
This is the **accepted version** of the journal article:

Font, Nuria; Pérez Durán, Ixchel. «The European Parliament oversight of EU agencies through written questions». *Journal of European Public Policy*, Vol. 23 Núm. 9 (20 2016), p. 1349-1366. DOI 10.1080/13501763.2015.1076875

This version is available at <https://ddd.uab.cat/record/257642>

under the terms of the  ^{IN} COPYRIGHT license

The European Parliament oversight of EU agencies through written questions¹

Nuria Font and Ixchel Pérez Durán

ABSTRACT

The reinforcement of the legislative and oversight powers of the European Parliament by virtue of successive treaty reforms over the last two decades has been in parallel with an expanding process of agency creation at the European Union (EU) level. While these two institutional developments entail major transformations of legislative-executive relations in the EU, the European Parliament oversight of EU agencies remains an underexplored topic of research. Based on an original dataset on parliamentary written questions overseeing EU agencies asked during the 2009-2014 Legislature, the paper analyses Members of the European Parliament (MEPs) questioning activity overseeing EU agencies. The paper argues that legislative oversight of agencies through written questions is driven by MEPs national party opposition status as well as by agency salience and size.

KEY WORDS EU agencies; European Parliament; oversight; written questions

¹ This manuscript is the accepted version for publication at *Journal of European Public Policy* 23(9): 1349-1366. <https://doi.org/10.1080/13501763.2015.1076875>

1. INTRODUCTION

The expanding process of agency creation at the European Union (EU) level over the last two decades has resulted in the creation of 35 decentralised agencies covering a wide range of policy areas. The agencification process in the EU has raised concerns about the democratic legitimacy of these bodies and enhanced the need to reinforce their control and accountability (e.g. Buess 2015, Busuioc 2013, Wonka and Rittberger 2011). Certainly, there are several EU institutional actors involved in overseeing EU agencies and holding them to account, including the European Parliament, the Council, the Commission, the Court of Justice, the Court of Auditors and the Ombudsman (see Busuioc 2013). Among these, the Commission is often perceived as performing a more active monitoring function (Egeberg and Trondal 2011, Egeberg et al. 2014), whereas the European Parliament has only recently become concerned with scrutinising agencies (Busuioc 2013, Lord 2011). While, arguably, fragmented oversight might lead to oversight overlap and overload, there are good reasons to claim that the European Parliament is a key actor in the supervision of EU agencies. First, following treaty reforms, the European Parliament has reinforced its powers as a colegislator and, consequently, has introduced legislative amendments enhancing parliamentary oversight of agencies, possibly leading to an improvement in agency accountability and legitimacy (Busuioc 2013, Lord 2011). Second, beyond the specificity of the EU institutional system, legislative oversight is considered to be a key parliamentary function in contemporary democracies (Strøm 2000).

The extant literature has examined how the enhanced European Parliament involvement in agency design has resulted in the adoption of stronger accountability mechanisms (Kelemen 2002, Kelemen and Tarrant 2011, Wonka and Rittberger 2010, Trauner 2012) as well as how accountability relationships between the European Parliament and EU

agencies are structured (Bach and Fleischer 2012, Busuioc 2013, Groenleer 2009, Jacobs 2014, Trauner 2012). While most studies on accountability and control of agencies have focused on parliamentary committees, oversight through written questions remains an underexplored topic of research. This paper poses the following questions: why do Members of the European Parliament (MEPs) ask written questions to overseeing agencies? The main contribution of this study to the extant literature on legislative oversight in the EU is to provide empirical evidence corroborating the idea that both parliamentary and agency features matter in legislative oversight.

This study is based on an original dyadic dataset on parliamentary written questions overseeing EU agencies during the 2009-2014 Legislature. The data serve to describe our dependent variable, and test a series of hypotheses derived from research both on parliamentary oversight and on delegation. The paper argues that MEPs exercise legislative oversight through written questions selectively, and that MEPs are more likely to perform questioning activity when they are in national opposition parties and when agencies are salient and large. The paper proceeds as follows. First, it presents the theoretical discussion on which this study is grounded as well as the hypotheses proposed. Then, the method and operationalisation of the variables are described. This is followed by the empirical results and analysis. The final section presents the conclusions and a discussion of some of the implications of the results.

2. PARLIAMENTARY OVERSIGHT THROUGH WRITTEN QUESTIONS

Parliamentary oversight has generally been conceptualised as the legislative supervision and monitoring of the decisions and actions of executive agents (McCubbins et al. 1987, Ogul and Rockman 1990). Literature on legislative oversight has commonly built on the

classical distinction between ‘police patrol’ and ‘fire-alarm’ forms of oversight to differentiate active, centralised and direct scrutiny of the executive branch, from a less active, less centralised, and less direct oversight (McCubbins and Schwartz 1984). In the EU context, legislative oversight of the EU executive branch has attracted growing scholarly attention (Blom-Hansen 2005, Busuioc 2013, Franchino 2007, Hix 2000, Kassim and Menon 2003, Jensen 2007, Jensen et al. 2013, Jun 2003, Proksch and Slapin 2010). However, there are only a few studies on parliamentary oversight of EU agencies. Among them, Busuioc (2013) shows that the European Parliament committees conduct ‘fire-alarm’ oversight by focusing on salient aspects of agencies instead of overseeing the whole performance. Bach and Fleischer (2014) indicate that the European Parliament engages in control functions mainly through budget committees rather than specialised committees, and Jacobs (2014) suggests that the parliament is involved in the oversight of agencies unevenly. From a different perspective, Trauner (2012) argues that the European Parliament has partially compensated, in post-delegation, for constrained ex ante legal involvement in the Area of Freedom, Security and Justice.

There are several parliamentary tools that allow the European Parliament to scrutinise the EU executive branch, for instance parliamentary questions, hearings and budgetary discharge. While we acknowledge the chief function of these devices (see for instance Busuioc 2013, Jun 2003), we also believe that there are reasons that justify the focus on written questions. First, written questions allow individual MEPs to solicit information and signal to the executive (Jensen et al. 2013, Martin 2011, Proksch and Slapin 2010, Raunio 1996, Saalfeld 2000, Wiberg 1995). This is a key aspect in our study. While, as previous contributions indicate, the European Parliament committees display varying oversight practices across agencies (Busuioc 2013), we do not know whether oversight

through questioning mechanisms available to individual MEPs provides a distinctive oversight pattern. Second, written questions have proven to be effective instruments to alert the Commission about improper implementation in the Member States and, as reported, they may originate at least 5 per cent of the Commission's own initiative infringement procedures against Member States (Jensen et al. 2013). It is important to note that, on monitoring EU agencies, written questions provide MEPs with an indirect oversight tool. This is because, according to Rule of Procedure 117 of the 7th European Parliament, 'Any Member may put questions for written answer to the President of the European Council, the Council, the Commission or the Vice President of the Commission/HR of the Union for FASC'. In practice, written questions are normally addressed to the Commission, which forwards them to the agency and then returns answers to MEPs (Egeberg et al. 2014). Given that the Commission normally has an intermediate position in the parliamentary questioning activity, we assume that MEPs use written questions as an oversight mechanism to control, via the Commission, the decisions and actions made by EU agencies.

3. EXPLAINING OVERSIGHT

The question of European Parliament oversight of EU executive actors has been addressed from both parliament and agency perspectives. As regards the former, recent studies on parliamentary oversight commonly reject the idea that the European Parliament is a unitary actor and often focus on MEP features. In relation therewith, recent studies show that national parties influence MEPs oversight behaviour (Jensen et al. 2013, Jun 2003, Proksch and Slapin 2010, Saalfeld 2000). In particular, studies by Jensen et al. (2013) and Proksch and Slapin (2010) demonstrate that MEPs from

national opposition parties have stronger incentives than MEPs from national governing parties to pursue executive oversight through the use of written questions to Commissioners. The argument is that written questions provide a means for national opposition parties with representation in the European Parliament, thus without representation in the Council, to monitor executive actors, reduce informational asymmetries on EU issues and perform fire-alarm oversight (Proksch and Slapin 2010). Based on this idea, it is reasonable to expect that a similar pattern occurs as regards written questions overseeing EU agencies, as these bodies constitute an important component of EU executive politics. We propose the following hypothesis.

H1. MEPs from parties in national opposition are more likely to ask written questions overseeing EU agencies than MEPs from parties in national government.

Alternative explanations of parliamentary oversight can be focused on executive actors' attributes. We know from the literature on delegation that agency features are often associated with political control and accountability (e.g. Gilardi 2002, Koop 2014, Ringquist et al. 2003). On this basis, we derive hypotheses from the literature proposing arguments based on agency properties.

The delegation of executive powers to non-majoritarian agencies at the EU level has raised growing concerns about democratic legitimacy (Busuioc 2013, Lord 2011, Wonka and Rittberger 2010 and 2011). As EU agencies have gained powers and independence, politicians have tended to design agencies in a way to make them more accountable to legislators, courts and stakeholders. In this study, we adopt Bovens' (2007) concept of accountability, defined as a relationship between an actor and a forum through which the actor has the obligation to inform and justify his or her conduct, the

forum can pose questions and pass judgement, and the actor may face sanctions in case of misbehaviour. There are certain reasons to believe that agency formal accountability, as defined in statutory regulations, has effects on legislative oversight, but in what direction? At first glance, one could think that higher formal accountability might result in a better informed European Parliament, following agency establishment and, consequently, in a lower parliamentary need to ask questions about the most formally accountable agencies. That is, if the most formally accountable agencies accomplished their reporting and justifying obligations, MEPs would have a higher amount of information and less need to ask questions on agency performance. However, we know from previous research that the relationship between de jure and de facto accountability of EU agencies is not straightforward (Busuioc 2013). Moreover, we expect that, when legislators had concerns about making certain agencies more formally accountable at the establishment stage (Kelemen 2002), they most likely anticipated future preferences to widely scrutinise these bodies during post-delegation. If this holds, oversight questions might be one possible effect of such anticipated expectations. Thus, we hypothesize that:

H2. MEPs are more likely to ask oversight written questions when agencies have higher degrees of formal accountability.

Political salience is another explanation put forward by the literature on delegation and political control (Bach 2014, Hanretty and Koop 2012, Egeberg and Trondal 2011, Pollitt et al. 2005). We understand political salience as the amount of political attention and public discussion policy issues raise (Eisner et al. 2006). Empirical research has demonstrated that agencies attract varying degrees of public debate and media attention, and politicians tend to be more concerned with agencies that deal with highly salient issues. Calvert et al. (1989), in their analysis of bureaucratic agents in the American

federal government, indicate that, ‘all else equal’, when politicians attach relevance to policy areas, agencies tend to be less independent. Similarly, Ringquist et al. (2003), in their study of US regulatory agencies, found a relationship between political salience and policy-makers’ willingness to control administrative agencies. In the European context, recent studies show that elected politicians are more inclined to exercise oversight of salient independent agencies (Koop 2014, Pollitt et al. 2005). At the supranational level, parliaments tend to enhance oversight mechanisms when decision-making becomes more salient (Busuioc 2013, Egeberg and Trondal 2011). This leads us to formulate the following hypothesis.

H3a. MEPs are more likely to ask oversight written questions when agencies are more salient.

Political salience attracts legislative attention, all other factors being equal (Ringquist et al. 2003). However, the effect of salience on oversight questions might be different depending on the tasks agencies perform. The specialised literature has explored the relationships between regulation as the main function performed by agencies and political control (Bach 2014, Pollitt et al. 2005). By regulation we refer to rule-making, evaluation and sanctioning powers in the implementation of EU policies (Hanretty and Koop 2012, Kelemen 2002). In the EU context, Egeberg and Trondal (2011) indicate that the Commission, the Council and the European Parliament tend to increase their position and influence both in agencies generating high political debate and in those performing (quasi)regulatory tasks. If this holds, we may expect the European Parliament to concentrate oversight questioning activity on the more salient agencies when the latter perform regulatory activities.

H3b. MEPs are more likely to ask oversight written questions when agencies are more salient, if the latter perform regulatory tasks.

Another argument put forward in the literature to explain parliamentary oversight refers to the size of agencies, although research provides mixed results. In a study of legislative supervision, Wiberg (1995) finds no relationship between the size of public sector and parliamentary questions. However, studies focusing on delegation indicate that politicians have more incentives to exercise oversight of well-resourced agencies, because these bodies may generate greater risk in case of underperformance (Pollitt et al. 2005). In the EU context, Wonka and Rittberger (2010) suggest that the Member States may agree to provide agencies with large staff when these need to fulfil more functions. Insofar as the EU decides to invest a larger amount of resources in certain agencies and not in others, larger agencies are more likely to generate policy and regulatory expectations among political principals and thus become more subject to parliamentary oversight. Our final hypothesis is therefore:

H4. MEPs are more likely to ask oversight written questions when agencies are larger.

4. METHODS AND DATA

In order to test both MEP and agency-specific explanatory variables of parliamentary oversight through written questions, we recorded the number of written questions asked by each MEP referring to any of the 35 agencies existing during the 7th Legislature. The data were taken from the European Parliament Legislative Observatory. In order to operationalise our dependent variable we proceeded in two steps. We first coded the content of all written questions asked by MEPs referring to any of the 35 existing

decentralised agencies. Given that parliamentary questions may have different purposes, we selected those pursuing an oversight of the agency. According to our operationalisation, oversight questions on EU agencies as opposed to non-oversight questions meet two criteria. First, they must contain the full name or acronym of the agency in the wording of the question. Second, they must have as a main objective to supervise how the agency fulfils its mandate, namely as regards the agency's compliance with governance rules, budget implementation and policy performance (Pérez-Durán 2016). By way of example, the following question on EUROPOL was coded as oversight:

‘What criteria does Europol employ to determine when individuals should be monitored? Other than those involved in or suspected of crime, what other categories of persons are or may be monitored?’¹

Instead, the following question refers to EUROPOL's activity but its primary purpose is not to oversee the agency:

‘Europol's annual report notes an escalation of the activities of groups with terrorist aims in Europe. Specifically, it states that the number of attacks showed a significant increase in 2009 (43 per cent) in relation to the previous year. Does the Commission have information as to which countries have experienced and reported the most acts of terrorism? Has the Commission conducted studies on the causes (political, economic, or social) of the increase in cases of crime and terrorism in Europe? What did they conclude? Does the Commission intend further to increase Europol's powers with regard to combating terrorism and organised crime?’¹

We identified 1,636 written questions that referred to any of the 35 EU agencies. Among these, 425 were coded as pursuing oversight functions. When questions were tabled by more than one MEP, we recorded each MEP. Similarly, when questions referred to the supervision of two or more agencies, we recorded each agency. In this way, we recorded a total of 635 questions. Ninety-eight per cent of them were addressed to the Commission.

Once written questions were coded, we created a dyadic dataset that included all possible MEP-agency combinations. We excluded impossible pairs occurring when MEPs left the parliament before certain agencies were created. The dataset contains 29,683 MEP-agency dyads. In order to operationalise our dependent variable, we created a dichotomous variable indicating for each dyad whether or not MEPs asked written oversight questions targeted at the respective agency (yes=1, otherwise=0).

The dataset provides information on both MEPs and agencies. Regarding the former, around 30 per cent of MEPs tabled questions monitoring agencies. On average, each MEP asked 0.5 questions, with values ranging from none to 65. Oversight questions were asked by MEPs from all political groups. Interestingly, the sample of MEPs asking oversight questions proved to be highly representative of the 7th EP in terms of political composition (Pearson's $r=0.99$, significant at $p<0.0001$). However, MEPs questioning activity varies across political groups. MEPs from the two largest groups (EPP and S&D), with 61 per cent of parliamentary representation overall, concentrated 36.7 per cent of written questions, whereas MEPs from minority groups, having 39 per cent of representation, asked 63.3 per cent of the questions. Moreover, the Eurosceptics (Efd) and the Non-attached MEPs, with 7.9 per cent of representation, asked 34.6 per cent of the questions. Differences are also reflected when calculating the mean number of questions asked by MEPs across groups. The Non-attached are the most active MEPs in

terms of questioning activity, although 57 per cent of the questions by Independents were asked by a single MEP, Hans-Peter Martin. MEPs from GUE/NGL, GREENS/EFA and Efd are on average slightly more active than MEPs from majority groups. Regarding member states, Italian MEPs authored the highest number of questions, followed by the Austrian, British, French and German MEPs. Regarding the oversight questioning activity of MEPs according to the committees to which they belong, ECON, ENVI and LIBE members are the most active, as compared with JURI, PETI and CULT members. Variations in the number of questions asked by committee MEPs could, however, be associated with committee size (Pearson's $r=0.64$, significant at $p<0.01$) and with the fact that committees are responsible for a varying number of agencies (Pearson's $r=0.71$, significant at $p<0.001$), ranging from none (e.g. AFCO) to five (e.g. LIBE and ENVI). Members of the same committee seem to behave differently in relation to agency monitoring. Interestingly, committee liaison MEPs to EFSA, FRONTEX and EMA, which are three of the agencies receiving more questions, did not ask any question overseeing the respective agency during the 7th term. Finally, the data also reveal that 44 per cent of the questions were asked by MEPs who were in national party opposition during their full period in office, while only 12 per cent were in national party government during their parliamentary tenure. We also observed that roughly three quarters of the questions were asked by MEPs from national opposition parties at the time of the question.

From the agency side, MEPs oversee agencies selectively, prioritising a handful of these bodies and leaving most of them almost without scrutiny: 27 agencies each record less than 3 per cent of the total questions asked by MEPs; four agencies (EASA, EUROJUST, EUROPOL and FRA) each received between 4 and 6 per cent of the

questions; three agencies (EBA, EMA and FRONTEX) each received between 10 and 13 per cent; and EFSA concentrated around 24 per cent of the questions.

We operationalised the independent variables as follows. For national opposition, we calculated the share of the 7th EP for which MEPs' national parties were in opposition or had no parliamentary representation. The score ranges from 0 (in national government for the whole period in office) to 1 (in national opposition for the whole period). We based our calculations on the Parties and Elections in Europe database.¹

For the operationalisation of formal accountability, we employed a measure constructed by Font (2015), which is conceptually based on Bovens' (2007) three accountability dimensions: information, explanation and sanction. In the calculation of the measure, 15 accountability provisions were identified and clustered in the three corresponding dimensions. The information dimension comprises provisions establishing the agency's obligation to provide the Commission, the Council and the European Parliament with information on annual work programmes, annual reports, annual budget accounts or any information upon request. The explanation dimension encompasses provisions requiring agency directors or candidate directors to report and answer questions through hearings before the Council or the corresponding European Parliament committee. Finally, the sanction dimension comprises provisions establishing the possibility of removing agency directors and the possibility of the European Parliament not discharging agency budgets. The Cronbach's alpha reliability coefficient of the measure is 0.85, suggesting that the internal consistency between the 15 accountability items is high. The measure is the result of the mean value of the three dimensions. The scores may range from 0 (no formal accountability) to 1 (highest degree of formal accountability).

The operationalisation of political salience is based on the salience of the agency rather than the policy sector (Elgie and McMenamin 2005, Koop 2011). Measures of political salience in the EU context may comprise public opinion surveys, procedural data and media coverage, although these may provide different results (Warntjen 2011). In this study, public opinion surveys are discarded since they do not provide information covering the vast spectrum of EU agencies. Typical procedural measures such as parliamentary questions would cause endogeneity problems. We used media attention as a proxy for agency salience. The measure is based on the assumption that more salient agencies receive more extensive media coverage. Building on previous operationalisations (Rasmussen and Reh 2013, Reh et al. 2013), we employed the Lexis-Nexis Academic database to calculate the number of times each agency was mentioned in the most relevant European printed media published in English, French, German, Italian and Spanish during the four complete years within the 7th Legislature, that is between the 1st of January 2010 and the 31st of December 2013.¹ Since one might argue that this measure could generate endogeneity problems, given that media may write about agencies when the latter are addressed in parliamentary questions, we also calculated media salience for the previous legislative period and checked whether salient agencies during the 7th Legislature had also been salient during the 6th. As 7 agencies had not yet been created during the previous term, we calculated the correlations for the remaining 28 agencies and confirmed that both measures have virtually a total positive correlation (Pearson's $r=0.99$, significant at $p<0.0001$). Other than this, the data showed that certain agencies received more media coverage in certain Member States, namely FRONTEX in German and Italian newspapers, EBA in the British and French press, and Europol in the Spanish media. Since our measure is

composed of 24 newspapers published in eight Member States, this bias is expected to be minimised.

Partly building on previous classifications of EU agency tasks (Busuioc 2013, Wonka and Rittberger 2010), we created a dichotomous variable distinguishing agencies performing regulatory and non-regulatory activities. The former encompass one or several of the following tasks: making decisions on an individual basis, issuing product certifications and recommendations, providing technical assistance to the Commission and the Member States, and conducting inspections and investigations. Non-regulatory agencies undertake information gathering, network coordination and service delivery functions.

Agency size is operationalised taking the overall agency staff in 2012. The information was taken from the Court of Auditors' 2012 report on the annual audits of the European Agencies. For the four cases for which the Court's report did not contain such information, our source was agency annual reports.¹ In order to ensure that agencies are not salient because they are large, we checked that the association between both variables was low (Pearson's $r=0.17$) and not statistically significant.

We introduced both MEPs and agency controls. We created dummies for political groups in the European Parliament. We also controlled for MEPs period in office, calculated in days, on the understanding that MEPs with shorter tenure have fewer opportunities to ask questions (Proksch and Slapin 2010). Shorter period may be either because a Member State joined the EU during the 7th term, as was the case of Croatian MEPs, or due to parliamentary turnover. We also controlled for whether agencies' founding regulations were adopted through the codecision procedure on the assumption that codecision has allowed the European Parliament to gain control of agencies through

the introduction of amendments during agency creation (Busuioc 2013, Lord 2011). We created a dichotomous variable assigning value 1 to codecision, and 0 otherwise. Based on the idea that actual agency independence may be affected by agency age (Maggetti 2007) and that the oldest EU agencies have had more time to build relations with the European Parliament (Busuioc 2013), we controlled for agency age. This variable is calculated by subtracting the year when the founding regulations were adopted from 2013. Table 1 includes the descriptive statistics for the variables included in the analysis (political groups dummies not reported) as well as the expected effect of the predictors.

Table 1 Descriptive statistics

	Mean	SD	Minimum	Maximum	Prediction
MEP-agency dyad (DV)	0.014	0.12	0	1	
National opposition	0.53	0.37	0	1	+
Formal accountability	0.62	0.23	0.11	0.93	+
Salience	170.1	344.2	0	1,546	+
Regulatory task	0.37	0.48	0	1	+
Staff size	172.1	189.4	16	775	+
Time in office (days)	1595.7	449.9	12	1812	+
Codecision	0.57	0.49	0	1	+
Agency age	12.3	8.86	2	38	-

5. ANALYSIS

Since our dependent variable indicates whether or not MEPs asked written oversight questions to any of the existing EU agencies, and given that dependencies among observations are normally found in dyadic data, we estimated a mixed effects logistic model with crossed random effects for both MEPs and agencies. We estimate four models. Model 1 tests Hypothesis 1 on national opposition party as a main predictor. It

includes MEP-level control variables: dummies for political groups, with the biggest group EPP as the reference category, and MEPs period in office. Model 2 tests agency properties hypothesis by including formal accountability, salience, regulatory function and agency size. Model 2 also includes codecision and agency age as agency-level controls. Model 3 adds an interaction between agency salience and regulatory task. Model 4 is a full model including all independent and control variables. Table 2 reports the coefficients and the standard deviation for the two random effects.

Table 2 European Parliament oversight of EU agencies through written questions

(EP7)

	M1	M2	M3	M4
National opposition	0.61*** (0.21)			0.61*** (0.21)
Formal accountability		-0.56 (0.92)	-0.52 (0.91)	-0.54 (0.93)
Saliency		0.02*** (0.004)	0.02*** (0.006)	0.02*** (0.006)
Regulation		-0.09 (0.39)	-0.25 (0.45)	-0.25 (0.46)
Saliency*regulation			0.006 (0.008)	0.006 (0.008)
Agency size		0.002*** (0.001)	0.003*** (0.001)	0.003*** (0.001)
Controls				
Political group (ref.: EPP)				
PSE	-0.13 (0.18)			-0.13 (0.18)
ALDE	0.51** (0.21)			0.50** (0.21)
The Greens	-0.04 (0.28)			-0.05 (0.28)
ECR	-0.01 (0.28)			-0.02 (0.29)
GUE/NGL	0.07 (0.31)			0.06 (0.32)
Efd	0.87*** (0.29)			0.87*** (0.30)
NI	0.85*** (0.31)			0.84*** (0.31)
Time in office	0.0005*** (0.00)			0.0005*** (0.00)
Codecision		0.65 (0.40)	0.65* (0.39)	0.66 (0.40)
Agency age		-0.02 (0.02)	-0.02 (0.02)	-0.02 (0.02)
Constant	-6.98*** (0.41)	-6.22*** (0.73)	-6.20*** (0.72)	-7.43*** (0.79)
Random effects				
MEPs (sd)	0.92 (0.08)	1.06 (0.08)	1.06 (0.08)	0.95 (0.08)
Agencies (sd)	1.38 (0.19)	0.72 (0.12)	0.71 (0.12)	0.73 (0.12)
Log-likelihood	-1801.3616	-1815.295	-1815.0226	-1788.9722
AIC	3626.723	3648.59	3650.045	3626.723
BIC	3726.303	3723.275	3733.029	3726.303
Observations (dyads)	29,683	29,683	29,683	29,683

***p<0.01, **p<0.05, *p<0.1. Standard errors in parentheses.

The results confirm Hypothesis 1 on MEPs national party opposition status. According to models 1 and 4, MEPs are significantly more likely to ask written questions overseeing agencies when they are in national opposition than when they are in governing parties ($p < 0.01$). More specifically, based on model 4, the predicted probability of asking written questions overseeing agencies when MEP are always in national government is 0.6 per cent. The probability moves to 0.8 per cent when MEPs spend fifty per cent of their tenure in national opposition and increases to 1 per cent when their party is always in national opposition. The results are in line with the argument that MEPs national party opposition status leads to more intense oversight questioning in the European Parliament (Jensen et al. 2013, Proksch and Slapin 2010). MEPs in national opposition have more incentives to perform oversight activity over agencies through questions than MEPs from parties in national government, most probably as a means to compensate for informational disadvantages and as a way to gain visibility in parliamentary politics. MEP-related controls in models 1 and 4 also provide interesting results. MEPs across political groups perform differently. ALDE, Eurosceptic and Non-attached MEPs are more likely to ask written questions overseeing agencies than MEPs from other political groups. There is also a significant effect of the duration of MEPs in office on written questions.

The results show that several agency attributes also have effects on parliamentary question activity. As expected in Hypothesis 3a, MEPs are more likely to ask written questions when agencies are more salient. This variable reaches statistical significance ($p < 0.01$) in models 2, 3 and 4.¹ In particular, a shift from the minimum to the maximum value of salience increases the probability of asking written questions overseeing agencies from 0.3 per cent to 8 per cent. This result would suggest that MEPs selectively focus on those agencies that generate higher degrees of media attention and

devote less oversight questioning activity to those attracting lower degrees of public debate. One possible explanation is that, as oversight is costly, MEPs prefer to put more effort into questioning agencies that deal with issues that are higher on the public agenda, regarding which parliamentarians may have stronger political preferences.

Model 3 tests Hypothesis 3b by including an interaction between salience and regulation. The interaction term does not reach statistical significance and the effect of the main term is maintained for regulatory and non-regulatory agencies. In addition, the inclusion of the interaction in model 3 does not improve the log-likelihood with respect to model 2. Taking the estimates of model 4, we plotted the predicted probabilities of asking oversight questions at different levels of salience for agencies performing regulatory and non-regulatory tasks (not reported here). We detect that the effect of salience is slightly higher for regulatory agencies at the highest values of salience, but the differences between regulatory and non-regulatory functions are substantively small and non-significant. Consistent with Hypothesis 4, staff size yields statistical significance at $p < 0.01$ in models 2, 3 and 4. That is, written questions scrutinising agencies are more likely to occur in larger agencies. The predicted probability for staff size moves from roughly 0.6 per cent to 3 percent when shifting from the smallest to the largest agency. The results do not support Hypothesis 2 on formal accountability. Codecision only reaches statistical significance ($p < 0.1$) in model 3 but is not significant in models 2 and 4. Agency age control is not statistically significant. Finally, Table 3 reports the predicted probabilities of the independent and control variables that reached statistical significance in model 4.

Table 3 Predicted probabilities of asking questions overseeing agencies

	Minimum value	Maximum value	Percentage change
Nat. opposition	0.006 (0.002; 0.01)	0.011 (0.005; 0.017)	78%
Saliency	0.003 (0.002; 0.004)	0.083 (0.012; 0.154)	2.723%
Agency size	0.006 (0.002; 0.01)	0.03 (0.003; 0.058)	414%
Political group			
ALDE	0.008 (0.004; 0.013)	0.013 (0.005; 0.021)	59%
Efd	0.008 (0.004; 0.013)	0.018 (0.006; 0.031)	121%
NI	0.008 (0.004; 0.013)	0.017 (0.005; 0.03)	115%
Time in office	0.004 (0.001; 0.007)	0.009 (0.004; 0.014)	141%

Note: 95% confidence intervals in parentheses.

We conducted several robustness checks. We ran the models without the control variables and with different operationalisations of the dependent variable. We omitted EFSA in order to check whether the results were driven by this individual agency. Since we had an outlier MEP, we also re-ran all models with the outcome variable omitting this outlier. We finally ran the regressions without EFSA and without the outlier MEP. Most results (not reported here) remain practically unchanged in terms of model fit and in relation to the coefficients and statistical significance of the predictors.

6. CONCLUSIONS

This study provides original empirical evidence measuring, characterising and proposing accounts for the European Parliament oversight of EU agencies through written questions. One first empirical finding is that less than one third of MEPs asked questions overseeing EU agencies and that oversight questions are addressed selectively to agencies. The main contribution of this study is that oversight of EU agencies

through questions is affected by certain features characterising both legislative and executive actors. That is, when providing accounts for legislative oversight, it is necessary to look at both sides of the oversight relationship.

On the parliamentary side, our results are consistent with the argument that MEPs belonging to parties in national opposition tend to ask more oversight questions than MEPs in national government. This suggests that MEPs with minimal access to decision-making have stronger incentives to perform questioning activity in order to compensate for informational disadvantages and to exert control over EU executive bodies (Jensen et al. 2013, Proksch and Slapin 2010). More generally, the results suggest the idea that national party politics influences the delegation dimension of legislative-executive relationships at the EU level.

On the agency side, legislative oversight through written questions is concentrated in agencies generating a higher degree of public debate. In a nutshell, MEPs direct oversight efforts to those agencies that are deemed to be important because these bodies deal with highly visible and sensitive issues. This finding is consistent with previous contributions identifying an association between political salience and agency accountability (Hanretty and Koop 2012, Koop 2014) as well as those indicating that the European Parliament and its committees focus on the most politicised agencies and agency features (Busuioc 2013, Egeberg and Trondal 2011). Another important finding consistent with previous studies on delegation (Pollitt et al. 2005) is that legislative oversight through questions tends to be stronger in the largest agencies. As large bureaucratic structures have been assigned a large amount of resources, most certainly in order to develop wider organisational capacities and perform more extensive policy tasks, these bodies may raise stronger scrutinising concerns among legislative principals.

With previous studies indicating that European Parliament committees display uneven degrees of interest and involvement in the monitoring of EU agencies (Busuioc 2013), we wanted to check whether written questions, as instruments available to all MEPs, reflected a distinctive oversight pattern. The evidence reveals that roughly three quarters of EU agencies, which spend approximately 50 per cent of the EU's agency budget, hardly receive question-type oversight attention. This would imply that the European Parliament is barely concerned with overseeing agencies as a constituent part of the EU executive branch but focuses on a small portion of these bodies. The idea that parliamentary oversight is selectively performed may raise concerns about legitimacy deficits in the EU. With the democratic legitimacy of EU non-majoritarian institutions often being contested (Buess 2014, Wonka and Rittberger 2011), selective oversight would hardly contribute to the legitimacy of delegation. Written questions –along with other oversight instruments– have the potential to improve agency performance and accountability. Future research agenda would benefit from investigating the complete cycle of oversight questions by looking at their impact on agency activity and legitimacy.

Biographical notes: Nuria Font is an Associate Professor of Political Science at the Universitat Autònoma de Barcelona. Ixchel Pérez Durán is Post-doctoral Research Fellow at the Institut Barcelona d'Estudis Internacionals (IBEI).

Addresses for correspondence: Nuria Font, Department of Political Science and Public Law, Universitat Autònoma de Barcelona, Edifici B, 08193 Bellaterra, Barcelona, Spain. email: nuria.font@uab.es / Ixchel Pérez Durán, Institut Barcelona d'Estudis Internacionals (IBEI), Carrer de Ramon Trias Fargas, 25, 08005 Barcelona, Spain. email: iperez@ibei.org.

ACKNOWLEDGEMENTS

This research was financially supported by the Spanish Ministry of Economy and Competitiveness (Grant number CSO2012-31443). We are grateful to the two anonymous reviewers for their valuable comments and recommendations on previous versions of this article.

NOTES

¹ Question asked by Nick Griffin MEP.

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2010-2594+0+DOC+XML+V0//EN&language=EN> (last accessed: 17 May 2015).

² Question asked by Georgios Papanikolaou MEP.

<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+WQ+E-2010-7961+0+DOC+XML+V0//EN&language=EN> (last accessed: 17 May 2015).

³ <http://www.parties-and-elections.eu/countries.html> (last accessed: 17 May 2015).

⁴ Newspapers covered: Daily Mail, The Guardian, The Independent, The Observer, The Sun, The Times (United Kingdom); The Irish Times (Ireland); Le Figaro, Le Monde, L'Indépendant (France); L'Echo (Belgium); Frankfurter Rundschau, Der Tagesspiegel, Die Tageszeitung, Die Welt (Germany); Der Standard, Die Presse (Austria); Il Corriere, La Stampa, La Nazione, Il Giorno (Italy); El País, El Mundo, ABC (Spain) (last accessed: 15 November 2014).

⁵ http://www.eca.europa.eu/Lists/ECADocuments/SUMMARY_AGENCIES/Summary_Report_Agencies_en.pdf (last accessed: 17 May 2015). Not included in the report: EDA, EUISS, EULISA and EUSC.

⁶ We rescaled the variable salience by dividing it by 10 in order to enable better interpretation.

REFERENCES

- Bach, T. (2014) 'The autonomy of government agencies in Germany and Norway: explaining variation in management autonomy across countries and agencies', *International Review of Administrative Sciences* 80(2): 341–361.
- Bach, T. and Fleischer, J. (2012) 'The parliamentary accountability of European Union and national agencies', in M. Busuioc, M. Groenleer and J. Trondal (eds.), *The agency phenomenon in the European Union: Emergence: institutionalisation and everyday decision-making*, Manchester: Manchester University Press, pp. 152–171.
- Blom-Hansen, J. (2005) 'Principals, Agents, and the Implementation of EU Cohesion Policy', *Journal of European Public Policy* 12 (4): 624–648.

- Buess, M. (2015) 'European Union agencies and their management boards: an assessment of accountability and democratic legitimacy', *Journal of European Public Policy* 22(1): 94–111.
- Busuioc, M. (2013) *European Agencies: Law and Practices of Accountability*, Oxford: Oxford University Press.
- Bovens, M. (2007) 'Analysing and Assessing Accountability: A Conceptual Framework', *European Law Journal* 13(4): 447–468.
- Calvert, R., McCubbins, M.D. and Weingast, B.R. (1989) 'A theory of political control and agency discretion', *American Journal of Political Science* 33(3): 588–611.
- Egeberg, M. and Trondal, J. (2011) 'EU-level agencies: new executive centre formation or vehicles for national control?', *Journal of European Public Policy* 18(6): 868–887.
- Egeberg, M., Trondal, J. and Vestlund, N.M. (2014) 'The quest for order: unravelling the relationship between the European Commission and the European Union agencies', *Journal of European Public Policy* 36(7): 659–676.
- Eisner, M.A., Worsham, J. and Ringquist, E.J. (2006) *Contemporary Regulatory Policy*, Boulder: Lynne Rienner Publishers.
- Elgie, R. and McMennamin, I. (2005) 'Credible Commitment, Political Uncertainty or Policy Complexity? Explaining Variations in the Independence of Non-majoritarian Institutions in France', *British Journal of Political Science* 35(3): 531–548.
- Font, N. (2015) 'Designing Accountability Regimes at the European Union Level', in A. Bianculli., J. Jordana and X. Fernández-Marín (eds), *Accountability and Regulatory Governance. Audiences. Controls and Responsibilities in the Politics of Regulation*, London: Palgrave, pp. 123-142.
- Franchino, F. (2007) *The powers of the Union: Delegation in the EU*, Cambridge: Cambridge University Press.
- Gilardi, F. (2002) 'Policy Credibility and Delegation to Independent Regulatory Agencies: A Comparative Empirical Analysis', *Journal of European Public Policy* 9(6): 873–893.
- Groenleer, M. (2009) *The Autonomy of European Union Agencies*, Delft: Eburon.
- Hanretty, C. and Koop, C. (2012) 'Measuring the formal independence of regulatory agencies', *Journal of European Public Policy* 19(2): 198–216.
- Hix, S. (2000) 'Parliamentary oversight of executive power: what role for the European parliament in comitology?', in T. Christiansen and E. Kirchner (eds.), *Committee Governance in the European Union*, Manchester: Manchester University Press, pp. 62-78.

- Jacobs, F. (2014) 'EU Agencies and the European Parliament', in M. Everson, C. Monda and E. Vos (eds), *European Agencies in between Institutions and Member States*, The Netherlands: Wolters Kluwer, pp. 201-228.
- Jensen, C.B. (2007) 'Implementing Europe: A Question of Oversight', *European Union Politics* 8(4): 451-477.
- Jensen, C.B., Proksch, S.O. and Slapin, J.B. (2013) 'Parliamentary Questions, Oversight and National Opposition Status in the European Parliament', *Legislative Studies Quarterly* 38(2): 259-282.
- Jun, H.W. (2003) 'Catching the Runaway Bureaucracy in Brussels. Euro-Parliamentarians in Budgetary Politics', *European Union Politics* 4(4): 421-445.
- Kassim, H. and Menon A. (2003) 'The principal-agent approach and the study of the European Union: promise unfulfilled?', *Journal of European Public Policy* 10(1): 121-139.
- Kelemen, D. (2002) 'The Politics of Eurocratic Structure and the New European Agencies', *West European Politics* 25(4): 93-118.
- Kelemen, D. and Tarrant A.D. (2011) 'The Political Foundations of the Eurocracy', *West European Politics* 34(5): 922-947.
- Koop, C. (2011) 'Explaining the Accountability of Independent Agencies: The Importance of Political Salience', *Journal of Public Policy* 31(02): 209-234.
- Koop, C. (2014) 'Theorizing and Explaining Voluntary Accountability', *Public Administration* 92(3): 565-581.
- Lord, C. (2011) 'The European Parliament and the legitimation of agencification', *Journal of European Public Policy* 18(6):909-925.
- Maggetti, M. (2007) 'De facto independence after delegation: A fuzzy-set analysis', *Regulation & Governance* 1(4): 271-294.
- Martin, S. (2011) 'Parliamentary Questions, the Behaviour of Legislators, and the Function of Legislatures: An Introduction', *The Journal of Legislative Studies* 17(3): 259-270.
- McCubbins, M.D. and Schwartz, T. (1984) 'Congressional Oversight Overlooked: Police Patrols versus Fire Alarms', *American Journal of Political Science* 28(1): 165-179.
- McCubbins, M.D., Noll, R. and Weingast, B. (1987) 'Administrative procedures as instruments of political control', *Journal of Law, Economics and Organization* 3: 242-279.
- Ogul, M.S. and Rockman, B.A. (1990) 'Overseeing Oversight: New Departures and Old Problems', *Legislative Studies Quarterly* 15(1): 5-24.

- Pérez-Durán, I. (2016) 'Assessing formal accountability for public policies: The case of health policy in Spain', *International Review of Administrative Sciences* 82(4). Onlinefirst June 2015.
- Pollitt, C., Talbot, C., Caulfield, J. and Smullen, A.(2005) *Agencies: How Governments do Things Through Semi-Autonomous Organizations*, New York: Palgrave.
- Proksch, S.O. and Slapin, J.B. (2010) 'Parliamentary questions and oversight in the European Union', *European Journal of Political Research* 50(1): 53–79.
- Rasmussen, A. and Reh, C. (2013) 'The consequences of concluding codecision early: trilogues and intra-institutional bargaining success', *Journal of European Public Policy* 20(7):1006–1024.
- Raunio, T. (1996) 'Parliamentary Questions in the European Parliament: Representation, Information and Control', *Journal of Legislative Studies* 2(4): 356–382.
- Reh, C., Héritier, A., Bressanelli, E. and Koop, C. (2013) 'The Informal Politics of Legislation: Explaining Secluded Decision Making in the European Union', *Comparative Political Studies* 46(9): 1112–1142.
- Ringquist, E.J. and Worsham, J. (2003) 'Salience, Complexity, and the Legislative Direction of Regulatory Bureaucracies', *Journal of Public Administration. Research and Theory* 13(2): 141–164.
- Saalfeld, T. (2000) 'Members of parliament and governments in Western Europe: Agency relations and problems of oversight', *European Journal of Political Research* 37: 353–376.
- Strøm, K. (2000) 'Delegation and accountability in parliamentary democracies', *European Journal of Political Research* 37(3): 261–289.
- Trauner, F. (2012) 'The European Parliament and Agency Control in the Area of Freedom. Security and Justice', *West European Politics* 35(4): 784–802.
- Warntjen, A. (2011) 'Measuring salience in EU legislative politics', *European Union Politics* 13(1): 168–182.
- Wiberg, M. (1995) 'Parliamentary Questioning: Control by Communication?', in H. Döring (ed.), *Parliaments and Majority Rule in Western Europe*, Frankfurt/New York: Campus Verlag, pp. 179–222.
- Wonka, A. and Rittberger, B. (2010) 'Credibility. Complexity and Uncertainty: Explaining the Institutional Independence of 29 EU Agencies', *West European Politics* 33(4): 730–752.
- Wonka, A. and Rittberger, B. (2011) 'Perspectives on EU governance: an empirical assessment of the political attitudes of EU agency professionals', *Journal of European Public Policy* 18(6): 888–908.