

Regulating Regulatory Organizations: Controlling Norwegian Civil Service Organizations

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Preface

This paper is written as part of the project «Regulation, Control and Auditing», funded by the Norwegian Research Council. The paper was presented at the 21st EGOS Colloquium, Berlin June 30 – July 2 2005, Sub-Theme 16. Organizations that Regulate .

Abstract

This paper describes the regulatory agencies in Norway as part of the population of Norwegian state agencies by focusing on who controls and on what is controlled and how. We analyze whether regulatory agencies are regulated and controlled to different degrees, by different external actors, and in different ways than other agencies and on whether this control focuses on different aspects. We also examine whether the variation in perceived regulation and control according to type of agency task is sustained if we control for structural and cultural features. The empirical basis is a broad survey of Norwegian state agencies carried out in 2004 and the theoretical approach embraces task-specific, structural-instrumental, and cultural-institutional perspectives. We find that regulatory tasks represent a major activity for government agencies in Norway and that external control by both the executive and by the legislative bodies of agencies is rather significant. Moreover, in contrast to what we would expect, given current regulatory orthodoxy, regulatory agencies are controlled to a larger extent than other agencies.

Sammendrag

Dette notatet beskriver og analyserer regulerings- og tilsynsorganer i Norge som del av populasjonen av norske forvaltningsorganer. Det fokuseres spesielt på hvem som kontrollerer, hva som er kontrollert og hvordan det kontrolleres. Vi analyserer om regulerings- og tilsynsorganer blir styrt og kontrollert i ulik grad, av ulike eksterne instanser og på ulik måte enn andre forvaltningsorganer og om denne kontrollen fokuserer på forskjellige aspekter. Vi analyserer også om variasjonen i opplevd regulering og kontroll mellom forvaltningsorganer med ulike oppgaver også er til stede når det kontrolleres for strukturelle og kulturelle kjennetegn. Det empiriske grunnlaget er en bred survey av norske statlige forvaltningsorganer som ble gjennomført i 2004 og det teoretiske utgangspunktet er et oppgavespesifikt perspektiv, et instrumentelt og et kulturelt perspektiv. Vi finner at reguleringsoppgaver representerer en hovedaktivitet for statlige forvaltningsorganer i Norge og at ekstern kontroll både fra departementshold og fra Stortingets organer er temmelig omfattende. I motsetning til hva vi ville vente ut fra gjeldende reguleringsortodoksi finner vi at reguleringsorganer er sterkere kontrollert enn andre forvaltningsorganer.

Introduction

Regulation and control have a long and lasting history in contemporary welfare states, and over time a number of regulatory agencies, broadly ranging in their legal basis, organization and practical execution, have developed. In recent years a broad and comprehensive program of regulatory reform has been launched internationally (cf. OECD 2002) which has also affected Norway. As part of this development, the Norwegian government recently formulated a new regulatory policy designed to strengthen supervisory agencies and make them more autonomous, to relocate some agencies and to clarify the regulatory role. In parallel with these comprehensive internal reform efforts, external auditing and control are increasing, owing to the revitalization of legislative control and increased Europeanization and internalization.

There is an inherent tension in regulatory reform, stemming from its dual prescription of both enhanced autonomy and more control. This is an enduring tension in the history of regulatory governance. On the one hand, supervisory agencies are supposed to gain more autonomy, both from political executives and market actors. On the other hand, central political control is expected to be enhanced by a strengthening of frame steering and regulatory power (Christensen and Læg Reid 2004a).

Generally, there is a strong belief among reform agents that formal structure will make a difference, and reorganization is thus a main strategy in regulatory reform. There is a large literature on how formal structure affects behaviour (Egeberg 2003), yet the implications of formal structure are often not well understood (Pollitt and Bouckaert 2004). In this paper we will challenge the one-sided focus on formal agency structure and also look at task-specific features and cultural characteristics in order to understand how regulation and control are perceived in different types of civil service organizations.

The main research question concerns the regulation of regulatory organizations. Research on regulatory agencies to date has concentrated on regulatory and organizational efficiency and has not paid much attention to the issues of accountability and democratic oversight (Flinders 2004, Majone 2001, 2002, Shapiro 1997, Thatcher 2002). The current regulatory orthodoxy prescribes a high degree of autonomy for regulatory agencies, but the issue of how to make agencies independent and at the same time accountable is also a major concern. The challenge is to find ways of making agency autonomy and democratic accountability complementary and mutually reinforcing rather than competing values (Christensen and Læg Reid 2005a).

The empirical basis is a broad survey of Norwegian state agencies carried out in 2004. Here, regulatory agencies are distinguished from other agencies according to their own perception of what kind of tasks they perform. The paper sets out to do three things: 1) to describe the regulatory agencies in Norway as part of the population of Norwegian state agencies; 2) to describe and analyze whether regulatory agencies are regulated and controlled to different degrees, by other external actors, using different parameters and in different ways than agencies having other tasks; 3) to analyze whether the variation in perceived regulation and control according to type of agency task is sustained when structural and cultural features of the agencies are taken into account.

The main set of dependent variables is different dimensions of perceived regulation and control. We will distinguish between who controls, what is controlled, and how control is carried out. With regard to *who* controls, the importance of different types of external (national and international) bodies is discussed, as well as who makes the regulations. *What* is controlled refers to what aspects of the organization's activities are subject to control. *How* control is carried out refers to instruments of control, such as performance audit and inspections.

In this paper we will first discuss some central concepts like agency, regulation and regulatory agencies. Second, we will present the Norwegian context of agencification and regulatory reform. Third, we will outline three theoretical perspectives, focusing on different explanatory variables, and formulate hypotheses on the importance of agency task and other independent variables for perceived regulation and control. Fourth, we will briefly describe the database, the methodology and the Norwegian regulatory agencies as part of the population of state agencies. Fifth, we will discuss whether regulatory agencies are different from other agencies with regard to who controls, what is controlled, and how control is carried out. Sixth, we will draw other explanatory variables into the discussion on perceived regulation and control. Finally, we will relate our findings to other studies and draw conclusions.

Central concepts: Agencies, regulation and regulatory agencies

State agencies are part of the civil service, but they are structurally devolved from the ministries. They carry out public tasks on a permanent basis, are staffed by civil servants, are subject to public law procedures, and are normally financed mainly by the state budget. They have some autonomy from the ministries in policy decision-making and in personnel, financial, and management matters, but they are not totally independent (Pollitt et al. 2004).

Contemporary agency reforms tend to involve role purification, whereby policy formulation, service delivery, purchasing, and regulation are split up and allocated to specific agencies according to the principle of «single-purpose organizations», thus increasing horizontal specialization both within and between public organizations (Boston et al. 1996). In contrast to the former integrated model in which regulation was one of many tasks and a by-product of other relationships, the new model creates specialized agencies responsible for regulation and inspection with explicitly allocated resources. Whether these agencies carry out their specialized functions in only one sector or across sectors varies, however (Christensen and Læg Reid 2002).

The agency model is different from the traditional integrated bureaucratic model in that it combines expertise, autonomy, and specialization of tasks in a narrow range of policy issues (Majone 1997). There is separation both on a vertical dimension between agencies and ministries and on a horizontal dimension between different agencies responsible for different tasks. This creates a lot of organizational complexity, potentially requiring more coordination (Gregory 2003).

Regulation is an ambiguous concept that can be used in both a broad and a narrow sense (Baldwin, Scott and Hood 1998, Jordana and Levi-Faur 2004, cf. Christensen and Lægreid 2005a). Most broadly, regulation can be seen as social control of all kinds, including non-intentional and non-state mechanisms. Regulation can also be defined as all types of state intervention in the economy or the private sphere designed to steer them and to realize public goals. In the narrowest sense regulation means formulating authoritative sets of rules and setting up autonomous public agencies or other mechanisms for monitoring, scrutinizing, and promoting compliance with these rules. According to Selznick (1985) regulation is sustained and focused control by a public agency over activities that are valued by a community. The establishment of autonomous regulatory agencies brought about by the regulatory reform movement is connected to this narrow meaning of regulation.

In this paper we are concerned primarily with the narrower definition of regulation – i.e. regulation as a) goal formulation, rule-making and standard-setting; b) monitoring, information-gathering, scrutiny, inspection, audit, and evaluation; and c) enforcement, behaviour-modification, and the application of rewards and sanctions (Hood, Rothstein and Baldwin 2001). These tasks may be carried out by a single organization or else delegated separately to specialized agencies. While regulation is normally considered to be regulation *by* the state, there is also a growing focus on regulation *inside* government performed by a variety of public agencies that set standards and use different forms of performance management and compliance measures to audit civil service organizations (Hood et al. 1999, James 2000, Power 1997). Regulation inside government addresses the ways in which government officials oversee the work of other bureaucrats using rules on how public bodies should operate formulated within the government. The question is how to regulate the regulators. For the agencies themselves deregulation may imply more freedom from the central ministries in such areas as personnel, finance, and management. But while the agencies may have more autonomy from the ministries, they also face an expansion in oversight from *ex ante* authorization to *ex post* control, management-by-objectives-and-results techniques, and performance audit (Hood et al. 1999, Christensen and Lægreid 1998).

Regulation can be carried out by a variety of bodies, such as parliaments, ministries, courts, local authorities, private-sector organizations, and international organizations. In this paper we will focus on central regulatory agencies. Not all agencies are regulatory agencies: some are primarily responsible for managerial tasks, while others provide services or offer policy advice. In fact, mixed or multi-functional roles were for a long time normal for many agencies in many countries (Christensen and Lægreid 2004b).

Regulatory agencies are a sub-group of state agencies, and one of their main tasks is to control the power of the market, ensure fair competition, and protect consumers and citizens by guiding and implementing policy regulation. One of their features is that they often seem to be constitutional hybrids having both statutory power and incorporated status. These bodies carry out regulation using their own delegated regulatory power, resources, and responsibilities. They are neither directly elected by the people nor directly managed by elected officials (Gilardi 2004, Thatcher and Stone Sweet 2002). Generally, regulatory agencies have more autonomy than agencies with managerial tasks.

The Context¹

Norway is a small, unitary, parliamentary, and multiparty state. Since the early 1970s, it has mainly been ruled by minority governments, and since 1994 it has been connected to the EU through the Economic Area Agreement. In a comparative perspective, it has a strong democratic tradition, scores high on per capita income and abundance of natural resources, has relatively strong collectivistic and egalitarian values, is consensus-oriented and has well-developed corporatist arrangements. It also has one of the most comprehensive and universal welfare states in the world with a large public sector. Its economy is open and dependent on export. The relationships between parliament, ministers, and agencies are based on the principle of ministerial responsibility, meaning that the minister is responsible to the parliament for all activities within his or her policy areas in the ministry as well as in subordinate bodies. Political control over the civil service has, however, been general and passive, allowing the executive a lot of leeway. This seems to reflect some major features of the political-administrative system: high levels of mutual trust and shared attitudes and norms among political and administrative leaders and within the public sector (Christensen and Læg Reid 2005b). There is also a high degree of transparency and an open attitude to critical scrutiny by the media.

Agencies have been a major organizational form in the Norwegian central government for a long time, representing an enduring historical conflict between the political executive and professional groups. The agency tradition goes back to the 1850s when the first autonomous professional agencies (called directorates) outside the integrated and jurist-dominated hierarchical ministries were established, primarily in the communications sector (Christensen and Roness 1999). In the mid-1950s the government stated a new principle for agency structure and increased the number of independent agencies. The idea was that the more technical issues and routine tasks should be moved to the agencies, while policy and planning tasks should stay within the ministries. The new doctrine resulted in the establishment of several new agencies over the next 15 years, but this development slowed down in the 1970s (Christensen and Roness 1999, Grønlie 2001).

The dominant agency model in Norway has historically been rather unified, with little horizontal specialization (Christensen and Læg Reid 2004b). In most agencies administrative tasks, regulatory and control tasks, and service provision and production tasks have been combined and integrated. Traditionally, Norway has not had any type of administrative court. Appeals are directed to the parent ministry, which can also instruct the agencies. The idea that there ought to be separate agencies for different tasks is rather new, although some of the agencies have enjoyed enhanced authority for some time, mainly in financial and personnel matters, but also in some substantive areas (Læg Reid et al. 2003).

Over the past 15 years, a process of structural devolution has been going on in the Norwegian central government, and the independent agency model has become more differentiated (Christensen and Læg Reid 2003). This development was partly inspired by

¹ This section draws on Læg Reid, Roness and Rubecksen (2005) and Christensen and Læg Reid (2004b).

New Public Management ideas and solutions but was also a part of Norway's adaptation to the EU and the internal market. The model combines vertical inter-organizational specialization, whereby agencies formally gain more authority, with increased horizontal inter-organizational specialization, whereby the distribution of roles and tasks among agencies is more differentiated and non-overlapping.

Until the late 1980s, major public sectors like railways, telecommunications, electrical power, postal services, forestry, grain sales, airports, road construction, and public broadcasting were organized as integrated government services. Since then, the commercial parts of these enterprises have become corporatized, while the regulatory parts have been streamlined into separate agencies, creating a more fragmented and disintegrated model. Over time, the primary task of an increasing proportion of agencies has become regulation and control (Rubecksen 2004). Some of these agencies, like the Data Inspectorate, the Lottery Inspectorate, and the Media Authority, are new, but many also represent re-labelling and rearrangements of former activities and organizations.

Since the mid-1990s NPM has gained a stronger footing in Norway, and reforms have become increasingly comprehensive and radical in recent years (Christensen and Læg Reid 2001, 2002). The introduction of Management by Objectives and Results, private sector management tools, changes in forms of affiliation from horizontally integrated models to single-purpose models, increased agencification, and the establishment of autonomous regulatory bodies have been the result. There has also been a trend in some policy areas to merge smaller bodies into larger units (Læg Reid et al. 2003).

In 2003 the current conservative-centre minority government put forward a White Paper to the parliament (St.meld. nr. 17 (2002–2003)), proposing a new regulatory policy, whereby regulatory agencies would increase their independence from the ministries. Political considerations were to be confined primarily to setting general norms through laws and rules, while executive politicians were expected to leave individual cases to be handled by competent professionals in the regulatory agencies. The regulatory agencies were to be endowed with legitimacy by removing the ambiguity inherent in mixing political and professional considerations, by making the balance between these considerations more explicit, and by strengthening their professional competence. The opportunities for ministers to instruct the agencies in the handling of individual cases were to be reduced by directing ministerial responsibility more towards broader policy questions and general guidelines. In addition, it was proposed to change the complaints procedure in several agencies by moving it away from the ministries and into new independent bodies of appeal. The parliament did not approve all of these proposals, and a compromise was reached with some of the opposition parties in which the establishment of independent appeal boards was postponed until after the next general election (to be held in September 2005). It was also agreed that the restriction in the power of executive political leaders to instruct the agencies should not be introduced as a general principle but should be handled on a case-by-case basis (Christensen and Læg Reid 2004b).

In 1997 OECD started a comprehensive study of regulatory policy (OECD 1997). In its assessment of Norway, OECD acknowledged that the Nordic incremental,

consensus-oriented model of governance, emphasizing egalitarian values, a high level of mutual trust, solidarity, high standards of social welfare, an active intervening state, broad participation from affected interests and a large public sector, had been successful (OECD 2003). In spite of this success and the fact that Norway still performs very well today, the OECD report suggested that Norway should abandon this governance model and «prepare for the future now». It was more or less taken for granted that the integrated, reactive, ad hoc and piecemeal approach, which balances different values and goals, should be replaced by comprehensive, proactive and systematic regulatory reforms. Without any deep analysis, it was suggested that the well-functioning Norwegian model should be replaced by the new OECD orthodoxy. The new recipe is to separate the regulatory role of the state from its roles as owner, policy-maker and commercial actor, to upgrade competition policy to make it the main goal, to deregulate and liberalize state monopolies, to reduce state ownership, commercialize public services, and improve the performance, efficiency and effectiveness of public spending.

The regulatory agencies in Norway seem to have developed without experiencing any major crisis; they cope well with technical tasks and have demonstrated good regulatory practice and a capacity for adaptation. In spite of this positive assessment, OECD criticized the regulatory reforms for being partial and piecemeal, and the policy recommendation was to strengthen the independence and authority of the regulatory agencies by reducing the opportunities for appealing decisions to the minister and the ministry's scope for instructing the agencies. Thus, many of the major recommendations coincide with the new regulatory policy introduced by the conservative-centre government in its White Paper. Both the OECD's regulatory program and the European Economic Area Agreement, which gives Norway access to the EU internal market, affected the content of this document.

Summing up, along the vertical dimension the independent agency model is an old and contested organizational form in Norwegian central government. One of the most enduring conflicts in Norwegian administrative policy has revolved around issues of agency autonomy and ministerial control. Along the horizontal dimension the traditional integrated model has been challenged recently, by national as well as international reform programs.

Theoretical approaches: task, structure and culture

We will distinguish between three perspectives on organizations: a task-specific perspective, emphasizing the importance of the activities or tasks that the different state agencies handle; a structural-instrumental approach, focusing on the importance of formal organizational structure; and a cultural-institutional approach, attributing variations in how regulation and control are perceived and practised to informal organizational features. Our main perspective will be the task-specific perspective and the importance of regulatory activities, while the variables derived from the other perspectives will be used as control variables.

A task-specific perspective

A task-specific perspective assumes that the requirements and constraints inherent in the primary tasks of the different agencies influence the regulation and control of those agencies (Pollitt et al. 2004). The main idea is that tasks matter and that we cannot discuss specific organizational structures and processes without taking into account the particular activities to which they apply. Task specificity and the nature of the actual work are important to understand the variation in actual autonomy and control of state agencies. The division of tasks may play an important role in the behaviour of state agencies and in how they are managed and controlled. Two well-known parameters for defining agency tasks are to what degree their output and outcome can be observed (Wilson 1989). Other important considerations are to what degree the tasks are politically sensitive, whether they involve major financial resources, and whether they are subject to market competition (Pollitt et al. 2004).

In this paper we are particularly interested in the importance of regulatory tasks. How and to what extent do agencies engaged in *regulatory* tasks differ from agencies engaged in other types of tasks as regards perceived regulation and control? Studies of state agencies reveal that there are significant variations in behaviour according to the agencies' tasks (Pollitt et al. 2004). According to the regulatory policy doctrines of today, regulatory agencies should be at arm's length from ministries in order to enhance credibility and reduce political uncertainty. Thus, our *main hypothesis* (H1) is that agencies engaged in regulatory tasks will generally perceive themselves as subject to less regulation and control than agencies engaged in other types of tasks.

A structural-instrumental perspective

A main feature of many organizational approaches is the concept of bounded rationality (March and Simon 1958), which implies that decision-makers face problems of capacity and understanding and have to make some selections. The formal organizational structure represents one important selection mechanism. Formal structure and procedures organize some actors, cleavages, problems, and solutions into decision-making processes in the public sector, while others are excluded.

Gulick (1937) argues that there is a rather close connection between the formal structure chosen and the practice within and between organizations, underlining that the way formal authority is distributed among hierarchical levels is important for autonomy and control in practice. In a system characterized by independent agencies this distribution is biased against the political executive and we will thus expect to find a rather low level of regulation and control of the agencies. The formal instruments of steering are diluted, the distance between administrative levels increases, and political signals are generally weaker in independent bodies (Egeberg 2003). Whether agencies are specialized according to process, purpose, clientele, or geography will also affect their behaviour. It makes a difference whether central government is an integrated system under ministerial responsibility or a disintegrated system of autonomous or semi-autonomous organizations, whether it is centralized or decentralized, and whether it is

specialized according to the principle of geography and/or other principles (Christensen and Lægreid 2005a). Thus formal structure matters.

Based on this general perspective we will adopt three structural variables: policy area, type of agency, and form of affiliation. Most regulatory tasks, as well as other types of tasks, are related to specific *policy areas*. Here we take as our point of departure a categorization according to *parent ministry*, whereby we distinguish between economic, welfare, and other types of ministries (cf. Jacobsson, Lægreid and Pedersen 2003). Based on the regulatory reforms, our hypothesis (H2) is that regulation and control of agencies generally will be perceived as weaker in the economic area than in the welfare state area and other areas because norms of steering at arm's length are stronger in the «harder» than in the «softer» policy areas.

The term *type of agency* refers to the internal organization of the agencies. Based on Gulick's principles of specialization, we will expect the existence of a geographical component in agency specialization in addition to specialization according to ministerial sectors will tend to decrease the regulation of subordinate bodies. Agencies organized according to geography will be more embedded in regional or local networks, which will tend to reduce the extent of regulation and control by their parent ministry and other superior bodies. In Norway, most ministries are organized according to purpose, a few have elements of process or clientele, while none are specialized according to geography at the ministerial level. Thus, our hypothesis (H3) will be that agencies organized according to geography in combination with another principle will perceive themselves as subject to less regulation and control than agencies without a territorial component.

Form of affiliation represents the external organization, or form and degree of structural devolution from the parent ministry. We will primarily distinguish between ordinary agencies and agencies with various forms and degrees of formal authority. The hypothesis (H4) will be that the most structurally devolved organizations will perceive themselves as subject to less regulation and control than agencies that are structurally closer to the ministry.

A cultural-institutional perspective

A third set of factors concerns the historical and cultural traditions of political-administrative systems (Selznick 1957). In institutional approaches informal norms, identities, and the logic of appropriateness are important (March and Olsen 1989). The point of departure is that a certain style of regulating and controlling agencies has developed over time. Norms and values within agencies and central government and internal dynamics are important. Path dependencies constrain what is appropriate and possible to move to agency status and how the agencies will operate. The reform road taken reflects the main features of national institutional processes, where institutional «roots» determine the path forward (Krasner 1988). Change is characterized by historical inefficiency and incrementalism. What happens in one agency is not a blueprint for developments in other agencies. Regulatory reforms reinforce underlying distinctive agency-specific or sector-specific trajectories and historical legacies, and the effects of formal structure are mediated and constrained by contextual factors (Thatcher and

Stone Sweet 2002). Administrative traditions represent «filters» producing different outcomes in different agencies.

Certain styles of regulating and controlling agencies have developed over the years, whereby agencies are seen as strong and integrated instruments of political development serving particular political goals. For a long time this was a dominant feature of the Norwegian administrative model (Grønlie 1999). Over the past years, however, this model has been challenged, and the culture has changed towards giving agencies more leeway and autonomy and allowing for looser coupling to political goals, and it has gradually come to be taken for granted that agencies should be at arm's length from the political executive. The extent of this cultural change will probably vary between agencies. In some administrative cultures well-established informal contacts and networks between ministries and agencies may undermine their autonomy and create stronger integration between ministry and agency than expected from the formal model (Jacobsson 1984, Pierre 2004).

We will distinguish between three indicators of administrative culture. First, *agency age*. Normally, the development of a distinct culture and tradition takes some time. Older organizations will tend to have developed a stronger identity than younger ones, and the potential for socialization of their members into a common culture is higher. Thus, we will expect (H5) older agencies to perceive themselves as being subject to less regulation and control than younger agencies.

Second, *agency size*. Small agencies may generally have a more homogeneous culture and a more distinct identity than large agencies, and they are thus more able to modify signals coming from the ministry. At the same time, they may have less capability to exploit and utilize the possibilities offered by structural devolution and formal authority. Thus, assuming the primacy of homogeneous identity one may expect (H6a) small agencies generally to perceive themselves as being subject to less regulation and control than large agencies. If, on the other hand, we assume primacy of capacity we may expect (H6b) large agencies in practice to perceive themselves as being subject to less regulation and control than small agencies.

Third, we will expect internal *agency culture* to affect the degree of regulation and control. Agencies with a strong professional culture underlining expertise and professional quality will generally perceive themselves as being subject to less regulation and control than other agencies (H7).

Database and methodology²

In the formal structural arrangements of the Norwegian state apparatus the form of affiliation is a crucial feature for determining whether an organization is part of the civil service or not. At the national level the civil service is divided into quite small ministries with directorates/central agencies, other ordinary public administration bodies, agencies with extended authority, and government administrative enterprises, all outside the

² This section draws on Lægreid, Roness and Rubecksen (2005).

ministries but reporting to a ministry. Civil service organizations at the regional or local level may report either directly to a ministry or through an organization at the national level. All civil service organizations are, legally speaking, government entities subject to ministerial directions and subordinated to ministerial control. In contrast to state-owned companies, civil service organizations are regulated through the state budget, the state collective wage agreement, the state pension scheme, the Freedom of Information Act, and the administrative law. Some agencies and all government administrative enterprises are given enhanced budgetary leeway (Lægneid et al. 2003). In short, the form of affiliation grants different sets of formal constraints or freedom of action within a more general regulative framework.

In Norway, agencies outside the ministries represent the largest share of the civil service. In 2003 only a small percentage of civil servants were employed by ministries (about 3,900). In comparison, about 120,000 civil servants (including those at the regional and local levels) were employed by directorates/central agencies, other ordinary public administration bodies, agencies with extended authority, and government administrative enterprises. This number decreased from 185,000 in 1990, mainly due to the transformation of some large agencies and administrative enterprises into state-owned companies outside the civil service (e.g., Norwegian State Railways, the Norwegian Power Company, Telenor, the Norwegian Post and the airport administration).

The database used in this paper is a survey addressed to all organizations in the civil service outside the ministries in 2004 – i.e., organizations that are part of the state as a legal entity and report to one or more ministries. It excludes ministries, local government, state-owned companies and governmental foundations. The civil service organizations are divided into *sub-forms of affiliation*. As of 2004 there were 57 directorates/central agencies, 125 other public administration bodies, 28 agencies with extended authority, and 5 government administrative enterprises.

The population of organizations consists of three different *agency types*. First, all single *national* civil service organizations without subordinate units, comprising 107 bodies (e.g., the National Competition Authority, the Directorate for Nature Management, and the Data Inspectorate). Second, *integrated* civil service organizations consisting of a national unit as well as subordinated regional or local branches (e.g., the Norwegian Tax Administration, Norwegian Customs and Excise, and the Norwegian Labour Inspection Authority). All of these 40 units are included in the population, and they were asked to answer on behalf of the whole organization. Third, all single *regional* units in groups of similar civil service organizations in different geographical areas, reporting directly to one or more ministries (e.g., county governors, colleges etc.). These groups comprise 68 bodies covering specific parts of the county.

All in all, the population adds up to 215 civil service organizations. One questionnaire was sent to each agency, and a central manager was asked to answer on behalf of the whole organization. The questionnaire was an adaptation of a similar survey carried out in Belgium (Flanders) in 2002–2003 (Verhoest, Verschuere and

Bouckaert 2003).³ It was rather comprehensive, covering organizational characteristics, autonomy dimensions, regulation and control relationships, and organizational culture (Lægreid et al. 2004). A total of 150 organizations answered the survey, which constitutes a response rate of 70 %. There are only small variations in the response rate according to sub-form of affiliation and type of agency and between different ministerial areas. For half of the ministerial areas the response rate was over 80 % and none was below 50 %. Thus, our conclusion is that the respondents are quite representative for the population of Norwegian state agencies.

The dependent variables we will use in this paper are different dimensions of regulation and control, as perceived by the civil service organizations. We will distinguish between who controls, what is controlled, and how control is carried out. To describe and explain the degree of and variation in perceived regulation and control we will primarily use univariate frequencies and bivariate correlations (summed up by measures like Pearson's r). For dependent variables where task has a significant bivariate correlation, we also use multivariate analyses including other independent variables having significant bivariate correlations.

Regulatory tasks and agencies

We define regulatory agencies in the civil service as those agencies that perform regulatory tasks. Thus, we first have to clarify what constitutes a regulatory task, and we then have to decide whether these types of tasks are included in the task portfolio of the agencies. How can we decide whether regulatory tasks are included in the task portfolio of state agencies? One option is to take rules and standards as a point of departure and look for civil service organizations that monitor, scrutinize or enforce these rules and standards. Another option is to take civil service organizations as a point of departure and decide whether regulation is among their tasks, either based on their own judgment or the judgment of outsiders, like researchers. In a previous study of Norwegian civil service organizations we defined the task portfolio of each unit ourselves (cf. Rolland, Roness and Rubecksen 2001, Rubecksen 2004). This time, however, we let the respondents decide.

As in the previous study, a predefined set of tasks was used. For each unit, one task was singled out as the *primary* task, but the unit could also have one or more *secondary* tasks. Taken together, these primary and secondary tasks form the *task portfolio* of a civil service organization. In classifying types of tasks, a main distinction was drawn between tasks involving the exercise of public authority and those involving service delivery or production. Owing to their specific and circumscribed nature *regulation and scrutiny* were singled out as a separate category distinct from *other kinds of exercising public authority*. For service delivery and production, a distinction was made between tasks primarily carried out on a non-profit basis (*general public services*), and those subject to market conditions

³ The questionnaire is part of the «Comparative Public Organization Data Base for Research and Analysis – Network» (COBRA). More information on the COBRA network is available on the Internet: <http://www.publicmanagement-cobra.org/>

(*business and industrial services*). In addition, *policy formulation* (policy shaping and advice) was included as a fifth category.

In the questionnaire we specified that regulation and scrutiny were closely related to follow-up or control via rules, laws and agreements and might cover qualitatively different tasks (inspection, supervision and control). In addition, regulation and scrutiny were deemed to be directed towards other agents or institutions than the organization performing these tasks. Whether organizations had the right of enforcement was not a necessary condition. Three examples were specified as belonging to this category: the Banking, Insurance and Securities Commission of Norway, the Norwegian Food Safety Authority, and the Office of the Gender Equality Ombudsman. However, it was up to each agency to decide whether regulation and scrutiny was their primary task, a secondary task, or not included in their task portfolio at all.

Overall, the survey yielded the following distribution of primary tasks: regulation and scrutiny, 23 %; exercising other kinds of authority, 25 %; general public services, 45 %; business and industrial services, 5 %; and policy formulation, 3 %. Regulation and scrutiny were mentioned as a secondary task by 26 % of all units (and by 34 % of the units with other types of primary tasks). The occurrence of regulation and scrutiny as a secondary task was particularly frequent among units that perceived exercising other kinds of authority as their primary task (58 %), while few of the units that saw service delivery or production as their primary task (20 %) included regulation and scrutiny in their task portfolio.

In the following discussion, we define regulatory agencies either as those units that have regulation and scrutiny as their primary task (23 %) or as part of their task portfolio (49 %).

What, then, distinguishes regulatory agencies from other types of state agencies? One criterion is *structural features*. Table 1 shows that all agencies whose primary task is regulation and 90 % of those for whom regulation is a secondary task are ordinary civil service organizations. By contrast, about one quarter of the agencies with no regulatory tasks have other sub-forms of affiliation.

Table 1. Agency tasks and structural features. Percentages.

| | Tasks | | | <i>Total</i> |
|---------------------------------|----------------------------|------------------------------|---------------------|--------------|
| | Regulation as primary task | Regulation as secondary task | No regulative tasks | |
| <i>Form of affiliation</i> | | | | |
| - Ordinary agencies | 100 | 90 | 76 | 85 |
| - Other agencies | 0 | 10 | 24 | 15 |
| <i>Type of agency</i> | | | | |
| - National agencies | 39 | 50 | 57 | 51 |
| - Integrated agencies | 21 | 26 | 15 | 19 |
| - Regional agencies | 39 | 24 | 28 | 30 |
| <i>Policy area</i> ⁴ | | | | |
| - Economy | 18 | 13 | 12 | 13 |
| - Welfare | 27 | 34 | 68 | 50 |
| - Other | 55 | 53 | 20 | 37 |
| N | 33 | 38 | 75 | 146 |

With regard to agency type, a smaller proportion of agencies for whom regulation is their primary task are national agencies than those where regulation is either their secondary task or not included in their task portfolio. Regional agencies whose primary task is regulation are mainly county governors, who are responsible for monitoring, supervising and scrutinizing the municipalities. Finally, with regard to policy area, agencies for which regulation is their primary task are somewhat over-represented in economic policy areas and heavily under-represented in welfare policy areas. Agencies for which regulation is a secondary task are also under-represented in welfare policy areas. Overall, of those agencies including regulation in their task portfolio more than half operate in areas other than economy and welfare. This includes county governors as well as some other agencies that were transferred to the Ministry of Labour and Government Administration as part of the government's modernization program.

Table 2 shows the relationships between tasks and *cultural features* of state agencies. With regard to age, only about one quarter of agencies engaged in regulation as their

⁴ The three categories comprise the following ministries: a) Economy: Fisheries; Agriculture; Trade and Industry; Oil and Energy; Transport and Communications. b) Welfare: Children and Family Affairs; Education and Research; Church and Culture; Social Affairs; Health. c) Others: Labour and Government Administration; Finance; Justice and Police; Local Government and Regional Development; Environment; Foreign Affairs; Defence; Prime Minister's Office.

primary task are younger than 15 years, compared with almost half of the agencies without regulation in their task portfolio

Table 2. Agency tasks and cultural features. Percentages.

| Cultural features | Tasks | | | Total |
|---|----------------------------|------------------------------|---------------------|-------|
| | Regulation as primary task | Regulation as secondary task | No regulative tasks | |
| <i>Agency age</i> | | | | |
| Established before 1990 | 73 | 61 | 55 | 60 |
| Established 1990 or later | 27 | 39 | 45 | 40 |
| <i>Agency size</i> | | | | |
| 200 employees and more | 13 | 43 | 50 | 40 |
| 50–199 employees | 66 | 38 | 18 | 34 |
| Fewer than 50 employees | 22 | 19 | 32 | 27 |
| <i>Professional quality⁵</i> | | | | |
| Very good | 39 | 43 | 29 | 35 |
| Good or less | 61 | 57 | 71 | 65 |
| N, average | 33 | 37 | 74 | 144 |

A large majority of the agencies for whom regulation is their primary task are medium-sized (between 50 and 200 employees), while half of the agencies without regulation in their task portfolio are large. Finally, with regard to administrative culture, a larger proportion of the agencies with regulation in their task portfolio perceive their professional quality as very good than those without regulation.

Summing up, agencies whose primary task is regulation are more often ordinary civil service organizations, regional agencies, in policy areas other than economy and welfare, older than 15 years, medium-sized, and perceiving their professional quality as very good than agencies with no regulatory tasks.

Regulating regulatory agencies

In this section we will present our findings concerning whether regulatory agencies are different from other agencies with regard to who controls, what is controlled, and how

⁵ The agencies were asked to assess 16 aspects of their organizational culture, including professional quality, along a scale: 1) very bad, 2) bad, 3) medium, 4) good, and 5) very good.

control is carried out.⁶ Our main hypothesis (H1) is that agencies with regulatory tasks generally will perceive themselves as subject to less regulation and control than agencies with other types of tasks.

Who controls?

State agencies interact with different types of other organizations that potentially may regulate and control the agencies. In the questionnaire we focused on what we think are the most relevant bodies. For central government these include the parent ministry, the Ministry of Finance, and governmental supervisory bodies. In addition to the parliament, two bodies related to the legislature are included: the Office of the Auditor General and the Parliament's Ombudsman for public administration. Independent courts of appeal/review boards are outside the courts, and are normally related to specific agencies. At the international level, the ESA (EFTA's surveillance agency) is treated separately, since although Norway is outside the EU, it is still part of EFTA. Private accreditation/standardization organizations may be national or international. Likewise, the mass media may be domestic or foreign. We also included the organization itself, to be able to compare internal vs. external control.

For each of these bodies the agencies were asked whether they were very important, important, or not important with regard to audit, control or regulation of the organization. The organization itself scored highest of all: none of the agencies said that it was not important and 72 % said it was very important. The parent ministry is the external body that is assessed as most important: 44 % of the agencies say that the parent ministry is very important, 53 % that it is important, and only 3 % that it is not important in auditing, controlling and regulating the agencies. The Auditor General scores about equally high: 39 % very important, 55 % important and 6 % not important. The mass media, the parliament and the Ministry of Finance are also assessed as being very important or important by at least every second agency. On the other hand, private accreditation/standardization organizations, the courts, independent courts/boards of appeal, the ESA, and other international organizations are assessed as not being important by at least three out of four agencies.

Whether agency type makes a difference to how the agencies perceive the importance of various bodies is summed up in Table 3.

⁶ In the tables we include all three values of the independent variable (regulation as primary task, regulation as secondary task, and no regulatory tasks), but only percentages for one value of the dependent variables. Correlations are based on Pearson's r , where the independent variable is dichotomized (regulation as primary or secondary task vs. no regulatory task) and the dependent variables may have two or three values.

Table 3. Importance of bodies in auditing/controlling/regulating the agencies. Percentages reporting «very important».

| «WHO» | Regulation as primary task | Regulation as secondary task | No regulative tasks | Total |
|---|----------------------------|------------------------------|---------------------|-------|
| Organization itself | 55 | 79 | 75 | 72 |
| The office of the Auditor General | 42 | 42 | 36 | 39 |
| Parent Ministry | 58 | 54 | 33 | 44 ** |
| Ministry of Finance | 10 | 5 | 6 | 6 * |
| Independent court of appeal/review board | 10 | 8 | 3 | 6 |
| Governmental supervisory body/regulatory body | 3 | 5 | 4 | 4 |
| The courts | 6 | 0 | 7 | 5 |
| Ombud/The Parliament's Ombudsman for public adm. | 19 | 3 | 4 | 7 * |
| The parliament | 18 | 21 | 18 | 19 |
| ESA (EFTA's surveillance authority) | 3 | 3 | 3 | 3 |
| Other international organizations | 7 | 11 | 4 | 7 |
| Private accreditation/standardization organizations | 0 | 3 | 6 | 4 |
| Mass media | 9 | 19 | 9 | 12 * |
| N, average | 31 | 38 | 71 | 141 |

** Correlation significant at the 0.01 level; * Correlation significant at the 0.05 level (2-tailed)

Agency task has a significant effect on the perceptions of four external bodies: the mass media, the Parliament's Ombudsman, the Ministry of Finance, and particularly the parent ministry. However, contrary to our main hypothesis, regulatory agencies seem to be controlled by these bodies to a larger extent than non-regulatory agencies. The Parliament's Ombudsman is particularly relevant for agencies with regulation as their primary task.

Since the parent ministry is quite important in controlling the agencies, it is of relevance to examine who is involved in developing regulations and precepts within the organization's field of responsibility. Here, 20% of the agencies report that the parent ministry undertakes this task on its own, 3 % that the agency does this alone, and 77 % that both the parent ministry and the agency are involved in the development of regulations and precepts. Thus, while the parent ministry does control the agencies, this is not a one-way relationship. Rather, most agencies are involved in the development of regulations. Even if regulatory agencies are somewhat more involved in this development than non-regulatory agencies, the bivariate correlation is not significant.

For some of the external bodies, we also asked to what extent the agencies had been subject to regulation and control during the past five years. The parliament may interfere in a number of ways: by making changes in the Government's budget proposals; by posing questions to the minister during Question Time or through interpellations; by initiating investigations and scrutinies; or (more recently) through public hearings and inquiries. Overall, 10 % of the agencies reported that this had happened to a large extent, 39 % to some extent, and 51 % to a small or no extent. However, as shown in Table 4, there are only minor differences according to agency task.

Table 4. Control from other bodies during the past five years. Percentages reporting interference or review.

| | Regulation as primary task | Regulation as secondary task | No regulative tasks | Total |
|------------------------------|----------------------------|------------------------------|---------------------|-------|
| Parliament | 42 | 50 | 52 | 49 |
| Courts | 39 | 41 | 25 | 32 |
| International control bodies | 16 | 11 | 14 | 13 |
| Ombud | 42 | 35 | 32 | 35 |
| N, average | 32 | 37 | 73 | 143 |

The extent of control was less for the three other external bodies: only 13 % reported being reviewed by international control bodies (e.g. the ESA), 32 % by the courts and 35 % by the Parliament's Ombudsman. For the last two bodies, the extent of control is higher for regulatory agencies than for non-regulatory agencies, but the correlations are not significant.

As noted above, the mass media turns out to be one of the most important external agents in controlling the agencies. Thus, it is of relevance to examine whether the mass media have criticized the agencies. More specifically, we asked to what extent the agency had been subject to criticism from other public units, political actors or the mass media due to lack of conformity/correspondence with political objectives and preferences during the past five years. Here, 26 % reported that this had not occurred, 43 % that it had occurred to a very small extent, 28 % to some extent, and only 4 % to a very large extent. Even though a larger proportion of non-regulatory agencies than regulatory

agencies reported not having been criticized at all or only to a very small extent the correlation between agency tasks and external criticism is not significant.

Summing up our findings on whether regulatory agencies are different from other agencies concerning who controls them, the principal result is that they perceive more regulation and control than other agencies, particularly from their parent ministry, but also from the mass media, the Ministry of Finance, and the Parliament's Ombudsman. However, most of the regulatory agencies are involved in the development of regulations and precepts within their fields of responsibility, indicating a two-way relationship between the agencies and their parent ministry.

What is controlled?

The external bodies may regulate and control different aspects of the activities of the agencies. In the questionnaire we specified nine aspects, and asked the agencies whether each of them was subject to audit/control/regulation or not. Thus, positive answers on several aspects were possible. Overall, as shown in Table 5, budgeting and accounting, and financial management scored highest, while cost effectiveness and personnel matters scored lowest.

However, agency task only makes a difference for two aspects: administrative performance and the organization's follow-up on general guidelines and policies issued by political authorities. Here, too, contrary to our main hypothesis, regulatory agencies seem to be controlled more often than non-regulatory agencies.

Table 5. Aspects of the organization's activities subject to audit/control/regulation. Percentages reporting specific aspects.

| «WHAT» | Regulation as primary task | Regulation as secondary task | No regulative tasks | Total |
|---|----------------------------|------------------------------|---------------------|-------|
| Administrative performance | 73 | 79 | 60 | 68 * |
| Financial management | 91 | 92 | 81 | 86 |
| Personnel matters | 33 | 58 | 41 | 43 |
| Cost effectiveness | 9 | 42 | 20 | 23 |
| Level of goal achievement | 55 | 68 | 62 | 62 |
| The organization's enforcement of – and compliance with – general rules, regulations and precepts | 61 | 68 | 51 | 58 |
| Budgeting and accounting | 85 | 95 | 84 | 87 |
| The organization's follow-up on general guidelines and policies issued by political authorities | 61 | 68 | 47 | 56 * |
| Internal control systems | 55 | 50 | 53 | 52 |
| N, average | 33 | 38 | 74 | 145 |

* Correlation significant at the 0.05 level. (2-tailed)

How to control?

The external bodies may also regulate and control state agencies in different ways. In the questionnaire we specified five ways and asked the agencies whether they had been subject to each of them during the past five years.

Table 6. Focus of audit/control/regulation during the past five years. Percentages

| During the past five years the organization has been subject to: | Regulation as primary task | Regulation as secondary task | No regulative tasks | Total |
|---|----------------------------|------------------------------|---------------------|-------|
| Performance audit | 59 | 65 | 42 | 52 * |
| Critical review or comments from The Office of the Auditor General | 30 | 46 | 41 | 40 |
| Routine inspections by governmental supervisory /regulatory bodies | 48 | 50 | 51 | 50 |
| Non-routine inspections by governmental supervisory regulatory bodies | 18 | 11 | 18 | 16 |
| Audit/control/regulation by private accreditation/standardization organizations | 6 | 8 | 14 | 11 |
| N, average | 33 | 38 | 72 | 143 |

* Correlation significant at the 0.05 level (2-tailed).

Overall, as shown in Table 6, performance audit and financial audit by the Auditor General and routine inspection by governmental supervisory or regulatory bodies were most widespread, while audit, control or regulation by private accreditation/standardization organizations and non-routine inspections by governmental supervisory/regulatory bodies were quite uncommon. However, agency task only makes a difference for performance audit. Again, contrary to our main hypothesis, regulatory agencies seem to be subject to more regulation and control than other agencies.

Overall assessment. Some external bodies (particularly the Auditor General and the parent ministry) are perceived as more important than others in controlling the agencies. In addition, some aspects of the agencies' activities (particularly budgeting and accounting, and financial management) are perceived as being subject to more regulation and control than others; while some ways of exercising regulation and control (particularly performance audits and routine inspections) have been more widespread than others. We also found that agency task makes a difference for the importance of four external bodies controlling the agency (e.g. the parent ministry), two aspects of what is controlled (e.g. administrative performance), and one means of exercising control (performance audit). For all these seven indicators of control, however, the relationships are in the opposite direction to what our main hypothesis (H1) led us to expect.

The importance of structural and cultural features

In this section we will discuss the importance of structural and cultural features and check whether the seven significant bivariate correlations between agency task and perceived regulation and control hold when these factors are accounted for. Based on the findings for the seven indicators of control we will also discuss the remaining hypotheses (H2-H7), but we will not test them fully using all indicators of who controls and what is controlled and how.

Who controls? With regard to control from external bodies there are, for the four bodies where agency task makes a difference, four significant bivariate correlations between structural or cultural features and perceptions of their importance.

- Agency type is related to control by the Parliament's Ombudsman: national agencies perceive less control than regional and integrated agencies, contrary to H3.
- Form of affiliation is related to control by the Parliament's Ombudsman: ordinary agencies perceive more control than other agencies, in accordance with H4.
- Form of affiliation is also related to control by the mass media: ordinary agencies perceive less control than other agencies, contrary to H4.
- Agency age is related to control by the parent ministry: older agencies perceive more control than younger agencies, contrary to H5.

What is controlled? Agency task makes a difference for administrative performance and the follow-up on general guidelines and policies issued by the political authorities. Here, there are only significant bivariate correlations between the latter indicator of what is controlled and one of the other potential explanatory factors:

- Small agencies perceive less control of follow-up than large agencies, in accordance with H6a.

How to control? Here, agency task only makes a difference for performance audit. Two other variables also have significant bivariate correlations with agencies' being subject to performance audit during the past five years:

- National agencies have been subject to performance audit to a lesser extent than regional and integrated agencies, contrary to H3.
- Small agencies have been subject to performance audit to a lesser extent than large agencies, in accordance with H6a.

With regard to the independent variables (and related hypotheses) neither policy area (H2) nor professional quality (H7) seems to make any significant difference for the relevant indicators of control. For agency type (H3) and agency age (H5) the only significant bivariate correlations are in the opposite direction to what was expected, while form of affiliation (H4) provide mixed results. If we assume primacy of homogeneous identity, two of our observations are in accordance with the hypothesis based on agency size (H6a)

Multivariate analysis

We now turn to the relative explanatory power of the different independent variables on perceptions of control.⁷

⁷ Only variables with significant bivariate correlations are included in the analysis.

Table 7. Summary of regression analysis by task-specific, structural and cultural features affecting perception of control. Standardized Beta coefficients. Linear regressions.

| | Who controls? | | | | What is controlled? | | How to control? |
|-----------------------------|-----------------|---------------------|----------------------------|------------|----------------------------|-----------------------|-------------------|
| | Parent Ministry | Ministry of Finance | The Parliament's Ombudsman | Mass media | Administrative performance | Follow-up on policies | Performance audit |
| <i>Tasks:</i> | | | | | | | |
| - Regulation | .21 * | .20 * | .14 | .25 ** | .18 * | .17 * | .20 * |
| <i>Structural features:</i> | | | | | | | |
| - Form of affiliation | - | - | -.15 | .27 ** | - | - | - |
| - Agency type | - | - | .20 * | - | - | - | .04 |
| - Policy area | - | - | - | - | - | - | - |
| <i>Cultural features:</i> | | | | | | | |
| - Agency age | .18 * | - | - | - | - | - | - |
| - Agency size | - | - | - | - | - | .18 * | .29 ** |
| - Professional culture | - | - | - | - | - | - | - |
| Multiple R | .29 | .20 | .33 | .32 | .18 | .24 | .37 |
| R2 | .08 | .04 | .11 | .10 | .03 | .06 | .13 |
| Adjusted R2 | .07 | .03 | .09 | .09 | .02 | .05 | .11 |
| F Statistics | 6.347 | 6.074 | 5.513 | 7.535 | 4.639 | 4.373 | 6.942 |
| Significance of F | .002 | .015 | .001 | .001 | .033 | .014 | .000 |

** Significant at the 0.01 level; * Significant at the 0.05 level (2-tailed); – Not included in the analysis

The multivariate analyses generally confirm the main pattern revealed in the bivariate analyses. One general finding from the multivariate analysis, summed up in Table 7, is that the independent variables explain only a small part of the variation in the dependent variables. After controlling for structural and cultural features, agency task still makes a significant difference for most of the seven indicators of control, but in the opposite direction to that suggested by our main hypothesis (H1). Most of the other significant bivariate correlations also hold when other independent variables are controlled for, but the direction of the correlation corresponds with our hypotheses in only a few instances.

Summing up, the explanatory power of our perspectives is relatively weak, but we find some significant effects from agency task as well as from some structural and cultural features.

Conclusion: Regulatory agencies revisited

In this paper we have first shown that regulatory tasks represent a major activity for government agencies in Norway. In spite of a trend towards «single-purpose organizations» in administrative and regulatory reforms, combining regulatory tasks with other tasks in the same agency is still quite widespread. Close to half of the agencies have regulation as a primary or a secondary task. Thus, the label «regulatory state» seems to fit well when we look at the task portfolio of Norwegian state agencies. Regulatory bodies are, however, not particularly young organizations, indicating that the regulatory state has a long trajectory in Norway.

Second, we have revealed that the regulatory agencies are organized in various ways: as national agencies without local branches; as integrated agencies consisting of a national unit as well as subordinated regional or local branches; and as regional agencies reporting directly to a ministry. They are represented in all types of policy areas, and not only or primarily in the areas of economy and welfare.

Third, when it comes to the question of *who* controls, we find that the agencies report a large number of important control bodies. According to the principle of internal control and self-regulation inside government, which has been in force in the Norwegian public sector over the past two decades, it is not surprising that the organization itself is a very important controlling body, while among the external control bodies, the parent ministry and the Ministry of Finance are especially important. Thus, the hierarchy seems to work very well. Rule-making and the formulation of regulations is, however, a joint effort of agencies and their parent ministry. In addition, the parliament as well as its controlling bodies, the Ombudsman and the Auditor General, seem to play an important role in auditing, controlling and regulating the agencies. Moreover, they are also subject to public scrutiny from the mass media. On the other hand, the courts, international control bodies and private accreditation organizations seem to be of relatively little importance.

Fourth, concerning *what* is controlled and *how*, budgeting, accounting and financial management issues are the primary areas for scrutiny. Administrative and financial performance seem to be under tighter audit and control than personnel matters, cost effectiveness, and compliance to general rules and policy guidelines. Performance audit and financial audit by the Auditor General as well as routine inspections by the regulatory and supervisory bodies are the main instruments of control. Thus, the scope of who regulates the regulators is rather wide, while the scope of what is regulated and how is rather narrow.

Fifth, when it comes to variations between regulatory agencies and other agencies in perceived regulation and control, the main picture is that there are more similarities than differences according to agency task, a finding that also applies to different dimensions of autonomy and other control features (Lægreid, Roness and Rubecksen 2005). One reason for this might be that many agencies have several roles and combine regulatory activities with other types of tasks. Thus, the agencies are more often hybrids than

«single-purpose organizations». There are, however, some significant differences. Regulatory agencies are more controlled by their parent ministry than other agencies, and they are also monitored by the Ministry of Finance, the Parliament's Ombudsman and the mass media, at least according to their own assessment. Control by the Parliament's Ombudsman is particularly pronounced for agencies having regulation as their primary task, while control by the mass media is most widespread for agencies having regulation as a secondary task. We have also revealed that administrative performance, performance audit and the agencies' follow-up on general guidelines and policies issued by political authorities are scrutinized more in regulatory agencies than in other agencies.

Sixth, we also find some significant effects from structural features like agency type, and form of affiliation, and from cultural features like agency age and agency size. Thus, there is no one-factor explanation for variation in how the agencies perceived regulation and control. There is a need to blend the perspectives (cf. Læg Reid, Roness and Rubecksen 2005). However, in general, the explanatory power of our perspectives is relatively weak, and we are not able to explain much of the variance in the dependent variables.

What, then, are the practical and theoretical implications of these findings? Overall, the regulatory agencies are subject to stronger control and audit than other agencies. This is a surprising finding that goes against our main hypothesis and is also at odds with the general regulatory reform movement espoused by the OECD and the Norwegian government, which aims to give the regulatory agencies more autonomy from the ministry. We find, instead, that the regulatory agencies are actually relatively tightly controlled by their parent ministry, by the legislature and by the mass media. Thus, the answer to our question of who regulates the regulators is «quite a few» in the executive, the legislature and the general public. A main finding, therefore, is that the new regulatory doctrine of more autonomous regulatory agencies at arm's length from the ministry and from the legislature has so far not been put into practice.

One reason for this may be that in Norway not all components of regulation, such as standard-setting and rule-making, monitoring, enforcement and the application of sanctions, are delegated to the regulatory agencies. The normal situation is that these functions are split between different organizations and levels, including agencies, ministries and legislative bodies. It is therefore important not only to focus on individual regulatory agencies in isolation but also to see them as part of a broader institutional constellation (Jordana and Sancho 2004).

The loose coupling between the new regulatory doctrine and actual regulatory practice can also be seen as a consequence of the mismatch between the rather technical and apolitical flavour of the new regulatory reforms and the more political situation that the regulators face in practice. Moving regulatory decision-making to autonomous agencies involves not only non-political technical and technocratic efficiency, but also sensitive political trade-offs and value-based choices concerning economic efficiency, effectiveness, performance, safety, security and social and environmental objectives like equity, fairness, political control and professional autonomy, shifting power relations, legitimacy and accountability. Such trade-offs are often unstable and ambiguous and

have clear political components that cannot easily be addressed using purely technical criteria (Jordana and Sancho 2004).

Summing up, after a decade of administrative and regulatory reforms aimed at increasing the autonomy of agencies in general and regulatory agencies in particular, the agencies still report a lot of regulation and control. The regulatory authorities do not react quickly to new regulatory policy signals and there seems to be a lot of robustness, reluctance and path dependencies when it comes to regulation and control of civil service organizations. We have focused especially on who controls and what is controlled and how. The lesson is that the traditional control and regulatory style associated with a parliamentary system involving ministerial responsibility and a strong tradition of transparency and a critical press is still dominant in the Norwegian government system. The parent ministry, the Ministry of Finance, the legislature and its controlling bodies and the mass media are the main actors here, while the focus is on financial management, budgeting, accounting, performance audit and administrative performance. Thus, there is a lot of regulation inside government in which government officials oversee the work of other bureaucrats using rules on how public bodies should operate that have been formulated within the government. While the agencies may have more autonomy from the ministries, they also face an expansion in oversight both from traditional *ex ante* authorization and from newer *ex post* audit and assessment measures. The old forms of regulation and control do not fade away in the new regulatory state; rather, they are supplemented by new instruments of control, resulting in a more complex regulatory regime. Generally our findings confirm earlier studies revealing the upgrading of legislative control and the revitalization of the Audit Office through the introduction of performance audits from the mid-1990s on (Christensen, Helgesen and Læg Reid 2001, Christensen and Læg Reid 2002, Christensen, Læg Reid and Roness 2002).

This rather extensive regulatory activity does not, however, mean that the agencies have little autonomy. On the contrary, they also report a high degree of autonomy (Læg Reid, Roness and Rubecksen 2005). This indicates that autonomy and control might not be two extremes on the same dimension, but rather two relatively independent dimensions. What is gained in autonomy is not necessary lost in control. In practice, autonomy and control often go hand-in-hand, and under certain conditions increased autonomy does not necessarily mean decreased control (Fimreite and Læg Reid 2005). Both autonomy and control can increase or decrease simultaneously, e.g. increased autonomy through deregulation and structural devolution can correspond with increased control through new routines of reporting, monitoring and auditing (Westerberg and Forssell 2005). Thus, there might be a dynamic relationship between autonomy and control, and we might see a trend in which both autonomy and the control of agencies increases.

In this paper we have focused on regulation as an external means of control of formal organizations. The increase in the autonomy of formal organizations in the public sector has produced a greater need for more formal external control (Brunsson and Sahlin-Andersson 2000). Deregulation has produced a large number of autonomous formal organizations, and this in turn increases the need for regulation and for regulatory agencies. Thus, agencification and regulation go in tandem (Christensen and

Lægheid 2005a). Autonomous organizations need regulation and regulation needs autonomous organizations.

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