

Proliferation and specialisation of regulatory bodies in Belgium

First draft

Paper for the Second Biennial Conference of the Standing Group on Regulation and
Governance

Utrecht, The Netherlands

5-7 June 2008

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Abstract

The literature on semi-autonomous agencies has argued that the proliferation and specialization of agencies has caused an increased fragmentation of policy. Likewise, the regulation literature has argued that regulation has witnessed a proliferation of bodies, which creates interdependencies among a complex web of organizations. Instead of looking at single independent regulators, it is necessary to study the entire institutional constellations that are active in each field of regulation. Whereas previous research mostly focused on one dimension of proliferation, we argue that it entails three dimensions: proliferation of different types of organizations, proliferation within and between sectors and proliferation of levels of government. A database of all regulatory bodies in Belgium allows to map the constellations and shows that all three dimensions of proliferation are present. This raises questions on the impact of proliferation because each dimension may have its own positive and negative effects.

Introduction

In recent years, research interest in coordination between semi-autonomous agencies has increased substantially. Inspired by the New Public Management, agencies have been set up as single-purpose bodies that were specialized in one task (e.g. regulation, policy advice, service production) (Christensen & Lægheid, 2006b). Increased vertical and horizontal specialization was assumed to lead to innovation and enhanced performance (see Verhoest et al., 2007).

However, this specialization has invoked criticism in the literature. First, it has induced a major proliferation of new agencies. Second, specialized agencies seem to be reluctant to collaborate with others and confine themselves within their own boundaries instead. It is said that the combined forces of proliferation and ‘silozation’ of agencies have resulted in a complex fragmentation of policy (Gregory, 2006). The pendulum may have swung too far into the direction of specialization, so that efficiency is hampered instead of improved, notably in the case of ‘wicked problems’ that are cross-sectoral by nature (Christensen & Lægheid, 2006a; Christensen & Lægheid, 2006b; Verhoest & Bouckaert, 2004).

As a reaction, much attention has been paid to reforms that attempt to overcome such a ‘silozation’ by installing new coordination mechanisms, such as adopting a ‘whole-of-government-approach’ or by ‘joining-up government’ (see Christensen & Lægheid, 2006b; Verhoest et al., 2007).

Previous research has reported a recent proliferation of regulatory bodies as well. Studies of proliferation often focus on individual sectors (Doern et al., 1999; Doern & Johnson, 2006; Hall et al.,

2000) or on one dimension of proliferation, such as the rise of independent agencies (Thatcher, 2002; Gilardi, 2002; 2004). This paper examines proliferation in all areas of regulation and suggests that there are three dimensions of proliferation that each may have its own advantages and drawbacks. Furthermore, the relative importance of each dimension may vary in different sectors. A database containing all regulatory bodies in Belgium is constructed, drawing from previous examples of Christensen (2001), Christensen and Yesilkagit (2006) and the Institute of Public Administration Irish (see Better Regulation Group, 2007). Similar to the previous databases, a distinction is made between different types of organizations and different policy sectors. In addition, we distinguish between regulatory bodies on the Belgian federal level and the Flemish regional level. Through a combination of these three variables, we map the institutional constellation in several regulatory fields. Hence, the paper explores which dimensions of proliferation are particularly prevalent and in which sectors these appear to be most significant.

In the next section of the paper, we identify three dimensions of proliferation that may cause fragmentation. Next, the method is discussed, together with the variables that measure these dimensions. Afterwards, we present the findings. The paper ends with conclusions.

Proliferation and institutional constellations

The regulation literature has argued that the recent proliferation of new regulatory bodies has increased the complexity of regulation substantially. New regulatory institutions do not entirely replace the old ones. Rather, some tasks are hived off from existing institutions and are allocated to these new forms, so that the latter are embedded in institutional settings that were created in previous periods. The accumulation of different institutions with the capacity to intervene has made decision-making in regulatory policy more complex than in traditional interventionist policies. Regulation involves multiple, highly-specialized organizations, each with their own legal mandates and often with contradictory goals (Jordana and Sancho 2004: 296). Hence, instead of looking at single institutions, several authors have called to map entire 'institutional constellations' (Jordana & Sancho, 2004), the 'post-regulatory state' (Scott, 2004); the 'regulatory space' (Daintith, 1989; Hancher & Moran, 1989), or regulatory 'regimes' (Doern et al., 1999; Hood et al., 2001). Although these concepts are broader and also include ideas and processes, we adopt a purely organizational perspective and define an institutional constellation as the set of formal organizations that are mandated to perform one or several regulatory tasks within a particular field.

An ‘institutional constellations’ approach argues that regulatory policy is shaped by the entire institutional arena, rather than individual organizations. In such constellations, all actors are interdependent and each has at best a partial share in the regulatory cycle. Such interdependencies may have positive effects. First, proliferation allows organizations to specialize in one domain, which may in turn lead to the use of innovative types of regulation and enhanced performance of regulatory organizations, because benchmarking becomes possible (Verhoest et al., 2007; Neven et al., 1993). The literature on ‘regulatory competition’ contends that competition forces regulators to minimize and simplify regulation and to keep costs for regulatees at a minimum (for an overview see Geradin & McCahery, 2004). Second, overlaps between regulators create checks and balances and allows for the existence of a back-up in case of failing regulators (Hood et al., 2001). Third, a fragmented decentralised regulatory arrangement may be able to collect more easily relevant information from the regulatees and markets at different levels, than a centralised one (Laffont & Martimort, 1999).

Alternatively, it has been said that proliferation and greater interdependencies have negative effects as well. First, an ‘institutional constellations’ approach raises important questions on the accountability (see Black, 2008) and the power of individual regulators. As some actors have overlapping functions and share competencies with other regulators, the capacity of single regulators to intervene will be constrained by the mandate and powers of other actors in the arena. As a result, regulatory arrangements are the outcome of negotiations and compromises between interdependent actors. Therefore, in order to get a full picture of the independence of single agencies, it is necessary to map the entire constellation within which the agency is embedded (Doern et al. 1999). A mapping allows to see how much of the formal regulatory authority has been delegated to agencies and allows to see which institutions dominate a certain policy area (Jordana and Sancho 2004:309). An additional disadvantage of proliferation is that duplication of regulatory tasks may increase the administrative costs for companies when they must deal with divergent regulators. A third disadvantage stems from the problem of ‘multiple principals’ in the principal-agent theory, meaning that companies can play regulators off against each other and exploit blind spots in rule enforcement (‘functional underlap’) (Hood et al., 2001; Geradin & McCahery, 2004).

Three dimensions of proliferation

1. Proliferation of types of regulatory bodies in the regulatory cycle

A first kind of proliferation of regulatory bodies refers to the type of organizations. Whereas functionally homogeneous organizations used to be responsible for a whole policy field, several tasks

have been delegated from the core administration to the more peripheral parts of the public sector. This is what Lægreid et al. (2003) call 'vertical specialization', that is the 'differentiation of responsibility on hierarchical levels, describing how political and administrative tasks and authority are allocated between forms of affiliation'. This transfer is variously called decentralization, devolution, delegation, agencification, outsourcing or even privatization (Verhoest & Bouckaert, 2004).

Much attention has been paid to the delegation of tasks to specialized organizations, such as the delegation to regulatory agencies (see Gilardi, 2002; 2004; OECD, 2002), delegation to collegiate boards (Christensen & Yesilkagit, 2006) and delegation to the private sector via self-regulation (Braithwaite, 1982). Apart from these forms of delegation, the ministerial department is likely to still play a role in the process as well.

Hood et al. (2001) identify three tasks that are performed in each regulatory cycle/constellation: (1) rule-making, (2) monitoring compliance through data collection or inspections, and (3) enforcement through sanctions or rewards. In addition, we include the application of general rules on individual cases (i.e. granting permits/licenses) as a fourth task. The proliferation of organization types is likely to cause fragmentation between tasks of the regulatory cycle when each type specializes in only a small part of the cycle. For instance, whereas ministries may be responsible for policy-making and setting the general regulatory framework, the implementation and enforcement of rules will be the responsibility of the regulatory agency. A proliferation of organization types may improve effectiveness because the credibility of regulation is increased if certain tasks of the regulatory cycle are allocated to more autonomous bodies. In addition, the legitimacy of regulatory policy will be higher if regulatees are co-opted in the cycle (e.g. via collegiate boards). Lastly, proliferation may ensure that there is a power balance between regulators, so that no single organization is too dominant in the cycle. Notwithstanding, proliferation may decrease effectiveness of single bodies because information is dispersed over multiple organizations. This could also lead to diverging interpretations of rules and inconsistency of policy.

Regulation is only one of several possible general tasks. Previous research in executive agencies has demonstrated that the latter are not strictly limited to the execution of policy but that they may take part in policy preparation as well (Rommel & Christiaens, 2008; Peters, 2006). Similarly, regulatory agencies may also engage in other general tasks such as granting subsidies or providing public services. On the one hand, engaging in other tasks increases the consistency of policy, for instance when a legal recognition or license is required before a company can receive subsidies. On the other

hand, an intermingling of general tasks could endanger the credibility of regulators, notably when a regulator also provides public services. Consequently, the first research question addresses the proliferation of types of organizations:

RQ1: What types of organizations are active in the execution of regulatory policy and what are their respective tasks?

2. Proliferation of regulatory bodies within and between policy sectors and regulatory fields

The second dimension of proliferation refers to the sectors within which regulators operate. Because of increased complexity and multifacetedness of policy areas, sectors are no longer governed by single organizations. Instead, sectors are split up into parts and allocated to different organizational units. This is horizontal specialization, namely the 'splitting up of organizations at the same administrative and hierarchical level ... and assigning tasks and authority to them' (Lægreid et al., 2003). An example is the separation of the Ministry of Environment from the Ministry of Health as environmental policy grew in importance (Verhoest & Bouckaert, 2004).

This horizontal specialization has two main effects. First, there will be fragmentation *between* sectors as regulators will be more inclined to specialize in only one sector. This could be problematic because to an increasing extent, sectoral boundaries are blurring because of economics of density. Firms develop new products which cross over sectoral boundaries, like telecommunication companies offering broadcasting and media services. Avoiding inconsistencies across industries through coordination will particularly be necessary when the activities are substitutes, e.g. gas and electricity (Gonenc et al., 2000). Additionally, cross-cutting policy initiatives are increasingly emphasized by OECD governments, in order to deal with wicked social problems and whole-of-government issues. Sectoral-based regulation could hamper organizations of different sectors to collaborate more intensively.

The second consequence of horizontal specialization is that the number of regulators that operate in one sector will increase. This can be considered as proliferation *within* sectors. A proliferation of sectoral regulators may lead to increasing competition between agencies that are defending their turf, which in turn decreases the consistency of regulations and induces distortions in the investments of regulated firms (Hansen & Pedersen, 2006; Helm, 1994).

A further illustration of these effects is the tension between general and sectoral regulation of competition. In addition to general competition authorities, the regulation of competition for certain

specific sectors is allocated to the sectoral regulators. The case for sector-specific regulators rests on the reduction of information asymmetries and the need for sector-specific expertise (Laffont and Martimort 1999). Sectoral regulators are usually focused on introducing competition *ex ante*, which aims to prevent the incumbent from abusing its dominant position. General competition authorities deal with general competition rules, aimed at maintaining competition. However, a sector-specific regulator and a general competition regulator do not necessarily exclude one another, but often co-exist. For instance, the jurisdiction over network access is often shared with the competition authority (OECD, 2004). Thus, regulation of competition is fragmented between general regulators and sectoral regulators (Tweede kamer der Staten-Generaal, 2005). Expanding this proliferation to all policy fields, the following research questions can be derived:

RQ 2a: To what extent are regulators specialized in one policy sector or rather working cross-sectorally?

RQ 2b: How many regulators can be identified for each sector?

3. Proliferation of regulatory bodies across levels of government

The third form of specialization results from the proliferation of levels of government. The concept of multi-level governance asserts that one level cannot monopolize decision-making and that competencies are shared by actors at different levels. The result is a multi-level, non-hierarchical and deliberative form of governance that involves ‘interacting, reinforcing, and colliding rule making and governance’ at the various governmental levels (Doern & Johnson, 2006).

A well-documented example of multi-level regulation has been the influence of EU policy on national state actors (Héritier, 2002). The EU has been described as a complex web of interconnected institutions at the supranational, national and even subnational level (Marks et al., 1996). Topics of interest include the EU’s role in harmonizing national regulations to increase consistency, by providing a framework within which national regulators must work (Baldwin & Cave, 1999). The result may be a penetration by the EU into the national system and a loss of control for individual regulators (Marks et al., 1996; Olson, 2008).

However, multi-level regulation *within* states is equally important, especially in federal states. These are characterized by a proliferation of regulators on both the federal and subnational level. This offers the opportunity to allocate regulatory tasks based on the subsidiarity principle. Delegation of regulatory authority may spur innovation and competitiveness at the subnational level. Furthermore, it has been said to increase the legitimacy of actions and to make service delivery more efficient (Peters

& Pierre, 2005) Notwithstanding a proliferation across levels bears the risk that levels increasingly diverge and that the federal and subnational level will develop competing norms and objectives of regulation. Furthermore, proliferation increases the chance of blame-shifting responsibilities from one level to the other (Doern et al., 1999; Doern & Johnson, 2006). In order to address this kind of proliferation, the third research question is:

RQ 3: How are regulatory tasks divided between the federal and regional level in Belgium?

Method

1) Data collection

Several sources were used to collect the data. First, the *Gids der Ministeries* is a handbook that contains all governmental organisations in Belgium. This handbook provides basic information such as the name of the organisation, contact information, level of administration, and internal structure of the organisation. In addition, it provides information on the composition of boards of directors and advisory boards of agencies. We used an online version of this handbook (www.gdm.be), which is updated almost daily. Second, the *Instellingenakboekje 2008* is a yearly updated handbook containing all organisations on the federal and the Flemish regional level that are involved in public tasks and that have been recognised by law. These include administrations and agencies, as well as boards or commissions and private professional organisations that are involved in public decision-making. This source provides information on the year of establishment, the legal basis and the internal structure. In addition, it provides a task description of each organisation. Third, we used the legal documents that formally establish an organisation, in order to acquire a more comprehensive picture of its tasks, competencies and obligations. Fourth, we used information on the websites of the organisations. Using multiple sources of information may create concerns of reliability. However, in most cases, the information was consistent and complementary over the different sources. In the cases where the data sources contradicted each other, we looked at the date on which the information was produced and selected the most recent source.

The data was collected in two phases. We first made a list of all possible institutions on the federal and the Flemish regional level, that perform public tasks and have a legal recognition. Hence, the scope of this first phase was very broad, as it was not limited to regulatory bodies. We collected only basic information such as the name of the organisation, level of administration and task description. This database consisted of 940 bodies. Next, the tasks of these organisations were coded into one of five categories: (1) policy preparation; (2) regulation; (3) other kinds of exercising authority; (4) general public services; (5) business services. For each organisation, up to three tasks may be selected, based

on the task description. We did not distinguish between major and minor tasks, so that an organisation is defined as a regulatory body as soon as one of its tasks are coded as regulation (value 2 for this variable). In the second phase of the data collection, we selected only the regulatory bodies from this large list and copied them into a new database. This phase of the data collection was more focused, because we only looked at regulatory bodies onwards. The database consisted of 518 cases, including the subdivisions of ministerial departments. If we only look at entire organisations, we find 353 regulatory organisations at the federal and Flemish regional level. Some cases were omitted from the analysis. First, we only included organisations with a central authority. When some tasks are performed by several provincial boards with identical tasks and structure, these boards are coded as one body. Second, some organisations belong to a ‘cluster’ of almost identical bodies, indicating that they have identical tasks within a particular policy domain. For instance, in the health sector, we counted 40 different commissions that each grant permits to doctors, allowing them to exercise a particular specialty. For such clusters we only counted one organisation per cluster. As a result, we ended up with 284 organisations.

Measures

We describe the main variables that are used here.. An overview of the full coding scheme, containing all variables, can be found in the appendix.

- Legal status

The database includes four types of organisations:

1. *Ministerial departments*: we include both departments on the federal level (*Federale Overheidsdiensten*) and on the Flemish regional level (*departementen*). Considering the size of these organisations, we also include their subdivisions (*afdelingen* and *directies*) in order to get a more detailed picture of where the regulatory task is situated within the department. However, most of the analyses only occur at the organisational level, so that each department is only counted once.
2. *Agencies*: these are organisations to which regulatory tasks are delegated and that perform these tasks with some independence from the minister. For an overview of the different types of agencies on the federal and regional level, we refer to (Verhoest, 2002).
3. *Regulatory commissions/boards*: they are defined as collegiate bodies with advisory and decision-making authority or both. They may be composed of interest groups, independent experts and governmental organisations, although it is often a mixture of these three. Their

legal statutes mostly do not describe any internal structure, but they mostly have a secretariat for administrative affairs.

4. *Other private organisations*: these are mostly professional organisations, representing specialised professions, that have acquired a legal recognition and to which self-regulatory competencies have been delegated by law. However, we excluded the private organisations that are only involved in the monitoring of an activity or product (e.g. laboratories that test products, car safety inspections). Considering the high number of such companies and given the fact that they are not recorded in the handbooks, these were excluded from the analysis.

- **Sector**

For this variable, two measures were used. Because regulation was only one of the possible general tasks for each body, we used the COFOG coding (<http://unstats.un.org/unsd/cr/registry/regcst.asp?CI=4>) to determine the *policy field*. The coding provides a detailed scheme that allows to situate each organisation in one of ten fields. Each case in the database could have up to three different policy fields.

In addition, we used a measure that focuses only on the regulation task and that refers to the focus or the *field of regulation*. The measure was taken from Christensen (2001) and was slightly adapted. For each organization, we inductively coded the field, out of eighteen possible categories that encompass all areas of regulation (economic, social and general legal regulation). Each organization could have one main field and one additional field. Some ministerial departments were so large that they had multiple additional fields.

- **Regulatory task**

We start from the definition of Hood et al. (2001) to distinguish regulation from other general tasks. This definition distinguishes three components in a regulatory regime: rule-making, monitoring and enforcement. In addition, we include the task of giving individual permits. A regulatory regime should normally have all categories although the functions can be shared by several bodies within one sector.

Hence, an organisation was included in the final database when it has *at least* one of the following tasks:

- (1) *Transition of general policy and laws to more concrete rules, norms and standards* : This includes the setting of standards and norms. Standards indicate the acceptable levels and distributions of a specific risk (e.g. safety standards, goals in distributive justice, pollution,

chemicals). This task differs from general policy preparation as it concerns the design of very specific norms and standards.

- (2) *Application of rules and standards in individual cases*: This includes decisions on giving permits or licenses in individual cases, based on a set of standards and norms (e.g. building permission, driver's license, permission to start a business,...). These permits usually serve as an entry barrier to a market.
- (3) *Monitoring of compliance*: Includes all actions that are aimed at gathering information on the compliance of actors to rules. Information-gathering is defined as producing knowledge about current or changing states of a system (see Hood et al. 2001). In this paper, information-gathering can occur both through desk work and on-site inspections and audits.
- (4) *Enforcing compliance*: includes all organisations that are involved in modifying the behaviour of an actor through the application of sanctions and rewards, forbidding to do an activity or demanding a reversal/change of a decision. We include those tribunals that are a part of the executive branch (e.g. administrative courts) and exclude the courts that belong to the judiciary (e.g. criminal courts).

For each organisation, we coded which tasks they performed. In addition, we constructed a scale that counts how many regulatory tasks the case has ('encompassedness'). The highest score (=4) indicates that an organisation is active in the entire regulatory cycle, whereas a low score indicates that the organisation plays a small role in the cycle. Hence, this scale is a proxy for fragmentation of regulatory tasks, with a low score indicating a high amount of fragmentation.

- General task

The measurement was derived from that used by the international COBRA-network (www.publicmanagement-cobra.org/survey/surv_core.pdf). The definition of regulation was expanded (cfr. supra) and the definition of 'other kinds of exercising authority' was narrowed somewhat. Each organisation could have up to three general tasks.

In addition, we constructed a dummy variable to capture whether an organisation is purely regulatory or whether it has multiple general tasks. This is particularly relevant to assess whether the regulatory state entails a separation between operational ('service provision') and regulatory tasks.

Findings

1) Types of organisations

The database includes 284 regulatory bodies. Regulatory boards are the largest category in the database, comprising almost 55% of all bodies.¹ This indicates that interest groups are particularly strongly involved in regulation. However, core public sector organisations are also well represented. The second largest group are the agencies, which form 20% of the database. In addition, we recorded 30 departments, indicating that almost all existing departments on the regional and federal level can be considered as regulatory. Finally, private self-regulation seems to be quite widespread, as almost 10% of the cases are private organisations. These findings suggest that regulation ranges broader than independent agencies and involves all types of organizations.

Most bodies are focused on regulation alone and can be considered as uni-functional. Notwithstanding, we found 122 multi-functional bodies. As shown in table 1 the most frequent secondary task is ‘general public services’, which usually means providing information to citizens and private companies or to other administrations. However, in some cases it means that the organization also produces public services, so that it performs both operational and regulatory tasks. This finding contradicts with the notion of the ‘regulatory state’ that separates operation from regulation. 65 bodies can be said to be involved in policy formulation and 32 organisations perform other kinds of exercising authority. The latter indicates that, when the granting of subsidies requires a prior recognition, both tasks are often performed by the same body.

¹ This excludes the cluster organisations. All 69 cluster organisations were boards, meaning that the dominance of the regulatory boards would even be greater when including clusters.

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Table 1: Frequencies of other general tasks

	Frequency
Policy formulation, development and advice	65
other kind of exercising public authority	32
general public services	74
business and industrial services	2
Total	173*

*N>122 because bodies could have up to three general tasks

Table 2 shows that for governmental organisations such as agencies and especially for departments, regulation is only one of the general tasks. On the other hand, boards and private organisations are mainly uni-functional and are focused on regulation.

Table 2: Tasks per type of organization

	Uni-functional		Multi-functional		Count
	Count	Row %	Count	Row %	
Ministerial department	3	10,0%	27	90,0%	30
Agency	8	15,1%	45	84,9%	53
Board/commission	110	70,5%	46	29,5%	156
Private	22	84,6%	4	15,4%	26
Total	143	54,0%	122	46,0%	265

In order to assess the fragmentation within the regulatory cycle, we constructed a scale that counts the number of regulatory tasks an organisation performs. Most organizations have two tasks (30%), and 27.5 % have one task. Hence, about 60% of the regulatory bodies have a rather limited role in the regulatory cycle as they are focused on a few tasks. Alternatively, almost one fourth of the database (23%) encompasses the full regulatory cycle.

Table 3: Indicates how many regulatory tasks in the cycle the organization has

		Frequency	Percent	Cumulative Percent
Valid	1,00	78	27,5	28,1
	2,00	86	30,3	59,0
	3,00	48	16,9	76,3
	4,00	66	23,2	100,0
	Total	278	97,9	
Missing	System	6	2,1	
Total		284	100,0	

Table 4 shows that the majority of the private organisations and the ministerial departments are all-encompassing. Both types also have low frequencies in the middle categories, so that they either have only one task, or all four. Boards are strictly focused, since 80% has one or two tasks. Interestingly, 76% of the agencies have more than two regulatory tasks.

Table 4: Encompassedness of organizational types (in percentages)

	1	2	3	4	Total
Ministerial departments	21.4	7.1	14.3	57.1	100
Agencies	4.0	20.0	40.0	36.0	100
Boards/commission	37.4	42.6	12.3	7.7	100
Private organisations	23.1	7.7	7.7	61.5	100

Considering the first research question, we find a large number of regulatory bodies and a wide variety of types of organizations. In addition, most bodies have a rather limited role in the regulatory cycle and quite a lot of bodies are multifunctional. Looking at the types of organizations, boards are the largest group, followed by agencies and departments. However, purely regulatory agencies and departments are a small minority as most also have other general tasks, notably providing public services, giving subsidies and preparing policy. On the contrary, boards and private regulators are focused on regulation. Notwithstanding, agencies and departments do have a strong role in the regulatory cycle as they usually perform more than two of the four tasks.

2) Proliferation of sectors

Concerning research question 2a, Table 5 shows that 76 regulators are active in more than one policy field, and only 15 are active in three policy fields. Consequently, in spite of the recent emphasis of

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OECD governments on cross-cutting policy initiatives in order to deal with ‘wicked’ social problems, most organizations are still focused on only one policy field.

Table 5: Number of policy fields per organization

		Gives the first policy field in which the organization is active	Gives the second policy field in which the organization is active	Gives the third policy field in which the organisation is active
N	Valid	284	76	15
	Missing	0	208	269
	Mode	4,00	4,00	5,00

If we look at proliferation of bodies *within* policy fields, the absolute numbers in

Table 6 suggest large differences between sectors. The field in which the most organisations are active is economic affairs: 127 cases (44.72% of 284 cases) are active in this field and for 105 bodies it is the most important policy field. The second largest category is health, that counts 66 (23.23%) organisations. Then come general public services, recreation and culture, environmental protection and social protection. There will be much less fragmentation in fields such as defence, education and housing, which count the lowest numbers of organisations.

In each policy field, we find that the regulatory cycle is fragmented. In most fields, the majority of bodies perform one or two tasks in the cycle. Notable exceptions are education, recreation and culture, economic affairs and environmental protection. The latter also has the largest proportion of all-encompassing bodies, since almost half of these regulators perform all four tasks in the cycle. Thus, despite the relatively high number of organizations in this field (30) all bodies have a large share in the regulatory cycle. A possible explanation is that this field is split up into several subfields (e.g. water, forests). If each subfield has a strong regulator, then the field will count multiple strong regulators.

Table 6: Encompassedness per policy field (in percentages; absolute numbers between brackets)

	1	2	3	4	Missing	Total
general public services	36,4	22,7	20,5	20,5		100 (44)
Defence			50	50		100 (2)
public order	41,7	33,3	4,2	20,8		100 (24)

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and safety						
Economic affairs	26,0	29,1	11,0	33,1	,8	100 (127)
environmental protection	16,7	16,7	16,7	46,7	3,3	100 (30)
housing and community amenities	46,2	23,1	15,4	15,4		100 (13)
Health	25,8	24,2	22,7	22,7	4,5	100 (66)
Recreation, culture and religion	16,7	23,3	53,3		6,7	100 (30)
Education	10,0	10,0	20,0	50,0	10,0	100 (10)
Social protection	21,4	32,1	32,1	10,7	3,6	100 (28)
Total						100 (374)*

* Total > 284 because organisations could have multiple policy fields

We coded the regulatory field as an alternative, more detailed measure of the sector in which the regulator operates. The descriptives for this variable indicate that about 60% of all regulatory bodies are located in fields of economic regulation. The remaining part is divided among social and general legal regulation that both contain about 20% of all organizations. As indicated by the absolute numbers in Table 7, the dominance of economic regulation can be explained by the categories of ‘product standards’ and ex ante ‘business conditions’ which count by far the most regulators. The other economic fields (competition, financial markets, utilities, accounting and tax) are much less fragmented. Proliferation seems also high in certain social regulatory fields (e.g. labor market and employment law, social affairs, environmental protection) and in certain general legal fields (‘public law’ and ‘penal law’).

Consistent with the variable ‘policy field’ we find that 53% of all organizations is active in only one regulatory field.

The fragmentation in the regulatory cycle differs between economic and social regulation. Economic regulators mostly have two regulatory tasks and have the highest proportion of all-encompassing regulators. Social regulators and general legal regulators mostly have one regulatory task; general

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legal has the lowest proportion of all-encompassing organisations. Table 7 splits up the regulatory areas into fields and reveals substantial differences within the areas. In economic regulation, particularly ‘utility’ and ‘financial markets’ are notable, since these organisations are either very little encompassing (doing only one regulatory task) or are very encompassing (doing all 4 tasks). In business conditions and product standards, organisations usually have two tasks or less, although both have a relatively high proportion of all-encompassing regulators. In social regulation, some fields consist mostly of all-encompassing organisations (‘environmental protection’) whereas other fields have very fragmented regulatory cycles (‘land planning’, ‘labor market and employment law’). In general legal regulation, the cycle of penal law seems especially fragmented as half of all regulators perform only one of the four tasks.

Table 7: Number of regulatory tasks for each regulatory field (in percentages, absolute numbers between brackets)

	1	2	3	4	Total
Business conditions	10.5	43.27	18.27	27.88	100 (104)
Competition	30	30	10	30	100 (10)
Financial markets	44.44			55.55	100 (9)
Product standards	22.95	24.59	18.00	34.43	100 (122)
Utility regulation	27.27			72.73	100 (11)
Accounting and tax	30	10	30	30	100 (10)
Labor market and employment law	40.10	22.73	18.19	18.19	100 (22)
Social affairs	31.58	31.58	31.58	5.26	100 (19)
Workers health and safety and well-being	28.57	14.29	28.57	28.57	100 (7)
Environmental protection	12.50	12.50	16.67	58.33	100 (24)

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Land planning	46.15	30.77	15.38	7.69	100 (13)
Consumer protection	33.33	16.67	16.67	33.33	100 (6)
Penal law, judicial sector and proceedings, police and intelligence	50	16.67	5.55	27.78	100 (18)
Immigration, foreigners' status, and naturalization	14.29	57.14	14.29	14.29	100 (7)
Private law	28.57		28.57	42.86	100 (7)
Public law and the regulation of individual rights and obligations	25.93	18.52	22.22	33.33	100 (27)
Traffic laws	14.29	14.29		71.43	100 (7)
Other	14.29	14.29		71.43	100 (7)
Total					430*

Concerning research question 2b we can conclude that both economic and social sectors are very proliferated. Economic sectors count the most regulators, which are also rather weak. There are some highly proliferated social and general legal sectors as well, especially health, environmental protection, recreation and culture, labour affairs and public law. Social regulators generally have a stronger role in the regulatory cycle.

(3) Fragmentation across levels of government

The federal level has by far the highest number of regulators. About 70% (184) of all bodies is federal, and less than 30% (73) is related to the Flemish regional level. Thus, proliferation seems to be particularly present on the federal level.

Table 8 provides an overview of the frequencies of policy fields in each level. The column percentages show that, for the federal level, the largest group of organisations can be found in economic affairs (39%), followed by health (20%) and general public services (13%). On the regional level, the picture is more mixed, since five fields are of a similar size (culture, economic affairs, environmental protection, health, general public services).

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The row percentages reveal that one level seldomly has the full authority over a certain policy field. In fact, we find only three fields that are exclusively allocated to one level: defence and public order and safety are *purely federal*; education is *purely regional* (education). In all other policy fields, regulatory competencies are shared by the federal and regional level. Social protection appears *dominantly federal*, since 24 out of 28 bodies are federal. In addition, ‘economic affairs’ can be said to be mostly on the federal level. On the contrary, social sectors such as ‘housing’ (8 out of 12) and ‘culture’ (24 out of 30) are *dominantly regional*. Yet other fields are evenly *shared by the two levels*. First, for ‘environmental protection’ sixteen bodies belong to the federal state, thirteen are regional but the relative weight of this field is higher for the regional government (13% versus 6% for the federal state). Furthermore, the regional level has a relatively high share in the field of ‘health’.

Table 8: Policy fields per level

	Federal			Regional			Total Count
	Count	Col %	Row %	Count	Col %	Row %	
General public services	33	13%	73%	12	12%	27%	45
Defence	2	1%	100%	0	0%	0%	2
public order and safety	22	8%	96%	1	1%	4%	23
Economic affairs	101	39%	83%	20	19%	17%	121
Environmental protection	16	6%	55%	13	13%	45%	29
Housing and community amenities	4	2%	33%	8	8%	67%	12
Health	53	20%	80%	13	13%	20%	66
Recreation, culture and religion	6	2%	20%	24	23%	80%	30
Education	0	0%	0%	9	9%	100%	9
Social protection	24	9%	86%	4	4%	14%	28
Total	261	100%		104	100%		365*

* N > 284 because an organisation could have up to three policy fields (10 missing values)

Fragmentation within the regulatory cycle is common for both the federal and regional level. Table 9 demonstrates that, for the former, the mode is one task and more than 60% perform two tasks or less.

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On the regional level, the mode is two tasks and a small majority performs more than two tasks in the cycle.

Table 9: Encompassedness per level

	Indicates whether the organisation is on the regional level or the federal level						Total
	Federal			Flemish community			Count
	Count	Row %	Col %	Count	Row %	Col %	
1,00	63	84,0%	32,0%	12	16,0%	16,7%	75
2,00	61	72,6%	31,0%	23	27,4%	31,9%	84
3,00	30	63,8%	15,2%	17	36,2%	23,6%	47
4,00	43	68,3%	21,8%	20	31,7%	27,8%	63
Total	197	73,2%	100,0%	72	26,8%	100,0%	269*

* 15 missing values

In sum, regarding the third research question, we can conclude that the competencies of the federal and regional level are not homogeneously delimited. There is much fragmentation between the levels in almost sectors. Looking at how encompassing the levels are, it is likely that regulatory cycles run across different levels of government. Put differently, for each sector, some tasks of the cycle are performed at the federal level whereas other regulatory tasks are performed at the regional level.

Conclusions

The regulation literature has argued that a proliferation of regulatory bodies has taken place in recent years, thereby creating interdependencies between organizations. Instead of looking at individual regulators, authors have argued to map entire institutional constellations. Notwithstanding, empirical evidence of proliferation is scarce and is often focused on specific case studies. In order to get a more general picture of the phenomenon, we identified three dimensions of proliferation. We find that all dimensions are present to some extent.

For instance, we found evidence for a proliferation of types of organizations. We found a large number of regulators, as about 38% of all public bodies on the central level can be characterized as having regulatory tasks. It should be noted that we only mapped the bodies in the Flemish region. To get a complete picture of regulation in Belgium, one should include the Walloon region as well, so that the number of bodies would even be substantially higher. Multiple types of actors, with varying degrees of autonomy and ‘publicness’, are involved. Consistent with Christensen and Yesilkagit (2006) it seems

that most ministerial portfolios include regulatory responsibilities. We also see that delegation to nondepartmental bodies is very common. Collegiate boards are a particularly often used type of organization. The proliferation is also visible when looking at the tasks. Most regulators perform only a small part of the regulatory cycle, albeit that some types have a larger share in the cycle (ministerial departments, private regulators) than others (agencies, boards). Regulation is often only one of the several general tasks an organization performs, notably for agencies and departments. Despite the recent attention for (purely) regulatory agencies, these are only a small category.

Regarding proliferation of sectors, it appears that most regulatory regimes are very complex. First, most regulatory fields, as well as most policy fields, count a large number of regulatory bodies. Comparable to Christensen (2001), the fields of 'business conditions' and 'product standards' count the most organizations. Some social fields (e.g. environmental protection) and general legal fields (public law) also count many bodies. Second, regulators do not yet seem to adapt to the blurring of sectoral boundaries. Despite the recent attention for whole-of-government issues, most bodies are focused on only one sector.

Furthermore, we found evidence for proliferation across levels of government. In almost all sectors, we found that both levels are present to some extent which suggests that both levels overlap frequently. This dimension of proliferation may well be associated with proliferation within sectors because those sectors that are more or less evenly shared by the federal and regional level, also count a high total number of regulators (e.g. environmental protection, health). Proliferation seems higher for the federal level, since they count the most regulators and these bodies are less encompassing than regional bodies. Alternatively, sectors where competencies are allocated almost exclusively to one level, may count less organizations (e.g. education).

This paper looked at the extent of proliferation, but we were not able to look at its consequences. In general, it is argued that proliferation creates checks and balances and improves the performance of regulators through specialization. However, we suggest that future research looks at the effects of the specific dimensions, since each dimension may have a different impact on the effectiveness of regulators. For instance, a proliferation of types of organizations is often heralded as improving the effectiveness because it increases the credibility and creates competition between regulators. At the same time, proliferation across levels and the resulting competing norms is said to decrease the effectiveness of regulators. Furthermore, our results show that regulatory cycles are fragmented over multiple organizations. However, we could not look at specific rules, e.g. to determine which bodies are involved in the tasks caused by a single law. Future research could use case studies to map the

institutional constellation for specific rules, looking at how the application or enforcement of a law is dispersed over organizations.

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Appendix 1: Coding scheme – list of variables

1. CASE_NO	Case Number
2. NAME	Name of organization
3. NOPAR	Case number of parent department
4. PARENT	Parent body
5. LEV_ADM	Level of administration (For boards and private bodies: level of the departmental portfolio to which the organization belongs)
	0: Federal
	1: Flemish community
6. CONTACT	Contact details
7. SETUP_YR	Organization set-up year
8. LEG_BAS	Legal basis
	1: Act or Decree
	2: Royal decision or decision of the Flemish Government
	3: Ministerial decision
	4: Decision of provincial council (<i>bestendige deputatie</i>)
	5: Decision of municipality council (<i>gemeenteraad</i>)
9. LEG_NAME	Name of Legal Document
10. LEG_STAT	Legal Status
	1: Ministerial department
	2: Agency
	3: Boards/commission
	4: Private body

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11. POL_FIELD Policy Field (up to three fields are possible)

- 1: General public services
- 2: Defence
- 3: Public order and safety
- 4: Economic affairs
- 5: Environmental protection
- 6: Housing and community amenities
- 7: Health
- 8: Recreation, culture and religion
- 9: Education
- 10: Social protection
- 55: Others

12. GEN_TASK General task (up to three tasks are possible)

13. TASK_DESCRI Task Description

14. REG_FIELD Regulatory field (one main field and one additional field)

- 1: business conditions
- 2: competition
- 3: financial markets
- 4: product standards
- 5: utility regulation
- 6: labor market and employment law
- 7: social affairs
- 8: workers health and safety
- 9: environmental protection
- 10: land planning
- 11: consumers' protection
- 12: penal law, judicial sector and proceedings, police and intelligence
- 13: immigration, foreigners' status, and naturalization
- 14: private law

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15: public law and the regulation of individual rights and obligations

16: traffic laws

15. REG_AREA Regulatory Area

1: economic (Recode REG_FIELD 1-5)

2: Social (Recode REG_FIELD 6-11)

3: General Legal (Recode REG_FIELD 12-16)

16. REG_TASK Regulatory task (each body could have up to four tasks)

1: goal formulation, rule-making and standard setting

2: Granting permits/licenses

3: monitoring, information-gathering, scrutiny, inspection, audit and evaluation

4: enforcement, behaviour modification and the application of rewards and sanctions

17. REGGOV Regulation inside government

1: the regulation is targeted on civilians and private companies

2: the regulation is targeted on both civilians and other administrations

3: the regulation is only targeted on other administrations

18. COR_ACT Actors with whom the body co-ordinates its actions

1: Other divisions within same government

2: other government levels

3: private organisations

4: both other government and private organisations

19. BOARD Presence of board

0: No

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- 1: Yes, advisory board
- 2: Yes, board of directors

20. EXP_INT Integration of independent experts on board

- 0: No
- 1: Yes

21. CORPOINT Interest groups in board

- 0: No member of IO on board
- 1: members of IO on board

22. GOV_INT Government organizations in board

- 0: No member of other government on board
- 1: only member of other central governmental organisation on board
- 2: only member of other levels of government on board
- 3: members of both central and other government levels on board

23. COMP Competence of board of agency/commission

- 1: Decision-making
- 2: advisory
- 3: decision-making and advisory

24. REPORT Board reports to

- 1: minister/department
- 2: agency
- 3: minister/department and agency/board

25. COMPETENCE Competence of the organization

- 1: Decision-making

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- 2: Decision-making (most important) with advisory tasks
- 3: Advisory (most important) with decision-making tasks
- 4: Advisory

Missing values:

55 = no information

88= not applicable