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Keep your principals close, but your stakeholders closer: how agencies use stakeholders to bolster their authority

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ABSTRACT
Regulatory agencies provide input in the policymaking efforts of their executive principals. While doing so, agencies test the political waters for proposed policies and collect insights by consulting with stakeholders in developing their proposals to principals. Engaging with stakeholders may give agencies the tools to improve the input they provide and enhance agencies' authority in the eyes of the principals that rely on them.

This paper assesses how agencies' engagement with stakeholders affects their authority, specifically when convincing principals of their policy advice. We focus on the procedure of developing EU Implementing and Delegated Acts. We study whether 1) the kind of stakeholders that EU agencies have involved in developing their drafts and 2) how agencies' signalled responsiveness towards stakeholders affects how quickly the European Commission takes their drafts on board. Furthermore, 3) we show whether politicisation changes these effects.

Our study contributes to the literature on (EU) agency authority and reputation as we show whether ties with a broader stakeholder audience provide agencies with the tools to enhance *de facto* policymaking power. Furthermore, we contribute to the study of stakeholder engagement by showing what kind of engagement with stakeholders benefits public actors most.

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Regulatory agencies provide input in the policymaking efforts of their principals. At a distance from politics, agencies are in a credible position to offer

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technical, non-partisan expertise needed in regulatory policy. Agencies, therefore, amplify their technical competencies as a way to bolster their reputation in the eyes of critical audiences (Busuioc & Rimkutė, 2020; Demortain & Borraz, 2021) such as political principals (Rimkutė & van der Voet, 2023). Increasingly, however, agencies also test the political waters for proposed policies and collect insights by consulting with stakeholders in developing their proposals to principals (Arras & Braun, 2018; Yackee, 2019). Engaging with stakeholders has been argued to provide agencies with the ability to convince their principals of the soundness of and support for their input and is therefore important for their authority (Bertelli & Busuioc, 2021; Carpenter & Krause, 2015; Zito, 2015). This paper examines how authority is established by regulatory agencies through stakeholder engagement.

EU agencies' *de jure* authority over regulatory policymaking is limited and disputed. The Meroni, ESMA short-selling and FBF cases have, throughout the years, put the competence of EU agencies to decide on regulation to question. As it stands, EU agencies do not have the competence to decide on regulation that involves a normative, political judgement without fiat from the European Commission (EC hereafter) (Gargantini & Scholten, 2021). It is widely acknowledged, however, that EU agencies do *de facto* establish binding regulatory norms. The EC mostly adopts the regulatory norms suggested by them (Ruffing, 2021; Wood, 2018). Research shows that agencies are able to harness such authority by leveraging stakeholder support (Carpenter, 2001). Whether stakeholder engagement enhances (EU) agencies' authority is, however, not evident from systematic large-N research. We therefore ask:

> What is the effect of stakeholder engagement on agency authority in the eyes of principals?

We rely on a novel dataset of EU agency and EC documents. It contains 532 drafts for EC decisions (Delegated Acts and Implementing Acts) drawn up by EU agencies, variables on the public consultations held by EU agencies on these drafts and the eventual EC decisions. We look at five agencies: the European Union Aviation Safety Agency (EASA), European Banking Authority (EBA), European Insurance and Occupational Pensions Authority (EIOPA), European Union Agency for Railways (ERA) and European Securities and Markets Authority (ESMA). We use quantitative text analysis and Cox survival models to test our arguments. Our results show that the way agencies engage with stakeholders matters. Being more responsive to stakeholder concerns causes agencies to gain authority in the eyes of the EC. Furthermore, engaging with EU-level associations can enhance or harm agencies' authority, depending on what aspect of politicisation plays a role.

We make at least two contributions to the literature. First, we build on and link the literatures on stakeholder engagement and bureaucratic reputation on how support from particular audiences improves agency reputation and authority (Bertelli & Busuioc, 2021), and how agencies benefit from stakeholder engagement (Arras & Braun, 2018). Both implications of stakeholder engagement for bureaucratic authority are often implied in respective literatures. We study the mechanics linking the two phenomena, showing that stakeholder engagement can benefit agencies' authority. Second, we contribute to the debate on EU agency authority, which often takes a *de jure* approach (Ruffing *et al.*, 2024), rather than a *de facto* one, or builds on case studies (Busuioc & Groenleer, 2014; Jevnaker, 2025; Ruffing, 2021; Zito, 2015). We employ a large-N approach allowing for a fine-grained and broad evaluation of *de facto* EU agency authority.

Researching authority

Scholarship considers the relationship between (EU) regulators and their principals under several concepts, such as independence, autonomy, and authority. Our puzzle is best explored by employing the concept of authority.

Authority can be defined as instances where '*B complies because he recognizes that [A's] command is reasonable in terms of his own values either because [the command's] content is legitimate and reasonable or it has been arrived at through a legitimate and reasonable procedure*' (Lukes, 2004, pp. 21–22). Simon (1947, pp. 9–10) emphasises that an actor accepts authority when it lets its behaviour be guided by properties beyond the mere objective merit of a decision. In our application, authority involves agency proposals that principals adopt as regulation because of the legitimate and reasonable nature of the proposal's content or preparatory procedures. Authority refers, hence, to a non-coercive form of influence of one actor over another, based in expertise, or the use of procedures which are conceived to be legitimate by the other actor (Ran & Qi, 2019). Authority is hence a socially acknowledged and legitimate right, granted by this other actor (the principal) to the first actor (the agency) to exercise judgment, make a decision, or take actions (Astley & Sachdeva, 1984; Purdy & Jones, 2012).

Authority is different from autonomy and independence (Gilardi & Maggetti, 2011; Maor, 2007). Autonomy is whether an actor can make decisions in line with its own preferences regardless of the preferences of another (Maggetti & Verhoest, 2014; Palus & Yackee, 2022; see also Verhoest *et al.*, 2004), or the capacity to manage one's own affairs (Groenleer, 2009). In our context, *de jure* autonomy or independence would require regulators to have the formal competence to adopt regulation. Authority explicitly concerns what an organisation can get *another* actor to do, not its *own* room of manoeuvre. In early accounts of agency autonomy, de facto autonomy in terms of policy has been understood in some cases as the involvement of agencies in policy making, even without formal competences to do so

(Verhoest, 2018; Verhoest *et al.*, 2010; Verschuere, 2009). Still, this is different from having influence on decision-making, due to the agency authority being recognised and valued by the decision-making actor. Nevertheless, *de jure* or *de facto* autonomy or independence might be an antecedent to the authority of an agency, as we will discuss below.

Researchers have looked at the extent to which EU agencies influence EC decision-making. Formally speaking, EU agencies develop regulatory rules independently form the EC, while they must keep them in the loop as the EC eventually needs to sign off (Busuioc, 2013). Agencies' formal independence depends on what kind of competence the agencies have (Rittberger *et al.*, 2024). Agencies tasked with regulation or authorisation are high in decision-making independence. They can choose their own policy priorities and decision processes. Ruffing finds that agencies that have formal agenda-setting power[1] have nearly all of their proposals on regulatory rules translated into EC output, but that these agencies are limited in arriving at preferences independently from the EC (Ruffing, 2021, 2022). Agencies with much authority thus derive that authority from not straying too far from what the actor they have authority over (the EC) wants. Ruffing (2022) also shows that the authority of EU agencies is greater when they are organised as a decentralised hub of national regulators. As national agencies are more at arm's length from the EC, the latter is less able to control their output. These findings point to authority stemming from the mandate of agencies, either because of their formal agenda-setting competences or their decentralised nature.

On the other hand, authority may also result from factors beyond agencies' mandate and formal constitution. First, an informational disadvantage may cause a principal to accept agency output. Especially in cases where principals are less able to discern the merit of a proposal, they rely on the perceived authority of the agency issuing it. This is, for instance, true in the case of EMA whose level of expertise and employment of medical experts far outreaches the EC DG overseeing the agency (Groenleer, 2009; Ossege, 2015; Ruffing, 2021). Furthermore, in another context, agencies may time their proposals to match periods where the oversight of principals is lower, such as legislative recess and during divided government (Bark *et al.*, 2024). This shows the importance of both technical and political expertise in gaining authority.

Another source of authority beyond agency mandate, and the one focused on in this contribution, is the embeddedness in outside audiences. As regulatory policymaking becomes more complex, visible and multifaceted, agencies have a greater need for legitimising themselves vis-a-vis various audiences (Braun & Busuioc, 2020; Koop & Lodge, 2020). Meanwhile the EC seeks to signal its responsiveness to citizen and civil society preferences (Yordanova *et al.*, 2025). This emphasises the need for key stakeholders, such as industry actors and civil society but also national regulators (Busuioc, 2013), to be on board for the EU agencies to make authoritative proposals to the EC. Bertelli and Busuioc (2021) refer to this as *reputation sourced authority*: authority stemming from the support from outside audiences. Such support makes it costly for principals not to accept the agency's decisions, for instance in terms of loss of votes or opposition from institutional actors. Some have already observed bureaucracies' use of public consultations to enhance their reputation in the eyes of key audiences. When addressing stakeholders' public consultation comments, the EC emphasises its established reputation for technically responsible policymaking (Bunea & Nørbech, 2023). Similarly, energy regulators in the EU and Germany prioritise areas where their reputation is most robust when responding to consultations (Fink & Ruffing, 2020). This underscores the use of public consultations as signals to outside audiences in gaining a reputation. We go further and assess whether stakeholder engagement can be effectively employed by agencies to gain authority in the eyes of their principals.

Theory and hypotheses

Our expectations depart from the notion that (EU) agencies seek to enhance their authority (Wood, 2018). In line with the conceptualisation of authority, we focus on whether agencies convince political principals, in our case the EC, using the legitimacy of their proposals or that of the procedure they used to arrive at them. Below, we hypothesise that stakeholder engagement, in terms of *how* the agency engages with *whom* and *under which conditions*, affects the agencies' authority in the eyes of the EC.

Legitimacy can firstly come from the agencies' resources. Agencies that engage with specific groups that provide them with crucial resources may gain authority in the eyes of principals. We expect that business interests and research organisations are such groups.

Executive principals have a profound need for expert knowledge to draft and enforce regulation competently (Bouwen, 2004; De Bruycker, 2016; Klüver, 2012). Furthermore, as the EC has to uphold its reputation of a technically competent actor (Bunea & Nørbech, 2023) it may adopt proposals more easily if these proposals contain signals that agencies' output is based on expert knowledge. EU agencies have also been observed to convince their principals with expertise (Ossege, 2015) and they focus on technical issues in their external communication (Busuioc & Rimkutė, 2020). As business actors specifically have a high level of expert knowledge about their sector (Beyers & Arras, 2019; Hermansson, 2016), we expect that the EC responds positively to EU agency proposals where business stakeholders were consulted. However, when businesses dominate public consultations, there may be concerns for regulatory capture (Carpenter & Moss, 2013). When many business groups respond to consultations, the EC may question whether proposals are in the public interest or in the private interest of businesses. We therefore expect that the relationship between business stakeholder engagement and EU agency authority takes an inverted U shape:

> H1: Engaging with business stakeholders increases agencies' authority in the eyes of principals up to a certain point after which it decreases the authority as the share of business stakeholders becomes larger.

Another way to mitigate allegations of bias towards business in the agencies' policy proposals, is engagement with (independent) research orientated actors, such as research institutes, universities or think tanks. This may positively affect the perceived expertise of an agency, or its technical reputation (Carpenter, 2010). As there is no clear drawback to engaging with a high number of research organisations, this may yield a similar, but linear, effect to engaging with business interest groups:

> H2: Engaging with research organisations positively affects agencies' authority in the eyes of principals

Other than expertise, regulators also gain legitimacy from their relations with a wide group of key audiences. Agencies build coalitions of stakeholders that support them and their output (Bertelli & Busuioc, 2021; Carpenter, 2001). If ignored by their principal, the agency can rely on these coalitions to speak out. This leads to reputational risks for the principal, who weighs ignoring the agency against the potential costs of adopting agency output that it disagrees with (Bertelli & Busuioc, 2021). In our case, the risks emerge from possible interference from institutional veto players in decision-making. In the processes of establishing Implementing and Delegated Acts, the EC can be held back if Member State representatives in comitology committees and expert groups, the European Parliament or the Council, do not agree (Brandsma, 2024). Stakeholder engagement by agencies can inform both the EU agency and the EC of stakeholder positions, enhancing their bargaining position. It gives these bureaucratic actors, which are further removed from politics, a view into the positions held by political veto players (Bunea & Thomson, 2015). Diversity in stakeholders matters here as the inventory of consulted positions covers more of the audiences that are crucial for the principal to consider (Bertelli & Busuioc, 2021; Carpenter, 2001). If EU agencies can thus show that a wide variety of audiences was consulted, the EC should find it easier to adopt a proposal as it can pre-empt opposition from the European Parliament and Member State governments.

Furthermore, engaging with a diverse set of stakeholders may offer the principal a way to ensure agencies behave appropriately without the need for costly scrutiny. In a highly business dominated environment like EU agencies (Beyers & Arras, 2019; Joosen *et al.*, 2022; Redert, 2020), diversity often entails including groups outside of businesses and their associations.

Non-business groups can notice capture-like behaviour and inform the principal (Ayres & Braithwaite, 1991; Beyers & Arras, 2019; Braun *et al.*, 2020). These so-called fire alarm mechanisms (McCubbins & Schwartz, 1984) make it easier for principals to judge whether agency output is in the public interest. In that sense, the expectation that diversity matters for increased authority implies an alternative to the expectation that engaging with business stakeholders matters, as suggested in H1.

> H3: Engaging with a diverse group of stakeholders positively affects agencies' authority in the eyes of principals.

We note, however, that stakeholder diversity may also be indicative of politicisation as it shows *public resonance* (De Wilde & Zürn, 2012; Wilde, 2011). As increased politicisation may deplete the authority of an agency (Koop, 2011; Zito, 2015), the effect may also be opposite to H3. However, these agency proposals seldom get any attention from the general public (Beyers & Arras, 2019). Public resonance should therefore be consistently low. Following our main theoretical lens, we therefore expect a positive effect of actor diversity. We further develop our expectations for how politicisation affects authority in H6-9.

Not only the type of interest that stakeholders represent, but also their level of representation matters. Associations representing wider interests, in particular those that represent EU-wide interests, have a strong position to show what the common interests of an industry are. Associations that have a wider scope of EU countries in their member base were, for instance, found to have more access to EU decision-makers (Albareda & Braun, 2019). As EU decision-makers value the input of these groups, they should also be an important subset of stakeholders in shaping the authority of regulatory agencies. In line with our expectations for diversity (H3), the inventory of positions consulted covers more of the audiences that are crucial for the principal to keep on board (Bertelli & Busuioc, 2021; Carpenter, 2001) if EU-level associations were (more) involved in stakeholder consultations. It also contributes to the necessity of principals to overcome information asymmetries between them and their agents. A high level of engagement with EU-level associations can serve as a proxy for the EC on whether the agency has considered the interests of the EU as a whole rather than specific national interests (Bouwen, 2004; Eising, 2007).

> H4: Engaging with EU-level associations positively affects agencies' authority in the eyes of principals.

Not only with *whom* agencies engage with matters, but also *how* agencies engage with stakeholders. Being responsive to the concerns of key stakeholders may avoid future non-compliance with regulations (Arras & Braun, 2018), either by lowering regulatory standards or by making them more practically feasible. The principal can therefore expect less compliance issues if it accepts agency proposals for which it perceives that stakeholders were listened to. Additionally, the fact that an agency reacts positively to the input of stakeholders enhances the impression of the EC that the stakeholder engagement goes beyond mere window-dressing and stems from genuine intentions to learn from the stakeholders' input. Being valued by the EC, this in turn increases the authority the agency gains from responsive engagement in the eyes of the EC. Based on these two arguments, we therefore expect that, all else being equal:

> H5: Signalling responsive engagement with stakeholders positively affects agencies' authority in the eyes of principals.

Beyond *how* agencies engage with *whom*, it also matters *under which conditions* engagement takes place. We expect that politicisation, in particular the dimensions debate intensity and polarisation[2], moderates the effects of the other hypotheses, but not in the same way. On politicised issues, opinions become more polarised between proponents and supporters, and the debate becomes more intense with more actors mobilising (Wilde, 2011). More intense debates increase the visibility of agency decisions, increasing the likelihood that their actions will be perceived as favouring one side over another (Koop, 2011; Zito, 2015). As a result, principals become more sensitive to reputational threats they themselves might face (Zito, 2015) and more determined to keep agencies in line (Koop, 2011).

On the one hand, principals may find it increasingly difficult to go against agency proposals that are supported by various stakeholder audiences or key insiders when their numbers are greater as it may backfire on them (Bertelli & Busuioc, 2021). They are therefore more likely to adopt agency proposals that are developed with a diverse group of stakeholders or EU-level associations in cases with high debate intensity compared to cases with low debate intensity. This underscores the importance for regulators to engage with a wider variety of stakeholders under politicisation (Koop & Lodge, 2020).

> H6: Higher levels of debate intensity lead to higher effects of stakeholder group diversity and EU-level association involvement on the authority of the agency in the eyes of principals compared to lower levels of debate intensity.

The opposite holds for how polarisation moderates the effect of diversity on authority. As polarisation increases, conflicting expectations from different stakeholders create tensions that make it harder for agencies to maintain a balanced reputation. This may nullify the added benefits of engaging with a diverse group of stakeholders or with EU-level associations. If a diverse or insider group of stakeholders is more divided, this may show that the proposal creates winners and losers, which goes beyond the technical non-normative character that EU agency rulemaking should have (Busuioc, 2013). The combination of high polarisation and high diversity or EU-level association involvement may show the EC that the EU agency has overstepped its mandate.

> H7: Higher levels of polarisation lead to lower effects of stakeholder group diversity and EU-level association involvement on the authority of the agency in the eyes of principals compared to lower levels of polarisation.

On the other hand, however, these two dimensions of politicisation should have a different effect on how engaging with specific interests and responsive engagement affects authority. In cases with high debate intensity, the reputational costs for principals of adopting (perceived) captured agency proposals become larger as the likelihood of it being picked up by a wider audience increases (Culpepper, 2011). Therefore, when agencies involve a higher number of business stakeholders or are signalling more responsiveness to stakeholder demands, they may face greater scrutiny from principals under high debate intensity. Similarly, under high debate intensity, relying on mostly research institutions and think tanks may cause critique from wider audiences of being too technocratic, which may undermine the agencies' effectiveness (Everson, 2012). We therefore expect that:

> H8: Higher levels of debate intensity reduce the effects of business stakeholder engagement, research organisation stakeholder engagement, and signalled responsiveness on the authority of the agency in the eyes of principals, compared to lower levels of debate intensity.

Furthermore, polarisation may show that, even though specific interests dominate the consultation, there is still diversity in opinions, for instance between defenders and opposers of the status quo (Stevens, 2025). When many research organisations or business groups respond and they internally disagree with one another, this may indicate to the EC that these actors do not form one monolithic block that steers the proposal away from the public interest. As such, polarisation can in this case be an antidote to capture and overly technocratic decision-making. Furthermore, rules that resulted from being responsive to a polarised group of stakeholders may reflect the ability of the agency to navigate and reconcile different viewpoints.

> H9: Higher levels of polarisation increase the effects of business stakeholder engagement, research organisation stakeholder engagement, and signalled responsiveness on the authority of the agency in the eyes of principals, compared to lower levels of polarisation.

Lastly, we expect that the effects of engaging with types of stakeholders and signalling responsiveness to stakeholders will increase when EU agencies have managed to include more EU-level associations in their consultations. As important insiders, these associations can be key to convincing the EC that what EU agencies propose has merit. We therefore expect that engaging with such groups enhances the benefits that we have lined out previously.

> H10: Higher levels of engagement with EU-level associations lead to higher effects of business, research and diverse stakeholder engagement and signalled responsiveness on authority of the agency in the eyes of principals compared to lower levels of engagement with EU-level associations.

Figure 1 provides an overview of our hypotheses.

Methods

In our analysis, we focus on the procedure of adopting Implementing and Delegated Acts by the EC after they have received input from EU agencies.[3] This represents a least likely case for H3, H6 and H7 as the EC is more at a distance from voters. It relies less on support from the general public for its day-to-day activities, and thus has fewer reputational threats from ignoring well-supported agency proposals, compared to national governments. However, as argued above, the EC does face threats from other institutions, such as the European Parliament, Council and Member State representatives.

EU agencies develop drafts of specific Implementing and Delegated Acts that the EC bases its decision on. Certain EU agencies (ACER, EMA, ESMA, EIOPA and EBA) have a formal agenda-setting role, meaning that the EC may only adopt or send back their draft. Other agencies have an advisory role and the EC is not bound by their draft (Ruffing, 2021).

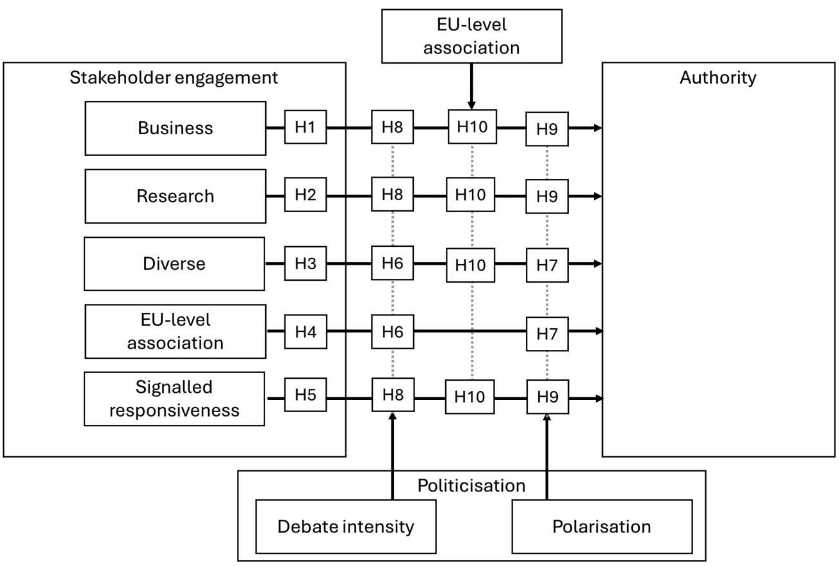

Figure 1. Overview of hypotheses.

Along with their draft act, EU agencies send reports on the procedure they followed to develop it. We argue that these reports function as signals to bolster their authority in the eyes of the EC. We specifically look at signals resulting from online public consultations as these are covered to a large extent by the reports and are therefore a consistent and comparable signal sent by agencies to the EC. As data on stakeholders present, their comments and how the agency addresses them are transparently available, it is unlikely that agencies mischaracterise stakeholders' concerns or their own response. Stakeholders could easily flag this with the EC, which in turn would cause threats to the reputation of the agency. These reports have a central place in how agencies submit their proposals to the EC. For instance, the rule itself is often an appendix to such a report. The reports are therefore a good reflection of what signal agencies want to send to the EC when proposing a rule. Most proposals are based on a single public consultation, but some of EASA's draft rules are based on multiple consultations. In those cases, we took all of the consultations into account in our analysis.

We look at the cases of EASA, EBA, EIOPA, ERA and ESMA. These are all the EU level agencies that fit the three criteria needed to test our argument: they publish a draft of the Delegated or Implementing Act, public consultations are conducted by the agency on a preliminary draft, and their acts are of a general nature, not decisions on an application. The latter is important as decisions on, for instance, the approval of a food additive or medicine are of a very different nature compared to the methodology used to assess these substances. We expect our assumptions to hold most for cases where regulation impacts a wide range of audiences rather than just the group that uses or is affected by a specific product. This rules out opinions of the European Medicines Agency, European Food Safety Authority and European Chemicals Agency on the safety of substances. Other agencies are excluded as the EC receives general reports from the agency rather than fully drafted acts or because the agency held closed workshops instead of open consultations.

We collected all agency proposals available as of December 2023, resulting in 532 cases. This excludes proposals without public consultations, most often because agencies used an expedited process for proposals with little substantive impact, such as fixing translation errors.

Our dependent variable is the authority of the agency. As this is a subjective image in the eyes of the EC that we have no data on, we look at its observable implications. We, therefore, assess how quickly the EC agrees with what agencies have proposed. We count the number of days between the EU agencies' opinion and the decision from the EC. In other studies, the length of decision-making is similarly related to whether actors are aligned on an issue or disagree (Drüner et al., 2018; Klüver & Sagarzazu, 2013; Lei, 2024). As we argue in the theoretical section, authority is a way to affect what other actors do and can therefore help overcome disagreements. We argue that the shorter the EC takes to evaluate the proposal, the more it is guided by it and therefore the larger the agency's authority. Note that proposals from the agency are, mostly, a legal necessity. Secondary legislation mandates that they are developed and EU agency founding documents mandate them to develop drafts. Almost all proposals are, therefore, in some form or another, accepted by the EC eventually.

We evaluate the robustness of this measure by comparing it to a text-reuse analysis based on Jaccard similarity between EU agency proposals and EC decisions. This measure is, unfortunately, not useful for formal agenda-setting agencies and can thus not serve as a robustness check (or variable in our main analysis) for EBA, EIOPA and ESMA. Appendix I[4] shows that this alternative measure correlates significantly with the length of decision-making (at least for the case of EASA) and can be separated from other aspects that affect the length of decision-making (such as the kind of act the EC eventually publishes). By controlling for these factors, we thus use a measure that is consistent with the overlap in text between the proposal and eventual decision.

We employed another robustness check to see whether our authority proxy captures control from the EC instead. If the EC decides quickly on an agency proposal, it may also be the case that EC has successfully shaped the proposal before the agency publishes it (Ruffing, 2021). In line with Ruffing (2021), we coded 388 agency board meeting minutes to see if these contain evidence of the EC expressing an opinion about the agency proposal before it is published. Appendix I shows that in cases with much EC control in the year before the draft is published, the EC is initially slower in adopting a proposal, but it is more likely to adopt it as time goes on compared to low control cases. Despite this link between EC control and our authority proxy, we show that our results are not impacted when including this variable. We could not include this variable in our main analysis due to its many missing values.

To assess the composition of the group of stakeholders represented in the public consultation, we coded all stakeholders present by type. For business representation (H1), we take the proportion of business actors (firms and business associations) out of all stakeholders present. For the research organisations (H2) we take the proportion of research stakeholders (universities, think tanks and hospitals) out of all stakeholders present. For our overall diversity measurement to test H3, we include all 5 categories of stakeholders we identified: business, professional, citizens, public actors, and non-profit actors. We then calculated the inverse Herfindahl-Hirschman Index (HHI). The HHI is a widely used metric to determine the diversity of participants of public consultations (see Beyers & Arras, 2019; Rasmussen & Carroll, 2014). The HHI is calculated for each consultation as the sum of the squared proportions of organisations belonging to each category (see Equation 1). The index ranges from 0 to 1, with values of 0 indicating no diversity (i.e., all actors belong to the same category), and values closer to 1 indicating more diversity.

$$HHI = 1 - (\textit{proportion category } 1^2 + \ldots \textit{proportion category } n^{\,2}) \tag{1}$$

We operationalise EU-level associations by the number of EU-level associations per case of rulemaking and mean centreing it per agency. This ensures that the scores correspond to what is average for that agency and not the entire sample. Taking the proportion as a measurement, as we did with the other categories, would mean that the measure is affected too much by the mobilisation of individual actors such as firms and citizens. Even when all relevant EU-level associations mobilise, a large firm mobilisation could have made their mobilisation appear negligible. This is particularly important to prevent as the EC likely recognises the main EU-level associations quickly and therefore the (normalised) count rather than the proportion should capture their perception of EU-level association mobilisation better.

Signalled responsiveness is measured using sentiment analysis on the agencies' responses to stakeholders in the reports. In those reports, agencies summarise how they have handled stakeholders' suggestions. We use the Lexicoder Sentiment Dictionary (LSD) (Young & Soroka, 2012) to measure sentiment, which is often employed to analyse political texts. While automated dictionary coding is often outperformed by human coding and machine learning (van Atteveldt *et al.*, 2021), LSD is appropriate in this case. The texts vary in size but are often relatively large. Reliably assessing the overall sentiment with human coders proved difficult. Furthermore, our number of cases does not offer enough training data for machine learning. We measured the agency's signalling of responsiveness as the proportion of positive words relative to the total number of positive and negative words (see Equation 2). We assume that more positive words means that the agency describes its treatment of stakeholder input as accommodating and is therefore seen as more responsive. We look at the agencies' description of their responsiveness rather than their actual responsiveness. In our hypotheses, we assume that how the agency describes its responsiveness, not the responsiveness itself, contributes to authority. Therefore, our inability to assess whether the agency was in fact responsive to stakeholders by accommodating their input does not pose any threat to our approach of measuring signalled responsiveness in stakeholder engagement. Appendix II provides two examples each of low, average and high signalled responsiveness.

$$\textit{Signalled responsiveness} = \frac{\textit{Positive}}{\textit{Negative} + \textit{Positive}} \tag{2}$$

Polarisation is measured as the difference between positive and negative opinions expressed by stakeholders relative to the sum of these opinions.

$$Polarisation = 1 - \sqrt{\left(\frac{(Positive - Negative)^2}{(Positive + Negative)^2}\right)} \tag{3}$$

The positive and negative opinions are gathered through a sentiment analysis of the text that the agencies themselves use to summarise the feedback on the public consultation from stakeholders. We assume that summaries present a more comprehensible signal to the EC than the full extent of the stakeholder comments. The latter were used for ERA as only the full stakeholder comments were available. We use the same approach here as measuring positive and negative sentiment for the signalled responsiveness measurement. Again, the image that the agency portrays about the polarisation of the policy debate is key here. The image that agencies present rather than the actual level of polarisation is what drives the assumptions about agencies' authority that we make in our theoretical framework.

Debate intensity is measured by taking the number of stakeholders present in a public consultation. Several authors have taken a similar approach to measure the level of (non-public) salience of EU policies for stakeholders (Beyers *et al.*, 2018; Beyers & Arras, 2019; Joosen, 2020). However, the definition of politicisation employs the number of actors to show the intensity of the debate (Wilde, 2011, p. 567).

Control variables include the complexity of the output, the type of EC decision foreseen in the draft, the agency that proposed the act, the workload of the EC at the time a draft is published and the agency's level of experience with rulemaking (see Table A1, Appendix III for more detail). Appendix IV includes models without these control variables in Tables A2, A3 and A4. As the log likelihood and R^2 increase when adding control variables in Tables A5, A6 and A7, the use of these control variables is appropriate. A maximum R^2 of 0.165 shows that there is still variance in authority that we cannot account for in our models, but potential additional variables are mostly measured at the agency level (having too little variance for our analysis) or would require attitudinal measurements from the EC.

See Table A1 in Appendix III for our full operationalisation table.

We use Cox event history models. These model when a certain event occurs, in this case, the EC adopting the draft. We account for time-varying effects where necessary and present results with non-time-varying effects in Appendix IV. Negative binomial models are presented in Appendix V as a robustness check. All results, save the interaction between signalled responsiveness and debate intensity, are consistent with those from the Cox models and in all cases the latter are a better fit for the data.

Results

The results for the first five hypotheses can be found in Figure 2 (full model in Table A5, Appendix IV). With respect to H1, we arrive at inconclusive results. The estimate above 1 for the proportion of business means that when relatively more business actors are involved in consultations by the agency, the EC is quicker in their decision-making, as the hazard ratio increases with an increased proportion of business, in line with H1. The quadratic term below 1 indicates that as the proportion of business increases, the effect becomes smaller, again in line with H1. However, the effects are not statistically significant. Time-varying terms are also not statistically significant. For H2, the results are in the opposite direction and not statistically significant. The analysis provides no clear support for H3 as the estimates for diversity are not statistically significant. The results for H4 are (slightly) in the opposite direction and not statistically significant. Lastly, for H5, the level of signalled responsiveness of the agency significantly (at $p < 0.05$) contributes to the ease with which the EC takes agency proposals on board. When agencies are more positive in their response to stakeholders, the EC takes a

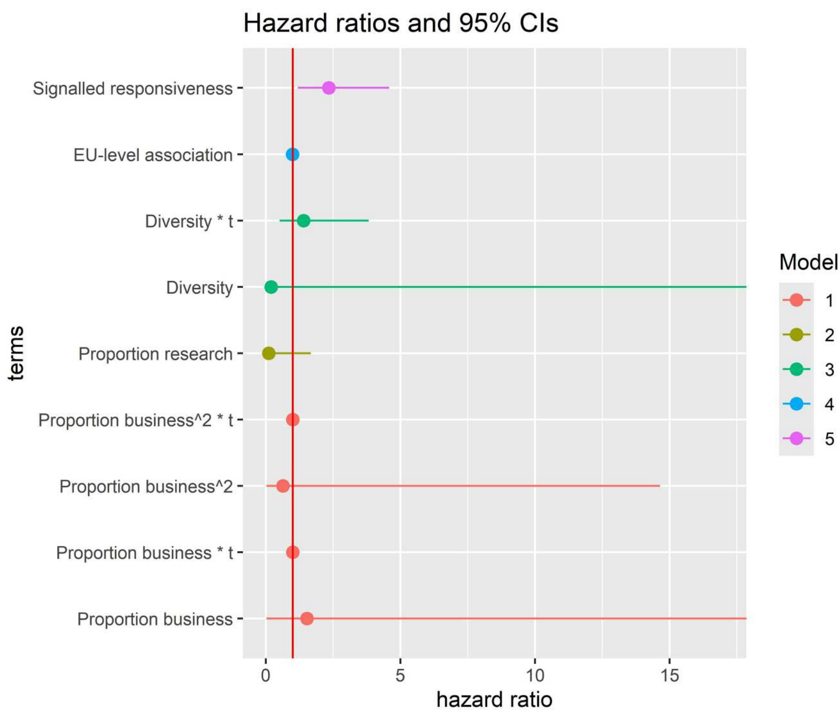

Figure 2. Cox regression for authority. Full models, including control variables, are in Table A5, Appendix IV. X-axis excludes upper limits of confidence intervals for Diversity (62) and Proportion business (90) for clarity.

shorter amount of time to make a decision. When comparing cases where EU agencies were exclusively negative to their stakeholders when responding to them and cases where EU agencies were exclusively positive towards them, the more positive has 2.3 times the hazard of exclusively negative cases. This means that signalling full responsiveness instead of none makes it over two times more likely that the EC adopts an agency proposal on any given day after being proposed. Figure 3 further illustrates this point. It shows how many proposals have survived, or have not been adopted, after a given number of days has passed. Higher levels of authority are thus found for curves with a steeper drop. It is evident that high rates of responsiveness (mean + SD) result in a lower probability of survival than low rates of responsiveness (mean − SD). This means that proposals where there was more responsiveness during consultations are less likely to take a long time for the EC to be adopted.

With respect to the control variables, two findings stand out (see Table A5, Appendix IV). Debate intensity is a small, consistent driver of authority. An additional consultation participant increases the chances of adoption by about 0.1 percent. Workload is also a significant predictor of agency authority. With each additional rule from that agency already under review, the probability that the EC will adopt a new rule on any given day after the proposal

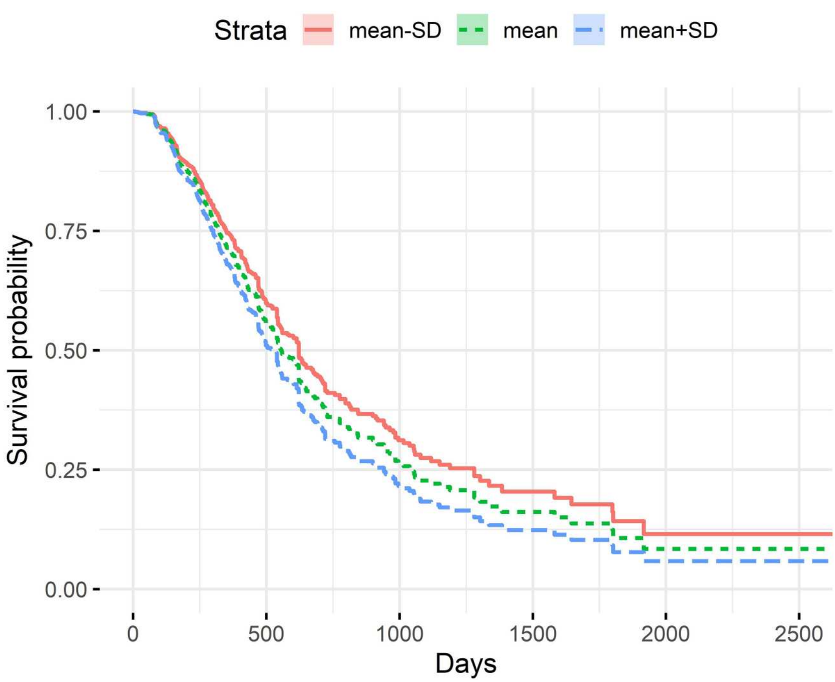

Figure 3. Survival curve for different values of responsiveness.

declines by 75%. The positive significant time-variating effect shows that this is particularly true right after the EC receives a proposal. The effect first increases a lot but, in line with the logarithmic time varying interaction, then increases less as time passes. The experience measure shows that when having proposed more rules, the EC takes longer to accept the agency's proposal. This may seem puzzling as a subjective organisational image such as authority is learned by principals over repeated interactions (Maor *et al.*, 2025) and should thus improve with experience. Alternatively, our findings may imply that as agencies become more experienced, they allow themselves more independence in proposing rules that in turn take longer to process. We have, nonetheless, to be careful in putting too much emphasis on these exploratory findings.

H6-H9 are tested using interaction terms between the independent variables from H1-5 and our two indicators of politicisation (Table A6, Appendix IV for full model). Two of the estimates are statistically significant; the interactions between EU-level associations and both indicators of politicisation. These effects are visualised in Figures 4 and 5 through survival curves. When many EU-level associations show up, higher levels of debate intensity result in slower decision-making of the EC, contrary to H6. Note also that when there are few EU-level associations, high debate intensity results in shorter EC decision-making. Furthermore, many EU-level associations showing up to a highly polarised consultation actually results in quicker EC

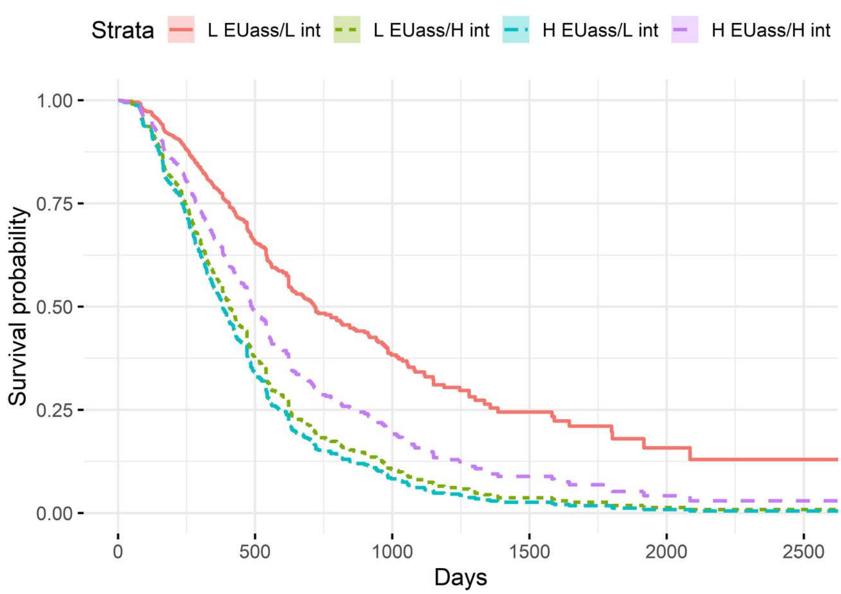

Figure 4. Survival curves for low (L = Mean-SD) and high (H = Mean + SD) levels of EU-level associations (EUass) and debate intensity (int).

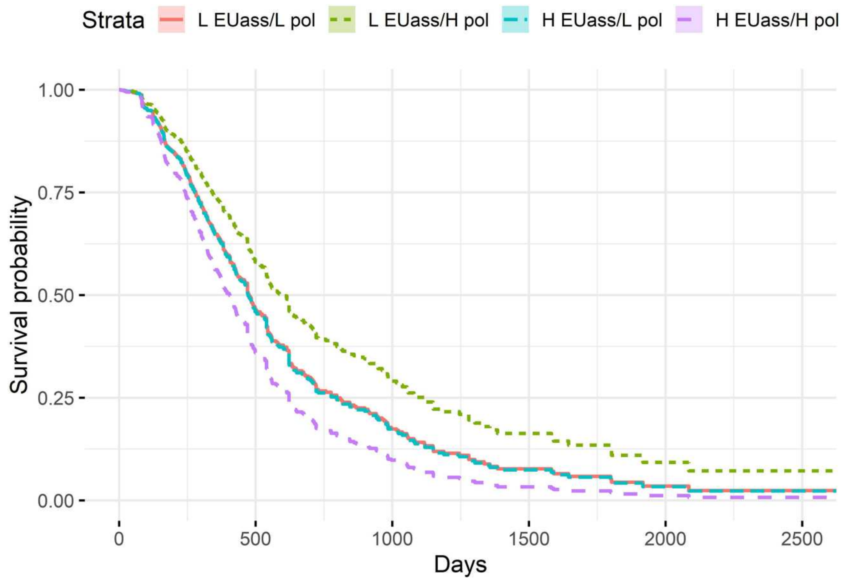

Figure 5. Survival curves for low (L = Mean-SD) and high (H = Mean + SD) levels of EU-level associations (EUass) and polarisation (pol). Note that the L EUass/L pol and H EUass/L poll lines overlap.

decision-making compared to lower levels of polarisation, contrary to H7. Notably, when polarisation is low, different levels of EU-level association presence do not result in different EC decision-making speeds.

These interactions run opposite to our expectations but can nonetheless be explained. In cases of low debate intensity, it takes only the presence of EU-level associations to see what a wider EU-level audience thinks of a proposal and to agree to it. If debate intensity is higher, the EC may want to take a closer look, resulting in a longer processing time. In cases of high polarisation, the opposite might be true. When stakeholders are divided, the EC may find it easier if EU-level associations can show what the overall debate looks like. These implications should, however, be approached with caution as according to the hazard ratio interaction plots (A8 & A9 in Appendix VI) the biggest differences are at a very large value of EU-level association involvement (recall that the variable is mean centred and scaled, thus 10 means Mean + 10*SD).

H10 proposed that engaging more with EU-level associations enhances other aspects of stakeholder engagement. We see in Table A7, Appendix IV, that this is only the case for diversity. If there was a diverse stakeholder audience in consultations, a larger engagement of EU-level associations (an increase with one SD) leads to an increase of 45% in the probability that the EC adopts the proposal on any given day. This effect is also confirmed

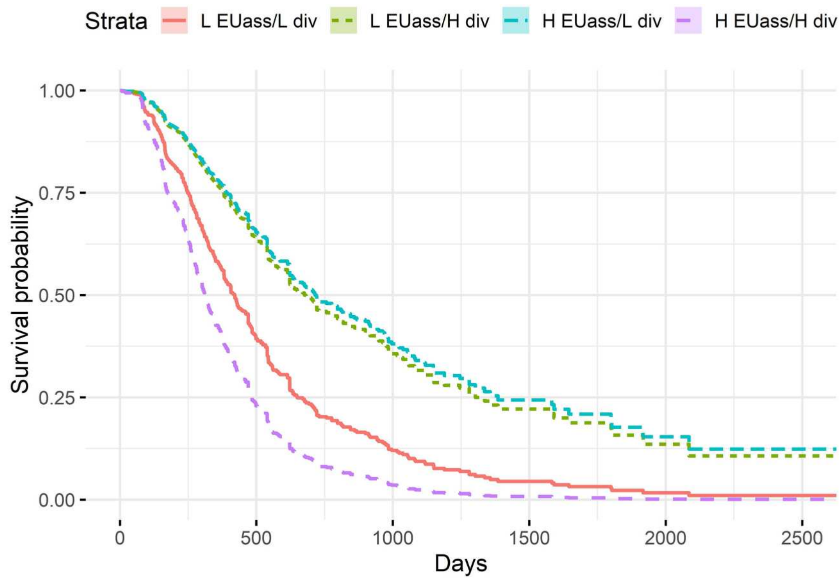

Figure 6. Survival curves for low (L = Mean-SD) and high (H = Mean + SD) levels of EU-level associations (EUass) and diversity (div).

in Figure 6, where the survival curve for high EU-level association involvement and high diversity is the steepest and therefore the one where the EC adopts proposals most quickly. The effect found for signalled responsiveness is in the opposite direction compared to our expectations in H10. When agencies show that they are responsive in consultations, a larger engagement of EU-level associations (an increase with one SD) leads to a decrease of 16% in the probability that the EC will adopt the proposal on any given day. This effect is illustrated in Figure 7. This finding may be explained by capture rather than coalition building. If the EC perceives that the agency was responsive to a group consisting largely of big EU-level interests, it apparently takes longer to process the proposal to make sure it does not disproportionately serve those interests. The EC may be less worried about capture if engagement was mostly with national- and firm/individual-level actors. These results should, however, be interpreted with caution as the hazard ratio interaction plots (A10 & A11, Appendix VI) show large overlaps in confidence intervals.

Discussion and conclusion

We set out to show the link between stakeholder engagement and agency authority. We used various automated text analysis and regression analysis techniques to assess this link based on documents produced by the EU

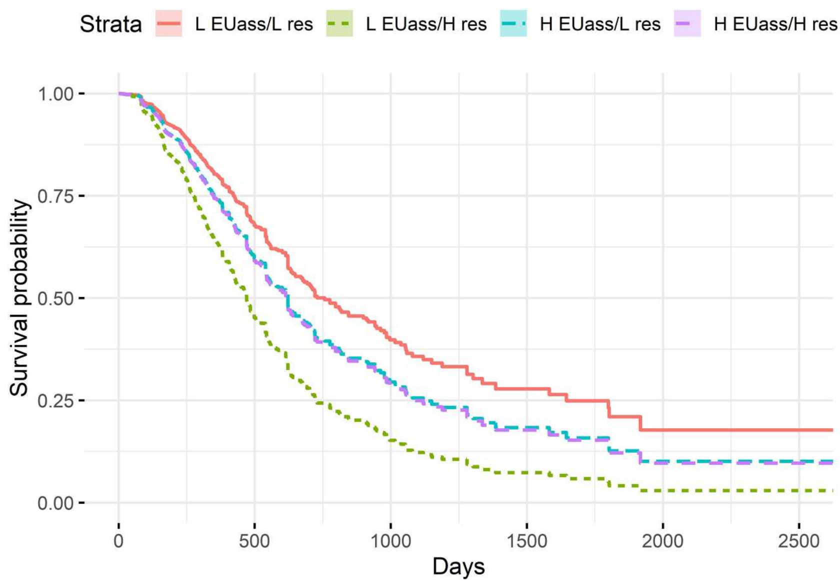

Figure 7. Survival curves for low (L = Mean-SD) and high (H = Mean + SD) levels of EU-level associations (EUass) and responsiveness (res).

agencies and EC. There was support for H5, showing that the EC is appreciative of agency proposals where the agencies respond positively to stakeholder input. The extent of the effect, however, depends on the level of EU-level association involvement. We found that a larger group of these actors can diminish the effect that signalled responsiveness has on authority, despite our expectations in H10. This shows that when many insiders, such as EU-level associations, engage with agencies, the EC may be worried about capture of these agencies. We should, however, take this finding as exploratory. Nonetheless, under high levels of diversity in consultations, a large EU-level associations presence does contribute to EU agency authority. When the threat of capture is thus reduced by involving a more diverse group of actors, EU agency authority can be increased by having more EU-level associations in a consultation.

We, furthermore, find that several effects of stakeholder engagement on authority depend on EU-level association involvement. Different dimensions of politicisation create favourable and unfavourable conditions for letting EU-level associations assist in shaping authority. The more actors show up overall, the less it helps to have EU-level associations involved in consultations (rejecting our H6). And the more a debate is polarised, the more it helps to have EU-level associations involved (rejecting our H7). This shows that different dimensions of politicisation have different implications for what stakeholder engagement may bring an agency in terms of authority.

Our contribution in hypothesising different effects for these different dimensions was therefore well founded, but future studies should further untangle how different dimensions of politicisation shape agencies' ability to be authoritative.

These results address a key question in both interest group and regulatory governance literatures: what use are stakeholder consultations for regulators? This remains an urgent question as administrative procedures such as consultations ask much of agencies, yet the existing body of literature indicates only minimal advantages in terms of overall legitimacy (Beyers & Arras, 2021; Binderkrantz *et al.*, 2022) especially in contexts where one type of stakeholder is dominant (Rasmussen & Reher, 2022) such as EU agency consultations (Beyers & Arras, 2019). We show that engaging well with stakeholders offers agencies at least one clear advantage: greater authority in the eyes of their political principals. If agencies show that they are responsive to stakeholders and if they manage to attract both a diverse stakeholder group and EU-level associations, they can expect the EC to respond more favourably to their proposals. The EC can in turn strengthen its bargaining power against institutional veto players (Bunea & Thomson, 2015) that it faces in adopting the agencies' proposals and help overcome opposition from those stakeholders when policies are implemented. Our results also show that politicisation remains a key component to consider in explaining whether agencies can benefit from engaging well with stakeholders.

Our results raise crucial questions for the legitimacy of regulatory authority at the EU level. As gaining authority requires an agency to show that it is responsive, its authority has some democratic merit. It would, however, have been better if a diverse group of stakeholders was also required for increased authority. If that would be the case, stakeholders would serve as a legitimate accountability forum to make sure that the agency acts in the public interest (Bertelli & Busuioc, 2021) and informs the principal of whether private interests are served (Leidorf-Tidå, 2023; McCubbins & Schwartz, 1984). However, as the findings indicate that regulatory authority is not affected by the diversity of the stakeholders as such, the authority may be wielded unchecked and unbalanced. On the other hand, the findings also indicate that engagement with powerful insiders (EU-level associations) only leads to increased authority if the overall group of stakeholders is diverse in terms of the type of interest. Furthermore, being responsive to a group of stakeholders with many insiders actually harms agencies' authority. Overall, the lack of a finding for diverse stakeholder engagement limits the democratic merit of authority gained from stakeholder consultations, while finding the conditional benefit of engaging with large EU level insider groups limits the concerns for the democratic legitimacy of agencies' authority.

Our study, while relying on a comprehensive dataset of EU agency proposals, nonetheless leaves room for future studies. A smaller-N approach using case studies may trace the development of EU agency proposals into Delegated and Implementing Acts to see not only *when* proposals are adopted, but *what aspects of these proposals* are adopted or changed by the EC. This may reveal what the EC substantively changes to EU agency proposals and can further evaluate the validity of our authority measurement. While we provide two robustness tests for our authority measurement, taking a long time in decision-making and changing much of the text may not mean that the substantive proposals of the agencies are changed much. A qualitative study can shed light on this. Such a study could also assess to what extent (part of the) length of the decision-making is due to the agencies anticipating what the EC would agree to rather than convincing them of their actual policy preferences. Lastly, we only looked at stakeholder engagement through public consultations by the agency. Future studies may look at other forms, such as the agencies' stakeholder bodies (Busuioc & Jevnaker, 2022; Jevnaker, 2025; Redert & Bursens, 2024), the EC's public consultations (Binderkrantz *et al*., 2022; Bunea & Thomson, 2015) and more informal contact between decision makers and stakeholders. Previous work on the US context has shown that agencies strategically use procedures like stakeholder engagement to strengthen their position (Potter, 2019). While it remains an open question whether EU agencies are making active strategic use of stakeholder consultations and do so in particular when their authority is at stake, our results show that under certain circumstances, stakeholder engagement does at least contribute to agencies' authority if they would.

Notes

1. Meaning that the EC can only adopt or reject EU agency proposals and not change them.
2. See H3 for the third dimension, actor expansion.
3. Implementing and Delegated Acts were introduced by the Lisbon Treaty. We, therefore, also have Commission Regulations and Commission Decisions for earlier cases.
4. See the online version of this article to access the appendix.

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Data availability statement

The data that support the findings of this study are openly available in figshare at http://doi.org/10.6084/m9.figshare.28721825

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