

# Managing the river basin.

The role of regional authorities in the European Union  
administrative system

**Marthe Indset**

Dissertation submitted for the degree of Ph.D. in Political Science  
Department of Political Science, University of Oslo

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*This dissertation is dedicated to the beautiful memory of  
my dear nephew Esten Pedersen Indset,  
and my very best friend Åsa Bukkvoll Steinberg.  
You are with me. Always*



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# Preface

Working with this dissertation has been a privilege, and given me the opportunity to study research questions at the core of my academic heart. For this, I am immensely grateful to the Norwegian Institute for Urban and Regional Research at OsloMet – Oslo Metropolitan University. I thank Hilde Lorentzen who has been the director of NIBR while I was working on this project, my former leader at NIBR Trine Monica Myrvold, and my present leader Erik Henningsen, for their facilitation and backing throughout this period.

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My final thanks go to my three guys at home: Ask, Paul and Tor Gaute, for your invaluable presence, backing and encouragement, which has meant everything.

Oslo, January 2020

Marthe Indset

# Summary

## **Managing the river basin. The role of regional authorities in the European Union administrative system**

The PhD. dissertation studies how the quest for more sustainable and ecosystem based water management affects coordination practices of bureaucrats across institutional divides, policy sectors and government levels, with a view to illuminate whether and how administrative integration deepens down to the regional level of government and practitioner stage of policy implementation. The principal research question is: How, why and under what conditions are institutions at the regional level of government organized into an EU administrative system?

The PhD. departs empirically from studying the implementation of the EU Water framework directive (WFD) in Sweden and Norway. The WFD (directive 2000/60/EC) establishes an administrative framework for the coherent protection of entire water ecosystems. It was adopted in 2000, at a time when political-administrative systems in many European countries were marked by two-three decades of New Public Management (NPM) reforms. The NPM focus had made the public sector in many countries increasingly fragmented, characterized by structural devolution, decentralization and specialized, single-purpose organizations (Christensen & Lægreid, 2007, pp. 9-10; Pollitt & Bouckaert, 2011, pp. 105, 169). By the same token, EU water policy was underpinned by a patchy regulatory framework with more than 20 directives regulating specialized aspects of water. There was a growing consensus that water policy was fragmented in terms of objectives, means and management, and in need of a more coherent framework. The WFD aims to safeguard the aquatic environment based on river basin management as an administrative principle. A river basin constitutes the natural drainage area of the water itself. The directive obliges all authorities with tasks affecting water to coordinate their actions “for the whole of the river basin district” (WFD preamble (35), Art.3 §4). This implies a complex coordination challenge, refocusing both horizontal and vertical coordination, and the establishment of the river basin district as new administrative units in the European administrative system.

Applying institutionalist perspectives on administrative action and change, the study is motivated by an ambition to include subnational, regional systems into the research on an evolving multilevel union administration. In recent years, the rise of novel and more direct forms of administrative interaction and cooperation between actors at the EU and national levels have gained attention. The development has led to more loosely coupled systems and “double-hatted administration”, i.e. national agencies serving both an EU and a national principal (Curtin & Egeberg, 2009). This is observed primarily for agencies at national level. However lately, the European Commission has focused more strongly on administrative processes in the member

states, promoting strategies to advance multilevel implementation practices ‘on the ground’ (Newig & Koontz, 2014; Thomann & Zhelyazkova, 2017). These actions concern the possible deepening of a European administrative system, and the issue of how the EU affects practices, interactions and administrative structures at subnational levels. If the EU is expanding its voice in the member states’ implementation processes through new forms of coupling and coordination, this could further challenge the principles of national administrative autonomy and indirect implementation. On this basis, the current dissertation links public administration research with regional government studies and the issue of Europeanization, examining whether, how and why regional authorities are becoming more multi-hatted, coordinating among several principals when shaping and implementing policies in water management.

Conducted as an embedded case study, the dissertation consists of three articles, each dealing with individual aspects of the WFD implementation process. Article 1, “The changing organization of multilevel water management in the European Union. Going with the flow”, is published in *International Journal of Public Organization* (Indset, 2017). It documents from a case study of the Common Implementation Strategy (CIS), a European level transnational network established to facilitate the achievements of the WFD. The research questions examined in the article are: What type of network structure is the CIS and how does it accommodate for coordination? What are the effects of this type of network structure? The article examines the role of the European Commission as an executive centre through the CIS, and whether and how the European Commission and the CIS connect with and encompass the regional, river basin district level of governance in its coordination efforts.

Article 2, “Building bridges over troubled waters: Administrative change at the regional level in European, multilevel water management”, is published in *Regional and Federal Studies* (Indset, 2018). It shifts focus to domestic WFD implementation in Sweden and Norway and examines the following questions: How can we explain administrative change at the domestic, regional level of governance in unitary state systems, in relation to the implementation of EU-law? How do similar political-administrative systems come to establish differing administrative arrangements? What role do domestic factors play?

Article 3 “Regions as loosely coupled systems: the differential impacts on administrative behaviour” is under the process of being submitted to an academic journal. It compares how actual implementation unfolds, i.e. coordination behaviour and administrative practices at the regional level in Norway and Sweden, based on the following questions: How do ground-level implementers at the regional level of government practice and coordinate EU legislation? How do differences in organization affect horizontal and vertical coordination patterns? Do differing organizational settings impact on how independently ground-level bureaucrats operate from their political-administrative leaders (at the regional level)?

The following main results can be highlighted from the dissertation: First, findings support the argument that transnational networks at the EU level contribute to a gradual centralization of executive tasks and strengthened capacity of the Commission as an executive. Indset (2018) (article 1) displays how the CIS activities are geared towards developing administrative instruments and procedures for the river basin district level and practitioner stage of WFD implementation. This is a capacity-building effort, and endeavours to overcome the administrative and policy fragmentation in water management, by centralizing a coordination regime that extends across sectors and levels of government, beyond the direct socializing contact of the network.

Second, while previous research has identified double-hatted administration in the implementation of EU legislation, the current thesis demonstrates ‘double-hattedness’ also in the build-up of administrative structures. In Sweden and Norway, WFD transposition led to distinct



but differing administrative structures at the regional, river basin district level, which is puzzling given the similarities of the two political-administrative systems. (Indset, 2018) (article 2) shows how administrative requirements imposed from the EU worked not only vertically as exogenous adaptation pressures, but were crafted against the political-administrative contexts in the member states, shaping preferences and adaptive behaviour in path-dependent ways. The novel administrative RBD arrangements appear as embedded within a larger institutional environment, pointing at endogenous processes of administrative change.

Article 3 displays how EU incentives affected coordination behaviour and administrative practices at the regional level in Sweden and Norway. The studied regional level bureaucrats coordinate in a multi-hatted manner when they practice the WFD, more loosely coupled from their home institutions. However, they do so in differing ways, owing to differences in organization at the regional level. The findings are interesting, as direct interaction between the regional bureaucrats under study and EU level executives is limited. Instead, the article points at the relevance and presence of procedure-based rules and coordination mechanisms. It suggests that procedure-oriented coordination mechanisms may serve an additional 'glue' in inter-institutional relations, and in the development of a multilevel union administration.

Taken together, the dissertation proposes that beyond the effects of direct organizational interaction, there is a potential for indirect governance through procedural rules. This should not be neglected in research on multilevel systems. The dissertation also brings attention to the central role of domestic political-administrative dynamics, including the subnational regional level, for understanding how the EU multilevel administration develops.

# Abbreviations

CIS	Common Implementation Strategy
Commission	European Commission
Council	The Council of the EU
DG	Directorate-General of the Commission
EEA	European Economic Area
EEA	European Environment Agency
EFTA	European Free Trade Association
ERN	European regulatory network
EQO	Ecological quality objective
ESA	Efta Surveillance Authority
Etc.	Etcetera
EU	European Union
i.e.	That is (id est)
MS	Member states of the EU
NEA	The Norwegian Environment Agency
NGO	Non-governmental organization
NPM	New public management
PoM	Program of Measures
RBD	River basin district
SCG	Strategic Coordination Group
SwAM	Swedish Agency for Marine and Water Management
WAPABAT	Water Pollution Abatement in a System of Multilevel Governance
WFD	Water framework directive
WISE	Water information system for Europe

# 1 Introduction

## 1.1 Topic and research questions

This dissertation studies regional authorities in the European Union (EU) multilevel administration. It examines how the quest for more sustainable and ecosystem based water management affects the everyday coordination practices of authorities across institutional divides, policy sectors and governance levels, with a view to illuminate whether and how integration deepens down to the regional level of government and practitioner stage of policy implementation. The principal research question of the dissertation is: How, why and under what conditions are institutions at the regional level of government organized into a European, administrative system?

In the EU, there has been a development from traditional, indirect administration – where legislation adopted by supranational institutions was left to national governments and their administrations for implementation – towards more compound and direct forms where EU level executives are more closely involved in policy implementation (Egeberg, 2006b; Majone, 2000). In the academic literature, significant attention has been devoted to the development of administrative capacities at EU level, and the changing role of national regulatory agencies interacting closely with EU level executives to facilitate policy implementation (Bauer & Trondal, 2015; Curtin & Egeberg, 2009; Kassim, Peterson, Bauer, Connolly, & Dehousse, 2013; Mastenbroek & Martinsen, 2018; Rittberger & Wonka, 2012). More direct forms of administrative coordination have gradually consolidated as a pattern in the harmonization of EU law (Egeberg & Trondal, 2016), and seen to give rise to “double hatted administration”, i.e. agents serving both an EU and a national principal, where the European Commission emerges as an executive centre vis-a-vis national governments (Curtin & Egeberg, 2009; Danielsen & Yesilkagit, 2014; Martens, 2010). These observations are interpreted as a development towards a more integrated multilevel union administration, partly challenging the administrative sovereignty of the state (H. Hofmann, 2009; Mastenbroek, 2018, p. 831). However, in this research literature, the role of subnational authorities is scantily illuminated.

In Europe, subnational authorities are numerous and heterogeneous, and integrated in their domestic state hierarchies (even more so in unitary states). These features make regular contact with EU-level bodies complicated. Yet, over the years, a cumulative scholarship has studied how participation and decision-making in the EU gradually have become more shared between supranational, national, regional and local governments (Bache & Flinders, 2005; Enderlein, Wälti, & Zürn, 2010; Hooghe, 1996a; Hooghe & Marks, 2001; Keating, 2008; G. Marks, 1993). Subnational authorities participate in EU affairs, although in a differential manner, conditioned by factors such as domestic devolution levels, policy area and preference intensity (Bache, 2008; Bauer & Börzel, 2010; Tatham, 2016). As for the ‘gate-keeping role’ of the state, subnational involvement in Brussels is found to take place both by collaborating with the state level and by bypassing it (Elias, 2008; Keating, Hooghe, & Tatham, 2015; Tatham, 2010, 2016). Subnational involvement has also contributed to new forms of coordination through networks and task-specific arrangements ‘in the shadow of hierarchy’ (Heritier & Rhodes, 2011; Hooghe & Marks, 2010).

Still, in this literature, the focus tends to be on vertical processes, on subnational participation as a 'levels game' and mobilization at the EU level (Hooghe & Marks, 2001; Moore, 2008; Tatham, 2015, 2016). In real life, subnational governments are composite systems, characterized by multiple goals, tasks, and organizational arrangements. Yet, they tend to be studied as coherent units, despite the attention in the literature on networks and task-specific participation. Arguably, the everyday work, the underlying administrative dimension, the possible dynamics and impacts *at* subnational levels are not sufficiently studied.

Over the recent years, the European Commission (Commission) has promoted strategies to advance multilevel implementation by focusing more strongly on administrative processes in the member states (Heidbreder, 2015; Newig & Koontz, 2014; Sabel & Zeitlin, 2008). This is evident in policy approaches such as the Urban Agenda and Smart Cities, and several directives prescribing more decentralized forms of administration and coordination at subnational governance levels.<sup>1</sup> The development indicates that practices, coordination behaviour, dynamics and implications *at* subnational levels should be incorporated into the analysis on the evolving multilevel union administration. The current dissertation is motivated from this research puzzle: Subnational authorities implement and put into life a rather complex set of EU rules, while the resulting ground-level practices and implications are scantily understood.

Empirically, the dissertation departs from studying the implementation of the EU Water framework directive (WFD) in Sweden and Norway, which establishes an administrative framework for the coherent protection and management of entire water ecosystems. The directive involves a complex coordination challenge and the establishment of *river basin districts* as new administrative units at the subnational, regional level.<sup>2</sup> The framework for integrated water management thus concerns the possible deepening of a multilevel union administration and the issue of how the EU affects ground-level practices, interactions and administrative structures at subnational, regional levels. If the EU is expanding its voice in the member states' implementation processes through new forms of coupling and coordination, it could further affect the territorial, administrative coherence of the state and indirect implementation. On this basis, the current dissertation links public administration research with regional government studies and the issue of Europeanization, by studying whether, how and why regional authorities are becoming more double- or multi-hatted, coordinating between several principals when implementing and practicing integrated water management. The dissertation maps the multilevel chain of implementation and coordination, from the EU level via national ministries and agencies, and to the regional, practitioner level of governance, and compares the implementation of the WFD in the two unitary states Sweden and Norway.

By scrutinizing how the administrative requirements of the WFD are interpreted, implemented and put into practice, the aim is to illuminate and explain the dynamics that emerge vertically *across* government levels and horizontally *at* the regional level, with a view to better understand implications for the regional level of government. This necessitates examining behavioural dynamics at the regional level, as well as across levels, i.e. how the constitutive parts of the multilevel implementation structure are organized, how they connect as well as the mechanisms that explain the links. To this purpose, the dissertation documents from an embedded case study, in which three articles examine sub-parts that together constitute the system, and how each part sheds light on the overall phenomenon: the role of regional level authorities in EU multilevel administration.

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<sup>1</sup> The Structural funds directives, the Air Quality Directive, the Natura 2000 directives and the Water framework directive.

<sup>2</sup> For a detailed introduction of the WFD, please see section 1.2.4

The three articles each deals with demarcated aspects of the WFD implementation process, examining from different angles how, why and under what conditions institutions at the regional level of government are organized into a European, administrative system. **Article 1** documents from a case study of the Common Implementation Strategy (CIS), an EU level transnational network established to facilitate the achievements of the WFD. The questions examined in the article are: What type of network structure is the CIS and how does it accommodate for coordination? What are the effects of this type of network structure? They illuminate the main research question by examining the role of the Commission as an executive centre through the CIS, and whether and how the Commission and the CIS encompass the regional, river basin district level of governance in its coordination efforts. In this way, the article deals with supranational, administrative capacity-building and vertical coordination (Indset, 2017).

**Article 2** shifts focus to the domestic implementation processes in Sweden and Norway. It addresses the principal research question by examining dynamics and conditions at the transposition-phase, comparing and explaining how the differential administrative arrangements at the regional, river basin district level in Norway and Sweden came about. The following questions are examined: How can we explain administrative change at the domestic, regional level of governance in unitary state systems, in relation to the implementation of EU-law? How do similar political-administrative systems come to establish differing administrative arrangements? What role do domestic factors play? These questions are relevant for analysing how regional authorities acquired their roles in the WFD water management process (Indset, 2018).

**Article 3** compares administrative practices, horizontal and vertical coordination behaviour at the regional level in Norway and Sweden, based on the following questions: How do ground-level implementers at the regional level of government practice and coordinate EU legislation? How do differences in organization affect horizontal and vertical coordination patterns? Do differing organizational settings impact on how independently ground-level bureaucrats operate from their political-administrative leaders (at the regional level)? In this way, the third article sheds light on the main research question by comparing how regional level administration becomes integrated into EU multilevel implementation, i.e. impacts in terms of coordination behaviour, administrative practices and potential fragmentation at regional level.

The three articles represent sub-cases of multilevel implementation that together constitute the system, and document how the subcases relate to the phenomenon as a whole: regional authorities in the multilevel union administration. Article 1 brings attention to supranational capacity building in the form of a regulatory network, examining whether and how this capacity-building concerns the sub-national, river basin level. Article 2 compares the differing paths of administrative change that took place in Sweden and Norway in relation to WFD implementation, with a view to explaining Europeanization at the regional tier of government. Article 3 examines effects of the novel administrative structures on regional bureaucratic coordination behaviour and administrative practices.

The following main results can be highlighted from the dissertation: First, findings support the argument that transnational networks at the EU level contribute to a gradual centralization of executive tasks and strengthened capacity of the Commission as an executive. Indset (2018) (article 1) displays how the CIS activities are geared towards developing administrative instruments and procedures for the river basin district level and practitioner stage of WFD implementation. This is a capacity-building effort, and endeavours to overcome the administrative and policy fragmentation in water management, by centralizing a coordination regime that extends across sectors and levels of government, beyond the direct socializing contact of the network.

Second, while previous research has identified double-hatted administration in the implementation of EU legislation, the current thesis demonstrates ‘double-hattedness’ also in the build-up of administrative structures. In Sweden and Norway, WFD transposition led to distinct but somewhat differential administrative structures at the regional, river basin district level. Whereas the two countries are rather similar political-administrative systems, (Indset, 2018) (article 2) shows how administrative requirements imposed from the EU worked not only vertically as exogenous adaptation pressures, but were crafted against the political-administrative contexts in the member states, shaping preferences and adaptive behaviour in a path-dependent way. Instrumental, power-oriented and historical-institutionalist behavioural logics abraded against each other, creating ‘endogenous processes of Europeanization’, creating ‘endogenous processes of Europeanization’.

Article 3 displays how EU incentives affected coordination behaviour and administrative practices at the regional level in Sweden and Norway. Regional level bureaucrats coordinate in a multi-hatted manner when they practice the WFD, more loosely coupled from their home institutions. However, they do so in differing ways, owing to differences in organization at the regional level. The findings are interesting, as direct interaction between the regional bureaucrats under study and EU level executives is limited. Instead, the article points at the relevance and presence of procedure-based rules and coordination mechanisms. It suggests that procedure-oriented coordination mechanisms may serve an additional ‘glue’ in inter-institutional relations, and in the development of a multilevel union administration.

Taken together, the dissertation proposes that beyond the effects of direct organizational interaction, there is a potential for indirect governance through procedural rules. This should not be neglected in research on multilevel systems. The dissertation also brings attention to the central role of domestic political-administrative dynamics, including the subnational regional level, for understanding how the EU multilevel administration develops.

## 1.2 Background: EU multilevel administration and transformation at subnational governance levels

### 1.2.1 Regional authority as units of analysis

European regions are heterogeneous, and vary along a range of factors such as size, autonomy, functions, economy, organization, etc. Seeing regions as public entities with a territorial scope, situated between the central and local levels of government, with legislative and/or executive institutions leave Europe with about 419 regions ranging from the German Länder with populations of several millions, to counties in small, unitary states with some ten thousand inhabitants (Bauer & Börzel, 2010, p. 253).

The role of regions in the EU was firmly put on the research agenda with Liesbet Hooghe and Gary Mark’s introduction of ‘multi-level governance’ (G. Marks, 1993, p. 392; Gary Marks, Hooghe, & Blank, 1996, p. 346). They rejected the view that subnational actors were nested exclusively within states, and anticipated more inter-connected decision-making among political actors across levels of government (Hooghe & Marks, 2001). Since then, a cumulative scholarship has documented differential forms of subnational interaction in EU affairs. Their involvement have influenced the emergence of informal policy arenas, partnerships and networks outside the

primary hierarchical order (Bache, 2008; Bache & Flinders, 2005; Enderlein et al., 2010; Heritier & Lehmkuhl, 2008; Heritier & Rhodes, 2011; Hooghe & Marks, 2003). Insight is gained about devolution levels and dispersion of power across regions, policy areas and governance levels (Bache, 2012; Jensen, Koop, & Tatham, 2014; Keating, 2008; Keating et al., 2015; Tatham, 2016).

However, in this literature, regional authorities are often treated as territorially coherent entities. Their mobilization vis-a-vis the EU, for instance through the Committee of the Regions, the establishment of regional offices in Brussels, and participation in differing consultation processes are well documented (Elias, 2008; Moore, 2008; Tatham, 2015). Whether and how involvement in EU policy processes takes place in collaboration with their national authorities, or outside national coordinating frameworks, have also been a central topic (Bache, 2008; Högenhauer, 2014; Keating et al., 2015; Tatham, 2010, 2016). Yet, these levels-dynamics tend to be weakly related to horizontal impacts and dynamics *at* the regional level, illuminating how the composite character of regional authorities may trigger dynamics. Whether and how involvement in EU policy processes affects governance, organization, coordination, routines and practices at subnational levels need to be better studied.

There is an evolving literature that deals with the diffusion of authority and new forms of governance through networks, committees or partnerships (Bache, 2012; Heritier & Rhodes, 2011; Keating, 2016). For instance, Hooghe and Marks (2003, 2005, 2010) introduced ‘types of multi-level governance’, conceptualizing how jurisdictions can be organized in differing ways. Type 1 governance is conventional, territorial jurisdictions operating at just a few levels (Hooghe & Marks, 2010, p. 22). They are general-purpose with functions bundled together, have a stable architecture and non-intersecting memberships. Type 2 governance denotes task-specific jurisdictions targeting specific policy problems (Hooghe & Marks, 2010, pp. 20-21). The memberships are intersecting and the capacity to take collective decisions is diffused among a variety of actors. The two types can be complementary, however also exerting a “growing dissociation between territorial constituencies and functional competencies” (Hooghe & Marks, 2005, p. 24). Although the distinction between the two types has captured the institutional heterogeneity in multilevel governance (Bache, 2008; Hooghe, 1996b), it also involves some analytical challenges. One is how the two forms relate and trigger interactive dynamics. A second issue concerns the broad categories, which make it problematic to analytically account for *differing* type 1 arrangements. The same can be argued for various type 2 arrangements. For instance, how different type 1 jurisdictions interact with and respond to the EU when implementing EU legislation, and the resulting regional impacts, should be analytically taken into account. A third issue involves the possibility that only administrative parts of jurisdictions become engaged in multilevel governance.

The current thesis deals with these aspects. It studies administrative practices and coordination behaviour of regional level bureaucrats that are primary affiliated to different territorially integrated, general-purpose institutions (type 1). Whereas the bureaucrats participate in external coordination structures (secondary structures to which they are affiliated part-time), article 3 examines how they operate and coordinate within and between the primary and secondary structures. It is further examined whether the involvement affects fragmentation at the regional level, and the exercise of administrative discretion.

## 1.2.2 Administrative integration: how does it matter

We may think of integration in two qualitatively different ways (Egeberg, 2006a, p. 14). First, different parts may become more tightly connected as relatively coherent units. This image is reflected through the traditional state-centric approaches to the EU, where European states are

seen as the key providers of order and change through intergovernmental bargaining and domestic 'gatekeeping' (Moravcsik, 1998). The second perspective on integration implies new patterns of cooperation and coordination that cut across constitutive organizational parts, as a result of new divisions of labour (Egeberg, 2006a, p. 14). In this case, integration is expected to emerge along new patterns such as sectoral or functional patterns, challenging pre-existing territorial orders. Applying the two perspectives on regional jurisdictions suggest that the latter approach to integration implies seeing regional authority through the lenses of J. March and Olsen (1989, pp. 18, 22), as more or less tightly coupled systems sustained by rules and organized practices. As noted, the current dissertation studies multi-purpose, territorially integrated regional authorities. They are presented in more detail in section 1.2.4. A key question is whether the administrative participation in WFD implementation should be understood as *tighter connections* or *new patterns*. Relevant here, is whether increased vertical integration impacts on the horizontal connectedness, i.e. the internal integration of regional authorities.

Further, we may picture bureaucrats involved in multilevel administration through an agent-principal relationship where the bureaucrats, serving as the agent, are delegated tasks in policy implementation on behalf of a superior principal (Elsig, 2010). When studying bureaucrats at the regional level, and given the premise of loosely coupled regional structures, it should be taken into account that the number of principals may increase. Also, the salience of the policy area under study – the cross-sectoral nature of the WFD – makes the number of principals likely to rise. Thus, given that regional bureaucrats may have to coordinate between their own political-administrative leadership at the regional level, as well as with national level agencies and possible principals at the EU level, what should be studied is the phenomenon of multi-hatted administration.

Enquiring into the conditions under which EU administrative integration may develop, the dissertation analyses how vertical and horizontal integration relate, challenge or affect each other (Egeberg & Trondal, 2016). More specific, I have wanted to study whether possible enhanced coordination between some organizational units involves shifts in cooperation vis-à-vis others. I have also wanted to go beyond the bilateral principal-agent relationship by taking into account the role of multiple principals, including *whether and how* the EU level connect to implementers on the ground. This highlights the significance of mapping the multilevel chain of implementation (Blom-Hansen, 2006), i.e. how the administrative requirements of the WFD are operationalized, implemented, put into practice and enforced, to analyse how administrative integration unfolds.

### 1.2.3 From a dual administrative order to multilevel administration

Over the last decades, a growing scholarship has documented the emergence of multilevel governance, as well as an EU administrative system in the making. Traditionally, the nature of the EU and member states' relations has rested on a dual administrative order: EU institutions adopt common legislation, which is transposed by national governments and then executed by their domestic administrations. The basic norm has been that it is the prerogatives of national governments to govern internal affairs, in line with the old, Westphalian principle of non-intervention (Olsen, 2007, p. 56). This is referred to as *indirect* administration (Herwig Hofmann & Türk, 2006). This way of seeing the EU polity has underpinned intergovernmental, or state-centric approaches and studies in the academic literature, which emphasise the central role of intergovernmental bargaining at the EU level, and governments as domestic 'gatekeepers' (Moravcsik, 1998).

In current scholarship there is broad agreement that the dual administrative order is challenged. Public administrations interact and collaborate in new and more seamless ways (H. Hofmann,



2009, p. 33). The changes have particularly been ascribed to the consolidation of the Commission as a new and distinctive executive centre at the European level, capable of operating in its own right vis-à-vis the Council (Egeberg, 2006b; Kassim et al., 2013). Executive centre formation at EU level has also involved the proliferation of EU agencies, which in turn have provided the Commission with additional executive capacity (Rittberger & Wonka, 2011). Studies reveal how Commission departments (directorates-general, DGs) seek to institutionalize these bodies as their agents (Egeberg, Martens, & Trondal, 2015, pp. 339, 341). The Commission is also seen to enhance direct and hands-on administrative cooperation with national-level agencies in the member states, in order to facilitate implementation of EU legislation (Blauberger & Rittberger, 2014; Coen & Thatcher, 2008; Danielsen & Yesilkagit, 2014; Levi-Faur, 2011; Mastenbroek & Martinsen, 2018). Issue-specific, transnational networks have provided arenas where EU-level executives meet and collaborate with national level agencies of similar function and expertise (Curtin & Egeberg, 2009; Herwig Hofmann & Türk, 2006).

One important implication of this development is that national agencies have become ‘double-hatted’, meaning that they serve their respective parent ministry while also being part of a multilevel EU administration in charge of practising EU policy and, to some extent, preparing it (Egeberg & Trondal, 2016, p. 584). The key components, or ‘glue’ that pull these actors together are found to be direct socializing contact, as well as shared functions and expertise which foster joint problem solving (Egeberg, 2006b; Enderlein et al., 2010; Kassim et al., 2013; Trondal, 2001). The increased fragmentation of national governments both vertically and horizontally, which enable specialized national agencies to operate more autonomously from their parent ministries, are also seen as contributing factors (Curtin & Egeberg, 2009). It is thus recognized that a multilevel implementation structure based on sectoral harmonization has been consolidating (Burkard Eberlein & Grande, 2005; Egeberg & Trondal, 2016; Maggetti, 2014).

Research on an evolving EU administrative system has thus contributed to important insight into the emergence of qualitatively *novel patterns* of integration, affecting ‘subunits’ of public administration that gradually engage into coordination processes where they acquire multiple principals. It involves the rise of a new executive centre in the EU that combines elements of the previous, indirect order with elements of direct administration, frequently layered on top of or alongside existing structures (Curtin & Egeberg, 2009; Kassim et al., 2013; Mahoney & Thelen, 2010). This literature serves as the analytical stepping-stone of the current thesis, in order to examine the role of regional level authorities. A key issue that needs to be explored is whether and how the Commission seeks to overcome the structural hurdles between supra- and subnational levels in multilevel systems. Patterns of more direct administration may develop and deepen down to subnational levels of government and affect subnational governance levels. Another interesting claim is that more recent EU legislation is increasingly characterized by procedural, rather than substantive, regulatory approaches (Howarth, 2009, p. 394), involving the use of mechanisms that require Member States to follow specified procedures. This suggests a closer look at the EU Water framework directive.

#### 1.2.4 The EU Water framework directive: what it is and why it is important

The ongoing implementation of the Water framework directive (60/2000/EC) (WFD) in the EU serves as an intriguing case of administrative integration. Although situated in a part of the world that is relatively well organized in governmental terms and rich on water compared to many other geographic areas, European aquatic ecosystems face severe threats. About half of Europe’s rivers

and lakes are in less than good ecological status, in turn leading to habitat destruction and biodiversity loss (Commission, 2019, p. i). These challenges directly affect the sustainability of the internal market and have put more integrated policy approaches “at local, regional, national and EU levels” on the supranational agenda (EEA, 2015, p. 78).

The WFD was adopted in October 2000, at a time when political-administrative systems were marked by two-three decades of New Public Management (NPM) reforms. This had made the public sector in many European countries increasingly fragmented, characterized by structural devolution, decentralization and specialized, single-purpose organizations (Christensen & Læg Reid, 2007, pp. 9-10; Pollitt & Bouckaert, 2011, pp. 105, 169). By the same token, EU water policy was underpinned by a patchy regulatory framework with more than 20 directives regulating specialized aspects of water. There was a growing consensus that water policy was fragmented in terms of objectives, means and management, and in need of a more coherent framework (UK, 1995).

In this context, the WFD stands out as an innovative piece of legislation. It is designed to cope with one of the main problems identified in the social science literature on the management of natural resources: the collective action problem, or the tragedy of the commons, where no one really owns the entire problem, and there is a need for cooperation between a considerable number of actors with highly varying world-views, norms, interests and powers to act (Hardin, 1968, p. 1244; Olson, 1965, pp. 14-16; Ostrom, 1990, p. 6). Three main components can be highlighted from the directive:

- 1) The WFD introduces *river basin management* as an administrative principle in European law. A river basin is the natural, topographic drainage area of the water itself. The directive obliges member states to assign their river basins to territorial river basin districts (RBDs), and ensure “that the requirements of this Directive for the achievement of the environmental objectives established under Article 4, and in particular all programmes of measures are to be *coordinated for the whole of the river basin district*” (WFD art.3, my italic). In short, the principle of river basin management authorizes RBDs as the main administrative units for coherent water management across Europe. The directive further obliges the designation of Competent authorities and appropriate administrative arrangements for each RBD (WFD art.3, Annex I). In this dissertation, Competent authorities pursuant to the WFD are referred to as “RBD authorities”.
- 2) The WFD inserts a 6-years long and recurring RBD-planning process with fixed time limits and specific tasks, elaborated in the directive and annexes. Each RBD must undertake:
  - An analysis of environmental characteristics of individual river basins, followed by a review of the impact of human activity and classification of environmental status, and an economic analysis of water use (WFD art. 5)
  - A detailed system of river basin monitoring (WFD art. 8)
  - Designation of environmental quality objectives to be achieved for each river basin (WFD art. 4)
  - The production of an RBD management plan (WFD art. 13), containing inter alia: a characterization of the river basin district required under Article 5; a summary of significant pressures and impact of human activity on the status of surface water and groundwater; identification and mapping of protected areas as required by art. 6; a map and results of monitoring; a list of the environmental objectives established under Article 4; a summary of economic analysis of water use; a summary of the programme of measures, a summary of the public information and consultation measures taken; a list of competent authorities

- Preparation of a Program of Measures (PoMs) specifying how the environmental objectives are to be achieved (WFD, art. 11)
- Public information and consultation (WFD art. 14). To this purpose, RBDs also have to publish a timetable and work programme for the production of the RBD management plan, including a statement of the consultation measures to be taken

In this way, the directive and its annexes spell out a range of administrative tasks and procedures that are to be carried out per RBD.

3) The WFD introduces environmental objectives (also referred to as environmental quality norms), as a regulatory technique. Environmental objectives can be seen as legal rules specifying the necessary requirements for achieving a given environmental status, for instance ‘good ecological and environmental status’ (Backer, 2012, p. 88; Wang Andersen, 2013, p. 355).

To develop a system that is coherent across European basins, the delineation of environmental objectives rest on a spatial, procedure-oriented logic as they have to address the ecosystem baseline first, inter-calibrate the relevant components across Europe, and the methods for measuring how the various components are affected. This regulatory technique is potentially far-reaching, encompassing all abstractions of water within the aquatic eco system, such as transport, hydropower, fisheries, forestry, industry, damming etc. (Hering et al., 2010, p. 4008). It is the first time such a quality measurement system has been developed under Community law. In order to develop it, all member states needed to significantly expand their technical and scientific knowledge base through monitoring, registering (of data), and characterization (Bouleau & Pont, 2015; Hering et al., 2010). As documented in article 3 of this dissertation, this inter-calibration exercise has been coordinated through the CIS. It has been a giant task of identifying a coherent system of thresholds, parameters, indicators, assessment criteria etc., across European rivers, wetlands, fjords etc., and have gradually been included as annexes into the directive.

Taken together, the overall objective of ‘good environmental status’ of water bodies involves environmental, purposive coordination, i.e. processes whereby actors, problems and solutions are linked closer together according to a joint purpose (Trondal, 2001, p. 82). At the same time, by instigating RBDs as the main administrative units of coordination, the WFD refocuses vertical coordination below the national level, *and* cross-sectoral coordination. In this way, the WFD can be viewed as a reform effort aspiring to enhance both vertical and horizontal coordination. For the relevance of this dissertation, it should also be noted that the administrative provisions presented above expose a set of work procedures to be applied at the scale of the river basin. The central *procedural steps* of the WFD are environmental/ecological characterization and classification of individual basins, designation of environmental objectives, monitoring and reporting, public participation and measures implementation, all organized into a step-wise RBD planning process and the preparation of distinct public documents (Bouleau & Pont, 2015, p. 34; Howarth, 2009, pp. 395-397). These procedures serve as requirements in their own right. According to Newig and Koontz (2014, p. 249), the procedures serve as “the essential element of policy implementation”.

The WFD thus involves a compound and ambitious coordination challenge. How such challenges can be overcome remains among the perennial puzzles of governance (Bouckaert, Peters, & Verhoest, 2010, p. 13; Peters & Pierre, 2006, p. 118). The current dissertation is motivated by the apparent coordination puzzles in natural resources management, and the desire to detect mechanisms or pieces of the puzzle that may contribute to bringing them forward.

Although the WFD contains binding administrative provisions and procedural requirements, how these provisions are put into practice ‘on the ground’, and incorporated into daily, administrative routines are not straightforward. Sweden and Norway have chosen to delegate the function as RBD authorities partly to pre-existing authorities at the regional level of government, and partly by establishing novel administrative structures at the regional, river basin district. This makes the WFD a relevant case for studying the role of regional authorities in a European multilevel union administration.

Thus, the case selection of this dissertation is both empirically and theoretically motivated. There is an empirical interest in the role of regional-level authorities in promoting integrated water management in the EU, and a desire to contribute with in-depth knowledge regarding how they implement and practice EU legislation, how they coordinate and interact with national and EU level actors. Theoretically, the study seeks to apply the case of the WFD in order to illuminate the validity and scope of arguments about the development and functioning of a multilevel union administration (Bauer & Trondal, 2015; Curtin & Egeberg, 2009). In this way, the thesis also has a theoretically interpretative ambition, testing arguments and examine the validity of concepts for subnational authorities past the specific units and cases under examination (Bennett & Elman, 2006, p. 473), by applying the institutional perspective as a tool-kit.

### 1.3 Institutional perspectives on political-administrative action and change

The WFD puts organizational requirements centre stage, alongside environmental objectives as elaborated above. The dissertation studies coordination, decision-making behaviour and task performance not monopolized by a single actor, but divided among actors across institutional divides and levels of governance. It seeks to illuminate the role of regional authorities that are embedded in different institutional contexts. It follows from this that WFD implementation takes place in organized settings, and the current dissertation is motivated from examining how institutional variables affect the subsequent governance process, i.e. coordination and decision-making behaviour and task performance. I thus see the implementation of the WFD as a process embedded in time and rules. Studying how regional authorities are integrated into the WFD governance process means examining a) why and how organizational structures were designed, established and adapted the way they were to accommodate for river basin management, and b) how regional level bureaucrats connect to, and operate in and between these structures. Institutions are thus analysed both as dependent and independent variables, taking into account the “intermeshing of three systems: the individual, the organization and the collection of organizations that can be called the environment” (J. March, 1981, p. 571).

Common for these systems is the rule-based behaviour that takes place in organized settings (J. March & Olsen, 1984, p. 735). I depart from March and Olsen’s (1989, 2006) conceptualization of institutions as more or less tightly coupled systems sustained by rules and organized practices: “By rules we mean the routines, procedures, conventions, roles, strategies, organizational forms, and technologies around which political activity is constructed. We also mean the beliefs, paradigms, codes, cultures, and knowledge that surround, support, elaborate and contradict those roles and routines” (J. March & Olsen, 1989, p. 22). In this sense, the specific interplay of rules can be seen as normative structures that frame meaning and bias information exchange, problem-resolution and actions that guide individual choices and behaviour (Egeberg, 2009, 2012). This view of institutions rests on the notion that individual decision-making is bounded rational,

meaning that human beings are unable to simultaneously consider and process all possible alternatives and their consequences (Simon, 1991, p. 132). They apply strategies to simplify the world. Organization serves as filtering mechanisms, indicating more or less clearly what is relevant and not (Egeberg, 2012, p. 158).

There are various institutional and organizational perspectives that emphasize differing aspects of organizational life and change. An advantage of the rather broad definition of institutions is that it allows for extracting more specific and differentiated accounts. It comprises a distinction between formal and informal rules: Social action can be affected by creating 1) formal incentives and explicit arrangements, and 2) meaning and reason through socialization, affecting the way people interpret and perceive of a given situation. Thus, when analysing how institutions emerge and how they affect social action, March and Olsen's definition takes into account both the 'thin' institutional factors, such as formal arrangements, as well as the 'thicker' aspects of institutions, such as meanings, norms and identities (Danielsen, 2013, p. 25; Sverdrup, 2000, p. 15).

It also follows from the definition that rules are embedded in space. A rule may have uneven distributional implications, constraining some actors while enhancing discretion and enabling others (Mahoney & Thelen, 2010; Sheingate, 2010). Institutions adhere to a mixed set of rules, and allocate resources and empower actors differently (J. March & Olsen, 2006). Thus, an institution is not neutral, but creates biases in cognition, incentives and norms (Egeberg, Gornitzka, & Trondal, 2016, p. 33). *How* institutions are specialized and what kind of capacity that is assigned to them, are relevant for analysing organizational behaviour (Gulick, 1937). A "thin" approach to rule-based behaviour sees organizational structure as a means to achieving specific objectives (Kelemen & Tarrant, 2011). A sort of "thick", or sociological approach emphasizes standard operating procedures of the bureaucracy, rules of the constitutional order, norms and conventions rooted in the institutional organization of the polity and how "different types of institutions fit together, their interdependencies and interactions, and how change in one institution is linked to change in other institutions" (Hall & Taylor, 1996; Olsen, 2009, p. 24).

The sociological perspective also emphasizes the ambiguous nature of rules, implying that matching a specific set of rules to a given situation is not an automatic process, but contextually embedded in both space as well as time (J. March & Olsen, 1989). Rules embedded in time correspond to routines and norms that develop gradually, adding value to the formal framework (Selznick, 1957). Rules may be internalized in the social context as cultural-cognitive frameworks constituting an organization's memory that serve as reference conditions where past experiences guide future action. This perspective is associated with learning mechanisms such as the concept of path dependency (Pierson, 2004), and March & Olsen's (1989, 2006) logic of appropriateness.

These generic perspectives and arguments emphasize somewhat differentiated aspects and stages of institutional life. In the thesis, I have found it useful to combine perspectives and apply from the theoretical tool box in a way that accounts for the particular set of dynamics and puzzles at stake. In articles 1 and 3, I analyse coordination behaviour in fragmented and composite institutional contexts and how features of institutional structure may embed formal institutions into new coordination and decision-making behaviour (Egeberg, 2012; Gulick, 1937). Examining how aspects of organizational structure impact on administrative integration across different levels of governance and policy sectors contributes to the theoretical debate on functional (supranational) and territorial (intergovernmental) governance dynamics. Article 2 shifts the level of analysis to the inter-institutional context and the possible interplay of instrumental, power-oriented and historical-institutionalist 'bounded rationalities', examining how rules are embedded not only in formal institutional structures, but also in timelines, institutional memories, norms and doctrines, as well as asymmetrical power relationships. Thus, I combine in the analysis a "functional-instrumental explanation", "historical institutionalism" and a "conflict or power oriented" perspective (J. March, 1981). Below, I shortly present the three perspectives and some

central expectations as regards empirical observations in the case of integrated water management.

### *Features of organizational structure*

Analysing the way political-administrative systems are structured to understand administrative behaviour has revealed a potential for organization theory in research on the EU multilevel system (Egeberg et al., 2016). Organizational structures can be seen as basic building blocks that define the tasks, goals and means of an organization and its subparts, thereby specifying more or less clearly who should do what, when and how (Gulick, 1937).

Several features of an organization structure may affect actors' behaviour. Luther Gulick (1937, p. 16) identified four basic principles according to which an organization may be structured: territory (space), purpose (sector), process (procedure), or clientele. Specialization by *territory* is expected to induce spatial frames of reference and to encourage members to pay attention primarily to geographical concerns and coherence. According to Trondal (2001, p. 44), the territorial principle is likely to have an interlocking dynamic across sectoral cleavages, contributing to integrating sectors and variation within the territorial unit. Structuring an organization according to the *purpose*-principle tends to activate sectoral perspectives and world-views, and coordination and contact patterns are likely to be channelled within sectoral portfolios. Purpose oriented, or intra-sector coordination may integrate decision-behaviour across territories (Egeberg, 2012, p. 159). Specializing work by *process* promotes attention to how things are done: the development of unified work procedures, coherent techniques or methods, such as the law, statistics or budgeting (Gulick, 1937, p. 16). Different purposes can be structured by a common work process, and the same purpose may be structured by differing processes. Information about specialization principles can be found by studying organization charts, job descriptions and organizational mandates.

Another feature seen to affect bureaucratic behaviour is the structural distance from the *political leadership*. Political signals are generally weaker in politically disintegrated organizations than in ministry departments (Verhoest, Roness, Verschuere, Rubecksen, & MacCarthaigh, 2010, pp. 205-206). Bureaucratic organizations thus tend to weigh technocratic correctness and expert considerations higher rather than political concerns. They are more inclined to follow professional standards which they share with administrations in different jurisdictions (Benz, Corcaci, & Doser, 2016, p. 1003). Institutions with an integrated political leadership give higher priority to political signals and processes (Egeberg & Trondal, 2009b, pp. 686-687). 'Political' bureaucrats are regarded to be more guided by 'topographic' interests concerning their jurisdiction (Benz et al., 2016, p. 1003). It follows from this that administrative discretion is likely to be exercised differently in politically led and bureaucratic jurisdictions.

A third aspect which is examined in the dissertation capacity. Organizational structures require a minimum level of *capacity*, of which central indicators are financial resources, expertise, competence and authority (Gornitzka, 2007). It will, for instance make a difference whether a structure operates with its own expertise and makes its own decisions, or relies on expertise and decision-making elsewhere (Levi-Faur, 2011).

The point is, these features gathered in one organizational structure are more easily coordinated than allocated to different structures (Gulick, 1937, p. 5). The vertical and horizontal separation or gathering of features of organizational structure indicate a system's structural complexity: the degree of specialization. Horizontal specialization expresses how these features are separated from each other, along the same level. Vertical specialization denotes separation between

different ranks in an organization, or governance levels. Specialization may provide important benefits, for instance increased efficiency and internal coherence. Simultaneously, it inherently brings about new coordination needs (Bouckaert et al., 2010, pp. 26-27). A basic assertion in organization theory is that specialization and increased complexity is likely to cause fragmentation and loosely coupled administration (Christensen & Lægreid, 2008; Orton & Weick, 1990), or as Bouckaert et al. (2010, p. 3) put it, “specialization without coordination is centrifugal”. This means that we should also examine the impact of coordination mechanisms, which may counterbalance fragmentation.

Whereas an organization structure itself connects and separates actors, inter-organizational relations can also be tightly or loosely coupled (Orton & Weick, 1990, p. 205). In research on administrative integration in the EU, EU executive centre formation is identified on the basis of purpose-oriented or sectorally delimited coordination (Egeberg & Trondal, 2016; H. Hofmann, 2009). Equivalent expertise and functions, and direct socializing contact are found to promote uniformity and common problem-orientation across territorial cleavages (Egeberg, 2006b; Gornitzka & Sverdrup, 2015; Kassim et al., 2013).

Less studied are effects of harmonizing work processes by means of common procedures, i.e. procedure-based coordination mechanisms, but see for instance (Blom-Hansen, 2006; Francesco, Radaelli, & Troeger, 2012; Radaelli & Meuwese, 2010). As pointed out in section 1.2.4, procedural rules are mechanisms directing the *process of work*, and can serve as requirements in their own right (J. G. March & Simon, 1993, pp. 43-47). They specify what to do when and how, i.e. “what needs to be done” rather than what to achieve (Howarth, 2009, p. 396). They may appear as performance programs, codes of conduct, measurement systems, impact assessments, steps in a planning process, monitoring and reporting (Francesco et al., 2012; Howarth, 2009). Work procedures may involve specific actors, institutions or organizational units.

This means that we should map the WFD procedures, how they are made operational, whether they are carried out at the EU, national or regional level. We should map whether and how the procedures affect behaviour systematically in certain ways, fostering coordination (Borrás & Jacobsson, 2004; Francesco et al., 2012). According to Jensen (2014), the masters controlling and enforcing them, should also be examined: which coordination mechanism has which principal.

Taken together, given that these features of organization structure matter, they should be empirically mapped in the specific case of water management, both vertically across governance levels, as well as horizontally along the regional level. They offer a tool-kit for analysing how organizational variables and differences in organization matter for bureaucratic behaviour. Previous research has argued that fragmentation of the central administration at national level has enabled the Commission to target national agencies more directly (Curtin & Egeberg, 2009). What is examined in this dissertation, is whether WFD implementation contributes to fragmentation and formation of multi-hatted administration at the regional level.

Comparing the structural connectedness of horizontal systems as well as vertical coordination involve the possibility that different forms of multi-hatted administration may emerge, as subnational authorities may have to coordinate between principals at the national level, EU level as well as their own, regional principals.

Moreover, the structural distance between subnational authorities and EU-level bodies make regular and direct contact cumbersome, at least in unitary states. Whether and how the structural hurdles between supranational and subnational levels may be overcome is a main interest of this thesis. The features of organizational structure presented above offer a means to unpack governance processes and identify the social mechanisms that are relevant for identifying and explaining dynamics across levels. This involves taking into account whether direct interaction,

socialization and purpose-specialization provides the only ‘glue’ in administrative integration, or whether other coordination mechanisms can overcome coordination challenges.

### *Institutional design and adaptation*

In the thesis, EU multilevel administration is thought of as a more or less loosely connected system of different components or sub-units, also affecting administrative arrangements in the member states. In research on Europeanization, it is acknowledged that power-relationships within member states can change under European impact. Decentralized structures are found to serve both as obstacles to effective implementation of EU legislation and as vehicles for policy delivery (Gollata & Newig, 2017; Thomann & Sager, 2017). To better explain how ‘ground level practitioners’ operate within multilevel structures, we may take a step back and examine root-causes behind organizational design, and why member states respond the way they do when implementing administrative requirements from the EU.

Theoretically speaking, seeing public administration as a composite system involves capturing different dimensions of organizational action and change. On this basis, article 2 argues that in composite systems, different behavioural logics may materialize. It compares how different dynamics may relate and interact, how they abrade against each other in the design and implementation of WFD administrative structures (Mahoney & Thelen, 2010; J. March & Olsen, 2006). Combining perspectives this way enables exploring their common ground (Roness, 2009).

To this purpose, article 2 examines the role of *instrumental* thinking and behaviour. This perspective holds that choices are made from considering their consequences, to make outcomes fulfil functional needs and improvements in the most cost-efficient way (Christensen, Lægsgreid, Roness, & Røvik, 2007, p. 20). Reorganization then, takes place to reduce the distance between a desired goal and the existing state (Egeberg et al., 2016, p. 39). I also examine the possibility that fragmented administrative systems involve *power-oriented* behaviour. This perspective shares the instrumental view that actors are wilful and deliberate. However, choices are not necessarily based on cost-efficiency calculations, but reflect concerns for (re)distribution of resources and loss of control (Kelemen & Tarrant, 2011). Reorganization then, is likely to reflect the interests of the strongest actors. It may reflect next-best solutions and/or new arrangements may be designed to be ineffective (McNamara, 2001). Finally, taking into account public administrations’ *historical and cultural heritage*, implies examining norm-following, legitimacy-based action and path-dependencies as basic logics of social behaviour (J. March & Olsen, 1989; Pierson, 2004). Human action derives meaning from assessing normatively what conduct and behaviour is appropriate in a given social context (J. March & Olsen, 1989). Change thus grows incrementally from existing legacies on what is appropriate and legitimate within the larger social environment (Mahoney & Thelen, 2010, p. 4). This suggests that new structures are not necessarily effective, but legitimate and justified by previous actions.

Exploring the combined relevance of these perspectives for the build-up of the new water administration in Sweden and Norway means examining the potential complexity of public administrations and Europeanization processes. Applying from the institutional toolkit this way involves studying Europeanization as ‘insight seeking’ (Roness, 2009, p. 50), taking into account possible co-existence of domestic, horizontal dynamics, as well as ‘Europeanization from within’.



## 1.4 The research design and methods

The dissertation studies and compares how and under what conditions institutions at the regional level of government in Sweden and Norway are organized into a European, administrative system, based on an embedded, qualitative research design. An embedded case study means that the different subcases shed light on the case as a whole, from different angles and standpoints (Yin, 1991, p. 49). The three articles of this dissertation each examine sub-cases that together constitute the system and relate to the overall phenomenon: EU multilevel administration. The selection of subcases are inspired from EU implementation research, which has focused extensively on the transposition of EU directives, while comparatively less is known about issues of application and enforcement in the course of implementation (Treib, 2014, pp. 1, 29). Through the embedded design, the dissertation seeks to integrate various stages of the WFD implementation process. Article 1 examines coordination efforts to bridge the divide between the EU level policy making and national level implementation, by studying the role and activities of the Common Implementation Strategy. Article 2 compares how the WFD is transposed and put into practice domestically in Sweden and Norway, while article 3 compares administrative practices and behaviour at the practitioner stage of policy implementation in the two countries. In this way, article 2 and 3 rest on a comparative design which is elaborated in 1.4.1.

One reason for a qualitative design is the research questions' emphasis on explaining "how" and conditions that explain administrative change and behaviour, rather than generalizing the net effect of variables across a range of cases (Bennett & Elman, 2006). The aim is not to make statistical generalizations or estimate probabilities across a larger set of units. Qualitative methods remain much stronger at assessing *whether* and *how* a variable matter to the outcome, rather than how much it matters (George & Bennet, 2004, p. 27). A second reason is the complex, organizational phenomena under study. European regions vary according to a range of factors such as size, population, budgets, devolution levels, etc. In addition, the WFD entails encompassing administrative requirements, while leaving to the member states to figure out the exact administrative arrangements. This opens for variation among the member states. Domestic political-administrative systems, traditions, doctrines and principles also vary. Efforts to generalize patterns and measure net effects become challenging against the spatial and institutional complexities. Instead, qualitative methods offer appropriate research tools to gather more in-depth knowledge and understand the complexities of organizational phenomena (Yin, 1991). The thesis applies organization theory with a view to examine how individual actors' are affected by certain organizational arrangements, and propose or identify relevant conditions. This necessitates qualitative information about how actors perform their work, their daily routines, what objectives and priorities they perceive as important, how they assess their roles, etc. Methodologically, unravelling how actors see the world and how they construct it socially, make qualitative data gathering the suitable tool.

Thus, the relevance and external validity of this study is of an analytic nature, asserting congruence between empirical patterns based on pre-knowledge, and by making theoretical interpretations that emphasize general characteristics (Andersen, 2003). The relevance of the findings is discussed in each article, and further in section 1.5. Making generalizations from qualitative research concern not only the phase of analysis, but also research design and data sampling (Bennett & Elman, 2006; Flyvbjerg, 2006), which is elaborated below.

### 1.4.1 A most similar cases design

Sweden and Norway were selected as representatives of unitary states that have chosen to delegate key WFD tasks to pre-existing authorities at the regional level of government. This

selection bias facilitates the desire to gain detailed knowledge of the phenomenon under study (Bennett & Elman, 2006, p. 461): the role of regional level authorities in the multilevel union administration. The two countries exhibit several similar characteristics, which means that potential variations can be explained against a background of enhanced homogeneity. They are both unitary state systems balancing a strong central level with considerable autonomy and task responsibility at local levels (Goldsmith & Page, 2010, pp. 247-248; Ladner, Keuffer, & Baldersheim, 2016, p. 347). Subnational levels are municipalities (local) and *counties* (in this dissertation referred to as *regions*). At the regional (county) level, the two countries have a similar, two-parted political-administrative system: a popularly elected regional Council as the region's own governing body, and a regional Administrative Board (prefecture) serving as the region's state authority.<sup>3</sup> At the central level, ministries are assisted by semi-independent and rather specialized agencies (Greve, Læg Reid, & Rykkja, 2016, pp. 14-15). In terms of the aquatic environment, both countries are rich on water facing pressures like acid rain, hydropower production, agriculture and sewage water. Water management is organized as a typical multilevel and cross-sectoral issue (Lundqvist, 2004; Saglie, 2006).

Against this similar context, articles 2 and 3 compare some confounding differences in the domestic implementation processes. Article 2 examines the differential implementation of the administrative requirements of the WFD in Norway and Sweden. Sweden has delegated rather comprehensive tasks and responsibilities to the RBD authorities, and decision-making authority to novel, regional level bodies. Norway, established networked, interdependent structures. When examining the causes, a most-similar-cases design may strengthen the analytical validity of the relevant explanatory variables (Gerring, 2007, p. 133), contributing to enhanced understanding of the phenomenon under study: administrative change in multilevel systems.

A possible variable may be EU affiliation. Sweden entered the EU in 1995, while Norway is affiliated to the internal market through the European Economic Area (EEA) Agreement. The agreement commits Norway to the homogenous implementation of EU legal acts relevant for the internal market. It is an administrative agreement, without access to the political institutions or decision-making processes of the EU. The EEA Agreement implies a different set of enforcement institutions, although the enforcement mechanisms are similar.<sup>4</sup> Still, in the administrative and practical implementation of directives, Norwegian bureaucrats are found to participate on a rather similar basis vis-à-vis bureaucrats of the member states (Martens, 2006, 2008b). Thus, other domestic institutional variables are included into the analysis.

In both Sweden and Norway, the central administrations are typically involved in transposition. Both countries appear as rather specialized systems with regulatory agencies organizationally and functionally separated from their parent ministries. Yet, there are some institutional differences, which could affect administrative behaviour, as examined in article 2. Norway is based on "ministerial government", meaning that the individual ministers make decisions and instruct subordinate bodies within their area of responsibility (Smith, 2009, p. 231). The government has the superior responsibility, yet each minister can be held legally and parliamentary liable for decisions made (or not made) within the ministry portfolio. This has provided for a vertical silo structure with rather autonomous sectoral ministries and subordinate agencies (Greve et al., 2016, p. 14). Sweden on the other hand, follows the doctrine of dual administration, which implies a more formal and pronounced division of competencies between the ministry and agency levels. The principle of ministerial responsibility is prohibited, and the Government makes decisions as a

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<sup>3</sup> For the sake of simplicity, the term regional Administrative Board is applied in this thesis instead of synonyms such as the County Governor or County/Regional Prefecture.

<sup>4</sup> The European EFTA Surveillance Authority (ESA) is formally in charge of enforcement, the EFTA Court conducts the EU Court of Justice's functions.

college (Tallberg, Aylott, Bergström, Vifell, & Palme, 2010, p. 59). Dual administration has provided for a practise of rather ample delegation and significant responsibilities to national agencies, while smaller and more demarcated ministries (Tallberg et al., 2010, pp. 59, 61). The differing doctrines may affect bureaucratic behaviour and rule-following at the central level differently, along with contextual variables and path-dependencies.

Article 3 examines the practitioner phase of policy implementation at the regional, ground level. In Norway, the role as RBD authorities is carried out by the popularly elected regional Councils (regional government), while in Sweden the regional Administrative Boards, i.e. the regional state. Both sets of institutions are general-purpose jurisdictions mandated to carry out tasks within their distinct territories. They thus fit the type 1 governance label of Hooghe and Marks (2010). Yet, while the regional Councils are self-government, political institutions accountable towards the region's citizens, the regional Administrative Boards are bureaucratic institutions accountable, yet structurally separated from the Government. The difference enables a comparison of the role of political vs. bureaucratic actors in multilevel administration. The task-specific RBD structures that are established along the scale of the RBD also differ in terms of mandating and responsibilities. Article 3 examines this difference in organization at the regional level, comparing impacts in terms of administrative practices and coordination behaviour.

Comparing otherwise similar cases this way promotes analytical control of the possible covariations of theoretical interests (Gerring, 2007, p. 132). Potential findings may have analytical validity for further research (Yin, 1991). In both articles, the case studies have a confirmative approach, with hypotheses that guide the analysis. Thus, as a comparative, most similar design, it holds a double function. One aim is to bring attention to the particularities of a case, in order to contribute with in-depth and new knowledge that may be relevant for an outcome. Another is to gain insight about what is general about it (Gerring, 2007).

#### 1.4.2 The data

The project is based on document studies and interview data. The central aim of the data gathering has been to collect information regarding coordination behaviour and administrative practices at various stages of the WFD implementation process: at the EU, transnational level through the CIS, at the national level and the course of transposition in Sweden and Norway, and at the sub-national, regional level and the practitioner phase in the RBDs. It has been correspondingly important to map organizational and institutional characteristics of the two countries under study.

#### **Documents**

As an innovative, knowledge-intensive piece of legislation, the WFD has triggered a significant volume of information in terms of environmental data gathering, impact assessments, policy notes and guidance material to guide RBD management. Thus, document studies constitute a natural part of the data selection, both in the initial phase of the research project and for the individual case studies. Most documents are easily accessible online, and have been gathered mainly from the websites of the different organizations under study. The selection of documents has been guided by the individual research questions of the case studies in the three articles, and sometimes by the advice from the informants. Some of the documents are selected because they provide factional information about transposition into the Swedish and Norwegian legal frameworks: What is the legal status of key provisions such as environmental objective settings,

how are institutions mandated etc. Some documents provide information regarding actual case handling and how the process requirements of the WFD are applied, such as RBD management plans, public letters report and guidance documents. Some documents provide information about organizational set-up and institutional characteristics, such as work programmes and activity plans. Table 1 below provides an overview of the main information sources applied in the document study.

Table 1: *Overview of key documents and information*

<b>Type of information/ sources</b>	<b>Specific key information</b>
EU legislation	The Water Framework Directive
Domestic legislation: Codes, acts and regulation transposing the WFD or affected by the WFD	Swedish Environmental Code Swedish Regulation on the management of the water environment (SFS 2004:660) Swedish Regulation with instruction to the Regional Administrative Board (SFS 2007:825) Norwegian Planning and Building Act Norwegian Regulation on a framework for the water management (FOR-2006-12-15-1446)
European Commission CIRCABC database The CIS archive	The CIS work programmes 2001-2015 Minutes of meetings Policy documents and briefs CIS guidance documents
Domestic RBD management documents	RBD management plans 2016-2021 RBD Programs of Measures 2016-2021 Bottenhavet RBD Bottenviken RBD Finnmark RBD Glomma RBD Nordland RBD Norra Östersjön RBD Södra Östersjön RBD Hordaland RBD Vest Viken RBD Västerhavet RBD
National Authorities	Guidance documents, White papers and reports
Official letters	From the Commission, the Norwegian Government, the Swedish Government, the ESA Surveillance Authority, from national authorities and NGOs
The Swedish Regional Administrative Boards, the Norwegian Regional Councils	Activity plans, organization charts

For the CIS case study of article 1, I applied the CIS archive on the Commission's Internet database "Circabc". The archive contains a wide spectre of documents, ranging from CIS-work programs to meeting minutes of the various and multiple meetings from the establishment of the CIS in 2001. The documents provide information regarding CIS organization, mandating of the various CIS-groups, participation, meeting frequency and minutes, descriptions of activities, deliverables and decisions. Meeting minutes also contained actors' views regarding issues and problems that were handled at the meetings. These sources were utilized as additional information in order to illuminate how work and coordination were carried out in the CIS.

For the comparative case studies in articles 2 and 3, comparable official documents in Sweden and Norway are utilized. Included in the document studies are thus domestic legislation transposing the WFD, governmental reports and white papers, RBD management plans and Programmes of measures as well as related RBD management documents, letters and guidance documents, etc.

### **Interview data**

To get a rich picture of coordination behaviour and the role of various actors, the main source of data applied in the analysis is interviews (Tansey, 2007), either face-to-face or by phone. The purpose of the interviewing was to obtain 'detail, depth and an insider's perspective' (Leech, 2002, p. 665). Complementing the information from documents, interviews may serve as the most suitable method to provide in-depth knowledge about individual practices, activities, and routines, actors' perceptions and reflections about coordination and decision-making, as well as perceptions of role and affiliation and other actors involved. This could not have been found sufficiently in official documents, nor through surveys. Still, data-gathering through interviews also offer some challenges, as discussed below.

I conducted semi-structured interviews as I wanted the informants to talk freely about their experiences, perceptions and world-views. I asked open-ended questions, supplemented by more specific follow-up questions. This necessitated preparations in the form of interview guides listing the central questions and topics. However, being a comparative study of two countries as well as interviewing representatives from differing organizations ranging from municipalities, NGOs and ministries, I also aspired to gather information about relevant cases and particular problems facing the individual institution. This necessitated preparations and pre-knowledge, so that questions could capture the differing agendas (Andersen, 2006). In this sense, the interview guides serve as check-lists for the comparative information needed. The specific interviews were related to the organizational context, the issues at stake and the work area of the individual informant. I applied two main interview guides, included as annex 2 and 3 in this dissertation. One was prepared for the CIS case study, and the other for the domestic implementation processes in Sweden and Norway, and informants from regional Councils, regional Administrative Boards, ministries, national agencies and NGOs. The interview guides and interviews have been prepared and carried out as part of the research project Water pollution abatement in a system of multilevel governance (WAPABAT), which studied Norway's implementation of the WFD in the period 2012-2016, supplemented with some comparisons in Finland, Austria and Sweden. Thus, the data gathering has benefitted from the collaboration of this research group.

In sum, I apply 72 interviews of 76 people, conducted either by phone or face-to-face. A list of interviews is provided in annex 1. A possible problem in an interview situation is that the communication between the researcher and the informant does not work well, which may restrict the exchange of information (Grønmo, 2016). I am aware that phone interviewing may create a distance between the interviewer and the informant. Thus, phone interviewing was sought

limited: 22 of the 76 interviews have been carried out by phone. Yet, I experienced few problems in communicating by phone and perceived of the dialogue with the informants as relaxed and unstrained. There is still an opportunity that the conversation would have been even better through a personal meeting, and that some information is left out.

As several interviews were conducted in English and Norwegian/Swedish, I used a tape recorder so that I could concentrate on the interview and the conversation with the informants. Thus, all interviews were recorded on tape and transcribed afterwards. A tape recorder is a useful tool in the sense that it provides for accurate transcripts and data that are more reliable. Possible disadvantages may be that the informants may feel uncomfortable, which may limit the flow of information. I always asked for permission to record, giving the informant the chance to decline. I also tried to make the informants feel comfortable ahead of the interviews by carefully explaining the topics and interview proceedings, and by discussing the project with them. Not least, the informants were given the opportunity to read and amend the interview transcript (see “Ethics” below). The general impression from the interviews is that the informants talked freely, displacing professional commitment.

Another concern has been the risk of asking “leading questions”, and that informants form their responses to please the interviewer (Leech, 2002). I have made efforts to formulate the questions in a neutral way and critically reviewed interview guides to avoid possible biases (Yin, 1991, p. 65). In this respect, the co-work from the WAPABAT research group in developing and validating interview guides has been helpful. To test questions, a few explorative interviews were carried out in collaboration with the WAPABAT team. These interviews are not included in the data material, but have served as a basis for improving interview guides and questions. I also evaluated the relevance of the issues and questions asked in light of the information that was provided through the interviews along the process. The interview guides were thus adapted to sufficiently follow up topics that proved relevant under the course of data gathering. Not least, I have emphasized posing the same questions to several and different informants, which enable evaluating the uniformity of central findings, such as coordination patterns, collaborators and administrative relations, work procedures and administrative practices.

## **Ethics**

The data gathering was conducted in the period from 2012 to 2016 and notified to the Norwegian Centre for Research Data, the Data Protection Official for Research (NSD). The data has been stored and treated according to the NSD’s approval. The interview data has been collected as part of the WAPABAT research project. 20 face-to-face interviews were carried out together with another member of the WAPABAT research team, while 50 interviews were conducted by me solo. Two of the interviews were carried out without my presence (#15, #19, annex 1), on the basis of the master interview guide. I was involved in preparing the interview guide, and had access to transcripts of those interviews.

All the interviewed were first approached by e-mail, asked to participate as informants. Written information about the project was included in the e-mail and attached as a separate document. The information described the project, the research questions, and specified that the interview was voluntary and could be withdrawn at any time. I also spent time describing and explaining the project and the interview directly with the informants, before starting the interview. All informants agreed that information about institutional affiliation could be publicised, and they were informed that this would imply only partial anonymity. The general public cannot identify the informants. Since the interviews took place at the institutions, their leaders and some staff members may trace identities of the interviewees.

I asked each informant for approval to record the interview. The tapes were deleted after making transcripts. All informants were given the opportunity to read and modify the transcript in order to foster confidence and to give them the opportunity to reflect on their answers. I saw few “conflicts of interests” by allowing the informants the opportunity to adapt or withdraw statements. One risk is losing relevant data. Free speech may sometimes be perceived as rather direct and pompous in transcript. However, the chance of losing important data was balanced against the gain of creating trust in the interview situation. This was also a reflection connected to the fact that I had to conduct interviews by telephone, which is a social situation characterized by more distance. Four informants made minor adaptations in the transcript.

From an ethical perspective, a challenging part has been to draw the line of when the data gathering is sufficient within the complex field of water management. One example is the number of RBD authorities. In Sweden, I interviewed representatives from all five RBD authorities, while in Norway I interviewed five out of 11. However, as tasks and mandates are more dispersed across a larger institutional environment in Norway, I have interviewed representatives from a greater variety of institutions. The selection of RBD authorities in Norway also represent variation in terms of geography, size and aquatic environmental problems. They are the RBD authorities of Finnmark, Nordland, Glomma, Hordaland, and Vest-Viken.

### **Reliability and internal validity of the data**

Credibility of qualitative research relies on the reliable and valid application of data. In this dissertation, I have aimed at reliable (consistent and accurate) data gathering and treatment in several ways. One is applying multiple sources of empirical evidence, by combining types of data (interview data and document studies). Second, to achieve the correct application of interview data I have recorded interviews to enable accurate transcripts, and given informants the opportunity to correct their statements and opinions by letting them proofread the transcripts. Third, to generate a correct understanding of reality, I have interviewed a mixed spectre of informants, asking them equivalent questions. This enables a balanced understanding of the phenomena under study by gathering differing pieces of information, and comparing the variance/congruence of answers.

Interviewing a broad spectre of involved informants also help ensuring that descriptions and summaries of the data is reasonably interpreted into concepts that satisfy the informants’ original meaning. This is validity, which in qualitative research refers to the relevance of data and findings for the phenomenon under study (Grønmo, 2016). According to Adcock and Collier (2001, p. 530), valid measurement of data is achieved when qualitative interpretation and classification “meaningfully capture the ideas contained in the corresponding concepts”.

In this dissertation, theoretical concepts and mechanisms from organization theory are linked to core aspects of the WFD, multilevel implementation, and the RBD planning process. Arguments related to political-administrative action and change are applied to examine propositions regarding covariations. I have sought to accommodate for validity by explaining and operationalizing the key theoretical concepts and identify empirical indicators. One central concept is coordination behaviour, which can be operationalized in several ways. For instance in Hovik and Hanssen (2015), coordination behaviour in WFD implementation is measured by the actors’ perceived *outputs*, ranking from information exchange, to degree of agreement and common world views via mutual adjusting behaviour and to the common shaping of measures. In this dissertation, coordination behaviour is examined by mapping who interacts more or less closely with whom: patterns in terms of contacts, relationships and collaboration partners within and across organizational divides. Features of capacity and specialization principle also capture how bureaucrats are linked together or decoupled from each other.



Central data regarding coordination is organization charts, activity plans and work programmes describing mandates. In article 1, I also applied minutes of meetings in order to recapitulate how work is organized. To get an overview of how the CIS had been organized in the period from 2001 to 2015, information from organization charts and written mandates of the many CIS groups were collected and classified according to the principles of Gulick (1937): specializing work by purpose, territory, process or clientele. In addition, I wanted to get an overview of the coordination in the Strategic Coordination Group (SCG) from 2002 to 2015, which is the key coordinating body of the CIS. To this end, I assigned each agenda point in the SCG meeting minutes one of the labels of Gulick (1937). This enabled an aggregated impression of what kind of tasks the SCG dealt with. For instance, strictly natural-scientific issues such as biota monitoring or nutrient standards in water bodies would indicate a rather issue-specific and purpose-oriented activity. The degree to which agenda point dealt with work processes, i.e. common procedures in the RBD planning process, reporting parameters etc. would indicate that SCG coordination aimed at work processes-coordination. By studying the meeting minutes in this way and coding agenda points according to Gulick's specialization principles, I worked out a simplified overview of the main orientation of the meeting issues at the SCG. The assumption is that this information is relevant for assessing what kind of activities the group actually dealt with. This is further elaborated in article 1.

Such a mapping exercise evoke questions of validity: whether the interpretation of the agenda points are reasonable, or whether the mapping create biases (Grønmo, 2016). For instance, there is a possibility that meeting minutes offer insufficient information about the actual work and/or that assigning a single label to an agenda point involves oversimplification. Not all agenda points and groups were easily classified by a single specialization principle. The mapping may thus represent a simplification of the data, as some issues handled at the meetings can be more complex. As such, the numbers and figures presented do not serve as exact measures, as stated in the article. Yet, the purpose of the mapping was to examine whether the CIS coordination is restricted and purpose-oriented, or whether coordination is more compound, affecting several policy areas and levels of governance. By including a mapping that may have reduced complexity, the findings are in this way not inflated.

Simultaneously, the possibility of bias is taken into account by applying interview data and other written documents. This enables controlling for possible imbalances (Yin, 1991). Cross-checking findings from various sources against each other enable taking limits of one specific data source into account, while at the same time benefitting from its strengths. The strength of the mapping is the aggregated overview of a type of time-series data of actual circumstances. This way of structuring qualitative data supplements the interviews that constitute the main sources of documentation (Silverman, 2005, p. 211).

Articles 2 and 3 report from comparative case studies based on document and interview data. Thus, also here the data analysis comprises rich descriptions and explanations. Linking the transcripts and the interview guide (annex 3) has been a useful step, as the interview guide serves as a refinement or operationalization of the conceptual framework that is taken out to the field for questioning and testing (Miles & Huberman, 1994, p. 8). The interview guide structures key topics: behavioural regularities in everyday situations expressed through rules, habits and patterns, which in turn can explain coordination behaviour, administrative practices and even institutional change. Transcripts and documents also contain information on institutional characteristics and coordination mechanisms. To sort and manage the interview data and facilitate the analytical steps, the transcribed data was categorized with theme codes (Miles & Huberman, 1994) from the interview guides. This enabled the second step of data comparison, in which text-bits representing the different topics were matched, facilitating an overview and comparison of perceptions, practises and habits in the two countries. This is a process of comparison labelled spatial comparison by Gerring and McDermott (2007), since the covariations are spatial and

contextual rather than temporal. The contextual control offered through the most similar cases design of Norway and Sweden, helps ensuring a matching design which supports the internal validity (Gerring & McDermott, 2007, p. 164). In addition, concurrent evidence from different interviewees and alternative data sources provided a control effect that made the covariations better founded (Yin, 2003).

## 1.5 Three articles on the role of the regional level of governance in EU multilevel administration

This section summarizes each of the three articles and discusses the findings. Studying the relationship between authorities at the regional level of government on the one side and the national and EU levels on the other, involves mapping how the constitutive parts of this implementation structure are organized, how they connect and affect each other. Thus, the three articles together shed light on differing aspects of vertical and horizontal coordination, and how, why and under what conditions institutions at the regional level of government are organized into a European, administrative system.

### 1.5.1 Summary of articles

#### **Article 1: The changing organization of multilevel water management in the European Union. Going with the flow?<sup>5</sup>**

The article documents from a case study of the Common Implementation Strategy (CIS), a European level network established to facilitate the achievements of the WFD. The research questions examined are: What type of network structure is the CIS and how does it accommodate for coordination? What are the effects of this type of network structure? Data is gathered by means of 22 interviews of national agency members, ministry officials and Commission officials, all participating in the CIS, and a document-study of CIS organization charts, work programs and meeting minutes.

Transnational networks have become a key building block in EU multilevel administration. They provide flexible arenas for connecting national regulatory agencies and EU level executives, thereby reducing the gap between supranational making and national implementation of common rules (Blauberger & Rittberger, 2014). Transnational networks are found to contribute to a multilevel implementation pattern based on direct intra-sector coordination between bureaucrats of similar expertise and function (See for instance, Bourkard Eberlein & Newman, 2008; Egeberg & Trondal, 2016; Levi-Faur, 2011), also with some empowering-effects of national agencies vis-à-vis their parent ministries, at least in the transposition phase of policy implementation (Bach, Ruffing, & Yesilkagit, 2015; Danielsen & Yesilkagit, 2014). Article 1 describes how the CIS, through its comprehensive task performance and organization-like structure aspires to overcome the political and administrative fragmentation in water management by centralizing 1) multiple functions and 2) encompassing participation into the network.

A key function in the CIS is information exchange and management, learning and knowledge-building. For instance, a continuous activity has been the build-up of a digital water information

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<sup>5</sup> The article is published in *International Journal of Public Administration* (2017), 41(7): 492-505.

system for Europe (WISE), connecting member states. Second, the CIS is involved in enforcement-related tasks through the development of numerous guidance documents and policy briefs. The intention is application in the domestic implementation processes. Third, the CIS performs regulatory tasks by preparing common standards, parameters and an inter-calibration system, eventually adopted as annexes to the WFD by a separate comitology committee, which is included in the organization chart of the CIS. Fourth, the CIS performs control functions by being involved in operating the monitoring and reporting requirements of the WFD. The article shows how the various functions are geared towards the shaping and operation of common *work-procedures* to be applied at the scale of the river basin, incorporated in guidance documents, rule-making, and monitoring and reporting. Typically, the procedures are methods, codes of conduct or descriptions of indicators. They are practice-oriented, many of which to be applied at the ground, river basin level of governance, thus serving as coordination mechanisms. Arguably, this procedural focus is a feature not very discussed in the literature on European transnational networks (Mastenbroek & Martinsen, 2018). The making of practice-oriented work procedures can be seen as efforts to vertically bridge the gap between supranational policy development and administration ‘on the ground’ in domestic administrations, although most RBD authorities do not participate directly in the CIS themselves. The point is, the composite mix of procedural coordination measures operationalized through the CIS seems to enable the Commission to “push and confront the *acquis*” (Indset, 2017, p. 500), also in relation to administrative processes as indicated in article 3. As such, the administrative principle of river basin management enshrined in the WFD and its related administrative requirements involve dynamics that can be assessed *beyond* its direct interaction patterns (Egeberg & Trondal, 2009a; Heidbreder, 2017).

A striking characteristic of the CIS is the rather fixed organizational set-up and open-ended participation which includes representatives from national ministries, differing national agencies and some river basin districts, the Commission, the European Environment Agency and the Joint Research Centre. The network is organized into a portfolio-based working group level which does the operative tasks. In the middle, a strategic coordination group coordinates the network’s activities. At the top, a ministerial ‘steering group’ (the water directors group) consists of senior officials from national ministries involved in water management. The water directors group provides an arena for strengthening coordination with the policy level and interfacing policy-areas. By carefully managing the activities of the water directors group ‘so it doesn’t turn into the Council’, the Commission seeks to take an active and strategic role, ‘pushing’ domestic implementation processes.

Based on these observations, the article argues that the CIS can be seen as a centre-formation effort aiming at crosscutting coordination. It entails characteristics similar to what have been identified as ‘whole-of-government’-attempts at the national level: capacity-building based on vertical and horizontal coordination structures and efforts to govern from a coordinated centre (Askim, Christensen, Fimreite, & Læg Reid, 2009; Christensen, Fimreite, & Læg Reid, 2014). The article thus speaks to existing research by documenting from a type of European administrative network that attend to several functions, policy sectors and procedural coordination mechanisms, a type of network which has not gained much attention (Mastenbroek & Martinsen, 2018).

## **Article 2: Building bridges over troubled waters: administrative change at the regional level in European, multilevel water management<sup>6</sup>**

The focus of the article is the establishment of the new RBD structures and planning processes in Sweden and Norway. In research on Europeanization in the member states, decentralized

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<sup>6</sup> The article is published in *Regional & Federal Studies* (2018), 28(5): 575-596.

implementation structures are found to be both ineffective and to facilitate policy delivery (Gollata & Newig, 2017). Arguably, to understand their role and functioning, we should examine conditions in the transposition-phase: the initial thinking and underlying interactions behind putting administrative rules into life and the establishment of administrative structures. Hence, the article departs from the following research questions: How can we explain administrative change at the domestic, regional level of governance in unitary state systems, in relation to the implementation of EU-law? How do similar political-administrative systems come to establish varying administrative arrangements? What is the role of domestic factors? The article applies interview data of 52 informants in Sweden and Norway, as well as relevant governance documents.

In Sweden and Norway, WFD implementation led to distinct but differential administrative structures at the regional, RBD level of governance. In Sweden, five regional Administrative Boards were designated the role as RBD authorities, and delegated relatively autonomous responsibilities in RBD planning. Decision-making authority pursuant to the WFD was transferred from state agencies to five separate Water Delegations at RBD level. These shifts indicate instrumental displacement, the “removal of existing rules and the introduction of new ones” (Mahoney & Thelen, 2010, p. 15). In Norway, there was no reallocation of responsibilities or lines of authority. The legal framework remained unchanged, and WFD tasks and responsibilities were distributed among all relevant authorities according to existing mandates. 11 regional County Councils were appointed RBD authorities, in charge of coordination only. 11 RBD boards were established as secondary structures to facilitate coordination. This resembles “layering”, where new structures and rules are added alongside existing arrangements (Mahoney & Thelen, 2010, p. 16). As Sweden and Norway are fairly similar unitary state systems with comparable political-administrative structures at the regional level, and with water organized as a multilevel and cross-sectoral administrative issue, the differing modes of administrative change seem puzzling.

The WFD combines purposive policy-requirements related to ‘good environmental status’, with administrative provisions concerning work procedures. Thus, the WFD entails some possible redistributive effects in favour of environmental authorities. The article reveals how WFD implementation affected several actors across the wider political-administrative landscapes in Sweden and Norway. It analyses the interactive relationship between the potentially redistributive effects of the WFD and domestic dynamics by combining institutional perspectives on administrative change: Instrumental, efficiency motivations are examined against more context-driven, path-dependent thinking as well as behaviour driven by distributive concerns, in connection to the build-up of administrative structures.

The rather extensive mandating of the RBD structures in Sweden can be linked to the doctrine of dual administration, which had made extensive delegation to national agencies customary, also in terms of capacity. While not a national agency, the regional Administrative boards were a part of the administrative state. Sweden’s environmental forerunner-ambitions in the EU, and the recent regulatory reform of the environmental field, can be seen as sequences of path dependent actions marking off an ambitious level of WFD fulfilment. These contextual background variables explain why cost-efficient action was brought to the fore-front, despite the fact that the WFD affected several policy areas and the responsibilities of sectoral state agencies in Sweden.

Also in Norway, delegation to the regional Councils can be linked to path dependent action and contextual background variables: The regional Councils already had the legitimate function as ‘regional planning authorities’, which justified their role as RBD planners. The function as RBD authority was thus included into an ongoing regional reform about strengthening the role of the regional Councils. Still, these features do not account well for the weak mandating. In Norway, the WFD affected an array of strong ministries with sectoral policy-aims and subordinate

agencies keen on maintaining control. Thus, the article brings attention to how the WFD became an issue of distributive concern. The principle of sectoral responsibility has created a silo-structured central administration with rather autonomous responsibilities and long-standing habits of doing things. The WFD affected this silo-structure, the decision-making responsibilities and the managerial tasks related to strong sectoral interests such as hydropower, aquaculture and agriculture. Through layering, the WFD was implemented in compliance with the principle of ministerial responsibility, avoiding direct confrontation with strong ministries and underlying agencies. Still, behaviour cannot be read off as ‘structural’, as layering can be seen as an expression of competing interests and behavioural logics (Aspinwall & Schneider, 2000).

The comparative study shows how the administrative changes at regional level in Norway and Sweden are results of more than joint preference-formation between EU policy-makers and national authorities of equivalent expertise, or top-down and exogenous adaptation pressures from the EU. They seem to be at least partly embedded within a larger institutional environment. The article brings attention to endogenous processes of Europeanization: distinct path dependent actions and contextual background variables are key explanatory variables. The differential paths of administrative change demonstrate a sort of ‘double-hattedness’, or even ‘multi-hattedness’ in the making of administrative structures, indicating that administrative change in relation to implementation of EU rules may gradually infiltrate national legacies and practices. The findings illustrate how multilevel governance appear as gradual and complex processes, where contextual variables may explain how and why instrumental or distributive concerns can be brought to the forefront (Sheingate, 2010, p. 93).

### **Article 3: Article 3: Regions as loosely coupled systems: the differential impacts on administrative behaviour<sup>7</sup>**

The multilevel governance literature has fronted research on the role of subnational authorities in the EU policy processes, exposing quite diverse relations between the EU, national and subnational levels (Bache, 2008; Enderlein et al., 2010; Tatham, 2015, 2016). A central argument is that subnational involvement has been promoted through new modes of governance such as networks, partnerships, task committees etc. (Bauer & Börzel, 2010; Heritier & Rhodes, 2011; Hooghe & Marks, 2010). The multiplicity of governance modes is conceptually grasped by Hooghe and Marks (2003, 2010)’ division into two types of governance: type 1 governance refers to traditional, multi-purpose jurisdictions operating at just a few levels. Type 1 jurisdictions are characterized by a relatively stable institutional architecture, and territorial membership (Hooghe & Marks, 2010, pp. 18-19). Type 2 governance is task-specific jurisdictions established to solve particular policy problems. They have flexible institutional designs (commissions, task forces, even networks) operating at numerous territorial scales (Hooghe & Marks, 2010, pp. 20-21, 25).

To better understand the dynamics of multilevel governance, a central issue then, is how the two types relate and affect each other (Bache, Bartle, & Flinders, 2016; Domorenok, 2017). Moreover, the broad categories make it problematic to analytically account for different jurisdictions within each type, for instance how different type 1 jurisdictions interact with and respond to the EU when implementing EU legislation. By the same token, different type 2 arrangements should also be incorporated into the analysis. Not least, subnational authorities often tend to be analysed as coherent units (Elias, 2008; Keating et al., 2015; Moore, 2008; Tatham, 2016). The possibility that only parts of a jurisdiction can be involved in multilevel governance, in turn triggering horizontal dynamics *at* subnational levels, is not well studied. Thus, subnational authorities implement and

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<sup>7</sup> The article is in the process of being submitted to an scholarly journal.

put into life a rather complex set of EU legislation, while their ground-level practices, arrangements and implications are scantily understood. Article 3 seeks to fill this research gap. It compares how the WFD is implemented and practiced at the regional level in Sweden and Norway, and simultaneously how institutional configurations at the regional tier of government matter for the subsequent administrative practices and coordination behaviour. The following questions are examined: How do ground-level implementers at the regional level of government practice and coordinate EU legislation? How do differences in organization affect horizontal and vertical coordination patterns? Do differing organizational settings impact on how independently ground-level bureaucrats operate from their political-administrative leaders (at the regional level)? The article is based on document studies and interview data from 52 interviews.

The studied RBD authorities are affiliated to popularly elected regional Councils in Norway and regional Administrative Boards in Sweden. While both sets of institutions can be regarded as type 1, multi-purpose, territorial jurisdictions, they differ in terms of political leadership. The regional Councils are popularly elected regional governments, while the regional Administrative Boards are bureaucratic state institutions. Article 3 thus compares the role of political versus more bureaucratic institutions. In addition, 5 Water delegations in Sweden and 11 RBD boards in Norway are established as separate, executive platforms to take care of task-specific decision-making or coordination in WFD matters, equivalent to type 2 jurisdictions (Hooghe & Marks, 2010). The article describes how regional level bureaucrats, in their role as RBD authorities, manage WFD tasks partly through their home institutions, partly in coordination with the external, task-specific RBD structures, and partly by coordinating with affected municipalities, national agencies, etc. They also apply incentives and guidance from the EU. RBD authorities in both Sweden and Norway become embedded into coordination structures partly outside their home institutions, which challenge the internal coordination and decision-making processes of the home institutions (the regional Councils in Norway and regional Administrative Boards in Sweden). Thus, the coordination behaviour revealed in the article indicate more loosely coupled administration at the regional level.

The second main finding is that the patterns of horizontal and vertical coordination differ between the two countries, which can be related to differences in organization at the regional level of government. The Swedish RBD authorities have institutionalized close inter-RBD harmonization, they coordinate jointly with national agencies, and regard the Water delegations as their superiors in WFD matters. They apply EU guidance and participate directly in an EU level implementation network, although to a limited extent. They thus coordinate more independently from their home institutions, integrated along a task-specific, vertical dimension. Their coordination among the Water delegations, national level principals and EU-level incentives reveal traces of multi-hatted administration. The article further documents how the Norwegian RBD authorities coordinate more horizontally, serving both the RBD-boards and their home institutions. There is less harmonization between RBDs and RBD authorities, and national agencies have to participate in 11 separate RBD planning processes. Compared to Sweden, there are scarce observations of direct vertical interaction with actors at the EU level. Still, the RBD planning procedures indicate that EU level incentives affect the RBD authorities' discretion in relation to their daily practices and work procedures, even under pressure from national agencies. Arguably, the dissemination of work practices shaped at EU level, and the presence of process-based coordination mechanisms are central for understanding why RBD planning emerges as a distinct planning process after all in the Norwegian public-administrative system. The findings thus indicate that procedure-oriented rules may serve as vertical coordination mechanisms along a centre formation dynamic, where the EU level may serve a principal, albeit in an indirect manner.

The differing patterns of coordination and multi-hatted administration that are identified in the article illustrate the relevance of institutional variables at the regional level. The article shows how the Swedish RBD authorities emphasized bureaucratic correctness and technocratic coherence across RBDs, complying with an environmental, purpose-oriented logic, while the Norwegian RBD authorities paid attention to the political accountability of the pre-existing regional planning process and their political leadership. It is thus suggested that political institutions may exert some kind of stickiness in relation to horizontal differentiation. However, also features of organizational structure explain differences in coordination behaviour and decoupling effects. The Swedish RBD authorities and Water delegation were allocated more organizational capacity, decision-making authority and expertise than their Norwegian counterparts. Thus, the Swedish RBD authorities performed their tasks more decoupled from their home institutions, perceiving the Water delegations as their principals in WFD matters. In Norway, capacity and decision-making were more dispersed, which triggered de-coupling vis-à-vis the home institutions, but more interdependent external coordination. Thus, the differential coordination patterns highlight the relevance of analysing the organizational dimension of regional systems, beyond the type 1 and 2 governance dichotomy (Trondal & Bauer, 2017).

### 1.5.2 Linking the articles and assessing the findings of the dissertation

How do the articles contribute to the bigger picture of whether, how, and under what conditions institutions at the regional level of government become organized into a European, administrative system? In the following I link the findings documented in the articles to current research, and discuss their implications both empirically and theoretically. Relevant here, is that this is a qualitative, most-similar study of a single policy field in two neighbouring countries. In empirical terms, it has a limited scope and does not support statistical generalizations across the heterogeneity of WFD implementation. Research on the implementation on the WFD in the member states, points as uneven implementation and a variation of administrative solutions (Jager et al., 2016; Zampuratti & Homeyer, 2012).

As an embedded case study, the dissertation has a limited empirical scope which does not warrant statistical generalizations. Yet, analytical and theoretical assessments may have a broader relevance and validity, owing to the general nature of the theoretical arguments applied in the thesis (Yin, 1991, p. 53). On this basis, I discuss the findings below and link them to discussions and research about an EU multilevel administration.

#### *A spatial administrative principle as a multilevel dynamic*

Implementation of legislation adopted at the central level in a multilevel system like the EU, can be organized in different ways. The kind where transposition takes place indirectly through lower-level governments is seen as the state-centric, intergovernmental form. In the EU, this was the traditional pattern of implementation, underpinned by the principle of national 'administrative sovereignty' (Curtin & Egeberg, 2009; H. C. H. Hofmann, 2008). Legislation may also be implemented directly by EU institutions, agencies or bodies, but is not common. In addition to these ideal types, public administration is becoming increasingly complex and compound, with numerous in-between structures and arrangements operating side by side the primary orders (Christensen et al., 2007).

The evolving water administration as studied in the three articles of this dissertation comprises changes in coordination arrangements at European, national and regional levels that are inter-linked, and the emergence of such hybrid, in-between administrative arrangements. In Article 1, it

is observed how the Common Implementation Strategy (CIS) of the WFD provides an encompassing and informal platform for direct coordination between national level agencies and EU level executives, typical for many European regulatory networks (Blauberger & Rittberger, 2014; Egeberg, 2006b; Levi-Faur, 2011). The CIS is simultaneously characterized by more encompassing participation and the informal bundling of functions like information sharing, enforcement, regulatory activities and control. The effectiveness and the degree of control of the Commission through the CIS is not measured in article 1. Certainly, that a water directors group is organized into the CIS enables some constraints on framing the WFD as a compound, wicked policy problem of administrative concern (Candel, Breeman, & Termeer, 2016). For instance, according to Boeuf, Fritsch, and Martin-Ortega (2016), the Commission through the CIS was not able to significantly restrict the member states' extensive use of exemptions in relation to the WFD. In the member states, exemptions were linked to political concerns and so the authors question the attempts to handle this issue through the expert sphere of the CIS. At the same time, the efforts indicate a rather ambitious role of the Commission in the CIS. Interviews reveal that with the water directors organized into the CIS, the Commission does not aim to operate insulated from policy process at that national, ministry level.

The shift represented by the WFD from technical towards procedural standards is emphasized in the academic literature on the WFD (See for instance Howarth, 2009; Newig & Koontz, 2014). While the current thesis is limited to studying public authorities, the directive also obliges procedures of consultation and stakeholder participation in the RBD processes (Howarth, 2009). A review conducted by Boeuf and Fritsch (2016) finds that research on WFD implementation do identify administrative changes along the scale of the river basin in several member states, however in terms of differential arrangements and practices (Liefferink, Wiering, & Uitenboogaart, 2011). For instance, in a comparative study of WFD implementation in two German RBDs, Newig, Schulz, and Jager (2016) find that the administrative requirements had some impact on institutionalizing task specific structures and procedures along the scale of the river basin, yet at the same time affected obstacles related to politics in the re-scaling of governance. The CIS-focus on practice-oriented work procedures seems to enable the Commission to "push and confront the *acquis*" (Indset, 2017, p. 500), also in relation to administrative processes as indicated in article 3. As such, the administrative principle of river basin management enshrined in the WFD and its related administrative requirements involve dynamics that can be assessed *beyond* its direct interaction patterns (Egeberg & Trondal, 2009a; Heidbreder, 2017).

It is argued in the literature that implementation of EU legislation takes place through different modes of governance (Heidbreder, 2017; Joosen & Brandsma, 2017). Egeberg and Trondal (2009a, p. 787) denotes that the EU executive order is becoming increasingly compound, "by integrating and combining indirect, direct and networked modes of governance". The CIS can be seen as such a hybrid and compound set of decision-making and coordination structures, that supplements and rebalance decision-making and coordination processes in the member states. Arguably, the observations presented above resemble a 'whole-of-government' effort seeking to reassert the centre by bringing together a fragmented state apparatus. That this takes place at the European level can be seen as attempts at centralizing a coordination approach that supplements, without replacing, the policy coordinating role of national governments (Christensen et al., 2014). This resembles a "new type of hybrid public organization in which local autonomy and central control are being enhanced simultaneously through a mixture of NPM and post-NPM measures" (Askim, Christensen, Fimreite, & Laegreid, 2010, p. 232).

Article 3 pursues the question of CIS outcomes by examining whether and how rules, guidelines and tools are applied 'on the ground', RBD level. In differing ways, the RBD authorities in Sweden and Norway have made recourse to the procedural rules spelled out by the directive and



the CIS. Moreover, the routinely interaction and information exchange that takes place in the CIS, contributes to the coordinating role that the Swedish Agency for Marine and Water Management and the Norwegian Environment Agency have in domestic administrations. As revealed in article 3, The RBD authorities evaluate contact with them as significant. They serve as proxies, forwarding information and deliverables back and forth. This vertical coordinating role can be seen as a sort of national agency empowerment, and a ‘hybridification’ of domestic steering dialogues. Taken together, the findings illustrate the significance of studying the complete chain of implementation, in research on how European multilevel administration develops.

### *Implications for how we see the region*

A central concern in the literature on an EU multilevel administration, is that national agencies contribute to EU centre formation to the extent that they operate more independently from their political-administrative leadership, and more directly with EU level executives (Egeberg & Trondal, 2011, p. 868; Ongaro, Barbieri, Bellé, & Fedele, 2016, p. 90). Such arrangements may blur the ministry-agency relationship and thus the decision-making and control structures of the territorial state (Egeberg & Trondal, 2016, p. 584). Pursuing this logic, articles 2 and 3 of the dissertation illuminate how the Water delegations and RBD boards in respectively Sweden and Norway have become new platforms for executive action at the regional, RBD level of governance alongside existing primary orders. Article 3 exposes how the RBD authorities under study perform their tasks, coordinating in and between those platforms, their home institutions, as well as municipalities, national agencies and EU level executives. In both Sweden and Norway, the reliance on inter-institutional coordination and decision-making triggered de-coupling effects between the RBD authorities and their home institutions. The findings in article 3 thus offer a contribution to the parts of the multilevel governance literature and the multilevel administration literature that have focused on bypassing *at the national level* (See for instance Bauer & Trondal, 2015; Curtin & Egeberg, 2009; Hooghe & Marks, 2001; Hooghe & Marks, 2003; Tatham, 2010, 2015). Unlike those studies, the traces of bypassing identified in the current dissertation affect the political-administrative leadership at regional level. Without contradicting the existing literature, the dissertation points at similar effects at the regional, sub-national level.

Thus, building on existing scholarship, it is suggested here that the internal coherence of the territorial administrative state is further challenged, as bureaucrats at subnational levels – the RBD authorities – incorporate incentives from the EU level when they practice EU legislation. Multilevel union administration and EU centre formation may deepen down in domestic political-administrative systems. Similar findings are identified in Dörrenbächer (2017); Gulbrandsen (2011), pointing at the relevance of including the ground, practitioner level as units of analysis into research on the EU multilevel administration.

What should be further noted from article 3 is how multilevel administration challenge the internal coherence of regional systems in the form of type 1 jurisdictions. The RBD authorities under study coordinate more directly with national level principals and actors external to their home institutions. This sort of direct contact with national agencies is perhaps less intrusive for the Swedish regional Administrative Boards than the Norwegian regional Councils. The regional Administrative Boards are after all a state authority, while the regional Councils are popularly elected, self-government institutions. For the latter, the state may only govern on the basis of legal acts and formal budgetary decisions. Close, direct contact between administrative sub-parts is thus more problematic from a self-government perspective, especially since the formal political-administrative leadership is not involved (Ladner et al., 2016, p. 325). Thus, the vertical

coordination patterns identified in article 3 not only challenge internal organization and regional self-government by means of decoupling-effects, but also through new lines of coordination and steering side-by-side formal hierarchical structures. Egeberg and Trondal (2009a, p. 783) refer to this phenomena as ‘compound governance’, where administrative practices combine direct, indirect and networked modes of governance. Comparing regional systems this way, beyond the type 1 governance label put forward by Hooghe and Marks (2003, 2010) thus offers additional empirical and theoretical knowledge regarding system’s transformation related to a multilevel union administration.

The differing coordination patterns revealed in the comparative study of article 3, show how the Swedish RBD authorities coordinate in a more consolidated, vertical manner than their Norwegian counterparts. The differences expose the value of studying the organizational dimension of regional systems. The rather broad conceptual categories of type 1 (territorial) and type 2 (task specific) governance of Hooghe and Marks (2003, 2010) may be narrowed down by taking political versus bureaucratic jurisdictions analytically into account. In line with Benz et al. (2016, p. 1003), article 3 suggests that governmental actors, in this case the politically led regional Councils in Norway, are more likely to exert interests related to the territorial jurisdiction. The comparative study also indicates that the specific mandating of the task-specific structures (the RBD boards in Norway and Water delegations in Sweden), affects the inter-institutional coordination and decision-making that materialize, and in turn the coherence of type 1 jurisdictions. Similar findings are documented in Zimmeren, Mathieu, and Verhoest (2016), showing how type 1 and type 2 arrangements possess interactive dynamics, based on a comparative study of two different types of international networks. This dissertation identifies interactive dynamics at domestic, subnational levels.

The multi-hatted administration and coordination patterns that are observed in this dissertation place regional authorities within an evolving multilevel union administration. When studying regional systems as interactions between “the administrative interior of government institutions” and how these mutually relate (Trondal & Bauer, 2017, p. 80), variable dynamics arise, both within and between type 1 jurisdictions. It may appear as a paradox that a framework for integrated water management leads to fragmentation effects at the regional level, as suggested in this thesis. So far, several studies on WFD implementation have focused on RBD-level planning and public participation. In a study of WFD implementation in Sweden, Söderberg (2016, p. 94) describes a rather power dispersed system, arguing that it may appear rational from an ecological perspective, but involves some implementation problems in terms of fragmentation when put into action. A comparative study of the Netherlands, France, Denmark, the UK and Germany, identify how national governments, regional and local authorities all play a role in the WFD implementation process, but that the division of tasks and responsibilities differ (Uitenboogaart, van Kempen, Wiering, & Rijswick, 2009, p. 220). Arguably, the WFD brings up the relevance of the organizational dimension for elaborating the role of regional systems in EU multilevel governance. Whereas the current study is restricted to two countries and a single policy-field, the role of regional systems should be further explored within other policy fields and countries.

### *Implications for multilevel administrative integration*

Administrative capacity-building and institutional change as an aspect of multilevel implementation is often explained by means of vertical processes of adaptation pressure from Brussels, involving some kind of institutional fit or misfit (Börzel & Risse, 2003, p. 69; Knill, 2001, pp. 47-49). Also, vertical patterns of direct socializing contact that have developed among EU level executives and national agencies involved in policy implementation, are ascribed

transformative impacts (Curtin & Egeberg, 2008; Egeberg & Trondal, 2009a). This dissertation, particularly article 2, shifts focus to domestic dynamics when analysing how the build-up of the new water administrations in Norway and Sweden came about. It finds that the specific interplay of domestic political-administrative norms of appropriate governance and path-dependent dynamics, explain how cost-efficient thinking was brought to the forefront in the Swedish case, while more distributional concerns in Norway. The dynamics illustrate how Europeanization partly evolved through endogenous processes, gradually shaping national dynamics from within. For instance, designating the role as RBD Competent Authority to a popularly elected regional government (the Norwegian regional Councils), or the regional administrative state (the Swedish regional Administrative Boards) can be seen as path-dependent actions. Thus, article 2 argues that Europeanization may also work horizontally in domestic administrative systems in terms of differing behavioural logics abrading against each other, gradually disturbing the reproduction of the 'original core' (Mahoney & Thelen, 2010, p. 17; Pierson, 2004, p. 136).

The findings put the administrative provisions of the WFD and its potential transformative impacts into some perspective. As a framework obliging collaborative planning and management along the scale of the RBD, the directive has affected a wider institutional landscape in both Sweden and Norway. In the literature, it is argued that the WFD represents a new generation of EU legislation that institutionalizes participatory planning as a main instrument (Newig & Koontz, 2014, p. 250). There are many studies emphasizing the systemic shift towards inter-institutional management and collaborative planning prescribed by the directive (Behagel & Turnhout, 2011; Blackstock, Martin-Ortega, & Spray, 2015; Jager et al., 2016; Voulvoulis, Arpon, & Giakoumis, 2017). The point I want to make is that potentially, systemic approaches and procedural provisions in EU legislation may enhance the analytic leverage of domestic dynamics in the study of multilevel administration, including studies of actors' motivations in the practice of EU implementation.

By the same token, the traces of multi-hatted administration at the regional level that are observed in article 3, also emphasize the role of domestic institutional variables and dynamics. It should be noted that perceptions of identity and affiliation towards an EU administration is not measured in this study. Multi-hatted administration is identified to the degree that the RBD authorities apply and practice rules, routines, procedures etc. that are shaped and controlled by EU level executives, and that they perceive of their discretion and role as RBD authorities as at least partly de-coupled from their home institutions. The findings of article 3 may still appear as somewhat surprising, evaluated against the familiar pattern of double-hatted administration at the national level. Bureaucrats of national level agencies are embedded in direct, socializing contact with EU-level executives (Bach et al., 2015; Danielsen & Yesilkagit, 2014; Gornitzka & Sverdrup, 2015; Martens, 2008a). The dissertation provides limited evidence for direct and regular contact between the regional RBD authorities under study and actors at EU level. In addition, the RBD authorities emanate from *integrated* institutions. Decoupling effects are studied as fractures between these institutions and the RBD authorities, not vis-à-vis an external, superior ministry, which is the case for agency bureaucrats. That multi-hatted administration develops, despite the lack of direct socializing contact, indicates that procedure-based coordination mechanisms can be seen as integrative mechanisms in multilevel administration.

Thus, the findings have some implications for how we theoretically may account for integration. The RBD authorities under study enjoy limited direct contact with EU-level executives, but apply and shape work procedures on the basis of incentives and expectations detailed out at EU level, at least to some degree. Partly, they have developed work procedures rather autonomously, partly there are disputes over the role and form of procedures and work practices. This presence of supranational procedures, or process-based coordination mechanisms, serve as mechanisms of

transformation and as an additional ‘glue’ in the development of an integrated multilevel administration. There are other studies emphasizing how the procedural requirements of the WFD affect domestic implementation practices (Howarth, 2009; Newig & Koontz, 2014; Sabel & Zeitlin, 2008). Jager et al. (2016, p. 155) describe the fulfillment of the procedural requirements across 13 member states as patchy, but find that all countries have established procedures for river basin district planning, and stakeholder participation. Scholten (2017, pp. 1352-1353) argues for the more general development of direct enforcement activities in Brussels, where procedural requirements in hard, soft and case law can influence national enforcement methods. In the Internal Market Information System (IMI), it is observed how the Commission seeks to empower decentralized authorities where they are, by routinely disseminating interlinked working practices, e-tools and other hands-on-solutions to decentralized authorities (Heidbreder, 2015, p. 380). Thus, procedural rules and the dissemination of associated guidelines, work practices, reporting routines and feedbacks that underpin those procedures seem to extend the scope of coordination across levels and policy-sectors, beyond direct socializing contact. It suggests that the common ground for action may emanate from a wider foundation than direct socializing contact (Benz et al., 2016, p. 1008).

The dissertation documents the relevance and a potential for including subnational authorities as units of analysis in the study of a multilevel union administration. It argues that the EU taps into the member states’ internal organization, interferes in domestic hierarchical governance and challenge the territorial coherence of sub-national, type 1 governance jurisdictions, in this way adding to a de-territorialisation of the nation-state, meaning that the state territory to a lesser extent frame and reflect decision-making, administrative behaviour and role conceptualization (Egeberg, 2006b, pp. 24-25). By studying the chain of implementation from the CIS, via national transposition to regional level administration, an aim of this dissertation has been to provide partial, but valid insight into the interconnected character of the WFD implementation process.

Arguably, the WFD holds the ideational capacity to fundamentally transform water management systems. The institutional dynamics that are studied in this dissertation only offer a partial insight, not including issues such as cross-border coordination in international river basin districts, the role of public participation and policy related decision-making processes at national levels. These issues constitute parts of the political-administrative context of the WFD, where tasks and decision-making competencies are not monopolized by actors at any single level, but span across subnational, national and supranational levels. However, for dynamics to develop into actual change, political processes and decision-making are key. When assessing the three articles in conjunction, one impression is that national level concerns and disputes that were revealed in the transpositions phase as analyzed in article 2, carry on and manifest at the practitioner phase and RBD planning process. Relevant here, is article 3 which embarks on the role of the national agencies’ involvement in the RBD planning process in Norway, and their resistance towards adapting their own management procedures and decision-making procedures. Also in Sweden, national agencies’ participation in measures’ implementation is a key issue. Thus, a central research area is policy integration, which is also requested in the wider WFD literature (Jager et al., 2016). This is confirmed in another review article, which identify political strategies as well as policy integration as under-researched issues in relation to the WFD (Boeuf & Fritsch, 2016), in other words, how dynamics affect decision-making.

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### 3 Article 1: The changing organization of multilevel water management in the European Union. Going with the flow?<sup>8</sup>

#### **Abstract**

Regulatory networks have become an essential feature of the European administrative system. They have expanded EU administrative capacities, and consolidated a pattern of multilevel implementation along sectoral cleavages. This article examines how networks develop and take effect when more crosscutting policy aims are to be implemented. It argues, and demonstrates with a case study of the Common Implementation Strategy of the Water Framework Directive, that vertical and cross-sectoral coordination can be institutionalized in a network, suggesting an innovative role of regulatory networks. Such coordination supplements and challenges the role of national policy coordination, both horizontally across sectors, and vertically down to the domestic sub-national, river basin.<sup>9</sup>

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## Governance across sectoral divides

A characteristic of multilevel systems is the distance between higher-level policy formulation and lower level execution, which makes effective and homogenous policy-implementation a challenging task. This is particularly evident in the EU, in which “indirect implementation” has been a constituting administrative principle: member states are obliged to comply with objectives adopted by supranational institutions, but the choice of administrative means remains a domestic prerogative (Heidbreder, 2015). Traditionally, it has been left to national governments and ministries to instruct their subordinate levels of administration on how to implement EU policy.

As a response to these challenges, administrative capacities at the EU level has expanded significantly since the 1990s (Bauer & Trondal, 2015; Egeberg, 2006; Levi-Faur, 2011). The Commission and the member states have adopted various organizational models for connecting executive policy-making across levels. Core components in this development are European-level networks and agencies, established to facilitate harmonization of policies across Europe by linking regulatory agencies at the national level with EU executive bodies (Egeberg, 2006). Their dissemination and institutionalization have made them “components of a new regulatory architecture” (Levi-Faur, 2011, p. 810), with transformative implications for the empowerment of actors, policy making, and coordination across levels.

Both agencies and networks may vary according to their specific functions, but in general terms, they are established to gather knowledge, promote coordination and uniform implementation of EU law. Compared to European regulatory networks (ERNs), agencies tend to be more institutionalized in terms of internal organization and capacity (Egeberg, Martens, & Trondal, 2015; Levi-Faur, 2011). They are more often set up according to specific EU legislation with a formal mandate and legal status, and they have secretariats staffed with full-time experts (J. G. Christensen & Nielsen, 2010). ERNs tend to be less formal, operating through collegial, non-hierarchical and open modes of coordination (Boetzelaer & Princen, 2012; Coen & Thatcher, 2008). Usually networks engage participants on a part-time basis, while being primarily attached to their “home” organizations (Egeberg & Trondal, 2015).

Despite their informal character, ERNs are still regarded to have effects on the evolving European administrative system (Burkard Eberlein & Grande, 2005; Levi-Faur, 2011). They have become arenas for new ways of policy-making, in which regulatory agencies at the national level connect with Commission representatives in their joint efforts to facilitate implementation of EU legislation. These patterns of direct governance tend to create “double-hatted administration”, in the sense that national agencies become parts of two hierarchies. They continue to serve their national governments and ministries on the one hand, while simultaneously coordinating directly with the EU executive center on the other (Egeberg 2008, Egeberg & Trondal 2009, Heidbreder 2013, Treib 2014). Thus, networking may empower the participating agencies vis-à-vis their parent ministries. ERNs are also found to take the form of independent networks, but in many cases, the Commission seeks to institutionalize them as their agents (Blauberger & Rittberger, 2014; Coen & Thatcher, 2008; Danielsen & Yesilkagit, 2013; Levi-Faur, 2011; Martens, 2008). As a result, multilevel coordination has become more direct and expert-oriented.

This body of research has contributed to important insights into the changing nature of the European administrative system. However, studies on the role of ERNs seem primarily to focus on intra-sector coordination, and systems effects along sectoral cleavages (See for instance; Boetzelaer & Princen, 2012; J. G. Christensen & Nielsen, 2010; Coen & Thatcher, 2008; Burkard Eberlein & Grande, 2005; Bourkard Eberlein & Newman, 2008; Levi-Faur, 2011; Maggetti & Gilardi, 2011; Saz-Carranza, Salvador, Fernández-i-Marín, & Albareda, 2014). How administrative

structures develop and take effect when more ambitious policy aims are to be implemented is poorly documented. Yet, which mechanisms that may manage more effectively horizontal as well as vertical coordination remains among the perennial questions of governance (Peters & Pierre, 2006, p. 118). This is the topic of this article.

Departing from a study of a European network labelled the Common Implementation Strategy (CIS), the article asks two questions: What type of network structure is the CIS and how does it accommodate for coordination? What are the effects of this type of network structure? The CIS offers an interesting case for studying the role and impact of crosscutting coordination. It was established in 2001 to facilitate the achievements of the Water framework directive (WFD)<sup>10</sup>. The main objective of the WFD is to safeguard the aquatic ecosystem (WFD art. 1), by acquiring “good environmental status” of European waters. This may be seen as an intra-sector coordination effort (environment), i.e. processes whereby actors, problems, solutions and modes of thinking are linked closer together within a policy area (Trondal, 2001). However, the WFD intervenes in the member states’ political administrative systems by inserting the principle of river basin management: administrative structures and borders must follow the natural drainage area of the water itself (river basins). All authorities with tasks affecting water are obliged to coordinate their actions ‘for the whole of the river basin district’ (RBD) (WFD 2000: preamble (35), Art.3 §4). This is coordination per territory, to be achieved in a European context characterized by single-purpose, fragmented administrative systems (Lægneid & Verhoest, 2010). Thus, the WFD combines intra-sector coordination with cross-sectoral coordination. Also the CIS was established to integrate “water policy into other Community sectors” (European Commission, 2001 p. 6). Further, the river basin coordination requirements of the WFD direct attention beyond the central state level and towards the regional river basins, refocusing vertical coordination, which challenges the principle of indirect implementation. Taken together, the quest for coordination that follows from the WFD aims at concerted action across both sectors, river basins and levels of governance.

Previous research has focused particularly on the role of compatible principles of organization across levels of governance (See for instance Bach & Newman, 2010; Curtin & Egeberg, 2008; Burkard Eberlein & Grande, 2005; Maggetti & Gilardi, 2011). This study directs attention to mismatching principles, suggesting that the role of the Commission and ERNs need to be further understood confronted with diverging coordination challenges (T. Christensen & Lægneid, 2013). The WFD has gained scholarly attention for its deployment in the member states (MS) and administrative adaptation at this level (Bourblanc, Crabbé, Liefferink, & Wiering, 2013; Indset & Stokke, 2014; Keessen, van Kempen, van Rijswijk, Robbe, & Backes, 2010; Liefferink, Wiering, & Uitenboogaart, 2011; Pahl-Wostl, 2009). Here, it is argued that in order to understand mechanisms of coordination, the European level should be included.

The theoretical arguments and analytical approach are elaborated in the next section. Section three explains the methods applied in this case study. Section four portrays the CIS and how it operates. The remains of the paper are devoted to analysing its effects on coordination.

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<sup>10</sup> EU directive 60/2000/EC adopted in 2000



## **Specialization, capacity and crosscutting coordination – an analytical starting point**

The article seeks to detect coordination behaviour along two dimensions: Along a horizontal axis between sectors and organizations, towards cross-sectoral structures of interaction, and along a vertical dimension stretching from the subnational, river basin level to the EU-level or vice versa, i.e. towards more multilevel forms of interaction. If the CIS is able to organize such crosscutting coordination in a systematic manner by establishing independent administrative capacities, then this should be seen as an indication of deepening European integration.

A core feature of ERNs is the actors' ability to connect informally across organizational divides, based on some common orientation (Curtin & Egeberg, 2008; Levi-Faur, 2011; Maggetti & Gilardi, 2011). The article argues that in order to understand the possible institutionalization of European networked, crosscutting coordination, one has to take into account both the specific interplay of resources within the network, as well as how the network connects with the external environment.

A basic argument in organization theory is that features of organizational structure, such as specialization and capacity, will systematically affect administrative behavior (Askim, Christensen, Fimreite, & Lægveid, 2009; T. Christensen & Lægveid, 2013; Levi-Faur, 2011). How an organization is specialized specifies more or less clearly who is to do what, and how different issues and policy areas are supposed to be linked or decoupled from each other (Egeberg, 2012). Luther Gulick identifies purpose (sector), process, clientele and territory the four basic principles according to which tasks can be structured horizontally (Gulick, 1937). For instance, an organization specialized by territory, such as national governments, are supposed to promote this respective focus and expertise among its members.

Furthermore, administrative structures require a minimum level of capacity (Gornitzka, 2007). Financial resources, staff, expertise, and knowhow may serve as indicators of capacity. It will for instance, make a difference whether a network operates with its own members' (financial) resources, or relies on the resources from one actor (Levi-Faur, 2011). It may also matter whether the network engages participants on a primary or secondary basis. A primary structure is a structure where members spend most of their time and energy, while in secondary structures participation is part-time. The assumption is that although secondary structures might affect actual decision-behaviour, the impact is likely to be less profound than in primary structures (Egeberg & Trondal, 2015). These features can be induced both formally and informally into an organization.

Taken together, variations along the dimensions above suggest alternative courses of coordination and empowerment. An organizational perspective suggests that under conditions of shared specialization across levels, for instance purpose-oriented agencies at the national level and compatible executive structures at the EU-level, actors may engage into intra-sector, multilevel coordination (Egeberg & Trondal, 2015). This way of structuring coordination appears as instrumental and efficient problem-solving arrangements, and centralizes capacity in terms of knowledge and expertise, harmonized across the EU (Gornitzka & Sverdrup, 2015).

From a cultural perspective underlining the informal aspects of an organization, it should also be noted that compatible specialization by purpose is seen to facilitate mutual identification and role affiliation, due to "like-mindedness" and shared professional values (Egeberg, 2006; Gornitzka & Sverdrup, 2015). In this way, organizational structure is expected to have a bearing on actors' perceptions and "logic of appropriateness" (March & Olsen, 2006). This ability to socialize and

build trust among its participants may also influence an organization's capacity, as it may more easily develop expertise, common understandings, reduce attention problems, conflict and ambiguity.

Several studies have illuminated the extent to which purpose-oriented ERNs have become a means to overcome uneven implementation across MS, promoting a more sector-based implementation structure in the EU multilevel system. (Burkard Eberlein & Grande, 2005; Egeberg & Trondal, 2015; Levi-Faur, 2011; Maggetti & Gilardi, 2011; Treib, 2014). This might indicate "a robust pattern of coordination" that is consolidating in the EU, likely to be preferred over other structures (Gornitzka & Sverdrup, 2015). Thus, given the environmentally based logic of the WFD, one may hypothesize that such a robust pattern of coordination will develop through the CIS, strengthening the role of experts vis-à-vis politicians.

While organizations may be primary specialized according to one principle, they are usually subdivided by another (Gulick, 1937, p. 31). Thus, the possible interplay of specialization principles should also be considered.

Specialization by procedure or process pertains to how the work is performed. Basically, working by procedure is to create some kind of explicit compatibility and order in the work process. In theory, process-organization encourage co-ordination across organizational divides because structuring work by a particular procedure tends to bring together in a single department all of those who make use of a given process or technical skill, such as budgeting or engineering (Gulick, 1937, pp. 33-34). Given the quest to coordinate across split-up sectoral administration, one may anticipate the activation of a procedural structured work. Thus, to illuminate the scope of coordination, one should examine what disciplines and participants that are brought into the network.

Specialization by procedure is likely to pool procedural capacities. Europeanization research has brought attention to the increased emphasis on informal procedural capacities such as benchmarking, spatial impact assessments, joint information systems and peer-reviews (Alexiadou & Lange, 2014; Bruno, Jacquot, & Mandin, 2006; Schout & Jordan, 2008). This may be seen as coordination by procedure. Some even argue that the Commission has taken on a more programmatic role in this manner (Heidbreder, 2015; Sabel & Zeitlin, 2007).

Research on ERNs has argued that it makes a difference whether capacities are centralized in a network, or whether it relies on external actors (Coen & Thatcher, 2008; Danielsen & Yesilkagit, 2013; Gornitzka, 2007; Levi-Faur, 2011; Martens, 2008). Still, given process organization, a network's ability to coordinate may not only rely on its internal capacities, but also on its ability to connect to external policy shaping and execution. For instance, a high number of RBDs (about 130) may discount them from direct participation in the CIS on a systems-wide basis. The question then becomes whether and how the procedures institutionalized through the CIS connect to these actors. By the same token, cross-sectoral coordination capacity may be revealed through the institutionalization of procedural instruments (Bruno et al., 2006; Schout & Jordan, 2008). Thus, one should examine the relevance of direct participation vis-à-vis the relevance of alternative means of coordination (Peters & Pierre, 2006). A highly institutionalized procedural network would dispose over a range of procedural capacities, such as monitoring, reporting, formal decision-making and sanctions, in addition to the more informal ones. This would indicate change in the relations between the EU level and the national level and indirect, hierarchical coordination, in terms of the national level's loss of control over vertical coordination and steering lines, as well as policy coordination (Chatzopoulou, 2015; Sepos, 2005).

Tallberg argues that enforcement and management mechanisms are most effective when combined. In real-life international cooperation, strategies may be complementary and mutually reinforcing (Tallberg, 2002). Above, it was suggested that administrative integration is likely to be stronger when intra-sectoral modes of coordination are activated. If supplemented with procedural organization and its potential coordinating effects, this could be a powerful mechanism in European integration.

## Methods and data

This is a theoretically interpretative study, in which the CIS is seen as a case for analyzing the role and impact of crosscutting coordination. In water management, responsibilities and measures are fragmented both across several levels of government and sectoral divides. The established CIS network adds a new structural element and hence we can tap its effects on existing practices, power relations and actors' orientations.

Information on organization and coordination behaviour is gathered by means of mainly two data sources: documents and interviews. The primary data source is 22 personal interviews of actors involved. The interviewees were CIS participants originating from ministry-, agency and the regional, RBD levels in the member states, participating in respectively the Water directors' group, the SCG or in a working, or expert group group. In addition, three officials from the water unit of DG Environment, the European Commission, were interviewed. They participate in various groups at all three levels of the CIS structure. The interviews were based on open-ended questions to enable broad reflections and extensive information about how the actors' role and how they see the CIS.

Documents provide additional information regarding selected topics exposed in the interviews. A primary source for the document study is the CIS-archive on the open-access CIRCABC-database.<sup>11</sup> The archive offers ample and detailed documentation of CIS activities, organization and outputs. In this study, it is essential to gain an overview of what tasks and activities that have been organized into the CIS. To this end, information from the CIS-archive has been systematized for mainly two purposes. First, approximately 54 working- and expert groups have been active at various intervals within the period of 2001-2015. To recapitulate how these groups were organized thematically, their written mandates and objectives were examined and coded according to the specialization principles purpose, territory, procedure and clientele (Gulick, 1937). For instance, a mandate interpreted as primarily having a territorial-coherence objective, as river basin district management plans, is coded as a group primarily specialized by territory. Groups established to harmonize working processes (develop common measurement systems and methods) were coded by procedural specialization. Groups established primarily to coordinate within a sector or given purpose such as agriculture or chemicals, were coded according to purpose. If tasks were designated to serve a certain clientele, this would imply coding by clientele. The working and expert groups were plotted into a coding scheme.

A second document source are meeting minutes of the Strategic Coordination Group (SCG), the key coordinating secretariat of the CIS. In order to gain an aggregated impression of SCG-tasks, a content analysis was conducted of the minutes and agenda points coded. The coding criteria were as follows: Issues restricted to harmonization within a single sector or a specific purpose, for

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<sup>11</sup> <https://circabc.europa.eu>

instance biota monitoring or technical report on chemicals, were coded as purpose-oriented. Issues dealing with work-processes, methods or metrics across sectors and space were coded as procedural. Issues focusing on spatial coherence or exchange, across purposes and methods, for instance the river basin district peer review mechanism, were coded as territorial/cross-sectoral. For clientele, the focus is on coherence for the end-user. A fifth category labelled “other” was applied for agenda points that did not comply with the four concepts above, for instance practical administrative issues of the CIS, etc.

The content analysis builds on minutes from 44 out of 49 meetings in the period 2001-2015. A total of 784 agenda points were coded and plotted into a coding scheme. Results of the coding are presented in figure 2. Not all agenda points and groups were easily classified by a single code. For instance, “assessment of rural development plans” of the CAP may be regarded as a cross-sectoral issue as long as it is treated with the aim of integrating environmental concerns into agriculture. However, environmental water issues in relation to a purpose or sector are seen as “purpose-oriented”. When water issues are treated in relation to spatial coherence concerns, they are coded “territorial”. Still, the complexity of the issues and groups is somewhat higher than the presented data suggest, and thus the numbers are not exact measures. They are still useful for the purpose of organizing large amounts of information in a way that enables description of patterns. Applying theory-based concepts in the interpretation of data in this way, helps organizing empirical heterogeneous material in an analytically relevant way (Andersen, 2003). Seen in connection with the interview material, the data offers a valid contribution.

### **The Common Implementation Strategy – a quasi-formal style of institutionalization?**

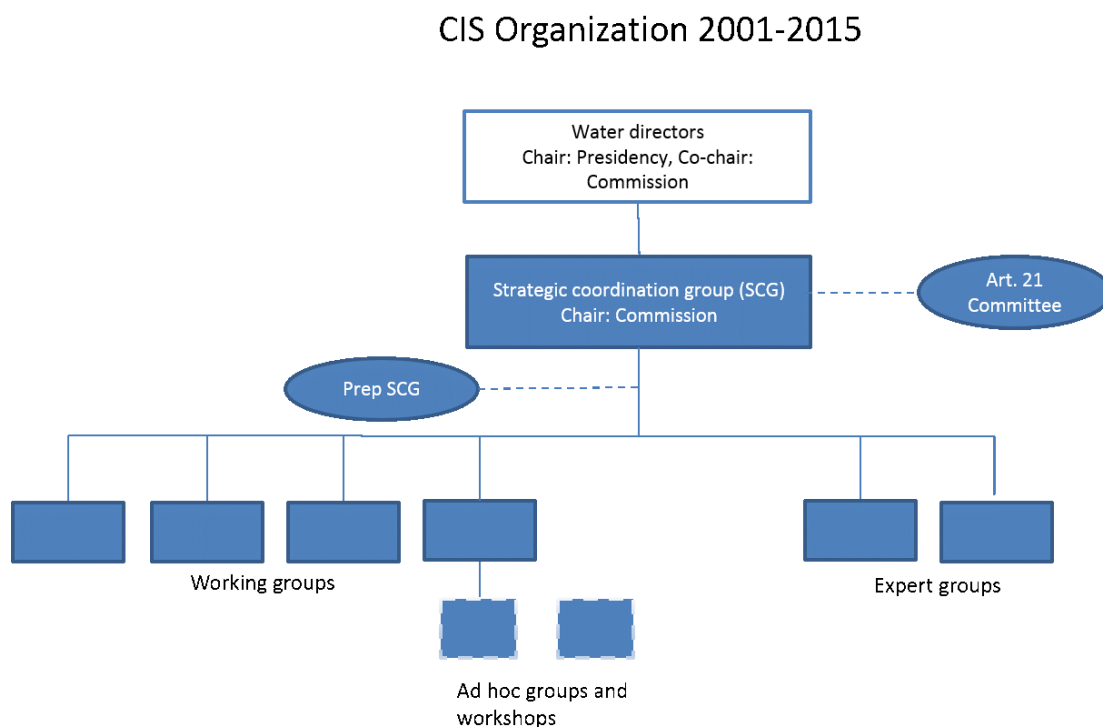
The WFD was adopted in 2000 as an unfinished directive. Interviews reveal that substantial issues were unsolved, and left to be worked out in the implementation phase.<sup>12</sup> As a result, the CIS had its first meeting in June 2001. Despite being a joint Commission and MS initiative, the CIS is in legal terms an informal set-up, not mentioned in any legislation. However, the CIS has always planned and drawn up the work, priorities and objectives for two-three years ahead in officially published CIS work programs (See European Commission, 2001-2013).

A striking feature of the CIS itself is its organization-like appearance with tasks distributed both horizontally and hierarchically. While the total number of groups and their functions vary between periods (from 7 to 14), a three-level ground structure has always remained intact. At the top, a Water directors group serves as a steering committee of the whole process, in the middle, the SCG is in charge of coordination, while a working group level carries out operational tasks and deliverables according to mandates endorsed by the Water directors group. Figure 1 below presents a general organizational chart of the CIS.

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<sup>12</sup> Interview Water director 1, WG 4

Figure 1: CIS-organization 2001-2015 (European Commission, 2001-2013)



### Horizontal specialization: the Working- and Expert Groups

A mapping of all the 54 working (WG) and expert groups (EG) that have existed from 2001-2015 enables an overview of how the work is structured horizontally. The mapping indicates two interesting patterns: First, assigning groups by sector or purpose is combined with organizing others according to procedure. Second, participants from the environmental policy field are dominant, but assisted and sometimes even challenged by representatives from other policy areas.

	Purpose	Cross-sectoral /spatial	Process	Clientele
2013-15	3	0	7	0
2010-12	3	1	4	0
2007-09	3	0	6	0
2005-06	3	2	3	0
2003-04	3	1	2	0
2001-02	4	1	8	0
Total	19	5	30	0

Table 1: *Number of WGs and EGs by specialization principle (purpose, territory, process, clientele) in the period of 2001-2015*

First, table 1 above reveals that the sectoral principle of coordination is not the most common way of organizing the work. The groups that most frequently have been set up with a sector or purpose-oriented mandate are chemical aspects/priority substances, groundwater and agriculture. In the two former WGs, participants mostly represent environmental agencies. In WG agriculture, participation comes from agricultural agencies and national ministries handling agriculture. Representatives from DG Agriculture also participate, although DG Environment chairs the group. Interviewees describe WG Agriculture as more political than the others, characterized by diverging views: “They (DG Environment and DG Agriculture) are not always coordinated (...) Cooperation is not always good and they are not exactly the best of friends”.<sup>13</sup>

About 30 out of 54 groups have primarily a procedural mandate. Examples are WG Reporting, WG on data and information sharing systems, and WG on monitoring. Participants are predominantly from environmental/water agencies in the MS, sometimes supplemented by the ministry level and authorities representing fields such as hydropower, transport and natural resources management. The primary focus of these groups is developing common methods and work procedures that are to be applied across sectors in order to monitor, register, measure or assess each river basin coherently.

For instance, there has been a WG Ecostat in all six periods. The group is in charge of intercalibration, which is a cornerstone in WFD implementation. It is the task of developing a cross-sectoral and territorially compatible measurement system for the characterization and classification of water ecosystems across Europe. This requires the development of water typologies, reference conditions, parameters, classification boundaries with levels of differentiation for a wide range of aspects such as temperature, hydro morphology, eutrophication, chemicals, biodiversity (from algae and invertebrates to fish stocks and flora), etc. Again, participants are mostly representatives from national environment/water agencies, but often accompanied by research institutes. In addition, dependent on the specific agenda, representatives from other policy sectors sometimes join, for instance fisheries agencies, energy/hydropower agencies etc. This work is organized strictly according to scientific processes and methods, and led by the Joint Research Centre. The output is common guidelines,

<sup>13</sup> Interview WG 1

methodologies, and joint measurement systems so that characterization and classification can be carried out in the individual river basins, yet according to a certain methodological consistency. In addition, this group prepares proposals for Commission decisions to be adopted by the Article 21 committee.

Taken together, these observations indicate that participants at the WG level are primarily representatives from the environmental field. Representatives from other policy sectors supplement participation. It is a mixed structure combining intra-sector specialization with procedural specialization affecting several sectors: “There is a strong technical basis that comes out, and at the same time an influence on policy development”.<sup>14</sup>

In the working groups, leadership varies. Either the Water Unit in DG Environment, a representative from the Joint Research Centre or the European Environmental Agency co-lead together with a MS representative. Often, the Water Unit serves as the secretariat in the sense that they organize and prepare meetings and the minutes. Thus, the establishment of the CIS has strengthened the role of the supra-national executive branch within the environmental field, and the administrative level and specialized experts in the MS.

### **Hierarchical elements and coordination capacities**

Two coordinating levels are installed into the CIS. While the SCG serves as an internal coordination mechanism, the Water directors group serves as a steering committee for the whole process.<sup>15</sup> The levels are guided by clear rules of procedure: All the deliverables of the WGs and the EGs go through the SCG before issued for informal endorsement by the water directors or formal treatment in the Article 21 committee. The SCG monitors progress in the WGs and provides guidance on emerging questions. It discusses coordination needs among the different WGs and they prepare written progress reports to the water directors group. Final endorsements are provided by the water directors, but when issues are suggested as “batch endorsements” by the SCG, water directors may approve without going into details of the case.

Below, coordination within the SCG is examined before returning to the water directors group

### **Coordination at the SCG**

The Water Unit in DG Environment chairs the SCG. Dependent on the specific agenda points, representatives from other DGs also participate, such as DG Agriculture and DG Economic and Financial Affairs. In addition, the group includes observers from non-governmental organizations (NGO). MS participants are mostly senior officials at the domestic agency level, usually an environment or water agency. They commonly work full time with WFD implementation in their countries and are involved in national coordination. They also participate in some of the EGs/WGs, in the water directors meetings as observers, and as delegates in the Article 21 Committee. Thus, the SCG participants are the ones most involved in WFD implementation and in the CIS. Interviews indicate that this involvement has an impact on their perceptions and

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<sup>14</sup> Interview SCG 1

<sup>15</sup> The term «water director» does not necessarily exist as a specific position in every MS, but refers to participants in that group

affiliations. For instance, one SCG participant expressed: “Sometimes, I feel like a personal EU member”.<sup>16</sup>

An examination of SCG meeting minutes in the period 2001-2015, enables an estimated overview of the work. About 31 % of the 784 agenda points can be classified as cases primarily directed towards intra-sector coordination. The most frequent issues are agriculture, groundwater and chemicals/priority substances. See figure 2 below.

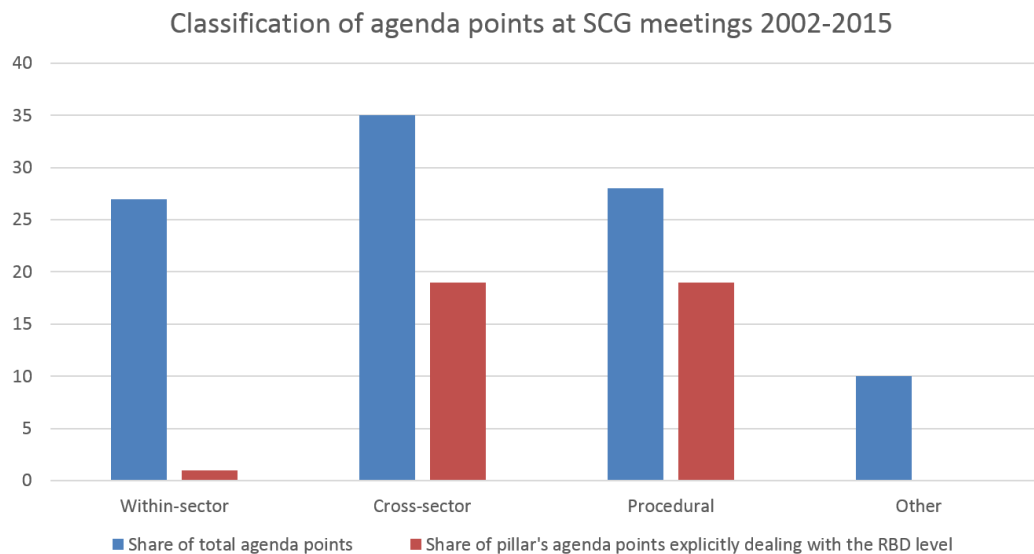


Figure 2: *SCG-meetings 2001-2015. Share of agenda points dealing with issues related to territory/ cross-sector, purpose, procedures or clientele. “Other” = agenda points not classified. Percent of Total. N = 784*

Figure 2 also brings attention to the relative high share (31 %) of agenda points that appear as cross-sectoral, or territorial in its primary focus. Many of these issues deal with the river basin districts, river basin management, river basin management plans etc. An SCG member explains: “The Commission does not govern the RBDs. But we forward Commission expectations (...) At the same time, the Commission states that issues are expert-oriented and not policy-oriented, favoring the environmental perspective”.<sup>17</sup>

About 28 % of the issues appear as primarily procedural in content, the most frequent being intercalibration, economics, reporting, and information systems. Also here, issues such as intercalibration, monitoring and reporting have an additional cross-sectoral scope.

<sup>16</sup> Interview SCG 2

<sup>17</sup> Interview SCG 3



## **Coordination at the Water directors group**

Participants in the water directors group are mostly senior officials (head of units) of a ministry (mostly environment), responsible for water issues in that ministry. According to the interviews, the water directors participate in the CIS not to officially represent their country, but to promote political anchoring in their home administrations: “They are the key pieces in the national administrations in order to link the administrative and political levels. It is important to make a link to the political level because water policy has many strong links to other policy areas. So their role is initially to keep an overview and the links with other policy areas”.<sup>18</sup>

Thus, being aware that the WFD depends on integration into policy areas such as agriculture, energy and transport, Commission representatives are very attentive to the water directors and nurture their relations in an informal manner: “We have a more flexible role in this forum, so you can say more. We feel less bound by the sectors that are watching us (...) I don’t say anything that conflicts with my home country. But I think water directors feel more free since it is an informal meeting”.<sup>19</sup>

Thus, in the water directors group, there is coordination up to a certain point, but not so strong that it would prevent a water director from endorsing the conclusions of the meeting. If coordination were to be fully fledged and more formal, it would probably turn the water directors into a group of the Council. One Commission official explains: “Because no formal position is adopted, it is possible for MS’ water directors to meet and be a bit more flexible, even though they don’t have their full agreement of their agricultural colleges and others”.<sup>20</sup>

This kind of informal dialogue is seen as an advantage compared to the formal discussions in the Council groups where only formal country positions are agreed.

## **The role of the Commission**

The WFD contains rather comprehensive reporting requirements on tasks such as characterization of RBs, economic analysis, River Basin District Management Plans (RBMPs), monitoring and implementation reports of PoMs (WFD art. 15). This has provided the Commission with significant information and enabled a change in the Commission’s role performance. Due to the information flows, the Commission now has its own agenda. This was missing in the beginning: “Its (the Commission’s) focus is on compliance, while in the early days it was about seeing difficult areas of the directive and how to get develop common approaches (...). The main change has been the increasing stage of implementation, with the Commission now having its own views on what the weaknesses in compliance are”.<sup>21</sup>

Also Commission representatives recognize that reporting has made them more attentive to what goes on at river basin level.<sup>22</sup> For instance, the assessments of the 2009 RBMPs showed significant differences in certain areas of implementation. Thus, from the view of the Commission, the extensive production of knowledge, guidelines and tools is important, but not a sufficient prerequisite for achieving the results of the WFD. For instance, while assessing the

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<sup>18</sup> Interview Commission 2

<sup>19</sup> Interview Water Director 3

<sup>20</sup> Interview Commission 3

<sup>21</sup> Interview SCG 4

<sup>22</sup> Interview Commission 2

2009 RBMPs, the Commission learned that the CIS outputs had differing effects in the MS: “Some countries do not understand the wide perspective of the implementation of the directive. In some of the countries or in some areas, there is still a lack of knowledge, a lack of willingness or a lack of knowing how to implement things”.<sup>23</sup>

This caused the Commission to look for additional ways of involving the river basin authorities. Thus in 2014, the CIS endorsed a peer-review mechanism of the second round of RBD management plans, restricted for RBD authority participation. The purpose has been to foster mutual learning and improve the quality of the plans and their compliance with WFD requirements.

Also, the Commission started to push and confront the political level through the water directors meeting. Before publishing its assessment of the RBMPs, the Commission presented it to the water directors. In the presentation, the Commission focused on where the problems were in a quite frank way, what the Commission intended to do and what the actions should be. This was done to make the water directors a part of the problem. In this way, the Commission pushed through the CIS in order to find out what the accurate problems actually were, which in turn enabled the Commission to perform more effectively in the bilateral meetings with the MS.<sup>24</sup>

Another example is the intercalibration exercise, in which a Commission decision was scheduled by 2012. Because not all necessary results were completed, the Commission could not present a final text to the Article 21 Committee. At the water directors’ meeting in June the same year, the Commission made clear that it would take over and lead the finalization of the process. Some MS raised some issues, and during the fall of 2012, the Commission solved bilaterally most of the issues with the MS, and was able to forward a text to the Article 21 Committee by February 2013.<sup>25</sup> At the SCG meeting in November 2012, MS representatives expressed that they wanted the Commission to continue its strong role in intercalibration. A Commission representative explains: “An intercalibration is not a political thing, it’s a technical thing. But once you try to close this, there is always some political things that you need to push in one way or the other. So that’s how we use the water directors, to push and confront the acquis”.<sup>26</sup>

Thus, the informal dialogues in the CIS enable the Commission to get more information on the real problems of water policy in the MS, and how to deal with the more policy-oriented problems.

A last example can be derived from the very comprehensiveness of requirements of the WFD itself, which have been regarded as challenging by the MS. Economic recession in many MS has made the wide scope of the WFD an issue at water directors meetings. One of the obligations that is disputed is Article 9, which obliges implementation of pricing policies. It also requires cost-recovery (including environmental and resource costs) for water services, taking into account the polluter pays principle. How these obligations are to be interpreted and implemented are disputed, and diverging views are still evident even after a 2015 Court ruling on water services (C-525/12) (Water Directors Meeting 26.05.2015). Implementation of pricing policies is also perceived as a demanding exercise, and some MS faced problems in delivering their RBD Management Plans by the end of 2015, as required by the directive. Being aware that delays can

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<sup>23</sup> Interview Commission 1

<sup>24</sup> Interview Commission 1

<sup>25</sup> Interview Commission 1

<sup>26</sup> Interview Commission 3

cause infringement cases against them, they used the water directors' meetings as well as bilateral meetings with the Commission to discuss how lags due to capacity shortages could be accepted in turn for willingness to comply with the Commission's interpretation of water services (Commission, 2012).

### **Centralized, crosscutting coordination?**

As argued in the introduction, to account for the development of networked, crosscutting coordination at the European level, one should consider both the interplay of resources within the network, as well as how it connects with the external environment. This section discusses the former.

An organizational perspective suggests that under conditions of shared specialization across levels, and loosely coupling at the national level, actors may engage into structures of intra-sector, multilevel coordination (Curtin & Egeberg, 2008; Martens, 2008). The empirical data of the CIS presented above reveals three main patterns as regards direct participation: First, environmental authorities at the subordinate national, agency level dominate participation. Second, authorities from other sectors, such as energy, agriculture and transport, supplement participation to a certain degree. This supplementary participation is both ad-hoc, and organized on a more systematic basis. Third, there are participants from the ministry, policy level, which will be discussed in the section below.

Looking at participation in the CIS as well as how the work is structured horizontally suggest some interesting patterns. While the CIS aims at policy-integration across sectors, participation is largely from the environmental segment, at all three levels. The working groups are also partly horizontally specialized by sector/purpose. In addition, both the SCG group and the Water directors group consist of participants mainly from the environmental sector. The data material reveals examples of how these participants see the CIS as significant for the development of common expertise and knowledge, and how they develop a sense of common identity and perceptions. Observations indicate that participants serve both the Commission and their parent ministry at home. These observations match the prevalent perception of ERNs, in the sense that they are collaborators based on horizontal exchange among actors with comparable competencies offering sector-specific expertise to the Commission (Burkard Eberlein & Grande, 2005; Bourkard Eberlein & Newman, 2008; Levi-Faur, 2011). Thus, to some degree, the data material confirms the rather classical within-sector constellations that have been observed in ERNs, and coordination capacity based on mutuality and socialization (Hooghe, 2005). The dominance of the environmental sector in the CIS give some support to the 'robust-pattern-of-coordination-hypothesis'.

However, the rather high extent to which work is specialized by process or procedure invokes attention. In addition, the role of participants from other sectors than environment should not be neglected. The data material reveals that the WG level has been predominantly organized according to procedural aims such as developing common reporting parameters and schemes, classification systems, common indicators for monitoring etc. For instance, the intercalibration group (Ecostat) converges metrics and indicators previously split by sectors into a coherent classification system. The process is based on scientific methods focusing on the cross-functionality of threshold-values and interfaces. This provides for a cross-sectoral scope. In the EU, organizing work by procedure is becoming more widespread through benchmarking,

mainstreaming and the open method of coordination. While these procedures have been predominantly informal (Borrás & Jacobsson, 2004; Bruno et al., 2006), the study of the CIS gives a more mixed impression. The encompassing classification system is one of the main outputs from the CIS. These deliverables end up as Commission decisions. For instance, Commission decision 2013/480/EU delineates measurements for assessing degrees of ecological status. These threshold values bind up assessments and objective setting in policy-sectors such as hydropower, transport or agriculture. A second main output is the many guidance documents. While these are informal and not legally binding for the MS, they might have persuasive effect for the European Court of Justice and justify the Commission's further enforcement work. Also these guidance documents are procedural and cross-sectoral in character.

According to Gulick (1937), process-orientation is capable of bringing various disciplines together under the same supervision. The guidance-tools developed through the CIS are expert-oriented and designed to facilitate work 'on the ground', i.e. the river basin level, and to provide a vertical link to the European level. This work resemble what Bruno et al. (2006), describe as a Europeanization of horizontal tools intended to foster indirect and decentralized modification of objectives.

Second, while output appears as scientific and "objective", developed by experts, the strategy is cross-sector implementation of these outputs (European Commission, 2001-2013). Although not systematically examined here, a careful assumption is that a WG level consistently specialized by purpose with all affected sectors involved, would probably increase disputes and conflict of interest within the network, as was indicated for WG agriculture. Instead, this study suggests that organizational compromises are tried out by combining intra-sector coordination with specialization by procedure. Research on EU integration directs attention to the role of horizontal means and work organized by process (Borrás & Jacobsson, 2004; Bruno et al., 2006; Sabel & Zeitlin, 2007). However, in organizational research, implications of organizing work by procedure probably deserves more attention. In this study, structuring work by procedure seems to support the expert-oriented nexus of the Commission-MS relations, while simultaneously extending the scope of coordination.

The role of procedure in structuring crosscutting coordination may also be illuminated by studying the vertical relations of the CIS. As the WFD obliges continuous monitoring and regular reporting from river basin districts to the Commission, the CIS has managed to institutionalize the follow-up and coordination of this work. While the directive delegates these tasks to the Commission, one might suggest that handing over the work to the CIS represents a state-centric solution. However, as monitoring and reporting involve a rather comprehensive standardization exercise of indicators and threshold values, the Commission does probably not have the capacity to carry out this work. Thus, institutionalizing it through the CIS may build centralized capacity that prevents uneven reporting and monitoring by the individual MS.

Thus, the study of the CIS suggests that procedure-oriented coordination is centralized into a network, promoted and supported by the robust pattern of coordination. These procedures aim at coordination cutting across both levels and sectors. The empirical observations indicate that specialization by procedure can be seen as a relevant scope condition vis-à-vis the role of direct participation, when assessing coordination effects of ERNs.

### **Crosscutting coordination: asserting the political or executive center?**

Through centralizing crosscutting coordination, the CIS can be seen as a whole-of-government approach, aspiring to facilitate horizontal and vertical coordination in order to reduce situations in which different policies undermine each other. A core element in such reform efforts is endeavours to reassert the political centre (T. Christensen & Lægreid, 2007a, 2007b; Pollitt, 2003). In this perspective, an interesting observation is that CIS participation is not restricted to “independent” regulatory agencies organized at an arm’s length from its parent ministry. On the contrary, ministry representatives participate in a superior “steering-group” together with representatives of the Water Unit in DG Environment. In addition, the ministry level has been involved through WG agriculture, as well as sporadically observed in other groups. This suggests that the CIS aims at political anchoring and/or influence. These efforts of cross-sectoral policy-integration is confirmed by informants explaining the role of the water directors, and through the CIS’ production of policy papers.

The fact that the CIS includes ministry participation suggests that it does not aim to operate insulated from ongoing political processes. Organizational structure is expected to have a bearing on what norms and values that are supposed to infuse an institution (March & Olsen, 2006). In the CIS, policy arguments and thinking seem to be according to a logic of appropriateness, however, restricted to the Water directors’ group and WG Agriculture. The Commission appears as rather strict as to when policy arguments are “allowed” and not. Examples are the Commission’s insistence that the intercalibration exercise should be a strictly scientific process, and when the Commission decided to take over and lead intercalibration, as the process was delayed due to policy concerns in the MS.

Thus, the state-centric policy exchange that is organized into the CIS confirms its cross-sectoral coordination efforts. The data on the role of the water directors vis-à-vis the Commission indicates some interesting signs of how the Commission seeks to build informal links and common understanding with their counterparts in the Environmental ministries. This may indicate an emergent environmental policy-partnership intended towards building support and legitimacy. The study suggests that this partnership empowers the Commission’s enforcement role, i.e. that a network structure that in formal terms is weakly endowed may nonetheless serve to strengthen the role of the Commission as the executive center in the EU.

Important in this is the CIS’ ability to produce significant amounts of knowledge and skills, as well as expertise-oriented procedures and methods. It is clear from the interviews that the Commission sees itself as in the driving seat of the whole CIS process, yet dependent on the expertise of the MS administrations. It is also dependent on increased political will in the MS to coordinate across sectors. Backed by the CIS-outputs, the Commission is able to take on a targeted, bilateral enforcement role outside of the CIS. For the Commission, the water directors’ meetings are useful to get a more precise insight into where the (policy) problems are, as well as to build allies and legitimacy at the political, ministry level, in order to push the MS. Through this, the Commission is also able to get an influential position vis-à-vis the Council. In this way, the water directors group has provided the Commission with a link into the national ministry-level, suggesting that cross-sectoral coordination is not merely administrative or expert oriented, but also policy oriented.

Taken together, this study builds on existing research supporting that intra-sector coordination seems to be a robust pattern in multilevel governance. It also suggests that this robust pattern of coordination may serve as a stepping-stone and legitimize more ambitious coordination efforts in

crosscutting coordination. By incorporating work specialized by procedure, the CIS is able to connect to the regional, RBD level as well as other policy areas.

In this context, it is interesting that traditional hierarchical measures such as legally binding planning, reporting, monitoring and rule making can be incorporated and controlled by a network. It is rather striking how the Commission has successfully anchored the use of these hierarchical tools. This suggests that ERNs can balance a collegial logic of coordination with more hierarchical approaches. Tallberg argues that enforcement and management mechanisms are most effective when combined. In real-life international cooperation, the two strategies are complementary and mutually reinforcing, not separate alternatives (Tallberg, 2002).

The structures of coordination at the European level take place at the backdrop of the fragmented institutional contexts in many MS. Thus, the most striking observation in this study is that crosscutting coordination may be institutionalized in an ERN. The coordination efforts of the CIS seem to supplement indirect implementation. Traditionally, the Commission's enforcement functions are restricted to monitoring and carrying out investigations (Nugent 2003). Departing from this, the study suggests that specialization by purpose combined with specialization by procedure may build on the joint assets of expertise, professionalism and identity, while expanding the scope of coordination by building external links. Through this, the Commission seeks to enhance its role vis-à-vis national and sub-national bureaucracies.

These insights are important for understanding the development of administrative capacities in the EU. Schou & Jordan have analysed how environmental politics in the EU has become more horizontal and environmental policy objectives more ambitious (Schout & Jordan, 2008). Over the years, these administrative demands have affected the Commission in upgrading its administrative coordinating capacities. At this backdrop, the study of the CIS can add to the more general development of environmental policy integration, suggesting a more direct and hands-on role in cross-sectoral policy coordination.

## **Conclusion**

Existing scholarship sees ERNs as a significant contribution to the emerging European administrative system, due to assets such as capacity building, empowerment of national agencies vis-à-vis their parent ministries, and the emergence of direct forms of intra-sector coordination between these agencies and EU-level institutions (Danielsen & Yesilkagit, 2013; Egeberg, 2006; Yesilkagit, 2011). Although they vary in form and character, they are primarily seen to produce transformative effects along a multilevel implementation structure based on sectoral specialization (Egeberg & Trondal, 2015). In this article, it is exposed how the CIS, an ERN established to facilitate the achievements of the WFD, has been capable of institutionalizing coordination efforts across sectoral divides and levels of governance.

Capacity building of knowledge, expertise, joint procedures and methods take place in the CIS despite its cross-sectoral character. The quasi-formal style mixes hierarchical measures of rule making and reporting with more horizontal forms such as guidance and information exchange. This indicates the growth of supranational coordination structures that supplement and challenges indirect administration.

Without breaking with the robust pattern of intra-sector coordination, the CIS builds on the strengths of these structures, combining specialization by purpose with specialization by

procedure. Through this, the network extends the scope of its output. The CIS also seeks institutional compromises by including the policy level as a correcting and legitimizing mechanism.

These structures of coordination extend externally, pushing inter-ministry coordination of home administrations via the water directors, as well as vertically, by institutionalizing reporting and monitoring capacity of the RBD level to the EU level. This complexity has made the Commission, which participates in all groups at all three levels, an increasingly influential hub of both vertical and horizontal coordination.

As such, the Commission's coordination efforts close in on the political center and stretches down to the sub-national, regional RBD level of governance. This suggests that the CIS can be regarded as a side-structure complementing and challenging the MS' own policy coordination in the field of water policy. In sum, these observations indicate a novel role for ERNs in the role of multilevel coordination.

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## 4 Article 2: Building bridges over troubled waters: administrative change at the regional level in European, multilevel water management<sup>27</sup>

### **Abstract**

The European Commission is promoting more decentralized forms of multilevel administration, without having its own administrative capacity on the ground. This article examines the role of ground-level administration in this multilevel system, by analysing why and how administrative change at sub-national levels comes about in connection with the implementation of European Union (EU) legislation. Despite their similar unitary state systems, Sweden and Norway have implemented the administrative requirements of the Water Framework Directive differently. While Sweden has delegated decision-making authority to novel regional-level bodies, triggering frictions in the hierarchical structure of government, Norway established networked, interdependent structures. Enquiring into the causes, the study finds that complementary use of instrumental, power-oriented and historical institutionalism shed light on the conditions under which European multilevel administration develops. In complex political-administrative systems, domestic legacies and temporal events provide ‘turfs’ for Europeanization-processes shaping domestic administrative systems from within.<sup>28</sup>

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## The European Union and Domestic Administrative Change

Administrative capacity-building is attracting scholarly attention as an aspect of European integration, complementing policy integration. A bulk of this research has concerned the formation of political arenas, executive capacity and administrative structures at the European level (See for instance Bauer and Trondal, 2015; Egeberg, 2006; Kassim, Peterson, Bauer, Connolly, and Dehousse, 2013; Tatham, 2014). Yet, without having adequate administrative capacities on the ground, the European Commission has begun to focus more strongly on administrative processes in the member-states, promoting a strategy to expand multilevel administration. This is evident in directives prescribing more decentralized forms of administration, horizontal and vertical planning tools and procedures for coordination at subnational governance levels (Heidbreder, 2015; Newig and Koontz, 2014; Sabel and Zeitlin, 2008).<sup>29</sup> As this is an approach ‘increasingly used to implement EU legislation’ (Newig and Koontz, 2014: 248), administrative change at the domestic, practitioner-level deserves attention.

The impact of the EU on domestic administrative systems has been regarded as differential (Goetz and Meyer-Sahling, 2008; Keating, Hooghe, and Tatham, 2015; Treib, 2014). The multilevel governance perspective has shown how domestic power-relationships can change under EU impact, but more insight is needed into the dynamics between various units and governance levels (Bache, 2012; Hooghe and Marks, 2010; Keating, 2008). Recent studies of decentralized administrative change find that these structures may act both as obstacles to effective implementation of EU legislation and as vehicles for policy delivery (Elias, 2008; Gollata and Newig, 2017; Thomann and Sager, 2017). Arguably, to better understand the role and functioning of ground-level administration in the EU multilevel system, we should examine why administrative structures have been established the way they are. This is the topic of this article. It analyses the genesis of administrative structures at the regional, practitioner level, and compares how administrative requirements in EU legislation are interpreted and put into life in two unitary states. The research questions are: How can we explain administrative change at the domestic, regional level of governance in unitary state systems, in relation to the implementation of EU law? How do similar political-administrative systems come to establish varying administrative arrangements? What role do domestic factors play?

In the literature on Europeanization, causal significance is often assigned to the interactive relationship between adaptation pressures exerted by the EU and domestic responses (Cowles, Caporaso, and Risse, 2001; Featherstone and Radaelli, 2003). The notion of ‘misfit’ is seen as a necessary trigger, referring to the degree of incompatibility between EU and domestic policies, structures or practices. The lower the fit, the higher the adaptation pressure from Brussels (Börzel and Risse, 2003: 61; Caporaso, 2008: 29). However, in explaining variation, the literature has focused on domestic, mediating factors such as the preferences of crucial actors and their institutional positions in the decision-making process, rather than the degree of compatibility between EU and domestic structures and procedures (Bache, 2008; Treib, 2014). This article employs a twofold argument. First, although endogenous processes are significant for shaping objectives and motivations, adaptation pressure can be taken into account by studying the distributional effects of new elements (Mahoney and Thelen, 2010). Within domestic systems, new rules or arrangements may constrain some actors, while enhancing discretion and enabling others (Sheingate, 2010). As noted by Olsen (2009: 24), ‘understanding change requires information about how different types of institutions fit together, their interdependencies and

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<sup>29</sup> For instance, the Habitats Directive 92/43/EC, the Birds Directive 2009/147/EC, the Air Quality Directive 2008/50/EC and the Water Framework Directive 2000/60/EC

interactions, and how change in one institution is linked to change in other institutions'. Thus, including distributional effects into the analysis allows for examining actor perceptions in light of characteristics of the institution, as well as the larger institutional environment. Second, combining different theoretical perspectives on how discretion is exercised and exploited may enable a deeper understanding domestic dynamics. This study includes instrumental, power-oriented and historical perspectives on administrative change to capture different but relevant dimensions of human action and institutional change. The aim is to explore their common ground by examining how one perspective may complement and provide added value to others, rather than strengthening one and delimiting another (Rones, 2009).

The Water Framework Directive (WFD) (60/2000/EC) is well suited for examining how and why member-states respond the way they do, when faced with EU pressures for more decentralized forms of administration. Aimed at safeguarding good environmental status of entire water ecosystems (WFD Art. 1), the WFD intervenes in member-state political-administrative systems by setting the principle of river basin management: administrative borders must follow the natural drainage area (river basin) of the water itself. All relevant authorities are obliged to coordinate their actions 'for the whole of the river basin district' (RBD) (WFD 2000, Preamble (35), Art.3 §4), with designated RBD authorities in charge of coordination. The WFD also delineates a six-year river basin planning cycle with deadlines and fixed tasks like monitoring, environmental characterization and impact assessment of river basins, the preparation of RBD management plans, legally binding environmental quality objectives for each RBD, and programmes of measures specifying how to achieve the environmental objectives. Thus, this study views the WFD as a reform effort aspiring to enhance coordination across organizational divides, with the river basin district at the hub.

In Sweden and Norway, WFD implementation triggered definite changes at the regional level of governance, and between government levels.<sup>30</sup> Existing authorities at the regional level were designated RBD authorities. In Sweden, these RBD authorities were granted fairly extensive, autonomous administrative capacities. RBD authority functions were delegated to five out of 21 County Administrative Boards (the state's regional authority in the county). Formal decision-making regarding the environmental objectives, RBD management plans and programmes of measures was delegated to new administrative bodies at RBD level: five Water Delegations. This marked a fragmentation of hierarchical governance and alteration of the primary order, with a separate decision-making system at regional, RBD level, formally binding for national-level authorities in policy areas like agriculture and nature protection. By contrast, in Norway, 11 popularly elected County Councils were appointed as RBD authorities, but as coordinators only. RBD-planning and decision-making were organized as interdependent and networked processes involving all relevant authorities. As Sweden and Norway have fairly similar unitary state systems with comparable political-administrative organization at the regional level, this variance seems puzzling. Thus, while research on the WFD has shed light on coordination and learning processes, the role of networked governance and stake-holder involvement (Hovik and Hanssen, 2015; Jager et al., 2016; Newig and Koontz, 2014; Sabel and Zeitlin, 2008; Sevä and Jagers, 2013), the WFD may also be studied with a view to illuminate the conditions under which EU multilevel administration develops.

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<sup>30</sup> Norway is not a member of the EU, but associated to the EU internal market through the European Economic Area Agreement, which commits Norway to implement the WFD. Thus, Norway participates in WFD implementation on equal terms with the EU member states.

This article is organized as follows. The next section outlines the theoretical approach. The third section explains the research design and methods. Next follows a description of WFD-implementation and the build-up of the new water administrations in Sweden and in Norway, and then an analysis of change-patterns and how they came about.

### **Institutional perspectives on administrative change**

Institutional theories tap into the relationship between bureaucratic structure and agency, and see political-administrative behaviour as something that develops through organized effort. As institutions are established to attend to various objectives, problems and responsibilities, actors are preconditioned differently to respond to change (Egeberg, 2012; Simon, 1976). Variance in change can thus be understood in light of the distributional effects of new requirements, characteristics of the individual institution and the larger institutional context. Below follows differing theoretical accounts of this argument.

The instrumental perspective sees administrative behaviour as the result of preferences about consequences. Actors compare gains from the current state of affairs against the result expected from a potential alternative (Kelemen and Tarrant, 2011), while seeking to address shortcomings in the political-administrative system by reducing transaction costs (Allison and Zelikow, 1999). In this perspective, reorganization is a tool for leaders to address specific needs (Christensen, Lægneid, Roness, and Røvik, 2007). As instrumental change is a matter of cost-efficiency, change is likely to take the form of displacement: older arrangements are replaced by new, superior structures in a swift and efficient way (Mahoney and Thelen, 2010).

In WFD implementation, reorganization should reflect the efforts of key actors or the political-administrative leadership to reduce transaction costs and/or show credible commitment. The new structures should be clearly mandated and sufficiently equipped in terms of expertise, resources, and authority to fulfil functional needs and obligations, swiftly and cost-efficiently. As displacement directly confronts existing arrangements, it is less likely where affected actors have the capacity to resist change (strong veto possibilities) (Mahoney and Thelen, 2010: 19). The leadership can be expected to be fairly coherent, capable of cost-efficient action (Cortell and Peterson, 1999).

Power-oriented institutionalism shares the instrumental perspective that actors are wilful and deliberate, grounding their thinking and actions in anticipated consequences. However, choices are not based primarily on cost-efficiency calculations, but reflect concerns for the distribution of resources and power (Kelemen and Tarrant, 2011; Tallberg, 2010). Given their self-interest, actors are reluctant to cede control and authority. Reorganization is likely to be a matter of conflict and bargaining, the design reflecting existing balance of power-structures (McNamara, 2001). New structures may disproportionately serve the stronger actors' interests, or be designed to be weak or ineffective (Aspinwall and Schneider, 2000; Kelemen and Tarrant, 2011; McNamara, 2001).

From the power-oriented perspective follows the expectation that where the WFD affects a fragmented institutional landscape, reorganization will be disputed, and likely to trigger actor concerns for authority and resources. We should observe bargains, disagreements, dead-lock situations or efforts to block change, especially where strong actor-constellations have the capacity to resist or direct change (Allison and Zelikow, 1999).

Historical institutionalism puts less emphasis on choice, viewing human action as more context-driven, shaped by the larger institutional context: standard operating procedures of the

bureaucracy, rules of the constitutional order, norms and conventions rooted in the institutional organization of the polity (Hall and Taylor, 1996). Institutions embedded in specific historical processes form actor interests (Aspinwall and Schneider, 2000). A key mechanism here is the concept of path dependency, whereby prior commitments and events frame actors' preferences and further action (Aspinwall and Schneider, 2000; Pierson, 2004). Relatively stable institutions may change, but in gradual and path-dependent ways. Thus, change may take the form of layering, where new elements are added side-by-side with existing arrangements without disrupting the old. Instead, new and old structures coexist and 'abrade against each other' (Pierson, 2004: 136), gradually disturbing the reproduction of the 'original core' (Mahoney and Thelen, 2010: 17).

In building up the new Water Administration, events and developments proceeding transposition should ground and limit the solutions deemed possible. WFD structures should reflect existing administrative doctrines and institutional patterns in relation to coordination. Elements of layering are likely, with new structures added as secondary structures alongside the existing institutional context in ways reflecting institutional continuity, without altering the primary order.

Having presented these theoretical perspectives as separate accounts, let us examine whether and how they provide complementary insights, perhaps offering additional explanatory value by emphasizing varying aspects of empirical phenomena (Rones, 2009). If a mapping of actor positions can account satisfactorily for the outcomes, rational-choice perspectives can be seen as a sufficient explanation. If, however, these positions leave puzzles in relation to aspects of delegation, then background variables and the gradual development of preferences may provide complementary insights. In the latter case, they may suggest favourable conditions or 'turfs' for certain social dynamics to materialize (Checkel, 2001).

## **Research design and methods**

The study builds on a most-similar cases design, where similar cases are compared in order to identify factors that might have contributed to the differing outcomes. Sweden and Norway exhibit many similarities, allowing for enhanced analytical control of relevant variations. Differences that might create problems for the analysis are reduced, and the relevance of certain relationships is strengthened (Gerring, 2007: 131). Norway and Sweden are both unitary state systems where national parliaments have supreme legislative power. They have a similar, three-tier system of popularly elected government institutions. The municipalities are central to the provision of public-sector services. At the regional level, each county (Sweden has 21, Norway 18), has a two-part political-administrative system: a popularly elected County Council as an independent political-administrative body, and a County Governor's office as a state administrative board. At the national level, the core executives are the ministries and semi-affiliated agencies.

However, Norway and Sweden differ in certain institutional characteristics. The Norwegian political-administrative system builds on the principle of ministerial responsibility, which holds the individual minister constitutionally responsible for decision-making within the policy-area and accountable towards the Parliament. In Sweden, the government makes decisions collectively, and subordinate agencies are accountable to the government. Sweden also has a strong tradition of dual administration, with separation between the policy-preparing ministries and the executive branch. Further, there is the difference in EU affiliation. Both countries are obliged to implement the WFD, Sweden as an EU-member since 1995, Norway through the European Economic Area (EEA) agreement. Thus, here it is examined whether these differences in affiliation and political-



administrative context explain various distributional implications of the WFD. If the analysis indicate these factors as central to the outcome, we have a fairly robust explanation (Gerring, 2007).

To explain how and why the new administrative structures at the regional level came about, this study traces WFD-implementation in Sweden and Norway, from transposition (2005 and 2007, respectively), when the new RBD structures received their mandates, and through the first and second planning cycles until the second RBD management plans was adopted in December 2016.

Information was collected from 52 informants in Sweden and Norway in the period 2012-2016. Representatives from five RBD authorities were interviewed in each country: all five RBD authorities in Sweden, while 5 out of 11 in Norway. The selected RBD authorities in Norway represent various geographical areas, size and environmental aspects (hydropower, aquaculture, agriculture etc.). Also interviewed were other actors involved in WFD-implementation like national agencies, ministries, County Governor offices, municipalities and a few NGOs. Interview guides with open-ended questions enabled broad reflection and extensive information from the informants. Questions concerned descriptions of specific events, how they happened and why, issues and challenges to be dealt with, how the new governance process was made operational. Interviews were taped and transcribed, and informants given the opportunity to read and comment on the transcripts.

Documentary studies of RBD management plans, programmes of measures and governmental documents were conducted to acquire information about WFD-implementation in the two countries. Reference is made to these where relevant.

### **Political-administrative systems for water in Norway and Sweden**

Prior to WFD implementation, water management was organized as a multilevel and cross-sectoral issue in the Swedish and Norwegian political-administrative systems. Local municipalities were in charge of spatial planning, water provision and treatment, and local pollution control. Inter-municipal collaborations already existed in some catchment areas, and continued within the new water administration (see Figures 1 and 2). The County Governor served as the state's regional authority on environment issues. Figures 1 and 2 also identify which ministries and agencies at central level most affected. The pre-existing political-administrative system is shown in dark, and changes due to WFD implementation in white.

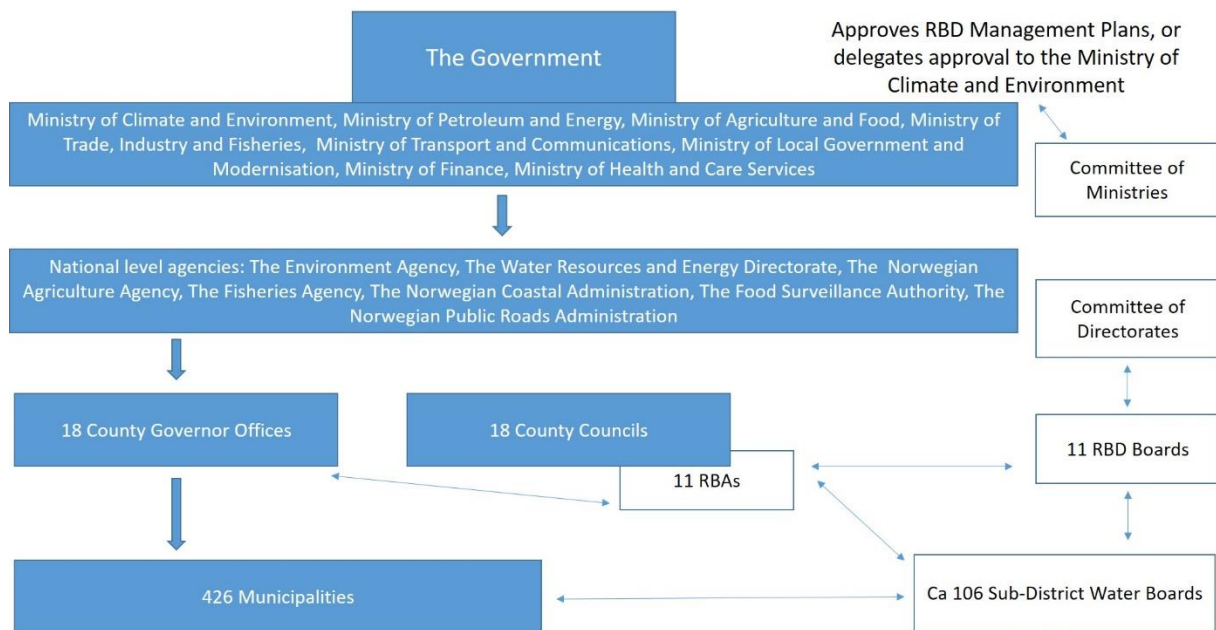


Figure 1: *Organization of water management: Norway*

In Norway, the new WFD structures were added to the political-administrative system as supplementary constructions, with existing institutions and division of responsibilities remaining intact. A four-level system of coordination was added to promote horizontal coordination between sectoral authorities, as well as vertical coordination between governance levels, where RBD-boards constitute the hubs. Eleven RBDs were designated with 11 County Councils as RBD authorities, mandated by law to coordinate the RBD planning processes through the RBD boards. All relevant authorities may participate at RBD-board meetings, which are held to agree on the characterization and classification of environmental status, prepare and propose environmental objectives, RBD management plans and programme of measures. Decisions go first to the 18 popularly elected County Councils for adoption, then for final approval by the government. However, neither RBD management plans nor the programme of measures are legally binding: According to the Planning and Building Act, they are to serve 'as a basis' for policy execution by the relevant sectoral authority.

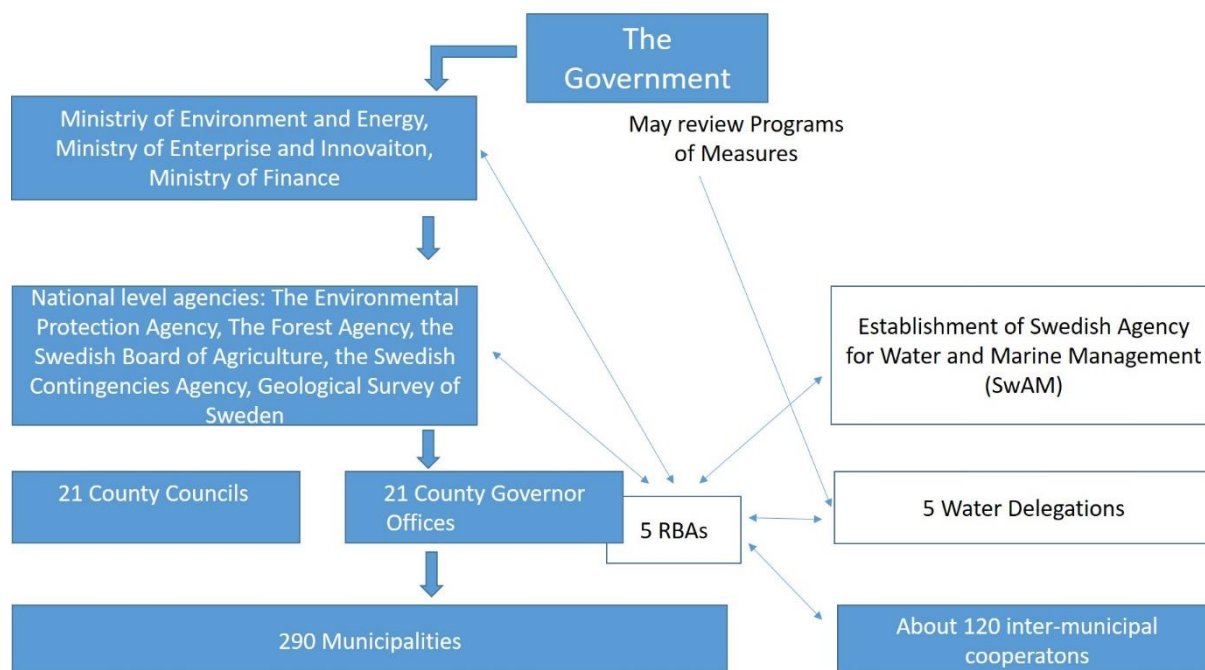


Figure 2: *Organization of water management: Sweden*

Sweden divided its territory into five RBDs, with five County Governor offices appointed as RBD authorities, mandated to conduct all key WFD tasks, from characterization to identifying measures. Five new Water Delegations were established, with formal decision-making authority on environmental objectives, RBD management plans and programme of measures. Delegates are appointed by the government. On the basis of the preparatory work of the five RBD authorities, the Water Delegations can adopt environmental objectives and measures binding to affected authorities. This represents as increased fragmentation and a weakening of traditional hierarchical government, in the sense that decision-making is transferred from national authorities to new bodies at regional RBD level.

Figure 2 also identifies the national-level authorities that were most affected. The Swedish Agency for Marine and Water Management (SwAM) was established in 2011 as a regulatory authority on water management. Its responsibilities were transferred partly from the Environmental Protection Agency, partly from the Fisheries Agency which was closed down. It also coordinates WFD issues with the EU.

## Organizational thinking in the transposition phase

### *Actor positions in Norway*

The WFD was transposed into Norwegian law in 2007, by adding it as ‘the Water regulation’, pursuant to three legal acts.<sup>31</sup> The pre-existing regulatory framework remained intact. In Norway, environmental legislation is distributed across several sector-oriented legal acts and regulations, of which sector-organized ministries are in charge. Thus, the WFD affected eight ministries and

<sup>31</sup> The Planning and Building Act, the Pollution Control Act, the Water Resources Act (hydropower).

their legal acts, as well as subordinate agencies.<sup>32</sup> Despite this heterogeneous legal and institutional framework, a 2005 inter-ministerial committee concluded that there was no need to adapt existing legislation. Possible conflicting issues were either postponed or ignored. An official from the Ministry of Environment explains:

“We had no authority to drive anything through against the will of other ministries, nor a political platform to do so (...) We had to find a solution to the fact that a water reform was about to arrive that affected all these legal acts. Nobody had the energy to try to cut from other ministries’ regulatory authority (...) That would have been a non-starter for the WFD in Norway”. (Interview #4)

Also the four-level structure of coordination was grounded in the sectoral political-administrative context:

“The regulation regionalizes the work. The reason for establishing the four-level structure of coordination was the Norwegian silo-structure, which necessitates horizontal dialogues”. (Interview #3)

All RBD authority functions were initially delegated to the County Governor. From 2009, the function as coordinator was transferred to the County Councils, whereas the expert-oriented tasks of characterization and classification remained with the County Governor. The involvement of the popularly elected County Councils was part of a 2009 regional reform-package aimed at safeguarding their role as intermediary level between the state and the municipalities. A few years earlier, the County Councils had lost responsibility for hospital provision. Many argued that this wing-clipping left the counties with an inappropriately minimal role. In this way, the WFD was linked to regional planning pursuant to the Planning and Building Act, where the County Councils serve as regional planning authorities:

“When you first have a discussion regarding a regional reform, and what to put into it, this was a relevant topic as WFD-planning is closely related to our regional planning system and the Planning and Building Act”. (Interview #5)

### ***Actor positions in Sweden***

When preparing for EU membership during the 1990s, Sweden reformed its environmental legislation. The 1999 Environmental Code replaced provisions from 15 previous acts, incorporating environmental regulation into a single law. Governmental documents reveal that the reform was partly grounded in EC/EU-membership, stating that ‘the Environmental Code corresponds generally to the implementation areas of EU environmental legislation’ (Miljödepartementet, 1997b: 145):

“One important reason for environmental quality standards being made directly effective, e.g. in the air conservation sector, is that standards of this kind are included in certain EC directives. If Sweden joins the EC, those directives will require a counterpart in Swedish law”. (Environmental Code: 59)

Informants note that there existed expert-executive clusters in Sweden focused on catchment-area oriented forms of water management along local and regional levels. These clusters were central in preparing the new water management system pursuant to the WFD (Interview #32).

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<sup>32</sup> The following Ministries: Climate and Environment; Petroleum and Energy (hydropower); Industry and Fisheries; Health and Care Services (drinking water, food safety); Agriculture; Transport; Local Government and Modernisation; Finance.

The Swedish government established a series of expert committees, all arguing for the need for cost-efficient administration to serve the interests of water, not bound by existing organization (Miljödepartementet, 2002):

“Cost-efficiency is important (...) We cannot create an organization that involves a new layer on top of the existing one, so that all bodies continue with their activities. Tasks should be transferred between bodies and levels”. (Miljödepartementet, 2002: 100-101)

Politically, this tight coupling to eco-friendly expert clusters reflected Sweden’s aspirations in environmental policy. Becoming an environmental forerunner was a longstanding policy objective, repeatedly expressed in governmental declarations in the years 1996–2003, especially in relation to EU membership (Miljödepartementet, 1997a). Ministry-officials also refer to custom and practice:

“We are rather small ministries, with instead large agencies. So we delegate a lot to them (...) Here, we do not have the expertise, the personnel nor the data. We mandate what needs to be done and trust that our authorities are capable of doing this”. (Interview #51)

## **Bringing the new administration into life**

### ***Norway: competing interests and path-dependent actions***

As the RBD boards began environmental characterization, status classification and delineation of environmental objectives, discussions rapidly surfaced concerning the role of the RBD authorities and RBD planning procedures vis-à-vis existing case-handling procedures of the sectoral authorities. Some state executives argued strongly that the RBD authorities “could not do anything that was not approved by the respective sectoral authority” (Interview #10). Various stages of the process were marked by disputes and deadlocks. The Ministry of Petroleum and Energy and the Water Resources and Energy Directorate soon realized that the WFD could affect hydropower production, of which Norway is a major supplier. But there were no estimates of possible effects on loss of production (Interviews #6, 8). The characterization and classification showed that hydropower represented a significant pressure on water ecosystems in terms of water flows and bio diversity. Moreover, some 360 production licenses were up for environmental-terms revision. Thus, the RBD authorities were instructed through governmental approval of the 2009 Management Plans, to base environmental objectives on existing environmental conditions in the licenses, citing their own revision procedure as the main tool for assessing environmental conditions (Governmental Approval 2010: 4). This was perceived as giving precedence to existing procedures, and several environmental NGOs filed a complaint on possible infringement of the WFD.

To get an overview of possible WFD effects on hydropower production, the energy authorities initiated a separate characterization and screening process in the second planning cycle. Also this was criticized by many actors, arguing that national authorities tried to bypass and interfere with the RBD-characterization processes. An RBD authority representative explained: In Norway, there is a difference between a management plan, which is run by a ministry, and a regional planning process pursuant to the Planning and Building Act, which is the legal basis for the WFD. National authorities cannot interfere in a regional planning process. (Interview #17) Disagreements over characterization and classification also evolved between the County Governor and the Fisheries Directorate. A representative of the latter explained:

“Work in the river basins does not comply with our organization, and we cannot ensure that it is conducted correctly (...) The WFD interferes with the enterprises’ need for predictability”. (Interview #11)

Due to these conflicts, the classification and identification of environmental objectives in aquaculture were transferred from the RBDs to national-level authorities.

In 2017, the Ministries for Climate and Environment, and Petroleum and Energy proposed amendments to the Water Regulation. Their proposal included decoupling the WFD from the regional planning procedure and the Planning and Building Act, transferring RBD authority tasks to the County Governor, and centralizing future updates of RBD management plans at national level. Stated reasons were the need for a more flexible organization at regional level, and more efficient balancing of national concerns.

### ***Sweden: cost-efficiency and political accountability concerns***

Although cross-sector coordination was challenging also in Sweden, the RBD authority tasks and work processes were not as conflictual as in Norway. The expert-oriented work of the RBD authorities was conducted fairly autonomously. A representative of the Agriculture Agency explained:

“The assessment criteria and parameters of the classification are very scientific. Our field of speciality is not classification methodology, but effects of measures. Thus, it is difficult to interfere with their assessments”. (Interview #34)

However, several informants identified hydropower as particularly challenging, due to the unclear division of tasks and responsibilities:

“The procedures are very comprehensive and slow, with very restricted admission to impose environmental terms. Lines of authority are unclear”. (Interview #39)

Also in Sweden, a separate screening process was conducted, with emphasis on hydropower. Voices were raised against the new water administration, mainly concerning the Water Delegations. The decision-makers were: “experts not representing anyone”, who “lacked political accountability” (Interview #40). Further:

“The Water Delegations (...) are appointed delegates from municipalities, County Governors and industry, insufficiently staffed or qualified to balance cost-efficiency considerations for the municipal sector vs. agriculture”. (Interview #35)

There was a perceived disconnect between the authority to instruct measures and authority to grant resources:

“In Sweden, there are two sources of financing: locally and nationally. Neither of these levels is involved in the process of adopting measures. As a result, there is no financial anchoring (...) Thus, politically it doesn’t work”. (Interview #41)

Responding to these challenges, the RBD authorities sought to improve relations and contact with the Ministry of Environment and Energy. One RBD authority explained:

“Too few measures have been implemented. We think the government should be more explicit and instruct its subordinate agencies through assignment letters, to implement the measures assigned to them”. (Interview #44)

During the 2015 public consultation on the environmental objectives, RBD management plans and programmes of measures, calls were made for a governmental review pursuant to the Water Management Regulation (2004:660), which allows the government to revise proposals for programmes of measures on request. As a result, the five Water Delegations delivered the programmes to the government for review. A ministry official commented:

“Basically, the WFD is a scientific directive. But we see that there are some political elements. For instance, we wrote in the revision that they may reassess the use of exemptions, and we realized that the package of measures in agriculture was more comprehensive than we could promise to deliver”. (Interview #52)

In 2017, the government authorized an expert committee to assess how to safeguard a financial system of WFD measures. This committee is also invited to propose possible changes to the organization.

### **Analysis: explaining differing change-patterns in similar unitary state systems**

Having traced administrative change at the regional level and the organizational thinking behind it, what can explain the differences between Sweden and Norway? Given their similar political-administrative contexts and the rather specific administrative requirements of the WFD, fairly equal adaptation patterns might be expected.

Instead, we found differing modes of administrative change in the two countries. In Sweden, the transfer of decision-making authority from state agencies to the new Water Delegations, the creation of SwAM at the expense of the Fisheries Agency and the Nature Protection Agency, and the replacement of a patchy legal framework with the Environmental Code, all indicate features of instrumental displacement: the swift ‘removal of existing rules and the introduction of new ones’ (Mahoney and Thelen, 2010: 15). In Norway by contrast, there was no reallocation of existing responsibilities or lines of authority. The legal framework remained unchanged. WFD tasks and responsibilities were distributed among the relevant authorities, according to existing mandates. Coordination was added through secondary structures. These elements resemble ‘layering’, where new structures are added alongside existing arrangements (Mahoney and Thelen, 2010: 16). How can we understand these different forms of change at the domestic, regional level of governance in relation to WFD implementation?

#### ***Transposition: preference formation and domestic legacies***

In Sweden, expert-executive clusters already dealt with the possible benefits of more catchment-oriented management forms, and several expert assessments discussed the revamping of existing administrative structures or the establishment of new ones. The data material indicates the prevalence of cost-benefit considerations and efforts to reduce transaction costs in water management. However, examination of the Swedish and Norwegian political-administrative systems shows rather specialized systems. The Swedish central administration has ministries more powerful than the Environmental Ministry, as well as rather autonomous agencies affected by the WFD. While instrumental displacement preconditions a fairly coherent leadership, there is a puzzle: Given that hydropower and agriculture are important interests also in Sweden, why did they not resist the transfer of authority to the Water Delegations?

A key feature in historical institutionalism is the legacy enshrined in political-administrative contexts, seen to shape human actions (Hall and Taylor, 1996). Interviews reveal how important

Swedish industrial interests like hydropower were not underpinned by the same degree of institutional capacity in the political-administrative system as in Norway. Case-handling and decision-making related to licensing and revisions were dispersed among several authorities, including formally independent Environmental Courts. Compared to Norway, these interests were less strongly institutionalized in the political-administrative system. Further, in explaining the extensive mandating, informants mentioned habits and the principle of dual administration, when explaining the extensive mandating, which has promoted relatively strong semi-independent government agencies (Greve, Lægveid, and Rykkja, 2016). These contextual background features appear relevant in explaining the acceptance of extensive mandating. From a historical institutionalist perspective, they form the basis for path-dependent action, where prior commitments frame actors' preferences and limit the consideration given to other solutions. By the same token, previous events are taken as reference points for current situations, promoting path-dependent processes (Pierson, 2004). Sweden had only recently entered the EU, and aimed at becoming an environmental forerunner. The new Environmental Code and the rather literal interpretation of WFD provisions as regards institutional set-up at RBD level can be seen as the instrumental means-end actions of a Swedish government determined to live up to its ambitions by retaining a tight coupling to EU environmental policy. Taken together, past events and contextual background variables help in explaining why cost-efficient environmental policy concerns could be brought to the forefront by the Swedish government.

Also in Norway, the data material indicates cost-efficient and self-interested thinking by agencies and ministries in relation to WFD implementation, but less coherent. Rather, the political-administrative doctrine of ministerial responsibility became a guiding principle for an acceptable distribution of tasks in line with the existing division of responsibilities. Given the strong foothold of this principle which had promoted strong sectoral path dependencies in case-management, it seemed natural to develop the new system for water management along these lines, which is a historic-institutionalist argument. At the same time, actor-constellations formed around vertical cleavages opposed the Ministry of Environment, motivated by self-interested worry about loss of control. The weakly mandated RBD authorities, the networked RBD boards, the interdependent and inefficient coordination and decision-making, and the four-level structure of coordination leave the impression of actors keen on retaining their influence with the institutional capacity to do so (McNamara, 2001).

Still, having mapped the differing actor positions, it seems puzzling how delegation to the popularly elected County Councils became the solution. With self-interested actors keen on retaining their responsibilities, delegation to a formally independent administrative level appears unlikely. However, also in Norway, water management had long been organized as a multilevel responsibility, and County Council involvement can be seen as path-dependent. An important backdrop for understanding the delegation to the County Councils is provided by their well-established role as regional planning authorities, as well as the previous wing-clipping of tasks. Thus, historic institutionalism appears as a necessary, but insufficient, explanation of Norway's layering. Asymmetric power relationships must be taken into account to fully understand the weak and ineffective functioning of the WFD structures.

### ***Implementation compromises between the old and new?***

As the Swedish RBD authorities and Water Delegations began assuming lives of their own vis-à-vis the national executives, they faced criticisms of their lack of political accountability. Although links with the Ministry of Environment and Energy had been strengthened through increased contact and the 2016 revision, the government responded by initiating an evaluation of the entire water administration. In Norway, the RBD boards gradually managed to agree on management plans and programmes of measures, which indicates some horizontal convergence. However, the



data material brings attention to recurrent disputes and efforts to delimit the impact of the RBD processes, vis-à-vis the previous sectoral procedures, and the new structures were being criticized for being ineffective. Also in Norway, the Government responded by proposing a reorganization of the new structures. Thus, the second phase shows continued friction, with dynamics between new elements and domestic legacies working from within the system. This points up the role of gradual processes and endogenous adaptation mechanisms.

### ***Europeanization from within?***

The Norway-Sweden comparison shows how WFD implementation was grounded in various domestic motivations, leading to differing administrative arrangements. That confirms Mahoney and Thelen (2010), who hold that a rule can have various distributional implications depending on the political-administrative context. In Norway, the principle of ministerial responsibility served as a basic building-block. Over time, it has resulted in fairly autonomous sectoral ministries with significant administrative capacity in terms of subordinate regulatory agencies and case-management procedures. As the WFD affected an array of these ministries, it became a matter of distributional concern. Time-specific events, like the numerous hydropower licenses up for revision, created path-dependency that added to the sectoral pattern, explaining why distributional concerns were brought to the forefront. This illuminates how administrative structures in relation to the EU sometimes can be shaped to be ineffective, explaining features of institutional layering and weak, networked structures. In Sweden, the political leadership faced fewer institutional hurdles and veto-holders. The vertical separation from the executive (principle of dual administration) enabled a more coherent leadership. Various path-dependent events in connection to joining the EU explain why ambitions in environmental policy were given priority. Thus theoretically, the study sheds some light on the conditions under which administrative structures may adapt more efficiently, and when this may be difficult. To understand the distributional implications of adaptation pressure from Brussels, we should link background variables with current actor positions, although the exact behavioural logics and change mechanisms are a complex mix and may be difficult to disentangle. Previous research has noted differences in organizational links between domestic authorities and the EU as relevant for explaining differentiated penetration of domestic decision-making processes (Larsson and Trondal, 2005). By demonstrating that joining the EU can be a basis for events that frame domestic actors' preferences, the current study draws attention to the time-related impact of dynamics working within political-administrative systems.

## **Conclusions**

The European Commission is promoting more decentralized forms of multilevel implementation, without having its own administration on the ground. Existing scholarship differs on the role and outcomes of such implementation structures. Some studies indicate that they can serve as obstacles to effective implementation of EU legislation, whereas others see them as vehicles for policy delivery (Gollata and Newig, 2017; Thomann and Sager, 2017). In Sweden and Norway, new administrative structures at the subnational, regional level of governance represent new platforms for executive action in the implementation of the WFD. The Swedish case involved a transfer of decision-making and rather comprehensive mandating. In Norway, by contrast, coordination was networked and decision-making remained dispersed across all relevant authorities. Exploring why structures and procedures at the subnational, practitioner-level were established as the way they were, this study has scrutinized the relevance of efficiency motivations against more context-driven, path-dependent thinking, as well as

behaviour driven by distributive concerns. Two main insights emerge about how European multilevel administration develops.

First, new rules may have differing distributional effects, as also argued by Mahoney and Thelen (2010), even in fairly similar political-administrative systems. To fully account for distributional implications and administrative change, the study demonstrates the relevance of linking background variables to current actor constellations. Differences in the motivations of key actors are central in explaining the varying change patterns. Further, to explain the ineffective character of the new structures and the involvement of the popularly elected County Councils in Norway, path dependencies and characteristics of the political-administrative context must be included. By the same token, time-specific events and administrative legacies help to explain why certain motivations figured centrally in the Swedish case. Both cases demonstrate the complementary interaction of behavioural logics that are difficult to separate in terms of precise explanatory effects. Moreover, these cases may indicate that contextual variables can serve as scope conditions, or ‘turfs’ for the exercise of discretion. This is a complex mix, a finding that underscores the importance of combining several theoretical perspectives to achieve a deeper understanding of domestic administrative change within the EU multilevel system (Grøn, Nedregård, and Wivel, 2015). This study has focused on the political-administrative context of water management. However, the fact that delegation has taken place, despite distributional concerns and the central role of national authorities in unitary states, indicates relevance for a broader universe of cases and across policy-areas (See for instance Plangger, 2016). With a complex directive requiring horizontal and vertical coordination across organizational divides, the central challenge is not necessarily vertical delegation in itself, but how and whether delegation is accompanied by redistribution of authority.

Second, in research on EU integration, it has been noted how the introduction of more decentralized administrative procedures in EU-directives may enhance the ‘double-hattedness’ of domestic administration in the execution of EU policies (Dörrenbächer, 2017; Egeberg, 2006). This study has shown how the RBD administrative structures that were established in Norway and Sweden reflect the administrative principle of river basin management enshrined in the WFD, although in partly differing ways. The changes in practices, coordination and structures cannot be understood as merely a product of joint preference-formation and persuasion between EU policy-makers and national authorities with equivalent expertise (Curtin and Egeberg, 2008; Egeberg and Trondal, 2009), nor as coercive pressures from Brussels. While not rejecting the relevance of such mechanisms, the study draws attention to how resourceful actor-constellations organized as vertical silos in the political-administrative system have opposed the national-supranational axis. Both cases illustrate how EU impact works not only vertically, but also through endogenous processes, gradually infiltrating national legacies and practices. The overall adaptation of the water administration in Norway and Sweden would remain unexplained if no consideration were given to administrative legacies and the path-dependent behaviour in relation to temporal events, working within and between these structures. Instead of top-down adaptation pressure exerted from the EU, endogenous processes of path dependent actions brought differing concerns to the forefront. In this way, attention to the relevance of domestic features shifts ideas of compliance away from ‘more-or-less-fit with EU-processes’, and towards how pressure is perceived and interpreted in relation to time-specific events and administrative legacies. In turn, this indicates that introducing more decentralized administrative procedures in EU directives may enhance the double-hattedness in the making of administrative infrastructures, as supranational administrative norms become entrenched in domestic administration and in shaping systems from within.

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## 6 Annex 1 List of interviews

# ID	Name of institution	Date	Form
#2	The Norwegian Environment Agency	10.2014	Personal
#3	The Norwegian Environment Agency	09.2012	Personal
#4	The Norwegian Ministry of Climate and Environment	01.2014	Personal
#5	The Norwegian Ministry of Climate and Environment	01.2014	Personal
#6	The Norwegian Ministry of Energy and Petroleum	01.2013	Personal
#7	The Norwegian Ministry for Fisheries	08.2013	Personal
#8	The Norwegian Water Resources Directorate	11.2012	Personal
#9	The Norwegian Water Resources Directorate, regional office	01.2015	Phone
#10	The Norwegian Directorate of Fisheries	11.2012	Personal
#11	The Norwegian Directorate of Fisheries, regional office	01.2015	Personal
#12, #13	RBD Authority Norway	12.2012, 11.2014	Personal
#14	Regional Council of Nordland	12.2012	Personal
#15	Regional Council of Hordaland	05.2012	Personal
#16	RBD Authority Norway	04.2016	Personal
#17, #18	RBD Authority Norway	10.2013, 05.2016	Phone, personal
#19	RBD Authority Norway	10.2012	Personal
#20	RBD Authority Norway	10.2013	Personal
#21	Regional Administrative Board Nordland	01.2015	Phone
#22	Regional Administrative Board Hedmark	05.2014	Personal
#23	Regional Council of Nordland	12.2013	Personal
#24	Regional Administrative Board Telemark	10.2012	Phone
#25	Regional Council of Hordaland	04.2013	Personal
#26	Regional Administrative Board Hordaland	04.2013	Personal
#27	Regional Council of Hedmark	05.2014	Personal
#28	The Norwegian Association of Municipalities Hosting Hydropower Plants	10.2012	Personal
#29	Sub-district water coordinator Nordland	01.2015	Phone
#30	The Norwegian Biodiversity Framework (SAMBIMA)	04.2014	Personal
#32	The Swedish Agency for Marine and Water Management (SwAM)	03.2013	Personal
#33	The Swedish Agency for Marine and Water Management (SwAM)	03.2013	Personal
#34	The Swedish Board of Agriculture	05.2014	Phone
#35	The Federation of Swedish Farmers	05.2014	Phone
#36	RBD Authority Sweden	05.2013	Phone
#37	Swedish Environmental Protection Agency	05.2014	Personal
#38	Swedish Environmental Protection Agency	05.2014	Personal

#39	Swedish Energy Agency	05.2014	Personal
#40	Swedish Congingencies Agencies	05.2014	Personal
#41	Swedish Water	05.2014	Personal
#42	Water Delegation Sweden	05.2014	Personal
#43	Regional Administrative Board, Västra Götaland	01.2014	Personal
#44	RBD Authority Sweden	05.2014	Personal
#45	RBD Authority Sweden	05.2014	Personal
#46	RBD Authority Sweden	01.2015	Phone
#47	RBD Authority Sweden	01.2014	Personal
#48	RBD Authority Sweden	01.2014	Personal
#49	RBD Authority Sweden	02.2015	Phone
#50	RBD Authority Sweden	07.2015	Phone
#51	Swedish Ministry of the Environment and Energy	12.2016	Personal
#52	Swedish Ministry of the Environment and Energy	12.2016	Personal
Water Director 1	CIS Water Directors Group	03.2013	Personal
Water Director 2	CIS Water Director Group	01.2015	Personal
Water Director 3	CIS Water Director Group	09.2013	Phone
SCG 1	CIS SCG participant	03.2013	Personal
SCG 2	CIS SCG participant	09.2012	Personal
SCG 3	CIS SCG participant	04.2014	Phone
SCG 4	CIS SCG participant	02.2014	Phone
SCG 5	CIS SCG participant	11.2013	Phone
SCG 6	CIS SCG participant	12.2013	Phone
WG 1	CIS WG participant Agriculture	01.2014	Personal
WG 2	CIS WG participant Agriculture	01.2014	Personal
WG 3	CIS WG participant Intercalibration	06.2014	Phone
WG 4	CIS WG participant Climate Change Aaptation	05.2013	Phone
EG 1	CIS EG participant Energy	09.2013	Personal
WG 5	CIS WG participant Floods	05.2014	Personal
EG 2	CIS EG participant Energy	11.2013	Phone
WG 6	WG participant Measures	11.2013	Phone
WG 7	WG participant Chemicals	05.2014	Personal
WG 8	RBD Network Group	10.2014	Personal
Commission 1	Commission Official	04.2013	Personal
Commission 2	Commission Official	07.2013	Phone
Commission 3	Commission Official	04.2014	Phone



## 7 Annex 2 CIS Interview guide

Interview guide. The Common Implementation Strategy (CIS)

### **Personal information**

Profession

Short background and job description

### **CIS involvement**

- a) How long have you participated in the CIS and in which CIS groups?
- b) Number of meetings per year, length of meetings.
- c) Description of group(s) that you have participated in:
  - How is work organized: leadership, secretariat, participation
  - Main issues, tasks and activities
  - Type of tasks: Data collection/information exchange, rule-making, policy analyses etc. Complexity: several tasks, ad hoc tasks?
- d) How does your group(s) work out views/positions/agree on deliverables? (deliberation, persuasion, negotiation)
- e) Are you sometimes doubtful whether a proposal/issue can be supported by your home administration? How do you go about? Are you somehow mandated by your home administration?
- f) What are the most important achievements/deliverables/contribution from the group?
- g) What have been the main challenges?
- h) What is the role of the member state representatives? Differences between states?

### **The CIS network in general**

- a) Why was the CIS established?
- b) The CIS have organization-like characteristics. The basic components from the very beginning have been the Water Directors' meeting, the SGC and several Working groups/Expert groups. What were the reasons for organizing work like that?

- c) What have been the benefits? What have been the challenges of such a structure?

#### The Water Directors' Group (WDG)

- d) What are the typical tasks of the WDG?
- e) The WDG have a role in linking politics and administration, or linking water issues with other policy areas that are connected. How exactly, do they do that? Any examples?
- f) How does the WDG coordinate with the Strategic Coordination Group, the article 21 committee and the working groups?
- g) What is the role of the Commission in the WDG?
- h) (How) does the WDG solve difficult issues/disputes?

#### The role of the Strategic Coordination Group (SCG)

- i) Who participates in the SCG? How is leadership exercised?
- j) What are the main tasks?
- k) How does the SCG handle/solve tasks? Any examples?
- l) How does the SCG coordinate with the Water Directors meeting? And the working group level?

#### The Commission

- m) What are the roles of the Commission in the various groups? (the WDM, the SCG, the working groups, the Article 21 Committee). Please explain
- n) What is the role of the EEA, the Joint Research Centre, others?
- o) To what extent is the Commission able to influence the work of the CIS? In what ways?
- p) Has the role of the Commission changed over the years? How?
- q) Does the Water Unit in DG Environment coordinate WFD issues with other units or DGs within the Commission? How?
- r) How does the CIS prepare the Work Programs?
- s) If we look at the work program for the period 2013-2015 issued by the Commission, you see a rather different organizational structure than what was included in the final work program. What were the differences of opinion and the various considerations?
- t) What are the links between the CIS and the river basin districts in terms of communication, contact and tasks?

#### General

- u) Over time, how has the CIS developed and changed?
- v) In your view, what are the main achievements of the CIS?

#### The CIS and your country

- a) Do you have contact/interact with other CIS participants in your daily work? Please explain
- b) What about the Commission?

- c) The main objective of the CIS is to facilitate WFD implementation. How does the CIS-work affect your tasks/work area in your daily work?
- d) How has your home administration applied/made use of the various guidance documents produced by the CIS?
- e) (How) are issues or questions handled by the CIS discussed at the RBD level in your country?
- f) Have the WFD implementation and the CIS work been of mainly administrative character or are there topics of political interest in your country /government? Please explain



### **The WFD in your daily work**

- a) Time and capacity spent approximately on WFD-related work: interviewee's time, number of employees involved in WFD work at your institution, estimate of man-years, full-time or part-time involvement of staff? What are the budgetary resources?
- b) What professional expertise and type of positions work with WFD implementation in your institution?
- c) How is the WFD-work organized:
  - In a single unit, across several units, lines of authority
  - In terms of work process: which tasks, routines and procedures: new or adaptation to pre-existing routines: Meetings (ad-hoc, regular), contact patterns, deadlines
- d) Please describe in your own words how your institution is affected by the WFD
- e) How is your institution mandated in relation to the WFD (by law, assignment letters, political instructions)?
- f) What are the main environmental problems/concerns that are put on the agenda in relation to the WFD?
- g) Which responsibilities, tasks and activities are affected by the WFD, and how? Any new tasks?
- h) How is decision-making affected?
- i) Has WFD implementation involved new and/or changed objectives and aims, policies and activity planning? Please explain
- j) Go through the following WFD tasks and activities, how does informant carry out the following:
  - Public timetable and work programme
  - River basin characterization/analysis
  - Classification of environmental status
  - Environmental objective setting
  - RBD management plans, and economic analysis of water use
  - RBD programmes of measures
  - Public consultations

### **Coordination**

- a) Please describe which actors and institutions that are your most important and frequent contacts in relation to the WFD work and why.

(RBD authorities, RBD boards/RBD Water delegations, County Administrative Boards, municipalities, NGOs or private stakeholders, national agencies, ministries, coordinating bodies, committees or networks, EU level actors)

- b) Elaborate how you meet (which arenas, meetings, arrangements, phone, digital/email, other written contact)? Frequency of contact.
- c) How formalized and routinized is regular contact? How ad hoc (activity plans/work programmes, resource sharing, division of work)
- d) Which tasks and activities? In particular, please describe how the following WFD activities are coordinated:
  - Public timetable and work programme
  - River basin characterization/analysis
  - Classification of environmental status
  - Environmental objective setting
  - RBD management plans, and economic analysis of water use
  - RBD programmes of measures
  - Public consultations
- e) To what extent are the differing tasks and WFD procedures subject to instructions, incentives, guidelines or expectations from which (external) actors?
- f) Describe the role of **the Water delegations / RBD boards** in relation to the activities above.
- g) To what extent and how do the Water delegations / RBD boards act ‘as a unit’? And coordinate externally?
- h) How will you describe the degree of shared understandings or differing views? Are tasks/issues difficult or easy to resolve? In what way? Examples?
- i) How do the Water delegations /RBD boards coordinate with/relate to the “external” environment?
- j) How do you coordinate work internally in your home institutions before participating in WFD activities/the RBD process? To what extent do you receive instructions from your superior and/or the leadership of home institution when participating in WFD activities? Changes over time?

**Within and cross-sector coordination:**

- a) In your experience, what have been the most important routines, activities or success criteria in order to facilitate “coordination for the whole of the river basin district”?
- b) Have those routines or activities affected existing pre-existing management procedures, or are pre-existing processes kept intact? Please describe how
- c) What have been the most difficult issues on your behalf in relation to WFD implementation? How do you go about to manage the issues?
- d) The WFD obliges member states to achieve good ecological status of all water bodies. Exemptions for new modifications can be made for reasons of overriding public interests (WFD §4, art. 7). These provisions affect the management of individual cases. How do you apply these provisions on your case management?

### **The WFD toolbox: procedures, instruments and routines**

- a) Are the provisions of the WFD fairly straight forward or are there ambiguities? Please explain/give examples.
- b) How do you go about when there is ambiguity? (Contacts, guidance, superiors, coordination routines)
- c) Which remedies do you apply in your work and how frequent? How are they applied?
  - Legal acts/regulations, instructions, letters, assignments
  - Guidance/guidelines, manuals, templates, common parameters, assessment criteria ect.
  - Databases,
  - Other
- d) How is reporting carried out?
- e) Who enforces/controls these differing tools?
- f) To what degree have RBD requirements established novel and separate processes and to what degree have they amended pre-existing processes? Explain how

### **Relations with EU-level bodies and routines, procedures and rules defined by EU-level bodies**

- a) Do you have direct contact with people from your national delegation in Brussels, the CIS-groups, the European Commission, other actors at EU level? How often?
- b) Describe the contact: What issues? What is the outcome?
- c) Do you apply guidelines, guidance, letters, templates, routines, deadlines, parameters etc. defined by EU-level bodies in your daily work with the WFD? In what way? Why/ Under which circumstances?
- d) How does your country coordinate with the European Commission / the CIS in WFD matters? (How) are you involved in the coordination?