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Networks as “first best”? Network entrepreneurship and venue shifting in the establishment of the network of Euro-Mediterranean energy regulators.

***Abstract:** Regulatory networks are usually considered a “second best” instrument of policy integration. They have no decision-making powers and unclear policy impact. Yet, regulators often play a leading role in establishing their informal networks. Why do regulators initiate networks? I find that regulators form networks to shift the venue of policy discussion from a formal setting, dominated by policy-makers, to an informal setting, where they share agenda-setting power with their peers only. Regulators forming networks are “network entrepreneurs”, for whom the establishment of the network is a policy goal in itself. Bolstered by previous positive networking experiences, network entrepreneurs consider networks a first-best instrument of policy influence. I analyse the empirical case of the network of energy regulators of the Euro-Mediterranean (MedReg, established in 2006) through 20 elite interviews. The findings hold implications for our understanding of informal regulatory collaboration in the EU and beyond.*

Keywords: regulatory networks, entrepreneurship, venue shifting, informal governance, energy

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Introduction

Informal regulatory networks are usually considered “second best” policy instruments compared to the establishment of a formalised coordination process or a single central institution. European regulatory networks are the paradigmatic example: the European Commission and the Member States are said to have fostered regulatory networks as a “second best” solution to the necessity of transnational coordination of regulatory policy for the realization of the Single Market (Hancher 1996, Dehousse 1997). Unable to make binding decisions, informal regulatory networks are generally understood as mechanisms of socialization and transfer of knowledge between regulators (Papadopoulos 2017) of limited measurable policy impact (Bach, De Francesco et al. 2016). Yet, European regulators have often played a non-trivial role in the establishment of their networks (Mathieu 2016, Boeger and Corkin 2017), devoting their own resources to network setup, including headquarters and a small Secretariat. If the impact of informal networks is negligible, and they have no decision-making powers, why do regulators initiate them?

This paper focuses on the case of a regulatory network - the Association of Mediterranean Energy Regulators (MedReg) - that includes national energy regulators from the so-called ‘Euro-Mediterranean region’, i.e. Southern European Member States and the Southern and Eastern European Neighbourhoods (Cardwell 2011). Regulatory networks usually arise in presence of interdependencies, as in the market integration framework of the European Union (EU); indeed,

European regulatory networks normally comprise regulators from the European Member States. MedReg is not an “obvious” network: there is no formalised framework of regional cooperation in the Euro-Mediterranean region. Thus, MedReg is a deviant case of network establishment in the European context. Studying MedReg is important to understand the reasons of its emergence, as well as the interplay between the European internal and external governance frameworks.

Arguably, network establishment requires agreement among members concerning the governance form. In their contribution on inter-organizational networks, Provan and Kenis (2008) outline three main modes of network governance: “participant-driven networks”, which emerge from the initiative of a small group of members; “mandated networks”, which are established by an external agent; and “lead organization networks”, which owe their existence to the initiative of an internal agent, who is also a network member. MedReg was established by a “lead organization”: the Italian national regulatory authority. A lead organisation not only proposes the establishment of the network, but also underwrites its initial setup costs (Provan and Kenis 2008). In so doing, it displays entrepreneurialism.

The literature on policy entrepreneurship understands policy entrepreneurs as agents who introduce new ideas into the policy space (Roberts and King 1991) and further their preferences through the policy stream (Kingdon 1984) by engaging in the specification of alternatives to pressing policy problems. Policy entrepreneurs succeed when they are able to provide politicians with a constructive, workable solution to one of the many problems calling for their attention on the decision agenda (Fossum and Guldbrandsson 2009).

This article contributes to the literature on regulatory network governance in three ways: it explains the regulators’ initiative to establish MedReg as “venue shifting”; it delineates the figure of the

“network entrepreneur” in the regulator(s) taking such initiative; and it emphasises the importance of feedback effects from previous positive networking experiences in motivating network establishment.

“Venue shifting” refers to the intention of shifting the *locus* of discourse and debate on a certain policy issue from a setting focused on formal negotiations and dominated by political actors, to a setting of informal, horizontal and operational interaction, where regulators have autonomy in setting the agenda of the collaboration. Over time, informal collaboration fosters mutual understanding and trust among participants, as well as the willingness to coordinate on regulatory policy.

I define “network entrepreneurs” as actors, for whom the creation of informal networks is a policy goal in and of itself. Network entrepreneurs prefer networks over other forms of governance. For them, networks are “first best”. They are convinced that informal regulatory collaboration should precede and lay the ground for formal initiatives. Although both are associated with proposing alternatives to address existing policy problems, the figures of the network entrepreneur and of the policy entrepreneur are different, in that the former pursues a specific mode of governance, rather than a specific solution to a given issue. In the case here examined, it becomes evident that regulators anticipated success, given their previous experiences of informal networking. This finding shows that successful informal collaboration in one setting has positive feedback effects on the emergence of new informal governance networks.

I rely on the literature on policy entrepreneurship and agenda setting to frame the analysis and to conceptualise the regulators’ initiative of establishing regulatory networks. This literature allows formulating expectations concerning the timing of network entrepreneurship – i.e. when the three

streams of problem, policy and politics are aligned (Kingdon 1984). I identify the motive of network establishment as “venue-shifting” inductively from the evidence resulting from 20 semi-structured elite interviews with relevant stakeholders, that I carried out between 2014 and 2016. Summary information on the interviewees is contained in the appendix. All interviewees have been guaranteed full anonymity.

The findings of the research show that regulators prefer informal networks to formal regulatory collaboration settings, because only in the former they have exclusive control over the network agenda, whereas the latter are typically dominated by political actors. Although lacking decision-making powers, informal networks allow regulators to feed into policy-making by leveraging their expertise and the information accumulated within the network towards political actors. Thus, network entrepreneurs foster informal networks in order to exert some influence over the regulatory policy agenda. In so doing, they are primarily moved by national policy concerns. However, they leverage the broader European and regional dimension of regulatory interdependencies to bend, or bypass, the rigidities of the European multi-level system and engage in regulatory collaboration through their preferred mode of governance.

Literature review.

Policy entrepreneurs and networks.

In their milestone contribution on the modes of governance of inter-organizational networks, Provan and Kenis (2008) distinguish between brokered and not-brokered networks. The latter are networks that form voluntarily, at the initiative of a small group of members. Brokered networks,

instead, feature a broker in the role of initiator of the network. The broker may either be an agent external to the network (i.e. not a member of the network), or internal to the network (i.e. a member of the network). The authors call the internal broker the “lead organization”. A lead organization provides administration and seed funding for the network. Provan and Kenis (2008) suggest that lead organizations foster networks whose goals are aligned with their own and, at least initially, dominate the network. However, the authors do not investigate whether lead organizations choose to foster networks amid other possible alternatives for collaborative governance. Moreover, the authors do not investigate the underlying reasons prompting lead organizations to act as such.

The concept of lead organization is suggestive of the figure of the “policy entrepreneur”. The literature on agenda-setting understood policy entrepreneurs as agents of change (Kingdon 1984, Baumgartner and Jones 1993) who are able to discover unfulfilled policy needs and propose solutions to satisfy them, unafraid of incurring the reputational and financial costs involved (Mintrom and Vergari 1996). Most importantly, policy entrepreneurs are instrumental to the policy-making process when they are able to specify workable alternatives for addressing policy problems on the policy-makers’ agenda (Roberts and King 1991). Policy entrepreneurs are initiators: they conceive their preferred alternative and collect supporters before it even enters the policy agenda (Polsby 1984), thus increasing its chances of appearing as the best available alternative to politicians, who, given the sheer number of issues on their agenda, favour ready-made policy solutions (Fossum and Guldbrandsson 2009). As the problem, policy and politics streams become aligned – i.e. a workable solution to a given policy problem is identified and there is momentum for its endorsement – a window of opportunity opens for policy entrepreneurs to act (Kingdon 1984, Fossum and Guldbrandsson 2009). Policy entrepreneurs are skilled networkers (Mintrom and Vergari 1996). Their network connections determine their success to a great extent

(Christopoulos and Ingold 2011), as they craft webs of relationships enabling them to further their preferred policy solutions.

This paper is concerned with identifiable and homogenous networks, such as regulatory networks. Regulatory networks are identifiable in that they have a name, headquarters, and well-defined membership boundaries. In this regard, they resemble organizations. Regulatory networks are homogenous in that their members are all of the same type: regulatory authorities. This differentiates them from policy networks, which gather different types of actors around a specific issue (Heclo 1978) or governance problem (Sabatier 1987).

Policy and regulatory networks are the fabric of the European Union system of multilevel governance (Eising and Kohler-Koch 2003). Authors have understood networks as opportunity structures (Hix and Goetz 2000) allowing actors placed at one level of governance to exploit the other levels in order to further their goals. Regulatory networks are usually understood as functionally necessary to the pursuit of regulatory convergence across the EU (Blauberger and Rittberger 2015), given the unavoidable gaps left in European legislation by the necessity to compromise among the preferences of the Member States (Nicolaidis 2004). However, evidence confirming the ability of European regulatory networks to fulfil their stated goals of achieving regulatory convergence across the EU is scant (Coen and Thatcher 2008).

Conceptualising network establishment as an act of policy entrepreneurship implies understanding it as alternative to other governance arrangements. I define actors who pursue network establishment as their goal as “network entrepreneurs” to distinguish them from policy entrepreneurs, who are commonly understood to use networks to pursue specific policy solutions. As for the motives of network entrepreneurs, the choice to foster networked governance

arrangements suggests that networks provide benefits that other governance arrangements do not. Indeed, regulators may choose to maintain entirely informal relations through electronic communications, and organize informal meetings as they please; alternatively, they could limit their engagement to established European initiatives of regulatory collaborations, such as twinning programmes, without devoting own resources to network collaboration.

Regulators derive practical benefits from networking activities, i.e. the possibility to pool resources (Vestlund 2015) or to use peer connections to compensate for lacking resources (Vantaggiato 2018). Regulators use networks to achieve institutional goals, such as wider autonomy (Bach and Ruffing 2013, Ruffing 2015) or to further domestic preferences at supranational level (Newman and Bach 2014).

This wealth of contributions, however, leaves important empirical questions unaddressed. For one, contributions on regulatory networks rarely, if ever, discuss the role and motives of entrepreneurial regulators in network establishment; secondly, the literature lacks appreciation of the positive feedback effect that positive experiences of regulatory networking may have for the emergence of further informal networks.

In the governance literature, the informality of regulatory networks refers primarily to their inability to make binding decisions. Lack of actual decision-making powers reduces external scrutiny and interference in network activities (Papadopoulos 2007, Bach, De Francesco et al. 2016). Within informal networks, regulators can exchange information and opinions confidentially, allowing for the development of trust (Danielsen and Yesilkagit 2011). Moreover, regulators are able to set the agenda and to manage the collaboration in a distinct institutional arena, where only regulators can participate (Baumgartner and Jones 1993), excluding political

actors from both national (e.g. Ministries) and supranational (e.g. European) levels. In contrast, formal collaboration settings (e.g. agencies) typically feature political actors, who dominate the agenda.

Agenda-setting implies the ability to select the issues that politicians will focus on (Polsby 1984). The literature has found that regulators leverage their technical expertise and the information they obtain through their networks – which is not available to their political principals – to feed into supranational and national policy-making (Bach, Ruffing et al. 2014, Boeger and Corkin 2017, Vantaggiato 2019). Thus, although informal (i.e. devoid of decision-making powers) a regulatory network can be highly consequential (Newman 2008). Therefore, ‘network entrepreneurs’ may perceive informal networks as a ‘first best’ policy solution in terms of affording regulators agenda-setting ability. This perception may be heightened if network entrepreneurs have previous experience of regulatory collaboration within informal networks that resulted in policy influence.

What are the conditions for entrepreneurs to initiate networks? According to the Multiple Streams framework (Kingdon 1984), the alignment of problem, policy and political streams is necessary for a window of opportunity to open. Thus, network entrepreneurs should be found initiating networks at moments of high political momentum, where proposing the establishment of an informal network appears a workable solution to the policy problem of fostering collaboration between actors. In the following sections, the establishment of informal networks is pitted against its main alternative: establishing a formal framework of cooperation. MedReg, by comprising European and non-European regulators, straddles the usually clearly separate dimensions of the European internal and external energy regulatory governance.

The European external energy governance.

The European Commission has often been called a “policy entrepreneur” (Laffan 1997, Copeland and James 2013, Maltby 2013) for its ability to exploit its role in the multi-level governance system of the EU to propose workable solutions to pressing policy problems. With time, however, the Commission has transformed into a “policy manager” (Laffan 1997) and come to cover a more overtly political role in some settings, particularly in the realm of the European external governance (Lavenex and Schimmelfennig 2011, Lavenex 2014) and energy issues (Goldthau and Sitter 2014, Schulze 2015).

The European external governance is premised on the export of European rules to the countries surrounding it to the East and the South – the so-called European “Neighbourhood” (Cardwell 2011, Börzel and van Hüllen 2014) – by leveraging both its normative superiority (Manners 2002, Manners 2006) and the size of its market (Bradford 2014, Damro 2015). The formal aspects of the external governance comprise Agreements or Treaties (Schimmelfennig 2008, Lavenex and Schimmelfennig 2009) as well as technical assistance programmes¹. Research on informal collaboration initiatives within this realm has been limited (Cambini and Franzi 2013).

Energy relations between the EU and the countries in its southern neighbourhood have a long history, which has been extensively recounted elsewhere (Vantaggiato 2015, Escribano 2016, Herranz-Surrallés 2018). The first attempts to forge an external EU policy towards the countries of the Southern Neighbourhood (comprising countries from the Middle East and North Africa) date back to the 1970s, when the Global Mediterranean Policy was put forward by the then

¹ See for instance the Austria – Algeria twinning programme <https://bit.ly/2ODnny5>; or the Italy – Greece – Egypt programme <https://bit.ly/2M1A0o6> ; or the EU – Morocco programme <https://bit.ly/2AOISdB>.

European Community, in the wake of the oil crisis (Cardwell 2011). However, it was only with the Maastricht Treaty that a structured policy towards the Mediterranean began to take shape (Cavatorta and Rivetti 2014). It initiated with a conference, held in Barcelona (Spain) in 1995. For this reason, it is often referred to as the “Barcelona process”. Its official name was Euro-Mediterranean Partnership (EMP or EuroMed). The EMP was a broad policy programme, covering items from democracy to trade. However, the centrality of energy issues was acknowledged in a Commission Communication entirely dedicated to energy cooperation in the so-called “Euro-Mediterranean region”, released the following year (European Commission 1996).

The EMP energy vector was characterized by a two-fold regional approach: political dialogue between Energy Ministers from both shores in the Inter-Ministerial Conferences and expert dialogue between representatives of the partner countries and the EC in the Euro-Mediterranean Energy Forum. Both the Conferences and the Forum began convening soon after the Barcelona Conference, but fell short of regular meetings thereafter².

² The Inter-Ministerial conferences convened for the first time in Trieste in 1996. Other meetings followed in Rome and Athens in 2003. They were then discontinued until 2007 (meeting in Limassol, Cyprus) and 2014 (meeting in Rome, Italy). The Euro-Mediterranean Energy Forum convened for the first time in Brussels in 1997, then in Granada in 2000. It proved extremely difficult to retrace the chronology of Forum meetings thereafter. The Athens meeting of 2003 appears to mix the Forum and the Inter-Ministerial Conferences together. Following the Athens meeting, the Energy Forum as conceived within the EMP seems to have been discontinued.

In 2004, the EU accomplished three major policy efforts: the European eastward enlargement; the establishment of the Energy Community of South East Europe (ECSEE); and the launch of the European Neighbourhood Policy (ENP). The three events are interlinked; each labelled the involved countries in the EU neighbourhood according to their prospects of integration. The enlargement process resulted in ten countries from Central and Eastern Europe becoming fully-fledged Member States³. The Energy Community is a Treaty-based organization, originally comprising the countries that were deemed unprepared to join the EU as Member States, yet maintained Accession status: namely, South Eastern European countries⁴ and Turkey. The rationale of this initiative is extending the EU energy legislation to the signatory countries as a preparatory step to full accession (Padgett 2012, Schimmelfennig 2012, Schulze 2015).

The European Neighbourhood Policy (ENP) is an umbrella programme comprising various cooperation programmes linking the EU and its Southern and (further) Eastern neighbourhood. Effectively, the ENP marks the boundaries of the EU, separating Members and Accession countries from countries without a membership perspective (Smith 2005, Cardwell 2011). Moreover, the ENP combines regional aspects with a pronounced bilateral dimension: the Commission proposes bilateral Action Plans to each of its “neighbours”, framing cooperation

³ These were Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia.

⁴ The original members of the Energy Community are the regulators from Albania, Bosnia and Herzegovina, FYR of Macedonia, Kosovo, Montenegro, Serbia. More recently, the regulators from Moldova, Ukraine and Georgia have joined as full members, while the regulator of Armenia has joined as observer.

around a series of mutually agreed issues, including energy (Escribano 2010). The Euro-Mediterranean Partnership was embedded into the ENP upon its launch.

Both the eastward enlargement and the establishment of the Energy Community were perceived as important political achievements for the EU: they portrayed its success at exerting and exporting its normative (Manners 2015) and market (Damro 2015) power to third countries. Since 2004, the policy message of the EU external energy governance is centred on the notion of extending “*the EU’s internal market, through expansion of the Energy Community Treaty to include relevant ENP countries.*” (Joint Paper 2006, p. 6). This message was reiterated in numerous policy communications. According to recent research, however, regulators and energy industry experts are convinced that the Energy Community approach is unworkable in the Southern Neighbourhood and should not be used to frame the cooperation, lest jeopardizing its progress (Tholens 2014). Indeed, contributors argue that the “Mediterranean Energy Community” policy frame should be filled with new political messages in order to entice Mediterranean partners (Escribano 2016).

Moreover, the Energy Community itself has fallen short of expectations: progress in the integration of the energy markets of South East Europe with each other and the EU is sorely lacking. The governance structure of the Energy Community comprises a Secretariat, a Ministerial Board, and a Regulatory Board. The Energy Community Secretariat functions as a smaller European Commission, steering policy direction, while the Ministerial Board makes policy decisions. The Regulatory Board, initially conceived as the driving force of regulatory convergence among Community members, appears unable to perform that role, given that it has only advisory functions to the Ministerial Board. Given scarce progress, the European Commission and the Energy

Community Secretariat convened a High-Level Committee⁵ of experts to re-launch the Energy Community project and deepen market integration and progress with implementation of the EU regulatory framework (Herranz-Surrallés 2018).

European relationships with the Eastern and the Southern Neighbourhood have influenced each other indirectly. The signature of the Energy Community Treaty created political momentum for the establishment of a framework of cooperation with Southern neighbours, as well. As outlined in the empirical sections, European regulators feared that the European Commission would adopt a similar treaty-based, formalised approach, which they deemed unsuitable. Hence, they rushed the establishment of an informal network, which they then presented to the European Commission as their proposed solution to the policy issue of establishing regulatory dialogue on energy issues with the Southern neighbours.

The establishment of the MedReg: networks as “first-best”.

The focus of this contribution is on the motives of network entrepreneurs. For this reason, I conducted 20 semi-structured interviews with individuals who were involved in the establishment of MedReg. The interviewees do not comprise actors who were involved in the establishment of MedReg indirectly, e.g. officials from the European Commission. Arguably, their perspective

⁵ Since recently, the High Level Group has become a permanent feature of the institutional structure of the ECSEE. With recent reforms inspired by the High Level Group, informal regulatory fora of collaboration have also been added to this institutional setup. Energy Community website, <https://www.energy-community.org/aboutus/whoweare.html> (last accessed 2 August 2018).

might have corroborated the regulators' perceptions and clarified the Commission's position regarding MedReg. However, given that the focus of the research is on the regulators, and given resource limitations, I chose to triangulate the regulators' perceptions with each other, in order to reconstruct the reasons of network establishment and identify the features of network entrepreneurship.

MedReg comprises only a subset of European regulators, but nearly all regulators from the Neighbourhood. MedReg advocates for the removal of the regulatory barriers between the EU and the countries in the Neighbourhood (i.e. a negative integration approach, Scharpf (1997)), rather than for the wholesale export of European rules, usually advocated by the European Commission. Further, MedReg is headquartered in Italy, rather than in Brussels, and it has a permanent Italian vice-presidency position. MedReg is financed with funds pertaining to the European external governance framework and is, therefore, usually considered a "European" initiative (Cambini and Franzi 2013, Herranz-Surrallés 2018). However, the European Commission is not a network member.

All interviewees recognized the paternity of the idea of establishing MedReg to the Italian energy regulatory authority. Starting in 2006, soon after the entrance into force of the Energy Community Treaty, the Italian regulator played an initiating role (Polsby 1984) by informally convening meetings with colleagues from other Southern European countries and from the Southern neighbourhood. During these meetings, the Italian regulator put forward the idea of constituting a network of energy regulators of the Euro-Mediterranean, before the European Commission could impose a formalised structure on the regulatory dialogue. The regulators from France, Spain,

Greece and Portugal immediately became involved, together with counterparts from the Neighbourhood. What explains this initiative?

Despite the clear rationale and opportunity for energy trade (Escribano and Jordán 1999, Cambini and Rubino 2014, Poudineh and Rubino 2017) across the Euro-Mediterranean, myriad dedicated policy initiatives had lacked any noticeable progress. In fact, there is hardly such a thing as a Mediterranean region: ancient conflicts and divisions permeate the area (interview 11, 12, 14, Tagliapietra and Zachmann (2016)). Moreover, in order to engage in energy trade, the EU requires market reforms that Mediterranean countries are unwilling to undertake. As a result, the EU maintains energy relationships with select countries in the area (most notably, Morocco and Jordan, see Wavre (2019)) but fell short of establishing a regional dialogue.

Energy regulators from Southern Europe are interested in the progress of Euro-Mediterranean energy relations. For one, the realization of the so-called “energy corridors” (Escribano 2010, Khalfallah 2015) would benefit European consumers through lower prices and would represent an important investment opportunity for European energy companies. By establishing MedReg, regulators wanted to fulfil an important policy gap; energy trade with the countries of the Southern Neighbourhood would benefit their countries individually (interviews 3, 4, 5) and enhance their role within the European internal energy market, by making them ‘energy hubs’ (interviews 3, 4, 5, 11, 15). Moreover, energy trade across the Mediterranean would benefit the EU as a whole, given its inescapable reliance on imports to fulfil its energy needs (Kanellakis, Martinopoulos et al. 2013).

As of 2006, regulatory and energy relationships across the shores of the Mediterranean had been at a standstill for decades. Regulators attributed this state of affairs to the European Commission’s

insistence on demanding compliance with its own legal framework, rather than pursuing the removal of regulatory barriers between the countries and involving Southern neighbours' governments and regulators in the process (interview 3, 4, 5, 6, 8, 10, 11, 12, 14). By the same token, they attributed the scarce progress of the Energy Community to the absence of previous trust-building through informal collaboration and to the limited role that regulators were allowed to play in setting the agenda, which reduced their incentives to cooperate within the Regulatory Board.

As the Energy Community entered into force, in 2006, political momentum was high for the EU to frame its external energy governance relations with its Southern neighbours, too. The European Commission appeared convinced that Southern neighbours would accept to comply with its energy rules (interview 3, 4, Prange-Gstöhl (2009)). Regulators feared that proposing a formalized approach would further alienate the governments in the Southern neighbourhood and that, even if approved, it would relegate regulators into an uninfluential advisory body (interview 1, 4, 20). Therefore, in a display of extraordinary policy initiative, European regulators made the first move.

*“There was the enlargement... The EU was ambitious and it started looking around itself. Inevitably they saw that both South East Europe and the Mediterranean were crucial for energy issues, but they focused first on South East Europe. The Commission, grabbing space as usual, imagined this “Energy Community”. I immediately tried to get involved because I thought we needed to, as the closest European countries... but then **we lost the handle of this and the countries ended up being represented by the EU.** [emphasis added] (...) **On the basis of that experience, I thought,** well, I’ll take a shortcut and be pro-active, **I’ll try to***

anticipate the Commission... We will invent the community of the Mediterranean... and so I created MedReg” (interview 4).

As the Energy Community was being planned, European regulators were heavily involved in its setup (interview 7). Through their association, the Council of European Energy Regulators (CEER), European regulators hosted regular meetings with their Eastern counterparts and set up a dedicated working group (interview 7, Italian regulatory authority annual report 2007, p.17). These meetings served to familiarize them with the European energy legislation and with the European mode of regulatory collaboration. As the Treaty entered into force, however, the role of CEER in the Energy Community faded, as the European Commission and the national Ministries took control (interviews 3, 4, 10). Interested regulators from adjacent countries maintained informal relationships with regulators from the Energy Community, on a bilateral basis and within the Regulatory Board (interview 12). There is no identifiable informal network, however.

The informal meetings of Euro-Mediterranean regulators held by the Italian regulator quickly translated into articles of association.

“Everyone was eager to understand their own mandate and profession. It reminded me of the same mechanism at the time [of the CEER], you seek a table to sit at where you can dialogue with peers in order to help each other grow, stand on our feet, and everyone was very enthusiastic” (interview 4).

The association of Mediterranean electricity and gas regulators (MedReg) was established as the Mediterranean Working Group on Electricity and Natural Gas Regulation in May 2006 within the

framework of the Euro-Med Partnership⁶. In 2007, MedReg was legally registered under Italian Law. The interviews suggest that MedReg was primarily aimed at establishing lasting collaborations with regulators from the Southern neighbourhood, which are furthest from the European framework. However, European regulators invited regulators from the Energy Community to be members, as well, in order for MedReg to provide the platform of informal collaboration with them that was previously missing (interview 12).

Soon after legal registration, regulators addressed the European Commission for support in ensuring the viability of the network. In the words of an interviewee: *“they were happy about it, because we had done all the work. We provided them with **a ready-made framework** [emphasis added] for cooperation.”* (interview 4). Regulators were able to make the politics, problem and policy stream align (Kingdon 1984) by presenting the European Commission with a governance solution to its unfruitful regulatory relationships with the Southern Neighbourhood. Both the regulators and, arguably, the Commission were convinced of the suitability of the network solution. Underpinning their conviction was their experience of regulatory collaboration within CEER (interviews 4, 11, 15). MedReg is, since then, supported by the European Commission.

⁶ MEDREG members are regulators from: Albania, Algeria, the Palestinian Authority, Bosnia-Herzegovina, Cyprus, Croatia, Egypt, France, Jordan, Greece, Israel, Italy, Lybia, Malta, Morocco, Montenegro, Portugal, Slovenia, Spain, Tunisia and Turkey.

Replicating the CEER experience.

The CEER played an important role in the formulation of the energy regulatory policy framework of the EU (Vasconcelos 2009). Regulators hoped that MedReg could perform a similar function in the Euro-Mediterranean region (interviews 3, 4, 5, 11). When CEER was established, the European energy regulatory policy framework had just begun developing. National regulators, through CEER, were an integral part of the policy process that led from the First Energy Package of 1996 (which did not mention regulation) to the ambitious Third Energy Package of 2009 (which mandated Member States to provide their regulators with independence and strong powers) (Vantaggiato 2019).

By establishing MedReg, Southern European regulators thought they could engender a similar process of transnational regulatory collaboration to feed into policy making (interviews 1, 2, 3, 4, 5, 6, 12, 13). Moreover, creating an informal network allowed them to bypass the rigidities of the system of governance of the EU: Commission-led policy programmes usually involve all of the Member States; instead, informal networks can gather any number of European regulators.

“I think it is important to cooperate voluntarily. If you impose legislation top-down it has to be able to bring about solutions. Otherwise it becomes an obstacle to cooperation, rather than an enabling factor. This is the fundamental difference; the origins of CEER were the opposite [of the Energy Community]. There, you had new institutions that were faced with a radically new context and decided to cooperate on concrete things. MedReg was inspired by the same logic. There have been initiatives in the Euro-Med where you had agreements signed by governments, and yet they were never implemented. So, the idea was let’s do it

starting from the institutions that are directly involved in these processes, let's see if we can work... and it was immediately successful.” (interview 5).

Regulators hoped that MedReg would be able to bypass the political deadlocks in the Euro-Mediterranean cooperation by focusing on operational, win-win, regulatory solutions. After MedReg was established, regulators pushed for the creation of electricity and gas system operators (interview 4), on the model of the European ones (called ENTSO-E and ENTSO-G). From their point of view, no political institution was needed in order for regulators to identify barriers to integration and agree on solutions to lift them. In essence, by establishing MedReg, regulators preemptively shifted the venue of regulatory cooperation by transferring it from the supranational level of governance to the transnational level, and from a hierarchical framework of “carrots and sticks” (Goldthau and Sitter 2015) to a horizontal framework of peer collaboration.

MedReg’s limited achievements.

Yet, the regulators now appear to have been too optimistic regarding the potential for MedReg to contribute to regulatory policy in the Euro-Mediterranean (Cambini and Franzi 2013). Several interviewees have expressed scepticism concerning its ability to influence policy in the near future (1, 2, 5, 13, 15, 18), because institutional and geopolitical obstacles plague dialogue between some of the members (interview 5). Generally, regulators from the Southern Neighbourhood have limited impact on either their national or supra-national level, given their scarce powers and the absence of a formal framework of regulatory convergence (interview 14).

However, all interviewees expressed a positive assessment of MedReg's ability to facilitate the circulation of information and best practices across the network and to positively affect its members via socialization mechanisms (Bianculli 2013). In the words of a regulator from the Southern neighbourhood:

*“MedReg has enabled a regional vision (...). Cooperating between regulators without any kind of commitment from the government is very important to create mutual understanding. (...) It created what we can call a MedReg community, we know each other now, (...) I just pick the telephone, I call somebody, I know them in person, this has created a kind of cooperation which is very much important for exchanging experience. Also, we exchange experiences of both success and failure. We also have capacity building programmes (...). Finally, and importantly, we work jointly in the working groups, (...) **we don't have any agenda imposed on us by somebody else, we create our agenda and work plan.** [emphasis added]” (interview 16).*

The experience of MedReg shows that the success of informal networking initiatives is dependent not only on the endogenous development of the collaboration between the regulators, but also on exogenous factors, which are able to foster or hinder network effectiveness in terms of informing policy-making and expanding the extent of the regulators' autonomy. This realization, however, did not cause regulators to dissolve the network: although currently scarcely able to influence policy formulation, MedReg remains a space of autonomous agenda-setting for energy regulators in the Euro-Mediterranean. MedReg members are waiting for the next window of opportunity to open for Euro-Mediterranean regulatory relationships and energy trade.

*“Strategic decision is not being taken by regulators, it’s taken by government. But we decided to resolve technical challenges so **whenever there is a political opening** [emphasis added] in the process, it will not be halted because there is a lack of technical knowledge; MedReg (...) couldn’t have strategic decisions but at least could pave the way from a technical point of view. (...) This takes time, but waiting for a political decision and only then start working would take much longer.” (interview 16)*

Discussion.

The literature on informal regulatory networks often overlooks the role of regulators’ initiative in their establishment. Stemming from the preferences of policy-makers, the literature considers informal regulatory networks as a “second best” policy instrument of limited potential for effective regulatory convergence. This contribution seeks to explain why, despite the lack of formal powers and the limited impact, regulators often play leadership roles in establishing regulatory networks.

The analysis focuses on the empirical case of MedReg: a deviant case of European regulatory network. In fact, MedReg is a unique case of regulatory network comprising national regulators from only a subset of Member States, plus regulators from the EU Neighbourhood. Moreover, European regulatory networks emerged following the political commitment to achieve the Single Market, which created interdependencies among European Member States. In contrast, MedReg has been created *in anticipation of* the interdependence that might arise, were the EU and its neighbourhood to deepen their energy relations. Uncovering the mechanisms leading to the

establishment of MedReg is important to understand individual agency within the EU multi-level system, and the interplay between formal and informal venues of regulatory collaboration.

The findings of this analysis portray the purpose of network establishment as “venue shifting”: regulators establish informal networks in order to shift the venue of discussion of a certain policy issue (in this case, energy regulatory relations in the Euro-Mediterranean) from a setting where they have little or no agenda-setting capability, given the presence of more powerful actors (e.g. the European Commission), to a venue where they only have to share power with their peers and have autonomy on deciding the agenda of cooperation (Baumgartner and Jones 1993).

I define regulators who take the initiative of network establishment as “network entrepreneurs”. Differently from policy entrepreneurs, network entrepreneurs do not pursue a specific policy solution but rather a specific mode of governance, a deliberative mechanism to achieve coordination, where only regulators can participate and political actors are excluded. The network allows regulators to leverage their superior expertise and high quality information to shape the policy agenda. Therefore, the informality of the network (intended as lack of decision-making powers) is not an overly limiting factor: the expectation is that decision-makers will consult the network in order to formulate policy. In the case at hand, European regulators were bolstered in this conviction by their experience of collaboration within the CEER, which became their channel of influence onto European energy regulatory policy (Vantaggiato 2019). Leveraging their own bilateral relationships with both other European regulators and regulators in the European Neighbourhood, European regulators presented MedReg the European Commission a *fait accompli*, a ready-made solution to a thorny policy issue.

For the regulators interviewed for this research, the formal/informal dichotomy in regulatory collaboration – which mirrors the mandated/voluntary dichotomy in network establishment (Provan and Kenis 2008) – is of utmost importance. Formal collaboration (e.g. in the Regulatory Board of the Energy Community) is perceived as rigid, undermining trust, and entangled in political quandaries, whereas informal collaboration is portrayed as flexible, adaptive, trust-based, and operational. However, the experience of MedReg also shows that, lacking political commitment to integration, the potential of informal collaboration is limited. Nevertheless, regulators (and the European Commission, who has been supporting MedReg for over a decade now) still find value in the network: they hold control of the network agenda, ready to deploy it as political opportunity arises.

Conclusions.

The literature retracing the establishment of regulatory networks usually underlines their functional rationale: given interdependencies between a set of jurisdictions, collaboration within informal networks allows regulators to coordinate the details of policy implementation (Dehousse 1997). This contribution corroborates the findings and arguments of more recent literature, which underline the political rationale of regulatory networks and the active role of regulators in shaping regulatory policy (Mathieu 2016, Boeger and Corkin 2017, Vantaggiato 2019).

This contribution adds to scholarship by revealing an apparently counterintuitive finding: informal networks afford their members (the regulators) more agenda-setting capacity than formal structures of regulatory collaboration. The explanation is that, within informal networks, regulators

set the agenda and manage the collaboration autonomously. In contrast, regulators typically share formal venues with political actors, who are more powerful and therefore control the network agenda, demoting regulators to an advisory role. Within informal networks, instead, regulators are at the steering wheel.

The lack of decision-making powers of informal networks is not crippling the collaboration: the high quality information exchanged and gathered via the network affords regulators political leverage. Policy-makers will consult with the regulators for policy formulation, given the highly technical nature of sectors of economic regulation, affording regulators more influence than would have been possible had they collaborated within a formal framework dominated by political actors. Therefore, this paper shows that exchange of information within networks is not only favouring socialisation and improving knowledge (Papadopoulos 2017); information exchanged within networks is leveraged politically. Informal networks allow regulators to both influence policy formulation and to free themselves from political principals at both national and supranational levels.

To make these arguments, the paper draws on the literature on policy streams, policy entrepreneurship and policy venues, and shows how they interact within the given case study. MedReg represents the ambitious attempt to have informal regulatory coordination succeed where formal policy initiatives have failed: foster regulatory harmonization between the EU and the countries in its Southern Neighbourhood.

The case of MedReg has important implications for our understanding of agency in the establishment of networks. By transferring the *locus* of discussion to a venue where they control the agenda, “network entrepreneurs” choose networks as “first best” instruments to channel their

influence onto the policy process. Crucially, the conviction that networks are “first best” is rooted in previous and positive experience of regulatory networking. This suggests that networks can have powerful feedback effects: namely, networks established in one time period for certain reasons (i.e. the CEER, which emerged at the beginning of liberalization reforms in Europe) can provide an intellectual and empirical template for the establishment of further networks later in time and in different circumstances.

For analytical purposes, this paper drew a hard line between formal and informal regulatory collaboration. In practice, the two dimensions are intertwined; and where political dialogue does not ensue, informal regulatory networks fall short. The case of MedReg, however, indicates that informal collaboration should closely precede and lay the ground for formalised venues of regulatory collaboration: informal exchanges foster trust between regulators, which is essential to successful coordination.

In conclusion, this paper shows that the mechanism of regulatory governance relationships is much more politically dense than mere functional imperatives of regulatory harmonization and legal approximation would suggest. Arguably, future research should strive to systematically incorporate this political dimension into analyses of regulatory governance if it is to unearth the drivers of regulatory collaboration and understand how trans-national regulatory governance actually works.

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