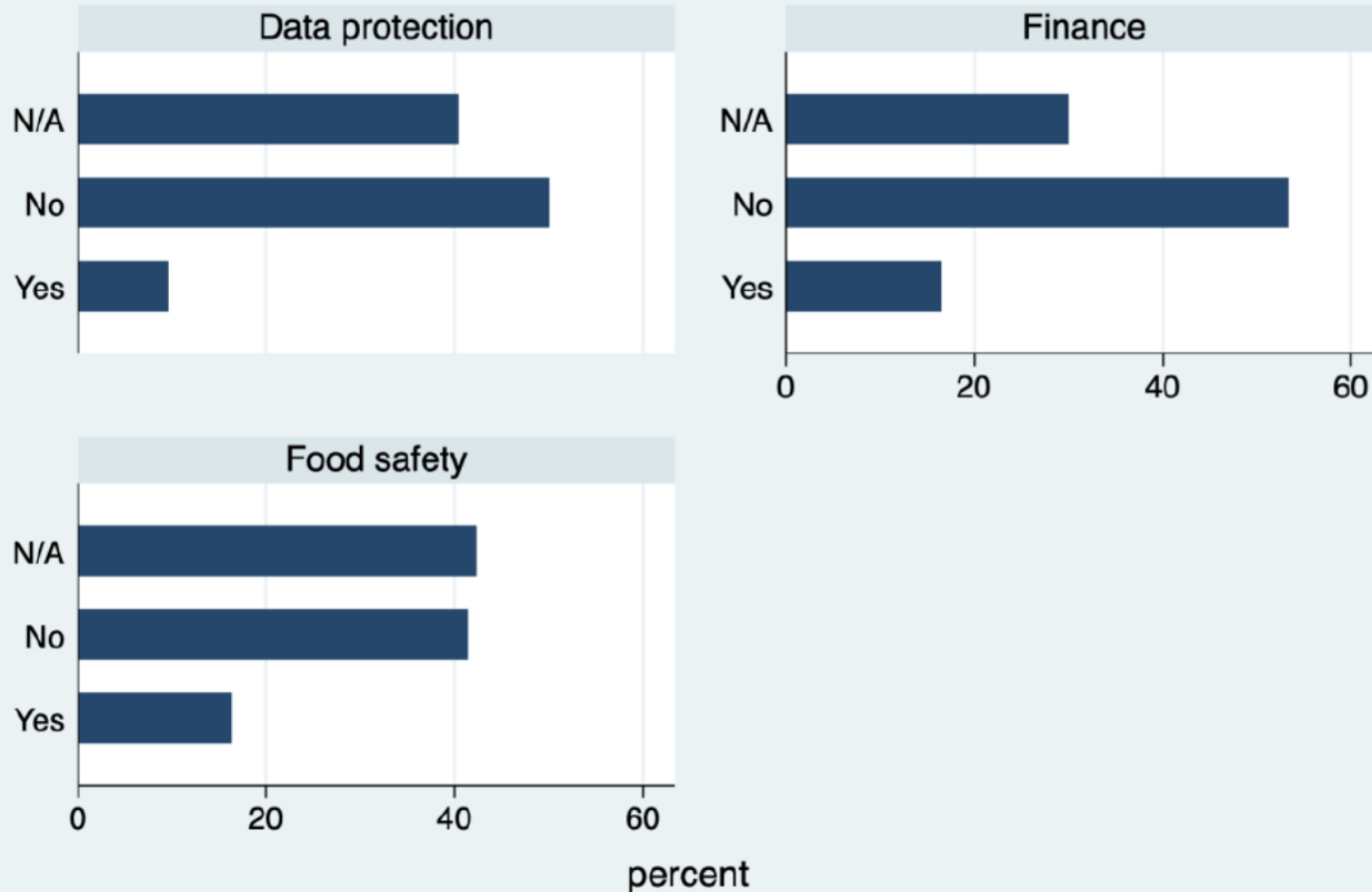
- High public sector experience in all three sectors
  - Finance, the highest
- High private sector experience in the finance sector & lower in food safety
- Relatively low levels of experience in civil society organisations

Concluding remarks

- The dataset engage with regulatory bodies' representation and inclusiveness & their relationship with trust

- The data allows to empirically observe that to some extent there is representation of certain profiles & diversity
  - Food Safety as the sector with more female profiles & more Ph.D. (Scientific profile)
  - Regulatory bodies based on expert profiles (close to the field of education)
  - Important experience in the national public sector – A public servant profile? & some in the private sector

- Next steps: establishing the nexus between expertise and trust in regulatory bodies (in combination with interviews and survey data on trust in regulatory regimes)

Thank you!

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