CHRISTIAN RAUH, *A RESPONSIVE TECHNOCRACY? EU POLITICISATION AND THE CONSUMER POLICIES OF THE EUROPEAN COMMISSION*, COLCHESTER, ECPR PRESS, 2016.

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Christian Rauh, *A Responsive Technocracy? EU Politicisation and the Consumer Policies of the European Commission*, Colchester, ECPR Press, 2016.

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Technocracy has been a buzzword when talking about EU institutions in general, and the European Commission in particular. The image of the European Commission as an elite institution that is detached from its citizens is widely echoed, both from the right (such as Boris Johnson and Nigel Farage, leading politicians supporting Brexit) and the left (such as Yanis Varoufakis, former Greek finance minister). Christian Rauh challenges this mainstream perspective by asking how does the European Commission (EC) respond to European Union (EU) politicisation and issue salience on the day-to-day policy-making process? In spite of how fundamental this question is, it has hardly been empirically researched, which is why Rauh's research is an important contribution to understand how the EC responds to public opinion pressure.

The central argument put forward by Rauh's book is that, confronting new democratic legitimacy demands due to an increasing politicisation of European integration, the EC has incentives to break with its traditional policy of market liberalisation in Europe, intervening in the market and creating immediate and widely dispersed benefits. This argument is empirically researched through process-tracing of 17 consumer dossiers, which are divided in 3 subfields (economic and contractual consumer rights, product safety and food safety). They are selected coherently, choosing cases with comparable legal scope. These 17 dossiers were managed by the EC between 1999 and 2008, a period that captures the Prodi Commission (1999-2004) and the first Barroso Commission (2004-2008). Consumer policy became an individually circumscribable competence of the EU after the Maastricht Treaty in 1992[1] and it

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1   Weatherill Stephen (2005), *EU Consumer Law and Policy,* Cheltenham, UK, Edward Elgar.

took some years to start legislating on food and product safety, which is why it makes sense to start the research period in 1999. The author analyses public policy documents released by the European Commission, policy positions by stakeholders, indicators of general EU politicisation and issue salience, semi-structured interviews with EC officials and a general qualitative assessment of the policy-making process of the 17 dossiers. Regarding the structure of the book, Rauh discusses in the first two chapters the state of the art of politicisation in the EU and the general hypothesis that is to be tested. The hypothesis is that the politicisation of European integration and salience on a particular dossier shapes the policy position taken by the European Commission. In the third chapter, we find the general argument applied to consumer policy formulation, containing the methodology and empirical material researched. Chapters 4, 5 and 6 are dedicated to the empirical analysis, each of them devoted to one of the three subfields of consumer policies. Lastly, chapter 7 presents the results, conclusions and summarises the research undertaken.

Consumer policies offer a good opportunity to measure the extent to which EU politicisation and issue salience influence the outcome of a dossier. When dealing with consumer policies, there are repeatedly two opposing poles of actors that are in constant conflict because they lobby for opposing types of policies. On the one hand we find the producers. It is in the interest of established producers to have as few regulations as possible, because increasing regulations implies increasing the costs of production and, therefore, to reduce the profit rates. On the other hand, we find consumers. It is in the interest of consumers that products that are in the market are affordable, safe and reliable. Therefore, consumer organisations will tend to advocate for a more interventionist position by the EC, as opposed to the free-market position of producers. The constant common point that both poles of actors have is the harmonisation of regulations within the EU between different national regulations, which will not be a point of conflict between business lobbies and consumer organisations. With these two poles (the liberal and the interventionist) clearly identified, Rauh analyses the 17 policy dossiers, taking into account two variables: general EU politicisation and issue salience. The empirical material is robust and the quantitative and qualitative analysis are comprehensive and well elaborated. The findings generally support the main argument. When the EC finds itself in the spotlight (both in general EU politicisation and issue salience), the reaction tends to be more interventionist. A good example is the proposal for a directive on consumer credit (p. 88) drafted by DG SANCO that was adopted by the European Commission in September 2002. The dossier was drafted during 2001, a period during which EU politi-

cisation was at a high point. In parallel, the particular area of consumer credit was also receiving high public salience in the media. On June 2001, the discussion paper that outlined the scope of the dossier went much further than the industry would have wanted, "touching upon modern forms of credit, information and contract rules, arrangements on credit defaults, and fairer sharing of responsibility among producers and consumers" (p. 93). The scope of the dossier went even further than expected by DG MARKT, that dealt with financial services in general and was 'very vigilant' in particular on mortgage credits. In the context of high EU politicisation and high issue salience, DG SANCO and its Commissioner, David Byrne, managed to reach the support of the President of the Commission, Romano Prodi, in this controversial dossier with interventionist elements (such as regulating consumer credit) and became a proposal for a directive in September 2002. The opposite example is perhaps the proposed directive on food supplements (p. 178), led by DG ENTR and adopted by the Commission's College on May 2000. With a level of EU politicisation below the average of the period researched (1999-2008) and low issue salience, the directive proposed could be described as rather liberal, aiming at removing trade obstacles by taking a supranational point of view, encouraging the convergence of the national regimes towards the less restrictive rather than the other way around.

Rauh's work is complementary with the research of Coen and Katsaitis[2], who define the EC's interests representation system as 'chameleon pluralism'. The EC is portrayed by them as a complex institution, mainly because the different Directorate-Generals (DGs) work to a great extent independent of each other and are not necessarily working in the same direction and with the same procedures. Their research focuses on the relationship between the type of legitimacy (input or output) and the information (technical or political) required by the different Directorate-Generals (DGs), arguing that those DGs that rely mainly on output legitimacy require more technical (provided mainly by business lobbies) and less political information (provided mainly by trade unions, NGOs and consumer organisations). This means that those DGs that rely on output legitimacy (such as DG ECFIN) offer less access to a widespread range of actors and over-represent big businesses, as opposed to those other DGs (such as DG Employment or DG Environment) that rely on input legitimacy, where a pluralist process offers access to a wider range of actors. This has implications for the cleavage liberal-interventionist. Those DGs that

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2   Coen David and Katsaitis Alexander (2013), "Chameleon pluralism in the EU: an empirical study of the European Commission interest group density and diversity across policy domains", *Journal of European Public Policy*, vol. 20, n° 8, p. 1104-1119.

are more open to diverse stakeholders and that are in search of more 'political' information are more likely to support interventionist policies, where as the more corporatist DGs that are in search of rather 'technical' information are more likely to support liberal policies.

The shortcoming of Coen and Katsaitis is precisely that they do not grasp if the internal policy-making process in the EC and the outcome of its policies are affected by EU politicisation and issue salience. Rauh's research understands the heterogeneity of actors within the EC, but also takes into account the fact that DGs can be affected by public opinion. A highly salient issue in a period of high EU politicisation in a dossier managed by the most corporatist DG can change the stance of the EC. The Transatlantic Trade and Investment Partnership (TTIP) negotiations, started in 2013 and led by DG Trade, are a good example of how the EC can be affected by EU politicisation and issue salience, leading towards a more interventionist position.

Rauh's work has important implications for the traditional input-output democratic legitimacy[3] scheme that has been applied to the EU. There is a paradox in demonstrating that input and output legitimacy actually go hand in hand. High levels of EU politicisation and issue salience implies a certain input into the EC policy-making process. As shown by the empirical work, as a reaction to input by public opinion on EU issues, the EC responds with more interventionist policy positions. These policies are seen as more beneficial to European consumers, and therefore they have more output legitimacy (taking into account that every citizen in Europe is at the same time a consumer). The opposite is also true. When a dossier managed by the EC has low salience, it has less input legitimacy because public opinion do not get the chance to influence it. If, as shown by Rauh, the EC tends to take less interventionist positions when it does not find itself under the spotlight, it can be perceived as having less output legitimacy, generally benefiting the narrow interests of producers that want to save costs by having less regulations and at the expense of the general welfare of European consumers, that could be harmed by regulations that are not strong enough. This means that the EC is more likely to take an interventionist stance (and therefore having more output legitimacy) under pressure by public opinion (and therefore having more input legitimacy). The political translation is that those actors favouring a more liberal stance by the EC are likely to try to keep the EU as depoliticised as possible. Reversing the equation, those actors favouring a more interventionist stance by the EC

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3   Schmidt Vivien (2013), "Democracy and Legitimacy in the European Union Revisited: Input, Output and 'Throughput'", *Political Studies*, vol. 61, n° 1, p. 2-22.

are likely to try to politicise the EU and increase issue salience in order to give incentives to the EC to improve its input and output legitimacy at once.

Despite the important contribution to the literature on European integration and policy-making, the methodology has two weaknesses. Firstly, the data gathered on issue salience is problematic. Given the lack of tools to measure precisely the issue salience at a European level, Rauh decided to pick some of the most read newspapers in the UK, France, Germany and Spain, which are some of the most populated EU countries. The choice is pragmatic, but leaves certain loopholes. For instance, does the Commission respond more to public opinion in some countries (such as Germany) than in others (such as Spain)? An EU issue can have high salience in some countries and low in others. Furthermore, those countries that are not captured might also be relevant. Secondly, the interviews are focused on the European Commission, but it would also have been enriching to interview members of consumer associations (such as BEUC, the European consumer umbrella organisation, but also national consumer associations) and business associations that participated in the dossiers scrutinized. Given that EU politicisation and issue salience generally strengthens the position of consumer associations, perhaps a qualitative assessment of the strategies used by consumer associations and business associations could shed some light on how issue salience is related to lobbying strategies. Otherwise, to an extent it seems that EU politicisation and issue salience is exogenous to the actors involved in the policy-making of a particular dossier, which might be true in some cases, but not in all of them.

That said, Rauh remains an important contribution to the literature on EU politicisation[4]. There is solid evidence to argue that the European Commission is a 'responsive technocracy'.

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4   Such as De Wilde Pieter (2011), "No polity for old politics? A framework for analyzing the politicization of European integration", *Journal of European Integration*, vol. 33, n° 5 , p. 559-575; or Statham Paul and Trenz Hans-Jörg (2013), *The Politicization of Europe. Contesting the Constitution in the Mass Media,* New York, Routledge (Routledge Studies on Democratising Europe).

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