



Reconciling participatory and evidence-based policymaking in the EU Better Regulation policy: mission (im)possible?

Adriana Bunea & Joe Chrisp

To cite this article: Adriana Bunea & Joe Chrisp (2022): Reconciling participatory and evidence-based policymaking in the EU Better Regulation policy: mission (im)possible?, Journal of European Integration, DOI: [10.1080/07036337.2022.2144848](https://doi.org/10.1080/07036337.2022.2144848)

To link to this article: <https://doi.org/10.1080/07036337.2022.2144848>



© 2022 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group.



[View supplementary material](#)



Published online: 11 Nov 2022.



[Submit your article to this journal](#)



Article views: 537



[View related articles](#)



[View Crossmark data](#)

Reconciling participatory and evidence-based policymaking in the EU Better Regulation policy: mission (im)possible?

Adriana Bunea ^a and Joe Chrisp ^b

^aDepartment of Comparative Politics, University of Bergen, Bergen, Norway; ^bInstitute for Policy Research, University of Bath, Bath, UK

ABSTRACT

Modern systems of governance are increasingly adopting measures aimed at fostering public participation in policymaking, while embedding decisions in scientific evidence under the label of Better Regulation policy. Existing research identifies tensions between participatory and evidence-based approaches. This prompts questions about one of the most ambitious reforms to combine and enhance participatory and evidence-based tools of policymaking, initiated by the European Commission in 2016. We assess the extent to which this reform successfully combined and expanded the participatory layer of supranational policymaking while also strengthening its evidence-based credentials by analysing stakeholders' evaluations. We find that stakeholders assess both sets of measures as part of a single, integrated dimension. Participatory measures received slightly better appraisals and were better known, but both sets of measures were evaluated positively and there are no significant differences in evaluations across stakeholder categories. This points to the complementarity of measures from a stakeholder perspective.


KEYWORDS

European Commission; Better Regulation policy; participatory and evidence-based policymaking; regulatory governance; stakeholder consultations

Introduction

In advanced democracies, bureaucracies make systematic attempts to 'reconcile the demands of democracy with the imperatives of bureaucracy' (Meier and O'Toole 2006) and to address public critiques regarding their unelected, non-majoritarian nature and the subsequent lack of democratic legitimacy, accountability and transparency of their policymaking. A key strategy employed to enhance their legitimacy and reputation has been the adoption of a set of measures aimed at fostering public participation in executive policymaking,¹ increasing its procedural transparency while embedding decisions in sound scientific evidence and advice (Braun and Busuioc 2020). Such measures were introduced under the label of Better Regulation (BR) policy and take the form of stakeholder consultations, regulatory impact assessments and policy evaluations. These measures are a trademark of modern governance and aim to improve the ways in which public policies are designed, decided and implemented, and bring bureaucratic, non-

CONTACT Adriana Bunea  adriana.bunea@uib.no  Department of Comparative Politics, University of Bergen, Christies Gate 15, 5007 Bergen, Norway

 Supplemental data for this article can be accessed online at <https://doi.org/10.1080/07036337.2022.2144848>

© 2022 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group.

This is an Open Access article distributed under the terms of the Creative Commons Attribution-NonCommercial-NoDerivatives License (<http://creativecommons.org/licenses/by-nc-nd/4.0/>), which permits non-commercial re-use, distribution, and reproduction in any medium, provided the original work is properly cited, and is not altered, transformed, or built upon in any way.

majoritarian decision-making closer to the democratic ideals of responsive, representative and accountable policymaking while also ensuring that the decision process is underpinned by expert knowledge and a sound understanding of policy problems and contexts (Rauh 2016). At their core, these measures try to simultaneously open bureaucratic policymaking to the public and foster public participation in policymaking, while maintaining and further developing the more traditional 'scientific-technological rationality' and legitimacy of bureaucratic actors (Esmark 2017, 503).

The European Commission provides one of the most ambitious and recent attempts to develop and institutionalise a Better Regulation policy. In 2015, the EC initiated a comprehensive reform of its Better Regulation agenda to significantly expand the participatory dimension of its predominantly evidence-based policymaking, while also simultaneously reforming key parts of its evidence-based instruments. The rationale behind this reform was that participatory and evidence-based tools reinforce and complement each other leading to improved policymaking processes and outcomes that enjoy high levels of public legitimacy. However, existing research indicates that Better Regulation measures in general, and the attempts to enhance input, throughput and output legitimacy that underpin them, may be marked by non-negligible tensions and trade-offs between the imperatives and realities of participatory and evidence-based policymaking (Bunea and Ibenskas 2017; Braun and Busuioc 2020). The policy objectives and practice of participatory and evidence-based tools may not be easy to reconcile: evidence-based, expert-informed decision-making can sometimes come 'at odds with the practical experiences of ordinary citizens, public involvement, the influence of interest groups and bargaining' (Esmark 2017: 503). *Participatory policymaking* denominates here a decision-making process in which policies are formulated, decided and implemented following an intensified, formalized and focused on problem-solving communication, interaction and exchange of views between decision-makers and stakeholders (Edelenbos 1999, 570). *Evidence-based policymaking* refers to a policy process embedded in 'scientific-technological rationality' (Esmark 2017, 503), in which 'technically trained experts rule by virtue of their specialized knowledge' (Fisher 1990: 17 cited in Esmark 2017, 503) and in which policy solutions are proposed based on a cost-benefit analysis and the quantification and systematic analysis of data and empirical evidence.

This raises an important question about *the extent to which the European Commission managed to successfully expand the participatory layer of supranational policymaking while also strengthening its evidence-based credentials as part of its 2016 major Better Regulation reform*. We address this question using stakeholders' perceptions and evaluations expressed as part of a public consultation organised by the Commission two years after implementing the measures, akin to a formal stocktaking exercise. Stakeholders play a twofold role in BR policies: first, they are policy-takers of general policymaking and decisions adopted across policy areas through procedures established as part of the policy; second, they are 'end-users' of BR measures and are instrumental in the implementation and success of both its participatory and evidence-based measures. This places them in a unique position to have an informed opinion about the performance of participatory and evidence-based features of policymaking and to have incentives to openly praise or criticise existing measures. The extent to which stakeholders positively assess these measures provides important insights about the extent to which they will consider both Better Regulation measures legitimate and comply with policies adopted

following the application of its procedural requirements. Our approach complements existing research assessing the political and policy complexity of the 2016 EU Better Regulation reform (Radaelli 2018), evaluating the extent to which participatory measures met the standards of democratic policymaking (Vetulani-Çeçiel and Meyers 2021; Wood 2021; Deligiaouri and Suiter 2021) and the extent to which this policy managed to consolidate in time the evidence-based credentials of supranational policymaking (Listorti et al. 2020).

We identify two ideal-type scenarios corresponding to whether or not measures aimed at strengthening the participatory and evidence-based principles and practices of supranational policymaking provide an optimal mix and derive a set of theoretical expectations regarding stakeholders' assessment that are consistent with these scenarios. We examine our expectations with the help of three empirical tests. Our findings indicate that stakeholders' evaluations of the 2016 EU Better Regulation reform and its mix of participatory and evidence-based measures correspond to an empirical scenario consistent with the idea of complementarity and optimal mix between the two. Neither of the two sets of measures gets significantly higher levels of negative evaluations, although participatory measures are slightly more likely to get more positive assessments than evidence-based ones. Our Multiple Correspondence Analysis suggests the presence of a single dimension of substantive evaluations corresponding to both participatory and evidence-based measures, indicative that these approaches are mutually reinforcing in the eyes of stakeholders and are evaluated as part of a unidimensional, integrated Better Regulation policy. Furthermore, our regression analysis indicates the lack of significant differences in how different categories of stakeholders assess substantively the measures. These findings point to an optimal mix of measures. We note however an important caveat: our analyses also show that citizens and NGOs are significantly less informed than business actors about both sets of measures.

Addressing our research question is relevant in several ways. First, the EU has long operated a policymaking system specific to a regulatory state, where legitimacy relies extensively on the quality of policy outputs and expertise-based credentials. EU policymaking was and still is the *epitome of technocratic, evidence-based regulatory* policymaking (Harcourt and Radaelli 1999). However, its system of governance underwent important changes in the last two decades that simultaneously aimed at increasing stakeholders' participation in policymaking (Smismans 2014) and at improving the scientific and evidence-based quality of its policy decisions (Radaelli 2010). The EU provides a hard case for testing the argument that tools of participatory policymaking can complement and be reconciled with the tools of evidence-based policymaking. Second, the EU has one of the most advanced Better Regulation policies in the world (Radaelli 2018). Through successive reforms, the EU acts as one of the most ambitious and complex 'laboratories' of Better Regulation, whose experience of combining participatory and evidence-based policymaking instruments informs and shapes similar reforms in other advanced democracies. Third, if we accept the view that the EU is a 'policymaking state' (Richardson 2012), then its Better Regulation policy becomes akin to its 'constitutional foundation' (Meuwese 2007, 27). Stakeholder evaluations of its Better Regulation policy thus provides valuable insights into how these policy-takers perceive the procedural legitimacy of supranational decision-making (De Wilde and Rauh 2019) and how this contributes towards the process of European integration and constant re-legitimization

efforts made by the EC in an ever more challenging policy and political environment in which the power, autonomy and legitimacy of supranational non-majoritarian institutions are increasingly contested (Bressanelli, Koop, and Reh 2020).

We first discuss the EU Better Regulation reform in policy context. We then present our theoretical argument, research design, analyses and conclusions.

Better Regulation in supranational policymaking: a complex policy agenda

Better Regulation measures lie at the core of good governance across advanced democracies and at the EU level. The goal of these measures is to simultaneously increase the legitimacy and democratic credentials of (usually regulatory) policymaking, while also enhancing its efficiency and effectiveness (Lodge and Wegrich 2012). By standardizing the tools and procedures of policymaking, Better Regulation aims to support and enhance the performance and legitimacy of regulatory governance (Schmidt and Wood 2019). Standard Better Regulation tools include regulatory impact assessments, stakeholder consultations, ex-ante and ex-post policy evaluations, regulatory fitness checks and the establishment of bodies ensuring the quality check of impact assessments and evaluations such as the EC Regulatory Scrutiny Board (Radaelli 2018, 86).

Better Regulation tackles fundamental issues related to the democratic (input), procedural (throughput) and performance-oriented (output) legitimacy of regulatory governance and policymaking: the lack of direct democratic accountability, responsiveness, transparency and inclusiveness of policy formulation processes. Although Better Regulation reforms initially consisted of measures aspiring to procedural predictability and evidence-based policymaking (Lodge and Wegrich 2009), recent reforms have aimed to strengthen the participatory dimension of policymaking. The EU sought to develop both dimensions to such an extent that they are now equally important pillars of its Better Regulation policy (Radaelli 2018). At EU level, the policy relevance of Better Regulation was matched by political salience: one of its latest reforms were introduced as part of an *Interinstitutional Agreement on Better Law-making* adopted in April 2016 by the Commission, the EP and the Council. Supranational institutions agreed to enhance the legitimacy of the entire EU legislative process and not just its formulation or implementation (Radaelli 2018, 87).

An overview of this reform attests its complexity and dual ambition. First, it significantly strengthened the participatory component of policymaking and extended the scope of participation for citizens and interest organisations. Stakeholders' participation was now invited not only on white/green papers and legislative proposals but also on roadmaps and inception impact assessments, aspects of impact assessment related to the economic, social and environmental impacts of an initiative, delegated and implementing acts, parts of evaluations and fitness checks of existing policies. The venues for public participation extended throughout the policy cycle and offered increased opportunities for formal stakeholder engagement and feedback. Providing a comprehensive assessment of these measures, Radaelli (2018, 86) observes the 'massive doses of consultations across the board' and notes that since consultations were also 'the main method to appraise regulatory burdens and compliance costs [...], the Commission [...] has been seeking legitimacy from the input given by stakeholders' even on aspects that conventionally

belonged to the realm of evidence-based policymaking such as the assessment of red tape and regulatory costs.

Second, the measures strengthened evidence-based policymaking in two ways. First, they transformed the existing Impact Assessment Board into 'an independent Regulatory Scrutiny Board' with the aim of 'strengthening the system of quality control' and the quality of impact assessments (IAs) for legislative proposals and policy evaluations (European Commission 2015). De facto a semi-autonomous body having half of its members appointed from outside the Commission, the RSB got increased oversight powers to veto and amend impact assessments submitted by Commission DGs alongside policy proposals, before reaching the College of Commissioners. The RSB became the guarantor of 'evidence-based' decisions and harmonized policy formulation across DGs. Its enhanced oversight and amendment powers over impact assessments sought to increase the predictability of how scientific advice and cost-benefit analyses are integrated into the formulation of proposals. The RSB played a key role: its opinions on the quality of impact assessments have a strong impact on the content and quality of key tools of evidence-based policymaking (Senninger and Blom-Hansen 2021). Strengthening RSB's autonomy and oversight was a clear move towards strengthening the evidence-based dimension of policymaking and re-emphasised the importance of impact assessments.

Third, the measures further consolidated the Regulatory Fitness and Performance programme (REFIT) by introducing an online platform inviting stakeholders' recommendations for legislative simplification (i.e. the 'Lighten the load' portal). Further fitness checks and ex-post evaluations were also introduced to different existing policies to 'assess if the EU laws, policies and funding programmes are delivering the expected results at minimum cost' (European Commission 2015). Inviting stakeholders' participation on the REFIT programme and policy evaluations added a participatory layer to these otherwise evidence-based measures that are commonly unpinned by a logic of economic rationality and cost-benefit analysis (Radaelli and De Francesco 2007; Bunea and Nørbech 2022) and signified the Commission's intention to ensure participation throughout the full policy cycle (Radaelli 2018).

Stakeholders, participation and evidence-based policymaking

The literature on regulatory governance identifies a set of potential sources of tension between the goals and practices of evidence-based and participatory policymaking (Baldwin 2007). First, evidence-based policymaking is a trademark of technocratic approaches to regulatory governance and policymaking (Harcourt and Radaelli 1999) and is underpinned by *exclusive* practices and procedures in which policy solutions can be found by a select group of policy experts, who are 'only indirectly accountable to the electorate' (Jordana and Levi-Faur 2004, 12), with little to no public scrutiny or participation, in the absence of contestation and public debate (Koop and Lodge 2020, 1615; Braun and Busuioc 2020; Bunea and Nørbech 2022). Meanwhile, participatory policymaking extols *inclusive* public participation, contestation and debate (Papadopoulos and Warin 2007). While evidence-based decision-making usually takes place in more selective, secluded and *less transparent* settings and discussion forums, participatory policymaking usually entails significantly *higher levels of transparency* and public scrutiny over

participants, their characteristics, expressed demands, preferences, and decision-making procedures (Dudley and Wegrich 2016). Consequently, evidence-based policymaking may be *less accountable* to the public, which also increases the probability of it being *less responsive* to the public's demands (Moffitt 2014, 225). Conversely, participatory policymaking enjoys *higher* levels of *accountability* that result from its enhanced transparency, which could in turn lead to *higher* levels of *responsiveness* (Croley 2008; Bunea and Nørbech 2022). Furthermore, evidence-based policymaking is generally considered to be the antithesis of politicized policymaking, whereas participatory aspects of decision-making may inevitably contribute towards increased levels of its politicization (Rauh 2019).

These tensions stand in contrast to the assumptions that underpin the 2016 EC reform (as well as the wider Better Regulation agenda promoted by national governments and the OECD) that participatory and evidence-based policymaking are complementary and mutually reinforcing. The literature also points to links and interdependencies between participatory and evidence-based elements of policymaking for levels of perceived legitimacy and compliance with public policies: 'transparency, public consultation and Regulatory Impact Assessment are crucially important for the overall legitimacy and ultimate acceptance of regulatory law' (Dudley and Wegrich 2016, 1138). Evidence-based practices increasingly depend on the participation of stakeholders, as evident in the processes associated with EC impact assessments and the REFIT programme (Listorti et al. 2020). Recent research argues that 'it is precisely through mechanisms of engagement that EU institutions create and assert their technocratic power' so that participatory policymaking becomes 'the very means by which (new) technocratic governance works' at a supranational level (Wood 2021, 471). Thus, the participatory agenda of the EU, that started in the 2000s and was reinforced by the 2016 reform, marks a gradual shift from an old exclusive technocracy to a new responsive technocracy (Wood 2021). Furthermore, while the *theoretical foundations* and *policy practice* of participatory and evidence-based policymaking may point to inherent contradictions, this need not be the case from the perspective of stakeholders, who may mirror the Commission's understanding of these reforms as intertwined and complementary.

Thus, we contend first that stakeholders' appraisal of the reform provides a valuable evaluation of the extent to which the Commission successfully introduced and optimally combined the extensive use of both participatory and evidence-based instruments of supranational policymaking as part of its 2016 reform. As key actors in the implementation of Better Regulation measures and EU regulations, stakeholders are in a unique position to assess them and the overall performance of the Better Regulation policy following its 2016 overhaul.

Second, building on the literature on regulatory governance and policy instruments, we note that the issues of 'designing and adopting optimal "mixes" of [policy] instruments in complex decision-making and implementation contexts' is fundamental for modern systems of regulatory governance (Howlett 2005, 33). In this respect, the question of 'whether and to what extent the instruments that comprise a mix are counterproductive or complementary' rests at the core of modern governance and the successful implementation of public policies (Howlett 2005, 34). We build on this observation and identify two possible scenarios describing stakeholders' evaluation of how the mix of instruments aimed to further develop the participatory and evidence-based dimensions constitute

a complementary (optimal) mix, or on the contrary a counterproductive one that is marked by tension.

Scenario 1: optimal mix

We contend that a scenario of successful combination and reconciliation of participatory and evidence-based tools is consistent with the following observable implications. First, an optimal mix of tools should generate equally positive stakeholder evaluations about both sets of measures. This implies the absence of significant differences in how positive (or negative) stakeholders evaluate each set of measures and the absence of approval/positive evaluations for only one set of measures while the other receives negative assessments.

Second, stakeholders should evaluate participatory and evidence-based instruments in a consistent manner as part of a single, integrated dimension, rather than indicating the presence of two separate dimensions corresponding to each set of measures. Such consistency in stakeholders' evaluation alignments would convincingly point to a perceived complementarity in the institutions and practices belonging to participatory and evidence-based measures that are considered to be part of a coherent Better Regulation policy.

Third, the optimal combination of measures would be evident in the absence of systematic differences in the evaluations of the reform according to stakeholder type. Specifically, evaluations from stakeholders whose engagement with policymaking was targeted and encouraged by participatory measures (i.e. citizens and organisations representing the public interest broadly defined, cf. Bunea 2017) should not systematically differ from the evaluations of stakeholders that are assumed to conventionally appreciate the procedural standardisation and enhanced predictability of policymaking that usually follows from consolidating the evidence-based dimension of Better Regulation policies: i.e. business actors and public authorities (cf. Bunea and Ibenskas 2017) or, more generally speaking, organisations enjoying privileged access to decision-making. This taps into a fundamental issue of EU policymaking that the initiators of the 2016 Better Regulation reform tried to address by extending the scope of participatory mechanisms: the presence of policy insiders, i.e. a sub-set of stakeholders that enjoy privileged direct access to decision-making and are thus in a structurally more favourable position to contribute to (evidence-based) policymaking at supranational level irrespective of how many other public participatory mechanisms are in use. Therefore, the following expectations are consistent with the scenario of an optimal mix of instruments:

H₁: Both participatory and evidence-based measures receive equally positive stakeholder evaluations.

H₂: Stakeholders evaluate both types of measures as part of a single dimension suggestive of them being perceived as part of an integrated, coherent, uni-dimensional Better Regulation policy.

H₃: There are no significant differences in evaluations that are consistent with specific stakeholder constituencies and that discern between actors lacking privileged access to

decision-making (citizens and public interest organisations) on the one hand, and actors enjoying privileged access on the other (business and public authorities).

Scenario 2: suboptimal mix

Conversely, we argue that a scenario of suboptimal or uneasy combination of participatory and evidence-based measures is consistent first and foremost with a more negative evaluation of either or both sets of measures. While low levels of support (high level of negative evaluations) for *both* indicate an unsuccessful reform across the board, positive evaluations for either set of measures at the expense of the other indicates a challenging or suboptimal combination between different aspects of the reform.

Second, stakeholder evaluations cluster along two distinct dimensions, according to whether they concern participatory or evidence-based measures. This indicates conflict in how stakeholders evaluate the participatory instruments on the one hand and the evidence-based ones on the other. This builds on the observation that two-dimensional policy spaces signify the presence of a higher level of conflict than a unidimensional space (Humphreys and Laver 2009) and may result from a suboptimal performance of the reform measures either based on one or both participatory and evidence-based grounds.

Finally, there are significant differences in stakeholder evaluations that correspond to stakeholder type. Specifically, the evaluations of stakeholders that are relative newcomers to the remit and scope of the Better Regulation reform (citizens and public interest organisations that may lack the experience or resources to engage with the opportunities and content of Better Regulation measures) diverge significantly from those of stakeholders with more experience with this type of reforms either at the national or supranational level (i.e. business, public authorities). This is particularly evident when these divergences correspond to the expected preferences for participatory and evidence-based policymaking based on stakeholders' perceived benefits: if citizens and public interest organisations are significantly more positive about the participatory measures and significantly more negative about evidence-based measures, while vice-versa, businesses and public authorities are significantly more positive about the latter and more negative about the former. Such a pattern indicates that the introduced reforms underperform in at least two crucial respects: the measures have not managed to convince different stakeholder constituencies about the merits of both sets of measures; and the measures have not addressed the perceived power asymmetry between stakeholders representing concentrated and public/diffuse interests that have generally characterised the implementation history of Better Regulation measures at supranational level (Bunea and Ibenskas 2017). The following expectations are consistent with this scenario:

H₄: There are high levels of negative evaluations for either one or both sets of measures across stakeholders.

H₅: There are systematic patterns of stakeholder evaluations that align on two separate dimensions discerning between participatory and evidence-based measures.

H_6 : *There are significant differences in stakeholder evaluations that are consistent with specific stakeholder constituencies and that discern between actors lacking privileged access to policymaking (citizens and public interest organisations) on the one hand, and actors enjoying privileged access on the other (business and public authorities).*

Trade unions and professional organisations also participated in the analysed consultation. We include this category of stakeholders in our analyses, but we do not derive theoretical expectations with respect to their evaluations because of their somewhat ambiguous position in the Better Regulation framework.²

Research design

We examine our expectations by exploring stakeholders' responses to the EC public consultation organised between July 17th and October 23rd 2018 to evaluate the measures introduced as part of its 2016 Better Regulation reform. This consultation was conducted through an online survey asking a battery of questions targeting all measures aimed at enhancing participatory and evidence-based policymaking. A total of 626 stakeholders participated in the consultation and 596 accepted to making their contributions public: of these, 434 (73%) answered as private citizens, while 162 (27%) as representatives of interest organizations.

Table 1 presents the distribution of stakeholders' categories. We identify five categories: *citizens*, *business actors* (business associations, SMEs, consultancies), *NGOs*, *public authorities* (*national, regional and local*), *trade unions and professional associations*. We use stakeholder category as the key explanatory variable in our regression analyses.

In line with existing research, we note that our research design allows us to study only a sample of the European stakeholders interested in the Better Regulation policy and only a limited number of the interest organisations active in EU policymaking and interested in Better Regulation.³ Previous research employing a similar design indicates that 'methodologically this raises the issue of selection bias and casts the shadow of "limited generalising power" of findings to the broader EU stakeholder community' (Bunea 2017, 54). We acknowledge this methodological limitation characterising both our study and most of the published research using data generated from EC open public consultations (e.g. Klüver 2013; Rasmussen and Carroll 2014; Bunea and Ibenskas 2017; Bunea 2018; Binderkrantz, Blom-Hansen, and Senninger 2021). The lack of representativeness in a methodological and statistical sense is an aspect that is openly recognised by the European Commission itself which explicitly indicates that open public consultations are not designed to meet the standards and

Table 1. Stakeholders participating in the consultation evaluating the 2016 EU BR reform.

Stakeholder type	Number	% of stakeholders
Citizens	434	73%
Business	69	12%
NGO	36	6%
National public authorities	27	4.5%
Trade unions & professional associations	30	5%

objectives of statistically representative opinion surveys but aim instead to gather the views and opinions of stakeholders interested in responding to public consultations on different policy issues (European Commission 2017, 415). However, despite this limitation, we still consider our findings highly informative due to the value of understanding the preferences of what constitutes perhaps highly or more engaged stakeholders with the Better Regulation reform, especially given that existing research indicates that ‘the aggregate distribution of preferences expressed in consultations is what formally informs the formulation of EU proposals and must therefore be analysed as a relevant and reliable source of information’ (Bunea 2017, 54).

Stakeholders’ evaluations

The consultation consisted of 37 closed-ended questions asking for substantive feedback on participatory (16) and evidence-based measures (21). Most consultation items entailed ordinal responses of four or five substantive response-categories, plus one or two response-categories allowing stakeholders to indicate that they *do not know* or *are not aware of a specific instrument or policy measure*. For analytical clarity, we recoded stakeholders’ answers into four nominal categories: negative, neutral/partial, positive and ‘Don’t know’. This latter response category includes both ‘I don’t know’ and ‘I am not aware of this tool/measure’ answers. Questions 10–15 and 29–37 also included missing responses. Table 2 presents the frequency distribution of recoded response-categories.

We added observations from two multiple-choice questions asking stakeholders to indicate: up to three areas where the EU has made relatively more progress with its Better Regulation policy since 2014 and up to three areas where the Commission should make improvements in the future. On both items the available answers referred to key aspects of participatory (consultations and transparency of policymaking) and evidence-based measures (evaluation, impact assessment, scrutiny of regulatory proposals, etc.). To include these questions in our analyses, we created binary variables indicating whether or not a stakeholder chose one of the six aspects as an area of improvement or future development. We analyse 37 nominal-categorical and 12 binary items.

Building on the existing literature conceptualising and categorising Better Regulation policy tools and measures (see for example Radaelli 2010, 2018; Radaelli and De Francesco 2007; Bunea and Ibenskas 2017; DeMenno 2017), we categorised the consultation survey questions as providing information about participatory or evidence-based policymaking by looking at the survey section the question belonged to (e.g. ‘The Commission and better regulation – general questions’); ‘Consulting the public and interested parties’, ‘Evaluating existing laws’ (containing questions about the REFIT programme), ‘Assessing new Commission proposals’ (containing questions about Impact Assessments); ‘Scrutinizing the quality of impact assessments and evaluations’ (containing questions about the Regulatory Scrutiny Board) and by looking at the substantive content of the question and the Better Regulation policy measure/tool it referred to (i.e. public consultations, policy evaluations, regulatory scrutiny, etc.).

Table 2. Stakeholders’ answers across multiple-choice questions.

	Response categories				
	NA	Don't know	Negative	Neutral	Positive
Participatory policymaking					
Q1. Are you informed about the Commission’s plans early enough to be able to take part in the policy-making process?	0%	2%	42%	25%	31%
Q2. Are you satisfied with how the Commission involves members of the public, businesses, NGOs and other interest groups?	0%	5%	49%	22%	23%
Q3. Does the Commission take subsidiarity and the role of national, regional and local authorities sufficiently into account when putting forward policy proposals?	0%	11%	27%	30%	32%
Q4. Are roadmaps and inception IAs useful to help you prepare your participation in the policy-making process?	0%	17%	22%	23%	38%
Q5. Satisfied with the opportunity to comment on roadmaps and inception IAs?	0%	24%	21%	23%	32%
Q6. Satisfied with public consultations?	0%	14%	28%	19%	40%
Q7. Satisfied with the opportunity to comment on draft delegated and implementing acts?	0%	26%	27%	21%	25%
Q8. Satisfied with the opportunity to comment on Commission legislative proposals	0%	24%	29%	19%	28%
Q9. Satisfied with the opportunity to suggest ways to improve existing laws (lighten the load)?	0%	31%	27%	17%	25%
Q10. Satisfied with the EC public consultations: clarity of questionnaires?	10%	6%	22%	20%	41%
Q11. Satisfied with the EC public consultations: length of questionnaires?	10%	7%	16%	29%	37%
Q12. Satisfied with the EC public consultations: neutrality of questionnaires?	10%	8%	24%	21%	36%
Q13. Satisfied with the EC public consultations: opportunity to make relevant comments or provide supporting material?	10%	6%	16%	23%	44%
Q14. Satisfied with the EC public consultations: availability of different language versions?	10%	9%	14%	13%	54%
Q15. Satisfied with the EC public consultations: length of consultation period (12 weeks)?	10%	6%	13%	23%	48%
Q16. Satisfied with how the Commission reports on the results of its public consultations and the other opportunities to comment?	0%	12%	38%	28%	22%
Evidence-based policymaking					
Q17. Does the Commission provide enough evidence to back up its proposals?	0%	10%	28%	38%	25%
Q18. Does the Commission take environmental and social IAs sufficiently into account when putting forward policy proposals (in addition to economic impacts)?	0%	11%	29%	32%	29%
Q19. Are you satisfied with the Commission’s efforts to simplify existing EU laws and to reduce costs where possible (REFIT)?	0%	10%	37%	28%	25%
Q20. Satisfied with Commission’s evaluations: transparent assessment of what works and what doesn’t?	0%	17%	35%	22%	26%
Q21. Satisfied with Commission’s evaluations: usefulness of evaluations for policymaking?	0%	18%	28%	25%	29%
Q22. Satisfied with Commission’s evaluations: transparent information about all relevant impacts (benefits and costs) of existing legislation?	0%	16%	40%	21%	22%
Q23. Satisfied with Commission’s evaluations: focus on simplification and cutting unnecessary costs (REFIT programme)?	0%	20%	32%	21%	27%
Q24. Is the REFIT platform effective in identifying areas where legislation can be simplified and unnecessary costs cut while preserving policy objectives?	0%	37%	19%	26%	18%
Q25. Satisfied with EC IAs: transparent information about all the relevant impacts (benefits and costs) of different policy alternatives?	0%	15%	37%	24%	23%
Q26. Satisfied with EC IAs: assessment of the potential simplifying existing legislation and cutting unnecessary costs?	0%	19%	29%	28%	24%
Q27. Satisfied with EC IAs: usefulness to inform the EC’s decision-making?	0%	19%	28%	27%	27%
Q28. Satisfied with EC IAs: usefulness to inform the EP’s and the Council’s decision-making?	0%	20%	29%	25%	26%

(Continued)

Table 2. (Continued).

	Response categories				
	NA	Don't know	Negative	Neutral	Positive
Q29. Indicate level of agreement with the statement: I am familiar with the RSB.	6%	18%	40%	-	36%
Q30. Indicate level of agreement with the statement: There is sufficient regulatory scrutiny of EU IAs and evaluations.	6%	34%	35%	-	25%
Q31. Indicate level of agreement with the statement: regulatory scrutiny adds value to the overall regulatory process.	6%	28%	16%	-	50%
Q32. Indicate level of agreement with the statement: the RSB is impartial.	6%	45%	25%	-	25%
Q33. Indicate level of agreement with the statement: the RSB opinions are informative.	7%	41%	18%	-	34%
Q34. Indicate level of agreement with the statement: the RSB opinions promote evidence-based policies.	7%	37%	23%	-	33%
Q35. Indicate level of agreement with the statement: RSB increases the quality of Commission proposals.	7%	39%	19%	-	35%
Q36. Indicate level of agreement with the statement: RSB increases transparency of EC policymaking.	7%	35%	22%	-	35%
Q37. Indicate level of agreement with the statement: RSB increases accountability of EC policymaking.	8%	36%	21%	-	35%

Analyses

Descriptive analysis

The frequency distribution of stakeholders' evaluations presented in Table 2 allows us to assess hypotheses 1 (positing that both sets of measures receive equally positive stakeholder evaluations) and 4 (expecting high levels of negative evaluations for at least one set of measures). The table shows that 10 of the 16 items assessing participatory measures received a higher percentage of positive reviews than negative ones: items 3–6 and 10–15. On 3 of the 6 remaining items (items 7–9), the difference in evaluations is small and amounts to 1% or 2%. Meanwhile, only 7 of the 21 items assessing evidence-based measures received more positive than negative evaluations: item 21 assessing the usefulness of policy evaluations *in general* and items 31 and 33–37 assessing various aspects of the RSB. For items 17 and 32 the evaluations were evenly split; for 4 items the difference between evaluations amounts to only 1%, while for one item the difference was 3%. Thus, only the remaining 7 evidence-based items stakeholders provided significantly more negative than positive evaluations.

This indicates a rather mixed picture with respect to the levels of positive and negative evaluations and suggests that, broadly speaking, participatory measures received on average a more positive assessment. Yet, none of the two sets of measures received high levels of negative evaluations. These findings are thus more consistent with hypothesis 1 (scenario 1) positing that both sets of measures received (equally) positive stakeholder evaluations and goes against hypothesis 4 (scenario 2) expecting that there are high levels of negative evaluations for either one or both sets of measures. Our descriptive analysis supports thus scenario 1 indicative of complementarity between participatory and evidence-based measures.

We note however an important feature of these evaluations: stakeholders' knowledge about different measures varies considerable across items. The frequency of 'Don't know'

responses ranges from 2% to 45%. Notably, the lowest frequency of 'Don't know' responses are in relation to the most general questions about the Commission's performance as part of the reform: item 1 asking whether stakeholders are informed early enough to engage in policymaking, item 2 on whether they are satisfied with how the Commission involves members of the public or item 17 asking whether the Commission provides enough evidence to back up its proposals. Overall, questions related to participatory measures display a lower frequency of 'Don't know' responses than those associated with evidence-based measures. For the former, the 'Don't know' responses are 17% on average, ranging from as little as 2% to a maximum of 31%. For the latter, this average is 25% with a range from 10% to 45%. This suggests participatory measures were better known to stakeholders than evidence-based ones. This is not surprising given that stakeholders' evaluations towards these measures were expressed in the context of a public consultation, which is in itself a key tool for enhancing participatory policymaking. However, the rather high levels of 'Don't know' responses to questions about RSB (especially items 30, 32–35) suggests that stakeholders are significantly less familiar with a key tool of evidence-based policymaking. Thus, evidence-based measures are not only less likely to get positive evaluations, but they are also less likely to be known by stakeholders. While the frequency of 'Don't know' answers are not directly informative for assessing our hypotheses and the extent to which the two types of measures can successfully co-exist, we consider this an important aspect of observed patterns of stakeholders' answers in our dataset that we deemed necessary to discuss in an attempt to contextualise our assessment of our hypotheses 1 and 4 based on the descriptive statistics.

Multiple correspondence analysis

To assess hypotheses 2 and 5 and examine the alignment of stakeholder evaluations we employ Multiple Correspondence Analysis, a suitable approach to analyse the nominal categorical variables that result from including the category of 'Don't know' as a substantively informative response-categories describing stakeholders' assessment of BR measures. We implemented MCA using the PCAmixdata package in R (Chavent et al. 2014). The screeplot (Figure A1 in Appendix) indicates that the underlying structure of stakeholders' responses is best described by two dimensions. Dimension 1 accounts for 13.27% of the variation in answers, while dimension 2 for 11.11%. Dimension 3 accounts for only 4.67% of the variation and relates primarily to neutral responses (Figure A2 in Appendix). This indicates that a two-dimensional MCA solution suits the description of stakeholders' evaluations. To increase the interpretability of results, we applied a varimax rotation to the original MCA solution restricted to two dimensions.

Figure 1 illustrates the contribution of response-items to the structuring of the dimensions after rotation. Dimension 1 (accounting for 12.33% of variation after rotation) corresponds to stakeholders' assessment of both participatory and evidence-based measures. This dimension is defined by two clearly delineated clusters of negative (right-bottom corner) and positive (left-bottom corner) evaluations of measures. Dimension 2 (12.04%) corresponds to what we call a 'knowledge' or familiarity with the Better Regulation measures that discerns between stakeholders providing 'Don't know' answers

evaluate evidence-based measures received on average more ‘Don’t know’ answers, especially when referring to the RSB.

We also applied the MCA to the subset of our dataset that includes observations about interest organizations only and their evaluations of all survey items, participatory measures and evidence-based measures only. The results are presented in Figure A6-A8 in Appendix and mirror the MCA solutions for the full sample of stakeholders and items.

Regression analysis

To assess hypotheses 3 and 6 and the extent to which there are systematic differences between stakeholders’ evaluations that correspond to specific constituencies of stakeholders we employ OLS regression analysis presented in Table 3. The two dependent variables are the MCA scores for individual stakeholders on the two main dimensions identified above. All models include country dummies as independent variables to account for the greater propensity of particular stakeholder categories to be in different countries.

Model 1 indicates that relative to business, citizens and NGOs are less likely to positively evaluate the reform measures, but the differences are not statistically significant. In fact, only public authorities are significantly more likely (relative to business) to positively evaluate all measures ($p < 0.05$). There is an increase in 1.95 in the score on dimension 1 when comparing business to public authorities, which is more than half of the size of the standard deviation (3.77). This corroborates previous research showing that national public authorities are more likely to support Better Regulation measures at supranational level, especially when they have to coordinate or oversee them at national level (Bunea and Ibenskas 2017).

Table 3. OLS models explaining stakeholders’ evaluations of better regulation measures.

Variable	All measures		Participatory measures		Evidence-based measures	
	Model 1 Dim 1: Positive-negative evaluations	Model 2 Dim 2: Knowledge	Model 3 Dim 1: Positive-negative evaluations	Model 4 Dim 2: Knowledge	Model 5 Dim 1: Knowledge	Model 6 Dim 2: Positive-negative evaluations
Business: reference category						
Citizens	-0.48 (0.51)	1.93*** (0.51)	-0.13 (0.39)	1.20** (0.37)	1.53*** (0.42)	-0.37 (0.38)
NGOs	-0.74 (0.76)	1.75* (0.76)	-0.51 (0.57)	1.45** (0.55)	1.21 (0.63)	-0.42 (0.56)
Public authorities	1.95* (0.85)	0.71 (0.85)	1.80** (0.64)	0.64 (0.62)	0.32 (0.70)	0.98 (0.63)
Trade union & professional org.	-1.23 (0.80)	0.49 (0.81)	-0.47 (0.61)	-0.62 (0.59)	1.34* (0.67)	-1.09 (0.59)
N	596	596	596	596	596	596
Adjusted R square	0.08	0.05	0.07	0.05	0.04	0.07

Note: OLS models with country dummies. Standard errors in parentheses. Significance levels: *** $p < 0.001$; ** $p < 0.01$; * $p < 0.05$

Table 4. Summary of findings.

Empirical test	Evidence	Scenario
Descriptive	Consistent with H1	S1: Optimal mix
MCA	Supports H2	S1: Optimal mix
Regression	Supports H3, but caveat about significant differences in knowledge	S1: Optimal mix, with caveat

Overall, the absence of significant differences between business on the one hand and citizens and NGOs on the other is consistent with hypothesis 3 (scenario 1) positing that there are no significant differences in stakeholders' substantive evaluations of measures. This would suggest an optimal mix of participatory and evidence-based measures that is equally appreciated by all stakeholders. However, model 2 indicates that there are significant differences between stakeholder categories with respect to their level of knowledge or familiarity with the measures: citizens are significantly more likely ($p < 0.001$) to provide 'Don't know' answers. There is an increase of 1.93 in the score on dimension 2 for citizens, which is slightly more than half the size of the standard deviation (3.73). Similarly, NGOs are significantly more likely to provide 'Don't know' answers. The effect size is similar to citizens with an increase of 1.75 in the score on dimension 2, but fewer NGOs reduce the significance of the effect ($p < 0.05$).

Together these findings provide a rather mixed picture with respect to hypotheses 3 and 6: they show the absence of significant differences in their substantive evaluations between two key categories of stakeholders, i.e. citizens and public interest organizations, on the one hand, and business and public authorities on the other. This supports scenario 1 and the idea of an optimal mix of measures. However, we note an important caveat: our analyses also show important differences between stakeholders regarding their level of familiarity with these measures, indicative that the lack of significant systematic differences might be a function of a lack of familiarity with the measures across stakeholder categories which in itself may be an indication of a suboptimal combination of participatory and evidence-based measures. We conclude that our regression analysis is consistent with scenario 1 (optimal mix) with the important caveat that stakeholder evaluations might be less well informed about at least the evidence-based measures. Table 4 presents a summary of our empirical findings and how they support the two scenarios.

To further explore these differences, models 3–6 in Table 3 examine the subset of participatory and evidence-based measures separately. The results are consistent with models 1 and 2 and show in addition that relative to business, trade unions and professional organizations are more likely to be less familiar with evidence-based measures (model 5).

Robustness checks

We conducted robustness checks for the regression models in Table 3 and present them in Appendix. Table A1 shows the results of regression analyses without country dummies, Table A2 excludes the RSB questions, while Table A3 analyses interest organizations only and introduces two independent variables to capture their level of policy insidership, i.e. number of direct meetings with EC officials and frequency of participation in EC feedback opportunities (see explanatory note under Table A3). The results are consistent with models in Table 3.

Conclusions

We started from the observation that in advanced democracies, policymakers are increasingly engaging stakeholders in their decision-making while also attempting to consolidate the evidence-based underpinnings of their decisions (Koop and Lodge 2020; Braun and Busuioac 2020; Bunea and Nørbech 2022). An important implication of this is a systematic effort to develop and institutionalise Better Regulation measures aimed at enhancing both evidence-based and participatory features of policymaking. The underlying assumption made by proponents of such measures is that these tools can successfully co-exist and reinforce each other in practice, creating an optimal policy mix (Howlett 2005). Existing research indicates however potential tensions and challenges characterising the application of both types of measures (Radaelli and Meuwese 2009; Lodge and Wegrich 2012; Dunlop and Radaelli 2022). We explored this puzzle by focusing on how stakeholders evaluated their mix in the 2016 EU Better Regulation reform in the context of an open public consultation organised by the European Commission and inviting stakeholders to answer a set of questions about both participatory and evidence-based measures as part of a formal stocktaking exercise.

Our findings suggest that these stakeholders agree with the Commission that participatory and evidence-based measures are complementary and can be optimally mixed as part of the Better Regulation policy. Our descriptive statistics analysis showed that none of the two sets of measures got high levels of negative evaluations. On the contrary, participatory measures in particular received quite positive evaluations on behalf of stakeholders. This finding is consistent with and supports what both recent OECD reports (OECD 2022) and academic studies identified as one of the main achievements and strengths of the EC Better Regulation policy and its 2016 major reform: its stakeholder engagement mechanisms (Dunlop and Radaelli 2022). Our Multiple Correspondence Analysis examined the aggregate distribution and the underlining structuring of stakeholders' evaluations in the policy space and confirmed that stakeholders discern between positive and negative evaluations of *both* measures captured in a single dimension. In other words, stakeholders assessed the performance of participatory and evidence-based measures as part of one dimension of the Better Regulation policy, and they relate to how the two sets of measures work together as part of an integrated Better Regulation agenda and not as separate (i.e. two orthogonal dimensions) approaches to better law-making. This supports scenario 1 and the idea of a 'peaceful co-existence' and coherent mix between participatory and evidence-based measures. The regression analyses added further support for scenario 1 and the presence of an optimal mix by showing the lack of significant differences in how different categories of stakeholders assess the 2016 Better Regulation reform.

We note however a relevant finding of our empirical analyses that we consider relevant to report and discuss as an important caveat against which our empirical findings should be understood: unequal levels of knowledge about Better Regulation measures across stakeholders. Our descriptive analysis showed that on average evidence-based measures seem less known to stakeholders. Our Multiple Correspondence Analysis reinforced this finding, while our regression analyses showed there were significant differences between stakeholder categories with respect to levels of familiarity with the measures, especially for citizens and NGOs which, relative to business actors, on average appear to be less informed,

especially with respect to evidence-based ones. We mention this finding as a caveat because we are aware of the possibility that substantive disagreements in stakeholders' evaluations about the different measures (which would indicate a sub-optimal co-existence of participatory and evidence-based measures) might be hidden behind a lack of familiarity with the measures as indicated by the high frequency of 'Don't know' answers on questions dealing with specific policy instruments. This also potentially points to a sub-optimal communication strategy on the part of the EC and its 2016 reform to increase awareness of all Better Regulation policy tools and measures. However, the extent and manner in which the level of stakeholder knowledge about the Better Regulation measures plays a significant role in shaping how stakeholders evaluate the performance of Better Regulation reforms and the compatibility of participatory and evidence-based measures goes beyond the scope of the present study and represents in our view a fruitful venue for future research.

Several implications follow. First, our findings show that the existing mix of evidence-based and participatory measures in the EU Better Regulation policy need not be contradictory or at odds with each other as indicated in parts of the literature, supporting the assumptions of the European Commission and the notion of a 'new (responsive) technocracy' (Wood 2021). If participatory measures help building input and throughput legitimacy and evidence-based measures help build output legitimacy (Schmidt and Wood 2019), then their successful combination as part of the Better Regulation policy allows the European Commission to perform as both a responsible (expert-informed, evidence-based) and responsive to its external environment bureaucratic policymaker (Bunea and Nørbech 2022). Second, our unexpected findings about the frequency of 'Don't know' answers amongst stakeholders, and especially citizens and NGOs, in response to consultation question assessing evidence-based measures highlight that a key challenge policymakers face when using Better Regulation reforms to improve the legitimacy of their public policymaking is the amount of knowledge stakeholders have about the tools and practices aimed at improving policymaking and legitimising it in the eyes of the public and affected interests. In the absence of an effective communication of measures to the public and specialised audiences (Rauh 2022), Better Regulation measures may be a missed opportunity in generating stakeholder engagement, re-legitimising policymaking and ensuring 'procedural responsiveness' (De Wilde and Rauh 2019). To fully capitalize on the legitimacy gains brought about by what appears to be an optimal combination of Better Regulation measures, the European executive must make sure that the European public is fully aware of how different Better Regulation policy tools work together in delivering better and more effective policy processes and outcomes in supranational policymaking. Third, the overall positive stakeholder assessment of the EC's efforts to design and implement the 2016 Better Regulation reform, especially of its participatory aspects, indicates that the European executive is not without success in its most recent attempts to re-legitimise itself and consolidate its institutional autonomy and power with the help of a set of procedural measures helping it to simultaneously signal to its outside environments that it is more in tune with and responsive to the European public (e.g. Meijers, Schneider, and Zhelyazkova 2019; Reh, Bressanelli, and Koop 2020), while also maintaining its long-standing reputation of being a responsible, evidence-based decision-maker (Harcourt and Radaelli 1999; Bunea and Nørbech 2022). In this respect, the Better Regulation agenda has proved to be a successful reputation-building and re-legitimising strategy employed by the European Commission in the recent period.

Notes

1. While Better Regulation is concerned with how procedures and policy tools are used in both executive and legislative decision-making processes – promoting tools to make legislation better, simpler and procedurally legitimate – we note that the primary novelty of most recent Better Regulation reforms in general, and of the EU one in particular, is to increase the level and transparency of contact between the public and the *executive* branch. In addition, Better Regulation measures are key for regulatory policymaking which lays at the core of executive bureaucracies and regulatory agencies. This in turn justifies our analytical focus on Better Regulation in the context of executive/bureaucratic policymaking.
2. Unions are potential ‘social partners’, i.e. privileged dialogue partners for EU policymakers within more selective and secluded consultative and deliberative forums, meaning they should support evidence-based approaches to policymaking which suit better their special status. On the other hand, not all trade unions and professional organisations have social partner status and its importance may vary across policy areas, in which case these actors may be in favour of opening up the policymaking process to more actors, which in turn would facilitate their own access to supranational decision-making.
3. We also note a significant increase in the total number of stakeholders participating in the consultation on the 2016 EU Better Regulation reform compared to the consultation organised on the 2012 reform, i.e. 110 stakeholders only (Bunea and Ibenskas 2017, 596). Also, there is an increased presence of citizens as stakeholders, similar to other consultations on key issues of regulatory governance such as the reform of EU lobbying regulation (Bunea 2018).
4. As a robustness check, we examined the proportion of participatory and evidence-based items that respondents provide a positive answer to and found a strong positive correlation ($r = 0.71$) between the average level of stakeholder support for both types of measures (Figure A3 in Appendix).

Acknowledgments

The authors would like to thank Raimondas Ibenskas and the anonymous referees for their constructive and helpful feedback. During the work on the revision and resubmission stage of the manuscript, Adriana Bunea was a Fernand Braudel Fellow at the European University Institute, in the SPS Department. This fellowship is gratefully acknowledged.

Disclosure statement

No potential conflict of interest was reported by the author(s).

Funding

This research is funded by the EU Horizon 2020 research and innovation programme under the ERC-2018-STG CONSULTATIONEFFECTS grant agreement no. 804288. Horizon 2020 European Research Council.

ORCID

Adriana Bunea  <http://orcid.org/0000-0002-2348-9676>

Joe Chrisp  <http://orcid.org/0000-0002-6980-7537>

References

- Baldwin, R. 2007. "Better Regulation: Tension aboard the Enterprise." In *Better Regulation*, edited by S. Weatherill, 27–47. Oxford: Hart Publishing.
- Binderkrantz, A.S., J. Blom-Hansen, and R. Senninger. 2021. "Countering Bias? The EU Commission's Consultation with Interest Groups." *Journal of European Public Policy* 28 (4): 469–488. doi:10.1080/13501763.2020.1748095.
- Braun, C., and M. Busuioc. 2020. "Stakeholder Engagement as a Conduit for Regulatory Legitimacy?" *Journal of European Public Policy* 27 (11): 1599–1611. doi:10.1080/13501763.2020.1817133.
- Bressanelli, E., C. Koop, and C. Reh. 2020. "EU Actors under Pressure: Politicization and Depoliticization as Strategic Responses." *Journal of European Public Policy* 27 (3): 329–341. doi:10.1080/13501763.2020.1713193.
- Bunea, A. 2017. "Designing Stakeholder Consultations: Reinforcing or Alleviating Bias in the European Union System of Governance?" *European Journal of Political Research* 56 (1): 46–69. doi:10.1111/1475-6765.12165.
- Bunea, A. 2018. "Legitimacy through Targeted Transparency? Regulatory Effectiveness and Sustainability of Lobbying Regulation in the European Union." *European Journal of Political Research* 57 (2): 378–403. doi:10.1111/1475-6765.12231.
- Bunea, A., and R. Ibenskas. 2017. "Unveiling Patterns of Contestation over BR Reforms in the European Union." *Public Administration* 95 (3): 589–604. doi:10.1111/padm.12335.
- Bunea, A., and I. Nørbech. 2022. "Preserving the Old or Building the New? Reputation-building through Strategic Talk and Engagement with Stakeholder Inputs by the European Commission." *Journal of European Public Policy Online* first: 1–31. doi:10.1080/13501763.2022.2099450.
- Chavent, M., V. Kuentz-Simonet, A. Labenne, J. Saracco, P. W. Fowler, M. Chavent, and Mark S P. Sansom. 2014. "Multivariate Analysis of Mixed Data: The R Package PCAmixdata." last revised 8 December 2014 this version, v4 *Scientific Reports* 71: doi:10.1038/s41598-017-16865-6.
- Croley, S.P. 2008. *Regulation and Public Interests: The Possibility of Good Regulatory Government*. Princeton: Princeton University Press.
- Deligiaouri, A., and J. Suiter. 2021. "Evaluation of Public Consultations and Citizens' Participation in 2015 BR Agenda of the EU and the Need for a Deliberative e-rulemaking Initiative in the EU." *European Politics and Society* 22 (1): 69–87. doi:10.1080/23745118.2020.1718285.
- DeMenno, M.B. 2017. "Technocracy, Democracy and Public Policy: An Evaluation of Public Participation in Retrospective Regulatory Review." *Regulation and Governance* 13 (3): 1–21.
- De Wilde, P., and C. Rauh. 2019. "Going Full Circle: The Need for Procedural Legitimacy Perspectives on EU Responsiveness." *Journal of European Public Policy* 26 (11): 1737–1748. doi:10.1080/13501763.2019.1668043.
- Dudley, S., and K. Wegrich. 2016. "Transparency in Regulatory Governance – The US and the EU Incomparision." *Journal of Risk Research* 19 (9): 1129–1140. doi:10.1080/13669877.2015.1071868.
- Dunlop, C.A., and C. Radaelli. 2022. "Better Regulation in the European Union." In *The Handbook of Regulatory Authorities*, edited by M Maggetti, F Di Mascio, and A. Natalini. Cheltenham: Edward Elgar Publishing.
- Edelenbos, J. 1999. "Design and Management of Participatory Public Policy Making." *Public Management* 1 (4): 569–576. doi:10.1080/14719039900000027.
- Esmark, A. 2017. "Maybe It Is Time to Rediscover Technocracy? An Old Framework for a New Analysis of Administrative Reforms in the Governance Era." *Journal of Public Administration Research and Theory* 27 (3): 501–516.
- European Commission. (2015) "Better Regulation Agenda: Enhancing Transparency and Scrutiny for Better EU law-making". Press release (19.05.2015.). https://ec.europa.eu/commission/presscorner/detail/en/IP_15_4988 (Last accessed: 27.10.2022).
- European Commission (2017) "Better Regulation Tool Box" (Available at: https://ec.europa.eu/info/law/law-making-process/planning-and-proposing-law/better-regulation-why-and-how_en#documents) (Last accessed 16 September 2022).
- Fischer, F. 1990. *Technocracy and the politics of expertise*. Newbury Park, CA: Sage.

- Harcourt, A.J., and C. Radaelli. 1999. "Limits to EU Technocratic Regulation?" *European Journal of Political Research* 35 (1): 107–122. doi:10.1111/1475-6765.00443.
- Howlett, M. 2005. "What Is a Policy Instrument? Tools, Mixes, and Implementation Styles." In *Designing Government: From Instruments to Governance*, edited by P. Eliadis, M.M. Hill, and M. Howlett, 31–50. Kingston: McGill-Queen's University Press.
- Humphreys, M., and M. Laver. 2009. "Spatial Models, Cognitive Metrics, and Majority Rule Equilibria." *British Journal of Political Science* 40 (1): 11–30. doi:10.1017/S0007123409990263.
- Jordana, J., and D. Levi-Faur. 2004. "The Politics of Regulation in the Age of Governance." In *The Politics of Regulation*, edited by Idem, 3–24, Cheltenham: Edward Elgar.
- Klüver, H. 2013. *Lobbying in the European Union: Interest Groups, Lobbying Coalitions and Policy Change*. Oxford, UK: Oxford University Press.
- Koop, C., and M. Lodge. 2020. "British Economic Regulators in an Age of Politicisation: From the Responsible to the Responsive Regulatory State?" *Journal of European Public Policy* 27 (11): 1612–1635. doi:10.1080/13501763.2020.1817127.
- Listorti, G., E. Basyte-Ferrari, S. Acs, and P. Smits. 2020. "Towards an Evidence-based and Integrated Policy Cycle in the EU: A Review of the Debate on the BR Agenda." *Journal of Common Market Studies* 58 (6): 1558–1577. doi:10.1111/jcms.13053.
- Lodge, M., and K. Wegrich. 2009. "High-quality Regulation: Its Popularity, Its Tools and Its Future." *Public Money and Management* 29 (3): 145–152. doi:10.1080/09540960902891640.
- Lodge, M., and K. Wegrich. 2012. *Managing Regulation: Regulatory Analysis, Politics and Policy*. Basingstoke: Palgrave Macmillan.
- Meier, K., and L.J. O'Toole. 2006. *Bureaucracy in A Democratic State: A Governance Perspective*. Baltimore: Johns Hopkins University Press.
- Meijers, M.J., C.J. Schneider, and A. Zhelyazkova. 2019. "Dimensions of Input Responsiveness in the EU: Actors, Publics, Venues." *Journal of European Public Policy* 26 (11): 1724–1736. doi:10.1080/13501763.2019.1668045.
- Meuwese, A. 2007. "Inter-institutionalising EU Impact Assessment." In *Better Regulation*, edited by S. Weatherill, 27–47. Oxford: Hart Publishing.
- Moffitt, S.L. 2014. *Making Policy Public: Participatory Bureaucracy in American Democracy*. New York: Cambridge University Press.
- OECD (2022) "Better Regulation Practices across the European Union 2022, OECD Publishing, Paris". (Available at: <https://www.oecd-ilibrary.org/docserver/6e4b095d-en.pdf?expires=1663240855&id=id&accname=ocid194730&checksum=7ED7AEB43760BD7B83C5935AF0B6C0E0> Last accessed 15 September 2022).
- Papadopoulos, Y., and P. Warin. 2007. "Are Innovative, Participatory and Deliberative Procedures in policy-making Democratic and Effective?" *European Journal of Political Research* 46 (4): 445–472. doi:10.1111/j.1475-6765.2007.00696.x.
- Radaelli, C.M. 2010. "Regulating rule-making via Impact Assessment." *Governance* 23 (1): 89–108. doi:10.1111/j.1468-0491.2009.01468.x.
- Radaelli, C. 2018. "Halfway through the Better Regulation Strategy of the Juncker Commission: What Does the Evidence Say?" *Journal of Common Market Studies* 56: 85–95. doi:10.1111/jcms.12768.
- Radaelli, C., and F. De Francesco. 2007. *Regulatory Quality in Europe: Concepts, Measures and Policy Processes*. Manchester: Manchester University Press.
- Radaelli, C., and A.C.M. Meuwese. 2009. "Better Regulation in Europe: Between Public Management and Regulatory Reform." *Public Administration* 87 (3): 639–654. doi:10.1111/j.1467-9299.2009.01771.x.
- Rasmussen, A., and B. Carroll. 2014. "Determinants of upper-class Dominance in the Heavenly Chorus: Lessons from European Union Online Consultations." *British Journal of Political Science* 44 (2): 445–459. doi:10.1017/S0007123412000750.
- Rauh, C. 2016. *A Responsive Technocracy? EU Politicisation and the Consumer Policies of the European Commission*. Colchester: ECPR Press.
- Rauh, C. 2019. "EU Politicization and Policy Initiatives of the EC: The Case of Consumer Policy." *Journal of European Public Policy* 26 (3): 344–365. doi:10.1080/13501763.2018.1453528.

- Rauh, C. 2022. "Clear Messages to the European Public? The Language of European Commission Press Releases 1985-2020." *Journal of European Integration* Online first: 119. doi:[10.1080/07036337.2022.2134860](https://doi.org/10.1080/07036337.2022.2134860).
- Reh, C., E. Bressanelli, and C. Koop. 2020. "Responsive Withdrawal? The Politics of EU agenda-setting." *Journal of European Public Policy* 27 (3): 419–438. doi:[10.1080/13501763.2020.1712453](https://doi.org/10.1080/13501763.2020.1712453).
- Richardson, J., Ed. 2012. *Constructing a policy-making State? Policy Dynamics in the European Union*. Oxford: Oxford University Press
- Schmidt, V., and M. Wood. 2019. "Conceptualizing Throughput Legitimacy: Procedural Mechanisms of Accountability, Transparency, Inclusiveness and Openness in EU Governance." *Public Administration* 97 (4): 727–740. doi:[10.1111/padm.12615](https://doi.org/10.1111/padm.12615).
- Senninger, R., and J. Blom-Hansen. 2021. "Meet the Critics: Analyzing the EU Commission's Regulatory Scrutiny Board through Quantitative Text Analysis." *Regulation & Governance* 15 (4): 1436–1453. doi:[10.1111/rego.12312](https://doi.org/10.1111/rego.12312).
- Smismans, S. 2014. "Regulating Interest Group Participation in the EU: Changing Paradigms between Transparency and Representation." *European Law Review* 39: 470–491.
- Vetulani-Cęgiel, A., and T. Meyers. 2021. "Power to the People? Evaluating the European Commission's Engagement Efforts in EU Copyright Policy." *Journal of European Integration* 43 (8): 1025–1043. doi:[10.1080/07036337.2020.1823382](https://doi.org/10.1080/07036337.2020.1823382).
- Wood, M. 2021. "Europe's New Technocracy: Boundaries of Public Participation in EU Institutions." *Journal of Common Market Studies* 59 (2): 459–473. doi:[10.1111/jcms.13169](https://doi.org/10.1111/jcms.13169).