

Democratic Qualities and Representation of Regulatory Bodies: An empirical overview

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

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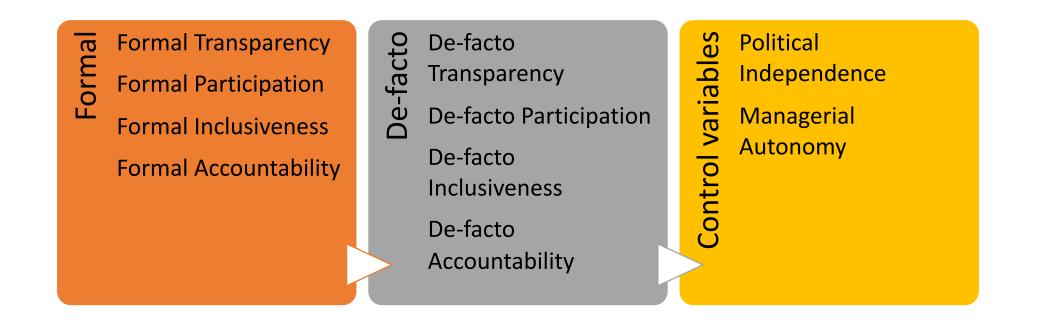
Democratic Qualities of Regulatory Bodies



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Introducing our dataset

- N=49 regulatory bodies
- 10 Variables (each composed from 5-24 indicators)





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).

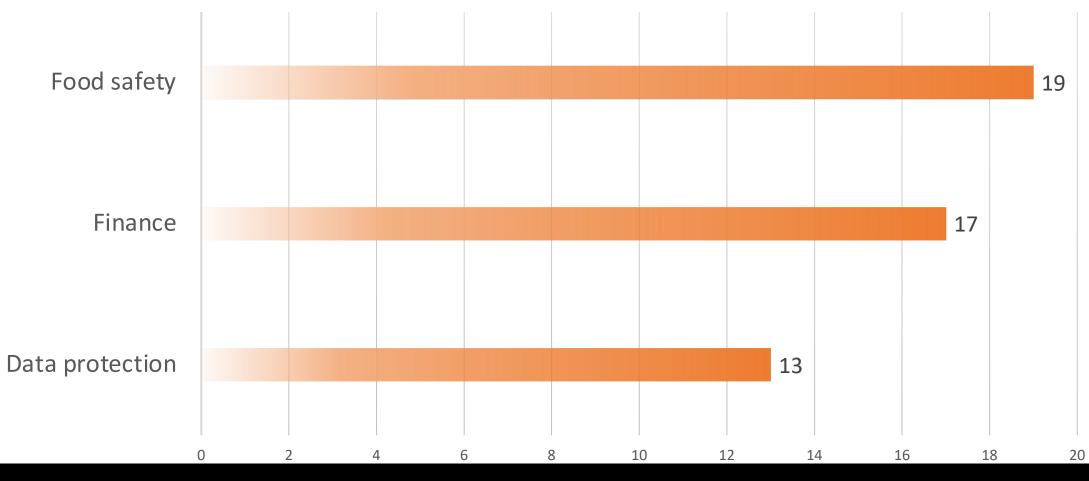


Example

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						

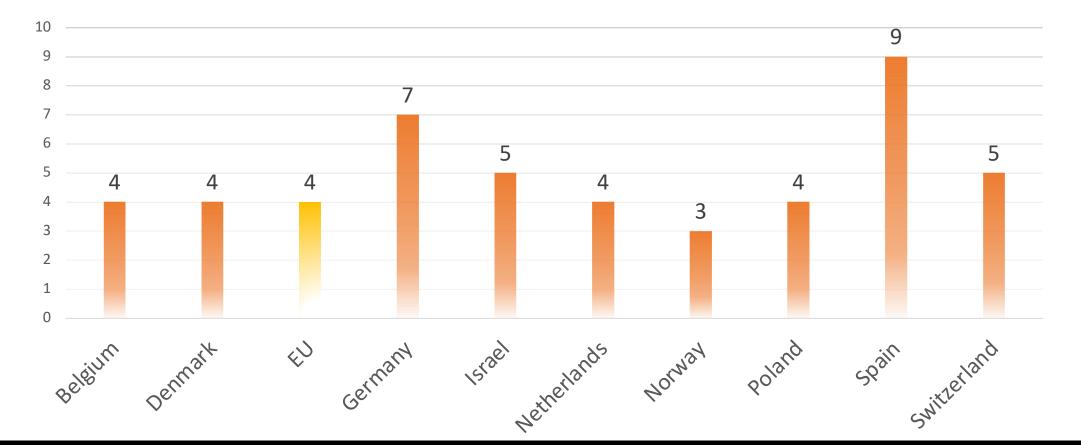


Regulatory sectors



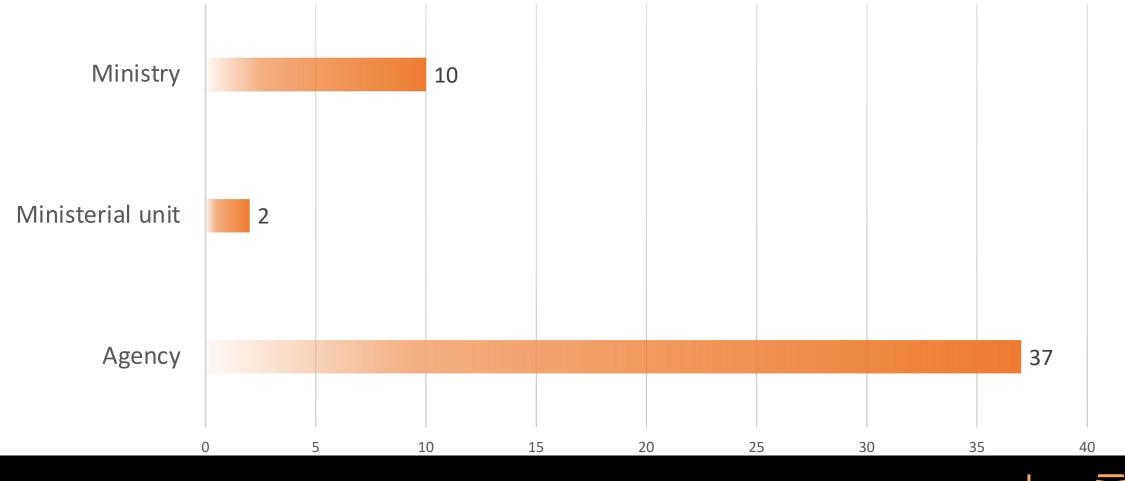
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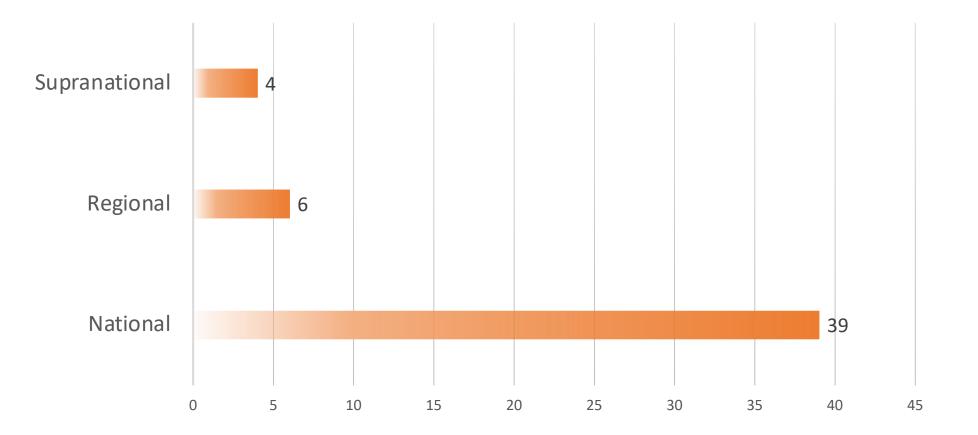




Organizational type



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).



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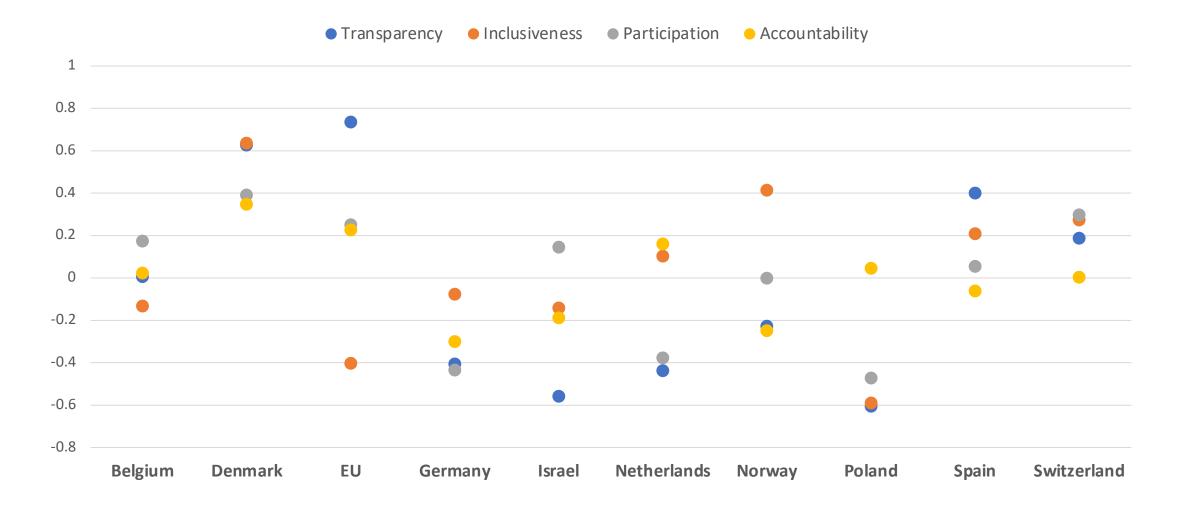
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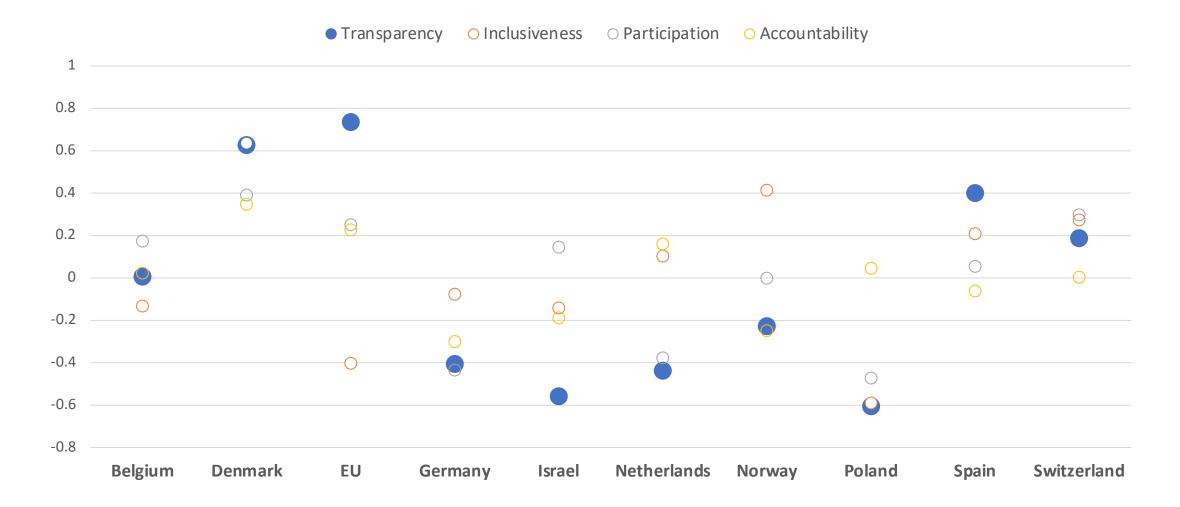
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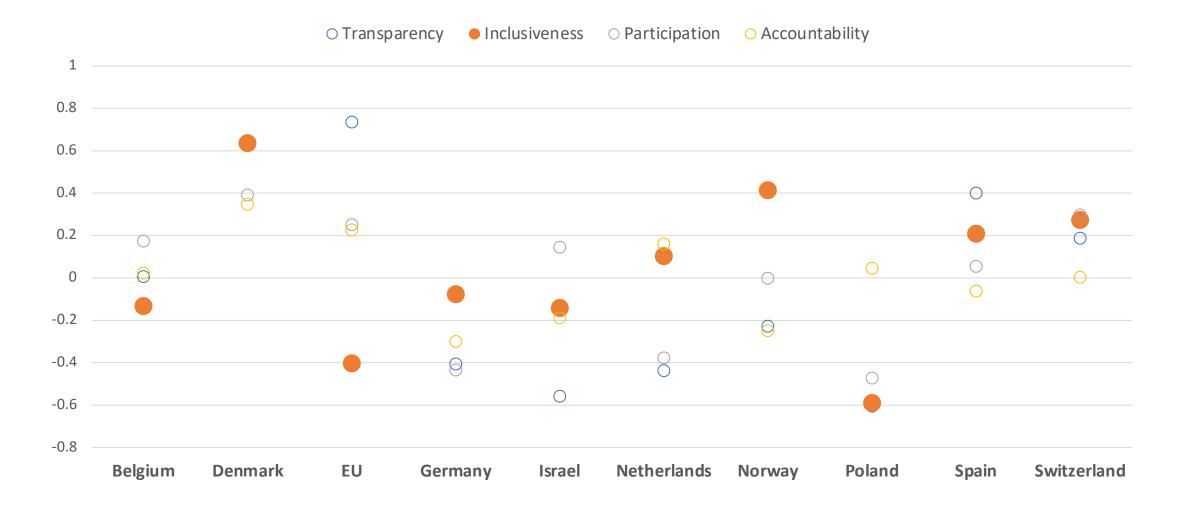
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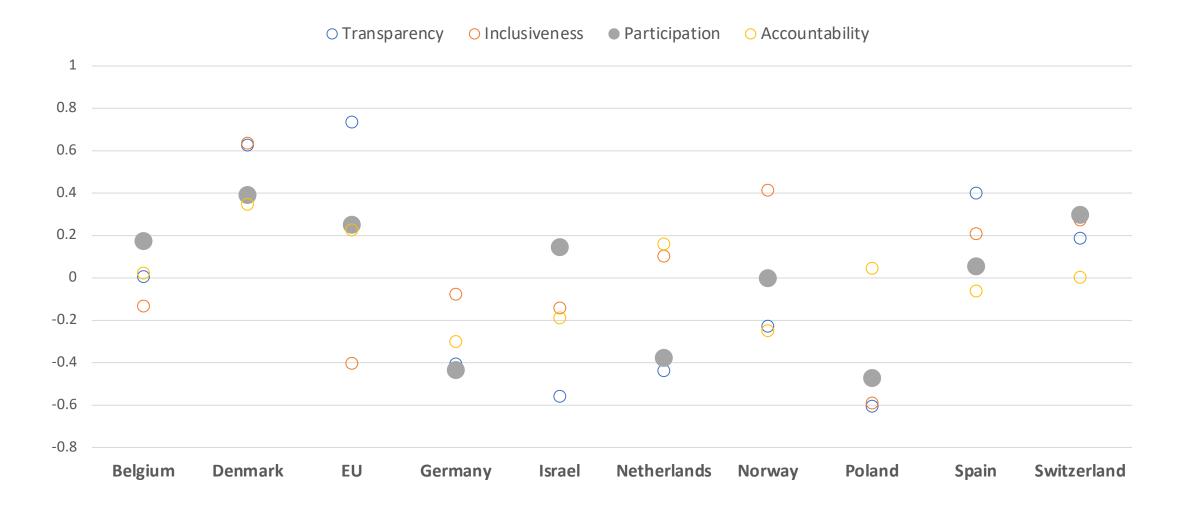




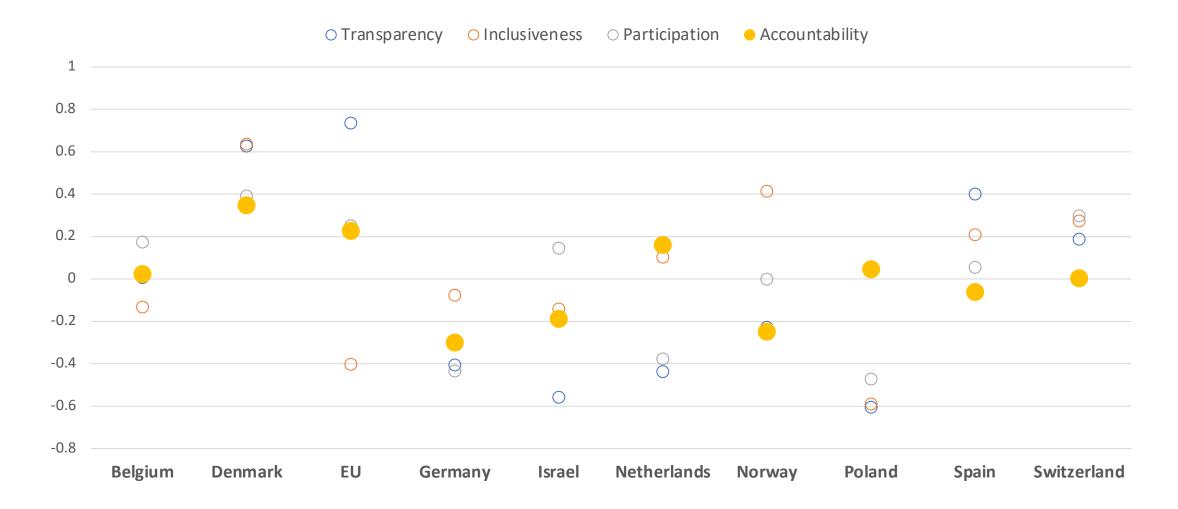




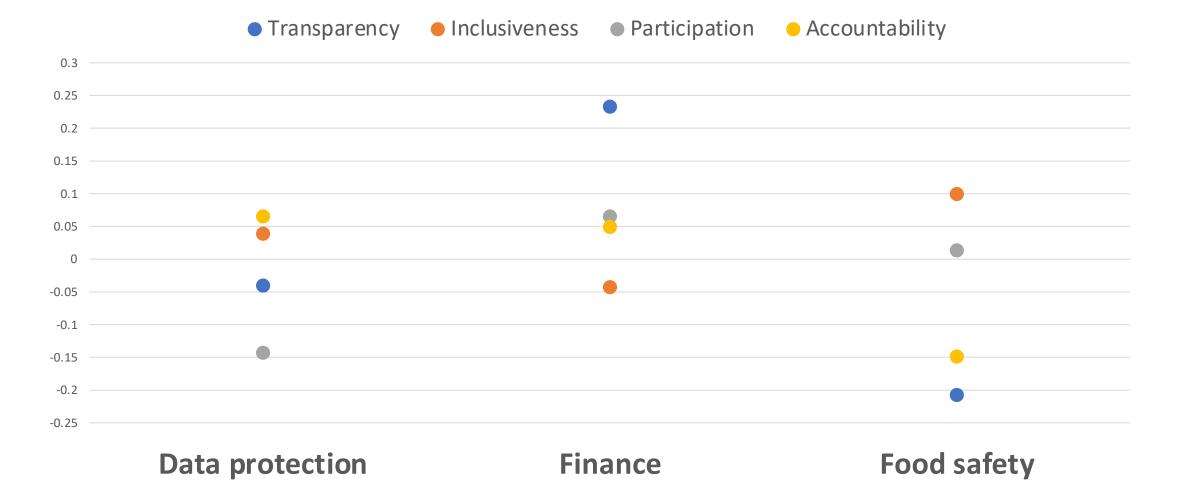




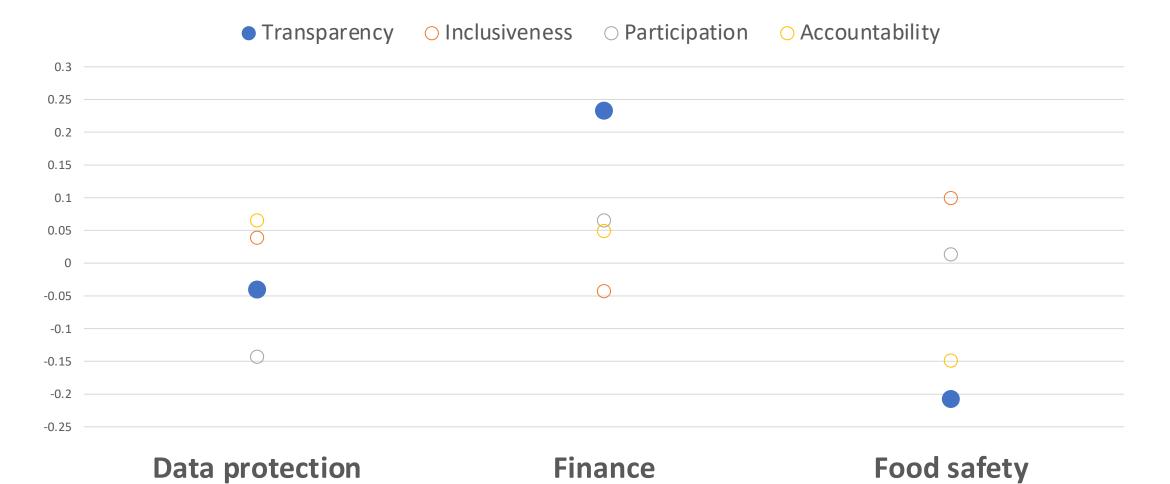
















Data protection

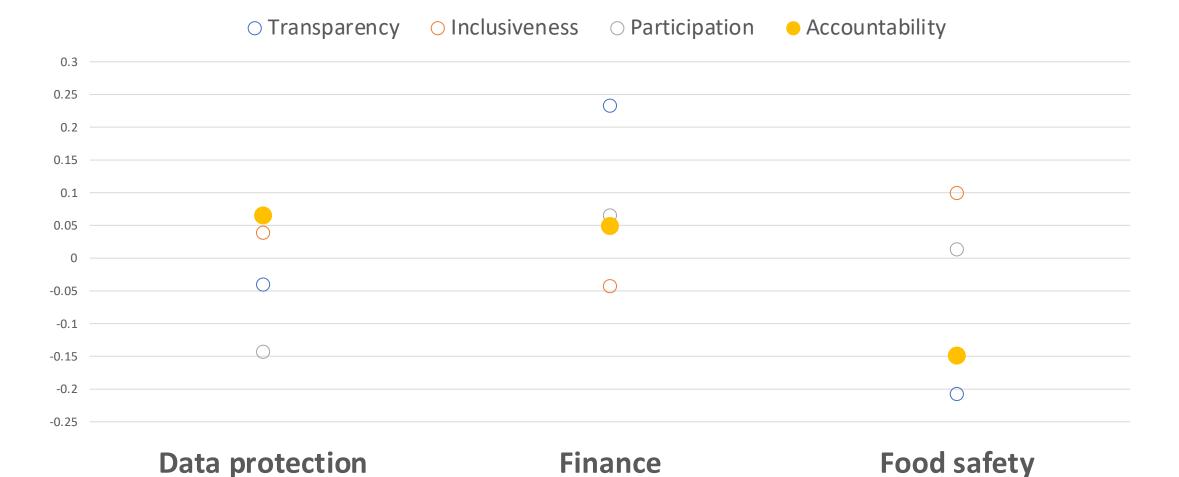
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Food safety



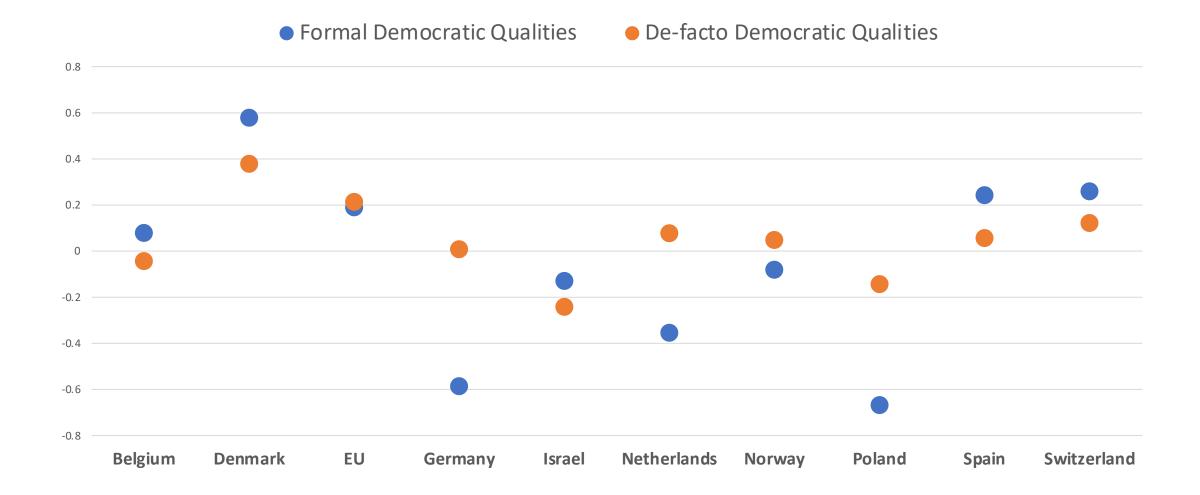






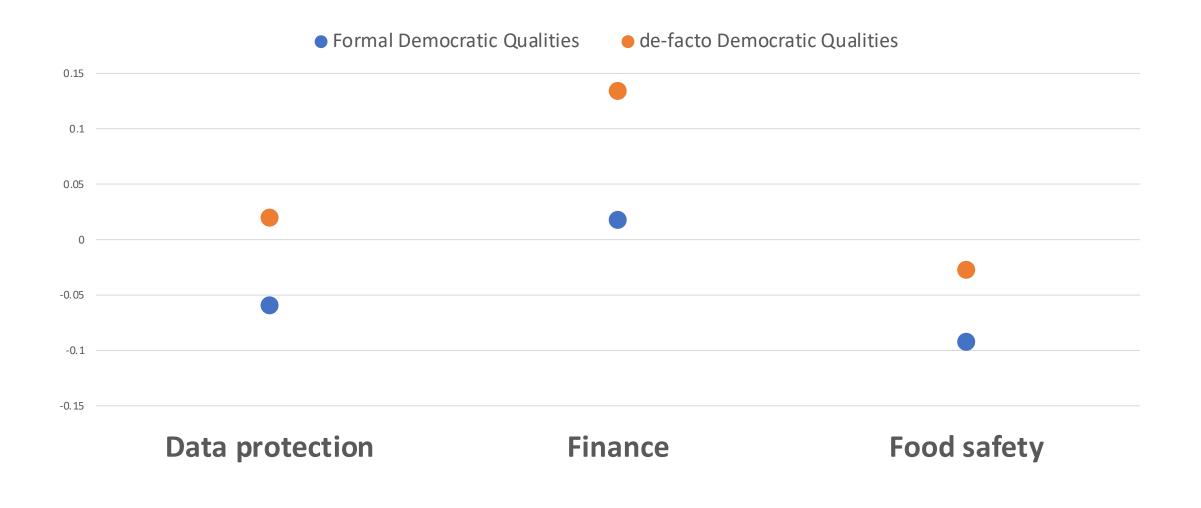


Dimension comparison of DQs (aggregated), per country





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

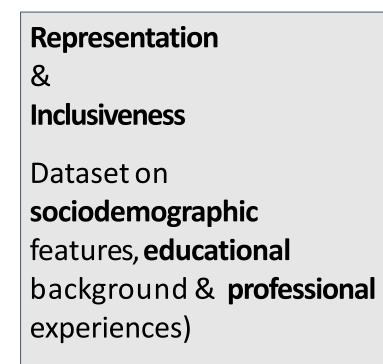


Zooming into representation & inclusiveness

- 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



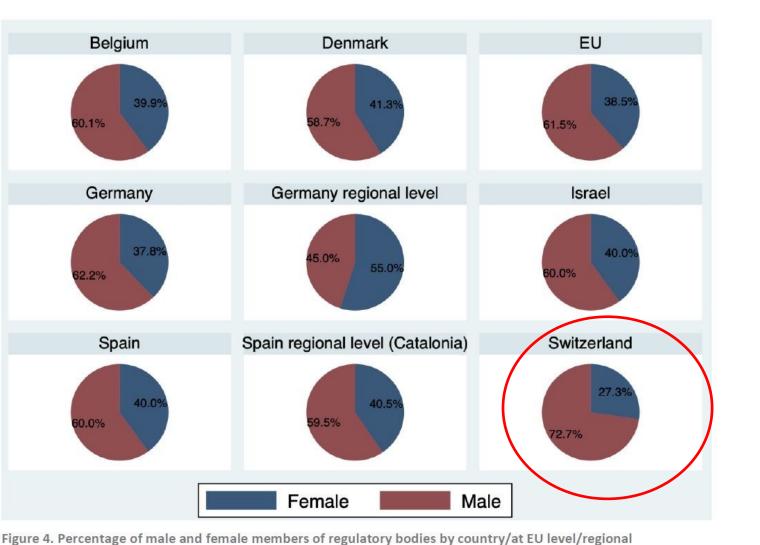


 National agencies or ministries (Belgium, Denmark, the EU Germany, Israel, Spain & Switzerland)
/ regional agency (Germany, Spain & Switzerland)

- •1059 individuals (highranking / reps in governing bodies):
 - Data protection: 110
 - Finance: 533
 - Food Safety: 416



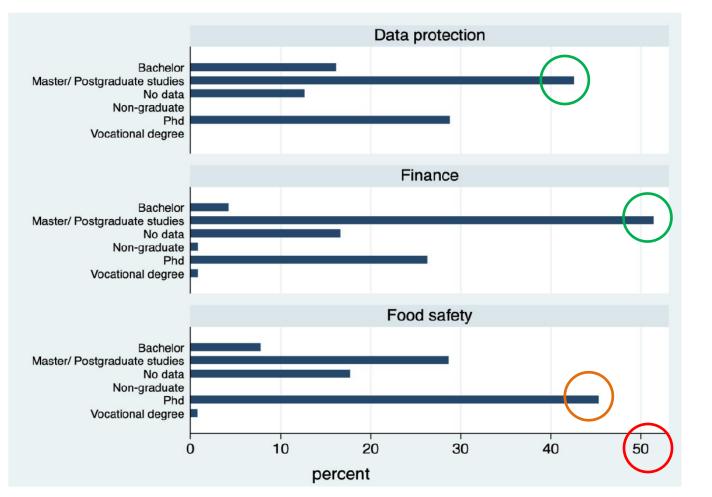
Gender representation



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



Educational level

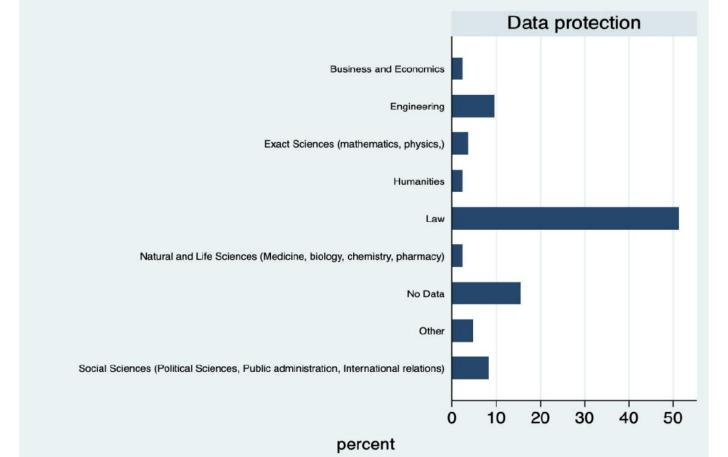


- Over 40% with MA in all sectorsFinance: over 50%
- Over 40% with Ph.D. in Food Safety / Germany almost 60% for all three sectors
- Bodies characterized as having a high level of expertise in terms of knowledge

Figure 5. Educational level by policy sector



Field of education



- 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

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



Professional experience in different spheres

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

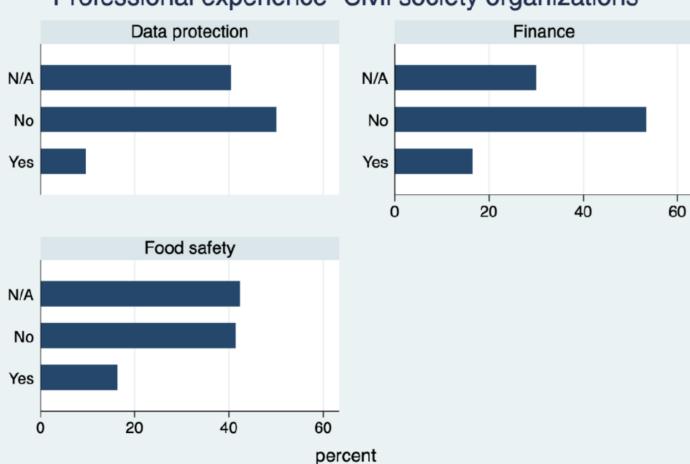
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Body	Public sector national	Public sector-EU	Private sector	Civil society organizatior		Academia full time	Trade unions	International organizations
Belgium	81.1	7.7	39	41	7.3	30.9	3.9	4.7
Denmark	46	6.4	59	7.9	0	17.5	22.2	1.6
EU agencies	51.3	25.6	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





- 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!







האוניברסיטה העברית בירושלים THE HEBREW UNIVERSITY OF JERUSALEM

Deutsche Universität für Verwaltungswissenschaften Speyer

AARHUS UNIVERSITY











This project has received funding from the European Union's Horizon 2020 research and innovation programme under grant agreement No 870722 (TiGRE).

