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WHAT IS THE EFFECT OF ORGANIZATIONAL REPUTATION ON COOPERATION FOR REGULATORY AGENCIES?

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Abstract

What is the effect of organizational reputation on cooperation for regulatory agencies? In order to answer this research question, this master thesis uses an organizational reputation-based perspective and aims to explain two different cases of cooperative behaviour from an EU agency. The two cases are both concerning the European Food Safety Authority but are different in their approach towards bureaucratic cooperation. To analyse and understand why in one case the agency successfully cooperated with another agency, while in the other, they were reluctant to cooperation, will this thesis use a comparative design. A theoretical approach to cooperation is developed, putting emphasis on reputational calculations. After an analysis of various documents, the thesis shows, that the different cooperative behaviour of the agency is based on reputational calculations. While in one case a cooperation enhances a positive organizational reputation as well as not threatening the agency´s uniqueness, in the other case a cooperation would have threatened the positive reputation and uniqueness.

Keywords: cooperation, organizational reputation, glyphosate, bisphenol A, risk assessment, regulatory agencies.

1. Introduction

In the last decades, more and more problems have risen all over the world, ranging from environmental issues and climate change to poverty, inequality, as well as economic problems. Therefore, communication, collaboration and cooperation play an increasing and important role on a national, trans-national, as well as international level. This emphasized cooperative role between countries and governments plays especially an important role for the European Union (EU). Amongst others, some of the goals of the EU are stability, peace, scientific and technological process, as well as the creation of a strong Union amongst its Member States (European Union, 2019). That is one of the reasons, why since the early 1990s a large number, 44 to date, of decentralised EU agencies have been created in different sectors, which are equipped with quasi-regulatory, informational, coordination or even executive powers (Wood, 2017). They are emphasizing the importance of bureaucratic cooperation between the Member States of the European Union and the different levels of governance.

In general, the topic of European agencies was before its first academic mentioning in the 1997 issue of "Journal of European Public Policy" a rather hardly known phenomena (Rittberger & Wonka, 2011). Nowadays, EU agencies are located all over Europe and are often regulating in highly sensitive and important areas, such as pharmaceuticals, food safety, chemicals, aviation safety, or police cooperation (Busuioc, 2012). For most of them, they are heavily reliant on cooperation, especially from national structures of their Member States but also between themselves, in order to simply fulfil their mandates in the first place (Busuioc, 2015).

This reliance becomes even more visible, looking at the mandates of some of the European agencies. One example is the European Union Agency for Law Enforcement Cooperation (Europol). As already stated in the name, Europol´s main task, stated in their code of conduct, is to cooperate with the Member States, in order to prevent and combat serious

crime, which are affecting them (Europol, 2017). Another example, showing the importance of bureaucratic cooperation is emphasized in one of the main tasks of the European Border and Coast Guard Agency (Frontex), which is to coordinate and organize joint operations to assist the Member States of the EU at their external boarders (Frontex, 2019).

Furthermore, the European Environment Agency (EEA) is another example, since they have cooperating countries, within the European Union, with whom they are trying to help the other countries to make informed decisions about improving the environment as well as integrating environmental considerations into their economic policies (EEA, 2020).

Another important example, which this thesis will focus on, is the European Food Safety Authority (EFSA), which developed a set of key values for all its activities. One of these key values is cooperation, which includes the exchange of knowledge between food safety experts all over the European Union and worldwide (EFSA, 2020a). They see the importance of summed expertise all over Europe and internationally in contrast to the single knowledge of one country (EFSA, 2020a).

All these examples are showing that cooperation is playing an important role for European agencies. In a lot of cases, cooperation is even mandated by regulations or other laws. However, even though it plays an important role, there are still a lot of cases in which agencies are not cooperating neither horizontally nor vertically. This might be because of several reasons, since the involvement of more than one actor, can cause internal and external tensions, inconsistencies as well as authority problems between them.

That is why this thesis is focusing on two different cases, one with the involvement of successful cooperation efforts between agencies, and one without cooperation efforts, in order to observe their behaviour as well as the outcome.

One can empirically observe the two instances of successful cooperation effort, as well as no cooperation effort in the selected cases of EFSA. The first case is concerning the

controversy about the herbicide glyphosate, while the second case is about the chemical bisphenol A (BPA).

Since the area they are working in is prone to controversies as well as used to public debate, the cases are showing potential for observing and analysing a regulatory agencies behaviour in case of cooperation, as well as in a case of no cooperation. While in the glyphosate case EFSA closely cooperated especially with the German Federal Institute for Risk Assessment (BfR, German: Bundesinstitut für Risikobewertung), in the case of BPA the agency did not closely cooperate with a national neither with a European agency.

The empirical analysis of EFSA´s behaviour focuses on the organizational reputation of the agency. This focus was chosen, because it emphasises the importance of a "reputation-informed perspective" (Busuioc, 2015, p. 53), which is an appropriate and promising way of further researching the influence of cooperation. It plays a key role, since a good organizational reputation is what agencies are mainly assessed on by their multitude of audiences. Furthermore, literature suggests, that it is also important for understanding the willingness of agencies to cooperate or to forgo it (Busuioc, 2015; Wood, 2018; Carpenter, 2014). It is particularly interesting to analyse the combination of cooperation and organizational reputation in the cases of regulatory agencies. Regulatory agencies are agencies, which are responsible for exercising authority over their specific area or resort. There have been studies already analysing and examining this combination of variables, however, this thesis will still further contribute to the field and research.

It is an important aspect of this thesis, that the comparison is between two cases, carried out by the same regulatory agency, the European Food Safety Authority. This makes sure, that the outcome of the cases is not influenced by different internal or external structure, level of autonomy or internal or external legitimacy of the agencies which are analysed. This ensures as well the comparability of the two cases.

Conclusively, this research tries to further contribute to the field of organizational reputation and inter-agency cooperation as well as pointing to the relevance of this field of research and trying to further emphasize its importance.

This thesis is structured as follows: First, the theoretical framework concerning cooperation and organizational reputation is laid out. Second, the research design will be explained, including information about the EU agency EFSA, its cooperating partner BfR and the French Agency for Food, Environmental and Occupational Health and Safety (ANSES), as well as information about the two chosen cases of glyphosate and bisphenol A. Also, the research design chapter will include an explanation of the chosen design and finally an explanation about the observation of cooperation and organizational reputation.

Third, in the subsequent chapter, the cases of glyphosate and bisphenol A and the behaviour towards cooperation of EFSA will be empirically analysed, as well as interpreted.

The analysis will be followed up by a discussion in order to interpret and describe the importance of the findings drawn from the analysis, as well as answer the research question posed in this thesis.

The final chapter of this thesis will be a conclusion giving some final comments and statements about the research question and puzzle.

2. Theoretical Approach: Cooperation and Organizational Reputation

This chapter focuses on the theoretical approach for this thesis. First, it will give an overview over the main literature concerning cooperation as well as organizational reputation. Thenceforth, it will give an explanation why this combination is of interest and will state the hypotheses, which will be tested in the analysis in one of the following chapters.

The approach used for this chapter consists of two main aspects: organizational reputation for agencies, which is functioning as the independent variable, and cooperation between them, which is the dependent variable. This combination of reputation and cooperation between agencies is of high interest as well as relevance, since agencies are often heavily reliant on cooperation as already stated in the introduction (Busuioc, 2015). Literature argues that an agency needs a certain bureaucratic willingness to cooperate with other agencies, which is influenced by its organizational reputation (Busuioc, 2015). This implies, that organizational reputation is playing a key role in cooperative behaviour between agencies. Even though, there are also other factors influencing cooperation, like leadership or economic uncertainty, this thesis will mainly focus on the influence of organizational reputation, to emphasize its important role further. As a result, it is especially important to know how different cooperation patterns influence an organisation's reputation.

2.1 Cooperation

As mentioned before, a lot of EU agencies are heavily reliant on cooperation (Busuioc, 2015). That is why bureaucratic cooperation plays one of the main roles in this thesis and functions as the dependent variable. To observe and later empirically analyse the effect of cooperation on organizational reputation, it is first important to further define the term as well as what the leading literature states about it.

In general, cooperative behaviour arises, if individuals or agencies are working together in order to produce a certain outcome, which they cannot achieve individually (Thomas, 2002). Every party involved in the cooperation process does not necessarily need to share the same goal or purpose, however their goals should not be mutually exclusive (Thomas, 2002). Cooperation can occur between individuals as well as between agencies, organizations or even countries. Even though it is a common behaviour, as mentioned before, it is not easy to achieve and can be risky for an agency. That is, why there are several arguments for an agency´s reluctance to cooperation as well as its encouragement towards it.

2.1.1 Reasons for Cooperation

There are several reasons and incentives for an agency to cooperate with another one, either on a national or supra-national level. One reason for that is the legitimacy that agencies gain through cooperation. Especially European Union (EU) agencies are often reliant on cooperation with national agencies, in order to function as well as to fulfil their mandates and basic role (Busuioc, 2015). This implies, that through the cooperation, an agency is also gaining legitimacy. The importance of cooperation is further emphasized by the fact, that the power which is now entrusted by EU agencies were before held by national agencies. One example for a situation like that is the history and creation of EFSA. The European agency was created in 2002, as a reaction to the mismanagement of several crises, like the BSE crisis in 1996 (Groenleer, 2014). Since that time, they are tasked with the regulatory process of risk assessment based on available scientific evidence (Rimkutė, 2018b). Before this creation, the task was entrusted to national agencies, like the Agence nationale de sécurité sanitaire de l´alimentation, de l´environnement et du travail (ANSES, French Agency for Food, Environmental and Occupational Health and Safety), which is the French national agency for food related risk assessment. Even though, this national agency is still maintained by the

country of France, a cooperation between ANSES and EFSA seems vital, in order to exchange scientific knowledge and tackle problems. They are both agencies carrying out risk assessment, however they differ in their range of competences. ANSES as a national agency has the task of monitoring, carrying out expert assessment, doing research and reference activities about a broad range of topic concerning the human or animal health and well-being, as well as the plant health (ANSES, 2019). However, they are only contributing to the sector, like all other Member States, while the European agency EFSA is laying the foundation for European legislation with their scientific opinions and reports, designed to directly assist the European Commission in its risk management decisions (Rimkutė, 2018a).

Another reason for the encouragement of cooperation, is that it is often used as a response to long-standing critique coming from the government, if agencies are only continuously acting on its own (Bryson et al., 2006). This further enhances the fact that cooperation can also bring a form of legitimacy to the participating agencies. One aspect that enhances a positive relationship between cooperating partners is a prior good relationship with the cooperating partner (Bryson et al., 2006). If two agencies had already a positive encounter with each other, there are more likely to cooperate again and have a better and more trust-based relationship.

These reasons are all emphasizing the importance of cooperation between regulatory agencies. However, even if it is desirable and helpful, cooperation is not easy to achieve and there are several reasons for agencies why they are reluctant to cooperate.

2.1.2 Reasons against Cooperation

Cooperation always requires information, knowledge, and effort of all the cooperating partners (Thomas, 2002). That is, because it is for agencies or organisations more likely to pursue cooperative behaviour and strategies as a means for coping with uncertainty (Thomas, 2002).

However, in many cases, this sharing of knowledge and information and the forming of trust is not achieved, because the agencies want to protect their own turf (Busuioc, 2015). The turf of an agency is in general not directly associated with any specific indicator, but rather can include budgets, missions, tasks or other agency resources (Thomas, 2002). It is viewed as an own territory and is related to an agency´s uniqueness, which should always be defended and maybe even expanded. A potential cooperation could now potentially threaten this turf and uniqueness, which implies a high chance for a strong reluctance for cooperation. Agencies would rather have "turf-protective tendencies" and try to avoid the cooperation (Busuioc, 2015).

Another reason for a reluctance to cooperate are differing aims as well as expectations (Bryson et al., 2006). This can lead to contradictory attitudes and beliefs and struggle in the relationship and even lead to struggle over control of the collaboration and its outcome. Conclusively, it can ruin the trust between potential cooperating partners, which is, as stated before, a crucial requirement for success. Even if a cooperation is mandated by rules, it is nevertheless no guarantee for success.

A third reason against cooperation, is if agencies try to cooperate on a matter, which is not directly related to their own core functions or tasks. That is because they do not have direct relevance for the agency and are not relevant for their positive reputation and reputation-building. This shows that organizational reputation in general has a distinct influence on cooperation and an agency´s behaviour and attitude towards it.

Lastly, cooperation is in some cases also an expensive strategy for agencies. Every political actor is also following a self-interest, like for example an increased budget, more power in the decision-making process or any kind of personal advancement (Fägersten, 2010). This self-interest can potentially be reduced in case of cooperation, since certain resources needs to be used for it, which could otherwise be invested in other strategies, which would increase the

self-interest of an agency even more. That is another reason, why agencies would favour to not cooperate with each other.

In conclusion, there are several arguments for and against the use of cooperation between agencies. It can be helpful and important in order to battle critique, enhance scientific knowledge as well as it encourages trust. However, it can also be an expensive strategy, a potential threat to an agency´s turf and uniqueness and might not help with building a better organizational reputation.

2.2 Organizational Reputation

As stated before, cooperation has also influence on organizational reputation. Since this thesis is based on a reputation-based approach, it is also important to know how organizational reputation, functioning as the independent variable, is defined and which are its main attributes.

The basic term of reputation refers to a distinctive characteristic of an organization (Carpenter, 2010). This characteristic is what differentiates agencies from each other and emphasizes its exclusive character and unique regulatory activities (Rimkutė, 2018b). It is a form of external projection, as well as it is protected by the agency in order to be unique and distinct from others. The general theory of organizational reputation emerged as a challenge to the assumption of contemporary political science (Maor, Gilad & Bloom, 2012) and is especially important for regulatory agencies. Regulatory agencies are agencies, that are responsible for exercising authority over a certain area of human activity. A positive reputation for regulatory agencies now ensures that their rules and standards are followed and appreciated by those who are affected (Rimkutė, 2018b).

The construct of reputation is a multifaceted one with a multitude of different audiences. In general, an audience is any individual or also collective that observes a regulatory organization and can judge it (Carpenter, 2014). Examples for the different audiences are the

public, the media, external stakeholders, or politicians. They all have different demands, expectations and standards. How an agency is reviewed by their audiences is important, since agencies are assessed by them on the base of their reputation (Busuioc, 2015). However, it is a "juggling act" (Busuioc & Rimkutė, 2019, p.2) to respond to all these different expectations, because the agency must prioritise them, which can be difficult since they can be conflicting.

Reputation is also a multifaceted construct in terms of its own nature. Since an organisation or an agency does not hold a good reputation per se, but rather has its reputation assessed based on four different dimensions. These four dimensions, the performative, moral, technical and legal procedural dimension are shaping the general reactions of the different audiences, as well as the associated behaviour of its members and officials (Carpenter, 2014).

2.2.1 Four Dimensions of Reputation

To give a general overview of these four dimensions: The first dimension, the performative dimension, is concerned with the reputation about the effective action of an organisation or agency, because that is what they are judged on (Carpenter, 2010). This is often dependent on the different audiences an agency wants to address with their performance. One crucial feature of this dimension is an agency´s ability to intimidate the specific audience they want to address. It is important to demonstrate vigour and aggressiveness in the pursuit of their aims towards the audiences, since that helps with beneficial decisions for the agency, as well as to deter challenges to the power of an organization (Carpenter, 2010).

The second, the moral dimension of reputation is concerned with the commitment of an agency to ethical and moral values. For this dimension the different audiences are concerned with the questions if the agency is protecting their interests and if they are showing compassion for those who are affected by their decisions (Carpenter, 2010). Furthermore, in order to emphasize this dimension of reputation it is important to show compassion and flexibility with respect to

human needs (Carpenter, 2010). This refers to a more personal level and most likely plays a more important role for agencies who are positioned in a humanitarian field.

The third, the technical dimension, is concerned with the reputation about the technical conduct of an organisation (Busuioc & Rimkutė, 2019). For this technical conduct are certain variables like scientific accuracy, methodological process or analytical capacity important (Carpenter, 2010). To emphasize this dimension, a special knowledge or expertise is needed. Questionable is if the members are actually "experts" in their field and if they are qualified enough for the natural authority that they are granted (Carpenter, 2010). This needs to be considered from a rational point of view.

The fourth and last dimension, the legal procedural dimension is concerned with the reputation that comes from following due process(es) (Busuioc & Rimkutė, 2019). That shows a connection and relation to the "justness of the processes by which its behaviour is generated" (Carpenter, 2010, p. 47). This differs from other dimensions in the case, that the norms to follow a certain strategy or to reach a specific aim are more important than the aim itself. This is especially in contrast to the moral dimension, since the ethical values or aims are not as important as the strategy and appropriate decision making to reach them (Carpenter, 2010).

For a perfect and strong organizational reputation, all four dimensions would have to be maximized. However, this maximization of all four dimensions at the same time is not possible in a real organizational environment. Maximising one dimension, means that another must suffer, which implies, that they are not moving in harmony to each other (Carpenter & Krause, 2011). Agencies are rather focusing strongly on one dimension, in accordance to their general mission and field of work.

2.3 Organizational Reputation and Cooperation

A good and strong reputation is important for an agency, as well as strengthening its position in the sector its working in and makes it more likely to engage in cooperation. The important and crucial benefits of a good reputation, however, are not only for supranational agencies, but also for national ones. Some of the main benefits coming from a positive reputation are to "generate public support, achieve delegated autonomy and discretion from politicians, protect the agency from political attack, and to recruit and retain valued employees" (Carpenter, 2002, p. 491). It is also crucially contingent with an agency´s authority, since that shows how it is perceived by external stakeholders (Wood, 2017). This suggests that a good and positive reputation supports an agency´s authority and thus increase it's support and positive picture from external stakeholders. Another important benefit of a positive reputation is, that it increases the legitimacy for an agency. Legitimacy is defined as "a generalized perception or assumption that actions of an entity are desirable, proper or appropriate within some socially constructed system of norms, values, beliefs and definitions" (Ruef & Scott, 1998; p. 878). For an agency, whether based on a national or supranational level, plays legitimacy an important role. If an agency has a high level of legitimacy, it means, that the actions of an organisation are desirable as well as appropriate with the constructed system of norms (Ruef & Scott, 1998). This shows that a high level of legitimacy is wanted, which increases the importance of a positive and strong reputation.

Reputation is a characteristic that gives uniqueness to an agency and emphasizes its unique and exclusive function (Rimkutė, 2018b). This uniqueness can in fact help an agency to further enhance its "niche role", which can also help an agency to survive in times of crisis or big competition. Reputation uniqueness is defined as a characteristic "which enables an agency that possess it to make a claim for unique contribution to the public good" (Busuioc, 2015, p.

42). This definition implies again, the importance of uniqueness, since it helps an agency to stand out and emphasizes that it is the only organisation that can carry out certain tasks.

Not only organizational reputation, but also cooperation can be very important for agencies, however, there needs to be a certain bureaucratic willingness from the cooperating partners, which is influenced by organizational reputation (Busuioc, 2015). Some agencies are even reliant on cooperation and it is often even mandated by rules or regulations. Even though it is important for agencies, there are many situations in which agencies are reluctant to cooperation, in order to, for example, protect their turf or because of contradicting attitudes with the other agency. That is why the literature suggests that cooperation has different effects on organizational reputation of regulatory agencies. I expect, that in case of cooperation between regulatory agencies, it is most often based on reputational calculations. There are *reputation-enhancing cooperation efforts*, as well as *reputational-depleting cooperation efforts* (Busuioc, 2015).

First, expectations concerning *reputation-enhancing cooperation efforts* will be addressed. As stated before, cooperation can help an agency with strengthening their own reputation. That is why they are more likely to cooperate, when it will bring any additional gain or advantage to their own reputation (Busuioc, 2015). Another agency´s cooperating work or outcome, may help with successfully carrying out a task and supporting an agency´s expertise. This implies, that this support is not necessarily threatening to their own uniqueness but rather helping to fulfil the technical/performative/procedural/moral dimension of reputation and emphasizing it. That is, why I expect agencies to cooperate on issues with a high potential of debate and with a high importance in their specific area of work. Other agencies are also one of the audiences that an agency must face and will be assessed by, which has influence on their reputation. This leads to the first hypothesis:

H_1: Regulatory agencies will engage in cooperation, if it enhances their positive technical/performative/procedural/moral organizational reputation without threatening its uniqueness.

However, there are also different expectations when it comes to the reluctance of cooperation between agencies, concerning the *reputational-depleting cooperation efforts* (Busuioc, 2015). Even though a good and strong organizational reputation can bring a lot of benefits, there are also potential reputational threats an agency must face, which can make cooperation rather risky.

For agencies, it is important to carefully assess those reputational threats, as well as selectively respond to them. Otherwise, it can potentially harm the distinctive reputation that the agency has inherited. There are two main reputation threats: First, is the fear of an agency to appear as if it failed to provide a timely, sufficient, and effective outcome (Maor, 2011). Second, is "the fear of appearing as if it has failed to provide a scientifically sound and high-quality assessment of the available scientific evidence" (Rimkutė, 2018b, p. 74). Both threats are a danger to a positive and strong organizational reputation, which can result in a crisis for an agency, or even a struggle for survival.

However, there are three main ways for agencies in order to deal with those threats as well as answer to a possible crisis or struggle appropriately: Silence, problem denial or problem admission (Gilad, Maor & Bloom, 2013). The choice for one of the responses goes according to the strength of the agency´s reputation. The strength of the reputation shapes the choice between complete silence or talk. If the agency has a positive reputation, it can afford to keep silence, because the criticism which results from reputational threats will not tarnish the reputation. But, if the reputation is rather weak, agencies tend to respond openly to threats,

either by denying the problem or admitting it and being open about the problem or crisis (Gilad, Maor & Bloom, 2013).

Conclusively, if an agency is not dealing properly with the reputational threats they are facing, it can potentially harm their positive reputation as well as harming their uniqueness (Busuioc, 2015), especially if the cooperating agency is based in a similar field. This implies, that if two agencies are cooperating, they are not viewed as solely unique anymore and the only one, who is able to carry out this specific function or task. That is why I expect an agency to be reluctant to cooperation, if their uniqueness is in danger. I also expect reluctance to cooperation, if the task is not concerning an agency´s core function or task, because that implies, that it is not important for the protection or also cultivation of its own reputation. Furthermore, I expect no willingness to cooperate, if this cooperation would bring additional work and liability to an agency, because that would not be efficient and necessarily beneficial. In general, this leads to the second hypothesis:

H_2: Regulatory agencies will not engage in cooperation, if it threatens their positive technical/performative/procedural/moral organizational reputation and its uniqueness.

In short, I expect that reputational calculations are the reason for cooperative or non-cooperative behaviour of agencies. I will test these hypotheses further in the empirical analysis based on two different cases, concerning the European Food Safety Authority agency (EFSA) and its cooperative behaviour as well as outcome.

3. Research Design

The next chapter focuses on the research design for this thesis, which defines the methods and techniques which are used to test the stated hypotheses as well as answer the research question about the effect of organizational reputation on cooperation. In order to do so, two different cases are analysed, in which one European Union (EU) agency was involved. The two cases are the case and discussion about the herbicide glyphosate as well as the case about the industrial chemical bisphenol A. In both cases, one of the main actors is the agency EFSA – the European Food Safety Authority.

Those two different cases were selected, because they are differing in their involvement of cooperation during the process. In the glyphosate case, the German Federal Institute for Risk Assessment, was the main cooperation partner, while in the bisphenol A case, EFSA had no concrete and close cooperation partner. Even though they are differing in their cooperation behaviour, both cases are facing similar challenges and threats, since both topics have been highly discussed from all different audiences. Glyphosate and bisphenol A are both substances that are in close contact with food and plants, either as an herbicide or as a chemical used for food containers among other things. This implies, that they are directly affecting the public health, consequently the public as an audience is very interested in outputs and outcomes. Also, this specific audience is posing a reputational threat to both cases, since the public as an audience is rather difficult to inform and educate due to different mindsets, experiences as well as interests. However, while in one case, cooperation between agencies, as mentioned before, plays an important role, the other case is not putting emphasize on cooperation. That is why I will use a comparative design in order to compare the two cases to observe and empirically analyse the effect that organizational reputation can have on cooperation.

As stated before, I expect, that in the case of glyphosate, where EFSA cooperated with another agency, the report will get more acknowledgement by other agencies, as well as bring

gains to the agency´s reputation. In the case of bisphenol A (BPA), I expect that potential cooperation will be a threat to EFSA´s uniqueness, as well as less acknowledgement from other audiences.

In the following sections of this chapter, an overview over the participating agencies is given as well as about the two cases and their procedures.

3.1 European Agency: European Food Safety Authority (EFSA)

In recent decades, the European Union created new regulatory agencies at the EU level. These agencies are in general supposed to "provide independent expertise of a highly technical or scientific nature not readily available within the European Commission" (Groenleer, 2014, p. 259). One of these recently created agencies, which is the main actor in both chosen cases, is the European Food Safety Authority (EFSA). As the name suggests, the main tasks and core functions of EFSA are all related to the food sector. Those food regulations in the European Union are going back until the 1960s, because in this time there were first moves in the direction of creating a common foodstuffs market (Groenleer, 2014).

In recent days, the main task of the European Food Safety Authority is to provide scientific advice, which is related to food and feed safety for issues of all European Member States (Rortais, et al., 2016). This means, that EFSA is assessing what substances or other things could potentially make food unsafe (Url, 2018). Food is a subject which is of interest for various audiences. It is of direct interest, since it directly affects every person, and that is why people can rather easily relate and feel personally at risk, if something is potentially unsafe or even health damaging. This general interest and traceability are the reasons, why EFSA as a European Agency was chosen.

EFSA and its creation is strongly related to several and repeated outbreaks of BSE or "mad cow" disease (Groenleer, 2014). During this time and crises, the domain of public health

and consumer confidence shifted from a more economic interest and agricultural policy concerns to a reform, influenced by food scares like the BSE crisis in 1996 or the dioxin scandal. The mismanagement of these crises, as well as a growing concern about genetically modified food products, gave room to create a new and independent agency, which is concerned with food (Groenleer, 2014). Conclusively, in February 2002, the European Food Safety Authority was created to become a scientific point of reference for the European Union for the whole area of food and food safety (European Parliament and the Council of the European Union, 2002). The agency has been created together with the General Food Law, has its own budget and works independently from the European legislative and executive institutions. (European Union and the Council of the European Union, 2002).

One of the main advantages of EFSA and their work, is that they have independence for their technical and/or scientific assessment, which is still their core function. Formally, they are tasked with the assessment as well as detection of (emerging) food risks and the output that they are creating consists mainly of opinions, which are produced based on scientific analysis as an answer to questions formally addressed to EFSA by either the Commission, the Member States or the European Parliament (Groenleer, 2014). The development of policies and proposed legislations by the Commission is then based on those opinions given by the agency. That implies, however that the agency and its autonomy is mainly based on the European Commission and its willingness to act on its advice (Groenleer, 2014).

EFSA developed some key values, since their creation, and of them, which is often emphasized, is independence, alongside with scientific excellence, openness, innovation as well as cooperation (EFSA, 2018). They are committed to work with independent experts, methods and data, which are free from any external influence, in order to re-establish the trust from the EU citizens in their ability to bring safety to the food sector (Rimkutė, 2018a). This is based on the circumstances of their creation, however, another fact why it is important to establish this

independence nowadays is because EFSA is often accused to have too close ties with the private industry sector (Rimkutė, 2018a). EFSA´s board consists of 14 members, and a representative of the Commission and the agency inherits different scientific panels and committees with independent experts, which are producing the scientific output (Groenleer, 2014). Especially the scientific experts contributing to the scientific panels are often accused of having a financial conflict of interest, implying that they are not stating their independent opinions (Rimkutė, 2018a).

3.2 Two Cases: Glyphosate and Bisphenol A

As stated before, the European Food Safety Authority is one of the main actors in two cases related to the food sector and food safety. These two cases are concerning the use of the herbicide glyphosate as well as the use of the chemical bisphenol A. These two cases were chosen, because they both show different cooperation behaviour, which will be observed and later on empirically analysed to answer the research question. Furthermore, they were chosen because of the controversies that both cases have raised in terms of scientific assessments as well as public concerns. The next section will give an overview over the two cases, in order to outline the important variables and later analyse those cases further as well as test the above stated hypotheses.

3.2.1 The Case of Glyphosate

The first case is a case concerning the herbicide glyphosate. Glyphosate is an herbicide, which is used worldwide as well as in the EU and was first discovered by a Monsanto chemist in 1970 and traded under the name Roundup (Rimkutė, 2018a). It is often most used in the agricultural sector and is aimed at combatting weeds, which are competing with cultivated crops (Rimkutė, 2018a). It has been the topic of many discussions among national, international, and EU

agencies. The controversy about this case and the toxicity of glyphosate started when on the 20th of March 2015 the International Agency for Research on Cancer (IARC), an agency linked to the World Health Organisation (WHO), released a scientific risk assessment report, which stated that glyphosate is "probably carcinogenic to humans" (IARC, 2017). During this time, other agencies were also carrying out risk assessments of scientific data concerning glyphosate. This was due to the fact, that the licence for glyphosate was due to expire in 2016 (Rimkutė, 2018a). Because, in order to reassess the substance, the Commission had already mandated EFSA in August 2014 to conduct a peer review about the topic and the potential risk of glyphosate. The risk assessment and peer review were then created in cooperation with other agencies of the EU Member States, but mostly in cooperation with the German Federal Institute for Risk Assessment (BfR, German: Bundesinstitut für Risikobewertung), which was mandated by the Commission as the Rapporteur Member State (RMS).

The German Federal Institute for Risk Assessment (BfR) was created on the 1st of November 2002, is a German national agency, and belongs to the sector of the German Federal Ministry of Food and Agriculture (German: Bundesministerium für Ernährung und Landwirtschaft (BMEL)). Their core mission is the protection of human health, with the help of scientific assessment, research and the communication of health risks through scientific reports (BfR, 2020). On the base of these reports, the agency offers policy advice, participates in national and international agencies and disseminates consumer information (BfR, 2017a). The BfR consists of different committees with different experts in them, integrating external knowledge helpful for assessment activities, which are having an advisory character for the BfR (BfR, 2017a). The German agency was a very important cooperation partner for EFSA in the case of glyphosate and its risk assessment. However, as already stated, the cooperation between EFSA and BfR was in this case mandated and predetermined by the normal procedure in cases for the authorisation of pesticides. The application for the authorisation of an active substance

needs to be submitted by the producer of it, together with a dossier about it (EFSA, 2020b). However, this does not need to be submitted to EFSA, but to its Rapporteur Member State. The RMS provides an initial evaluation in the form of a renewal assessment report (RAR), which is then peer reviewed by EFSA in cooperation with all Member States (EFSA, 2020b). This shows that cooperation plays an important role, not only with the RMS but also with the other Member States involved in the case of EFSA´s risk assessments. EFSA´s conclusion is then based on the RAR and forwarded to the European Commission, which finally takes a legislative decision and decide whether to approve the active substance (EFSA, 2020b). The normal and standard procedures for the authorisation of a pesticide are already showing, that cooperation plays an important and dominant role in this case and gives the opportunity for observation and analysis.

In general, the herbicide glyphosate has been assessed and re-authorised multiple times since its approval in the 1970s, by multiple national as well as international authorities. However, all these assessments in the past came to the same conclusion, namely given the authorisation for usage, with only some warnings for the safe use of it (Rimkutė, 2018a). The main reason, why the discussion sparked again, was the before mentioned report by the IARC. Due to this report, EFSA received a second mandate from the European Commission, in order to consider these conclusions by the IARC. Due to not enough time, EFSA asked for an extension, and the deadline was then moved to the 30th of October 2015.

This final report, based on the RAR provided by the BfR, concluded that glyphosate is unlikely to pose any carcinogenic risk to humans (EFSA, 2015a). Furthermore, other agencies like the European Chemicals Agency (ECHA), the United States Environmental Protection Agency (US EPA), the New Zealand Environmental Protection Agency (NZ EPA), the Australian Pesticides and Veterinary Medicines Authority (APVMA), the Health Canada Department of National Public Health (PMRA) and the Joint FAO/WHO Meeting on Pesticide Residues (JMPF) agreed in their reports, with the conclusion of the EFSA report (ECHA, 2017;

US EPA, 2016; NZ EPA, 2016; APVMA, 2017; PMRA, 2015; JMPF, 2016). Only the French Agency for Food, Environmental and Occupational Health & Safety (ANSES) stated that they needed to do additional research before concluding (Rimkutė, 2018a). This implies consent from other agencies either explicitly as well as implicitly, like in the case of ANSES.

However, especially the contrasting conclusion of the IARC heated up the debate about questioning the responsibilities of regulatory agencies and about the possibility of exposing humans to potential and unacceptable risks. This debate led up to severe public allegations from different external audiences about the failure of saving the public interests as well as being influenced by the private industry.

3.2.2 The Case of Bisphenol A

The second case is a controversy about the industrial chemical bisphenol A (BPA). Bisphenol A is worldwide used in food contact materials and has been in a lot of discussions between national as well as supranational regulatory agencies (Rimkutė, 2018b). It has been discussed, if the chemical is possibly posing a health risk to humans and if it is connected to obesity, diabetes, cardiovascular disease, immune system dysfunction, neurodevelopmental disease, and especially reproductive disorders, including potential risks for embryos (Rimkutė, 2018b). Especially the potential risk to embryos and babies has been a highly debated topic. This debate resulted in a ban on the use of BPA in infant feeding bottles that the EU Directive introduced on the 1st of May 2011 (European Commission, 2011), even though this decision was not based on strong scientific evidence. There were some European countries, which were especially supportive of this ban, including France, since they had introduced this ban even before in their own country. As stated before, France was one of the countries who, despite the creation of EFSA, kept their own national agency for food safety risk assessment, the French Agency for Food, Environmental and Occupational Health & Safety (ANSES). But in France not only

ANSES was in favour of the ban of BPA, but also a lot of active NGO´s who pushed, after the ban, further actions against the use of BPA in food contact materials (Rimkutė, 2018b). That is, why the French Ministry of Health requested a report from ANSES about the risk that BPA is posing. This report was published in September 2011and concluded, that the chemical poses a risk to the human health even at low doses (ANSES, 2011). That is why in October 2011 the French National Assembly voted in favour of a ban of BPA not only in infant feeding bottles, but in all food contact materials, from 2014 onwards (Rimkutė, 2018b). All these occurrences are showing that France was united and strong in their judgment about BPA and that is why they tried to influence the European Union as well.

Another important risk assessment came from EFSA and was published in January of 2015, which was in general not the first assessment report for BPA that EFSA had published during the years. However, the conclusions from all the reports were always similar and in contrast to ANSES report, namely stating, that "there is no health concern for BPA at the estimated level of exposure. These conclusions also apply to prenatally exposed children and to elderly" (EFSA, 2015b, p. 23).

The contrasting conclusions are showing the core problem, namely the lack of scientific consistency between the agencies and its risk assessment. The reports by ANSES and EFSA conflict with each other, which results in reputational threats as well as turf war battle between them. France tried to emphasize further on the importance of banning BPA in all Europe and its Member States, which made their contrasting assessments even more visible on the European level (Rimkutė, 2018b).

As stated before, EFSA was often accused to have too close ties with the private industry. This accusation was brought forth again by France, questioning EFSA´s and their scientists independence as well as their intentions. ANSES also had to face serious accusations,

because they got blamed for not being scientifically accurate and of stretching the interpretation of scientific data (Rimkutė, 2018b).

Because of their contrasting views and conclusions, the European Commission sent a letter to EFSA asking to provide scientific advice on the ANSES report (EFSA, 2011). They asked EFSA to analyse the divergence between the two reports, as well as they invited them to cooperate with ANSES and to prepare a joint document (EFSA, 2011). This was based on Article 30 of the Regulation (EC) No 178/2002, which tries to ensure that because of a divergence between a European agency and a Member State no further barriers are created in the food sector (European Parliament and Council of the European Union, 2002). This invitation and advice to cooperate, resulted in a joint meeting of experts from EFSA and ANSES carried out in 2011 in Italy. They concluded that their contrasting conclusions were mainly based on a different scientific approach and agreed to cooperate in the future and to exchange information (EFSA, 2011).

Even though the two agencies agreed to cooperate in the future, in the coming years, they were reluctant to do so. They did not openly attack and accuse each other, but still stuck with their opinion about the potential risk that bisphenol A poses to the human health. This reluctance to cooperate shows a different behaviour than in the glyphosate case and offers the opportunity to observe and analyse a different behaviour towards cooperation.

3.3 Comparative Design – Most Similar Systems Design II (MSS II)

For this thesis I examine, if reputational calculations have an influence on the decision for an organization to engage in cooperation or not, testing in times of a controversy. This research design is helpful to test the specific hypotheses stated before as well as help with a possible generalization of the insights arising from this research (Toshkov, 2016). Specifically, for the analysis I will use a most similar systems design. There are two different forms of the most

similar system design, which are different for certain types of cases and situations. However, for this thesis I will use the second form of the most similar system design (MSS II). This design is based on inductive logic and the task is, to "discover a difference between the cases that can account for the difference in outcomes" (Toshkov, 2016, p. 265). For this type both the control variable as well as the outcome variable are considered in the process of case selection. The picked cases are in general as similar as possible, however differ in the outcome of interest (Toshkov, 2016).

For the chosen cases, the outcome of interest in which they are differing, is the cooperative behaviour of the European agency. Conclusively, the variable of cooperation is handled as the dependent variable, while this thesis will observe and analyse if organizational reputation is the main explanatory variable.

The two cases, the case of glyphosate and the case of bisphenol A have already been described above. However, there are also certain similarities as well as differences between the two cases. These similarities and differences are important to outline first, in order to analyse them in the next chapter further.

3.3.1 Similarities between the Two Cases

The first and biggest similarity between the cases of glyphosate and BPA is that their main actor is the same, namely the European Food Safety Authority. They are both concerning a food safety issues, which is in general a very sensitive area, since it often involves potential risk for the human health. Furthermore, both cases have been the topic of multiple discussions either between different agencies, as well as between other external audiences. Third, in both cases other agencies came to a different conclusion than the EFSA report, which led up to the heated debate. Furthermore, even though EFSA cooperated with BfR in the glyphosate case, in both

cases, the agency received critique from other agencies, either from IARC in the case of glyphosate or from ANSES in the BPA case.

3.3.2 Differences between the Two Cases

There are also differences between the two cases, which need to be pointed out. One of the biggest differences, which is the main topic of this thesis, is the use of cooperation in the two cases. While in the glyphosate case, EFSA had the German Federal Institute for Risk Assessment as their main cooperation partner, the bisphenol A case didn´t show such a cooperative behaviour. Second, the cases are differing in the support by other Member States of the European Union. In the glyphosate case, other agencies, even from outside the EU, were agreeing with their report to EFSA findings and scientific opinion, while in the BPA case, not only France had an opposing view to the risk of the chemical.

Furthermore, the opposing view of a risk assessment came from a Member State in the case of BPA, while for glyphosate it came from an agency outside of the European Union regulatory system, namely from IARC, which belongs to the World Health Organization.

3.4 Observation of Organizational Reputation and Cooperation

As the research question suggests, the main contribution that this thesis will make, is the observation and empirical analysis of the effect that organizational reputation has on cooperation between regulatory agencies. It aims at testing the two stated hypotheses, in order to form a conclusion. Therefore, the level of analysis is the organizational level.

Cooperation in this case is functioning as the dependent variable, because it is viewed as a potential “effect” or “explanandum”, in which this thesis is interested in and tries to describe, explain and predict (Toshkov, 2016).

Carpenter and Krause (2011) defined reputation as “a set of beliefs about an organization that pertains to its capacities, intentions, history and mission that is embedded in a network of multiple audiences” (p. 2). For this thesis, organizational reputation is handled as the independent variable, since it is the possible “explanatory” variable. As stated before, there are also other variables, potentially influencing organizational reputation, such as leadership style. However, this thesis, will mainly focus on the effect of reputation on cooperation to further emphasize its key role.

In order to concretely observe the reputation of an agency, this qualitative thesis will mainly draw on primary documents. These primary documents are consisting of publicly available statements published by the agencies itself and by other agencies and institutions as well as open letters and commentary´s concerning the risk assessment reports. Furthermore, media releases and open accusations concerning the two cases are considered, as well as scientific outputs and reports.

4. Analysis

One could assume, that if different agencies are assessing the same substance or chemical, they would come to consistent findings and draw the same conclusions from it. However, in the cases of glyphosate and BPA, EFSA´s conclusion was different than the conclusion of IARC for glyphosate and different than ANSES conclusion in the BPA case. That was not the only rather puzzling observation concerning these two cases. Even though they are both concerning a food safety issue, as well as they were carried out by the same European agency, by EFSA, the cooperative behaviour was different resulting in different reputational outcomes for the agency.

This next chapter focuses on those two cases, with its actions and reactions, as well as outcomes, in order to analyse the reputational consequences and potential benefits resulting from the cases. Namely, when taking a closer look, it is visible, that actions are taken by the agency, in order to enhance and support their own organizational reputation. As mentioned before, other possible influences on reputation, like leadership or the economic situation are existing as well, however the observation and analysis of organizational reputation is the main interest of this thesis.

This chapter continues with two sections concerning, first, the incentives of cooperation, observed and analysed on the case of the herbicide glyphosate. The second section is about the effect of no cooperation observed and analysed on the case of bisphenol A.

4.1 Incentives resulting from Cooperation

The whole food safety sector is used to face crises in the past years and decades, not least because the European Food Safety Authority was created as a response to the aftermath of major food crises in the late 1990s. That is why they now want to ensure that scientific advice as well as communication about potential risks resulting from any substance are equally provided to all

EU institutions and the Member States (Rimkutė, 2018a). That is why one of the main goals of EFSA is, to ensure the same level of information about food safety issues in the whole European Union. This goal should also make sure, that citizens regain their trust in the safety of their food supply (Rimkutė, 2018a).

However, there are cases, in which different agencies are coming to different and maybe even contradicting scientific conclusions. That was also the case for the assessment of the worldwide used substance glyphosate. When the European Commission mandated EFSA to assess glyphosate for a possible renewal of its licence in 2014, their conclusion stating that glyphosate was not carcinogenic to humans (EFSA, 2015a) was in contradiction with a report coming from the IARC from 2015 stating the opposite (IARC, 2017). Germany, who was functioning as a Rapporteur Member State provided EFSA with the Renewal Assessment Report upon which EFSA based its review on. Even though EFSA examined the RAR and its scientific evidence, the cooperation must be based on trust between the agencies, since the process involves strict deadlines, as well as a reasonably quick process (European Parliament and Council of the European Union, 2009). While the conclusion and the report of the IARC was acknowledged and considered, after a second mandate of the Commission requested the consideration of the report, EFSA still concluded, that glyphosate does not pose any carcinogenic risk to humans.

Since glyphosate is used worldwide, these contradicting conclusions were of interest for every Member State, as well as the public, since it is a matter of concern for all those audiences. That is why the conflict between the agencies about the potential risk of using glyphosate led to a raising interest in it, as well as to open public allegations from different audiences against EFSA and BfR, as well as to openly public responses from the agencies themselves.

A group of scientists led by Dr. Christopher J. Portier openly addressed some issues they had with EFSA´s and BfR´s assessment. Portier along with other scientists wrote open

letters to Vytenis Andriukaitis, the Commissioner for Health and Food Safety at the time, in November 2015, as well as to Jean-Claude Juncker, the president of the European Commission at the time, stating, that the IARC´s conclusion is "by far more credible", specifically stating, that EFSA and BfR were not as transparent with their work and that their findings are flawed (Portier et al., 2015, p. 2; Portier et al., 2016). He also openly criticized specifically the work and input of the German Federal Institute for Risk Assessment and started, by doing so, a heated debate about the standards of scientific assessment and practice. Portier stated, that there were "serious flaws in the scientific evaluation in the RAR", which "incorrectly characterise the potential for a carcinogenic hazard from exposure to glyphosate" (Portier et al., 2016, p.1). He and the other scientists accused the BfR of using too much unpublished data, which makes it impossible for the IARC or other organisations or scientific experts to also assess them, as well as not taking important studies proving the carcinogenicity for humans into account. (Portier et al., 2016). One other big point of critique they expressed, was the accusation, that BfR copied parts of the RAR from the dossiers of the applicants (Portier et al., 2016). This accusation implies a concern about too close relationship with the private industry, and a potential bias of the scientific conclusion made by the BfR.

In general, the accusations and points of critique against EFSA and BfR are at the core of their mission. They were accused of not being transparent, not scientifically accurate, influenced by the industry and especially of failing to protect the citizens as well as their health and exposing them to risk. Since one of the main missions of the European agency is for citizens to regain trust in them, these accusations were very dangerous and risky for the agency and especially its organizational reputation.

There are three main ways to respond to those reputational threats: Silence, problem denial or problem admission. The agencies decided to openly address the accusations and respond to them, which is an indicator, that they saw them as a possible danger to their

reputation and that their reputation was not strong enough to respond with only silence (Gilad, Maor & Bloom, 2013). The BfR made an open statement, in order to publicly reject the accusations made against them by Dr. Portier and the other scientists. They stated that they followed the normal and required process, and only worked accordingly to the international standard when integrating relevant passages from the submitted documents by applicants. Furthermore, they rejected being influenced by the applicants, and stated again, that also other agencies, like EFSA or the European Chemicals Agency (ECHA) with the same data access and scientific knowledge came to the same conclusion (BfR, 2017b).

Furthermore, EFSA´s executive director Bernhard Url made an official response addressing allegations against EFSA from Dr. Portier, as well as directly responding to his letter. He invited IARC to discuss the scientific divergence between them, as well as emphasized that EFSA was open and transparent in their assessment (EFSA, 2016). EFSA also openly addressed the allegations that were made against the Renewal Assessment Report, in which they stated that they were "based on a fundamental lack of understanding of the EU pesticides assessment framework" (EFSA, 2017b, p. 1), explaining again that the scientific process was following all rules and regulations. They used very strong language as well as shifted the blame away from their work and accused their objectors of undermining their process on purpose in order to receive political gain (EFSA, 2017b). Apart from this statement, EFSA also published their conclusion on glyphosate, which included around 6,000 pages of background documents with comments and detailed information from scientific experts from all Member States, in order to further emphasize and demonstrate transparency (EFSA, 2017a).

Through their open statements against all accusations and allegations made by different stakeholders and audiences, the agencies aim was to rebuild a positive organizational reputation. EFSA and BfR showed awareness of the threats to their reputation and the

multifaceted nature of it. This is further shown, because with certain passages and statements they are putting emphasis on one of the four dimensions of reputation, discussed before.

The *performative* dimension is characterized by effective action, on which the agency gets judged on, as well as by vigour and a certain aggressiveness towards its mission (Carpenter, 2010). Emphasis on this dimension is shown through the firm actions, that EFSA and BfR are taking, by publishing all their documents and expert comments as well as intimidating their objectors, by accusing them of a lack of understanding for their assessment work (EFSA, 2017b). All the public allegations are also implying, that the agencies are putting the public health at risk by not banning glyphosate. However, in their statements the agencies are emphasising again the importance of public health for them, putting more emphasize on the *moral* dimension of their reputation, as well as their values.

By emphasizing the legal and correct routine they are following in their scientific process and assessment they are emphasizing also the *legal procedural* dimension of their organizational reputation. The statements are repeatedly mentioning the following of the due process for risk assessment and are made stronger by accusing their objectors of a "lack of understanding of the EU pesticides assessment framework" (EFSA, 2017b, p.1). The accusations made against the agencies could be severely damaging, however by sending strong *legal procedural* signals when reiterating their scientific process and routine steps, they are emphasising their independence from the influence of industry, which is one of the biggest accusations made against them.

Another big accusation was the accusation of not working scientifically accurate, which is one of the core vulnerabilities of EU agencies. That is why they are putting specifically strong emphasis on their *technical* reputation, trying to defend it. The technical dimension of reputation is concerned with the technical conduct as well as scientific accuracy, the methodological process and analytical capacity (Carpenter, 2010). EFSA tried to defend their

technical dimension of reputation, by indicating that they are confident with their scientific analysis as well as with the data they were using, especially since not everything was openly accessed data.

With putting emphasis on the different dimensions of their organizational reputation these statements and their intentions, the agencies tried to mainly focus on their core vulnerabilities, like scientific accuracy, transparency, independence and a high interest for the public health. This helps strengthen their positive reputation in times of crisis and doubt as well trying to legitimise their conclusions, processes and outcomes in the glyphosate case.

However, these statements and justifications are much stronger based on cooperation between EFSA and BfR. Both agencies are strongly holding on to their connection, which is shown through the fact, that in all the publications the agencies are backing each other up and supporting one another as well as its scientific process and assessment. They are viewed as one unit in this case, which provides them with a stronger common voice, as well as it is providing them with even more scientific knowledge and assessment. That implies, that through the cooperation with the BfR, EFSA enhanced their positive organizational reputation and gained the incentives of more strength, more scientific knowledge as well as a constant support in times of crisis.

Since both agencies are rather perceived as one unit, the cooperation between them is not necessarily enhancing their uniqueness. As mentioned before, if an agency is unique, it inherits a “niche role” and refers to its potential to make a unique contribution to a specific sector (Busuioc, 2015). In this case, both agencies were able to carry out the task of assessing the herbicide, with the same data and coming to the same conclusion. Even though the cooperation is not enhancing uniqueness, it is not threatening it either. The cooperation is in fact even helpful for the effective and successful execution of the risk assessment, since EFSA is building on BfR´s work and RAR.

Conclusively, the analysis of primary documents showed that the case of glyphosate provided a lot of potential for a heated debate from different agencies and audiences. Even though EFSA and their cooperation partner BfR received a lot of criticism about their scientific work and independence, as well as its transparency, they still cooperated successfully. This is shown by the fact, that even in the light of strong accusations they supported each other with their statements and presented a strong front for every audience. Strength, support and unity are important reasons for cooperation however this case shows, that reputational calculations are one of the main reasons for agencies to cooperate, in order to survive a crisis.

4.2 Effects of no Cooperation

After observing and analysing the case of glyphosate in which EFSA cooperated closely with the BfR, this section is about a case of EFSA, in which they did not have a close cooperation partner. The chemical bisphenol A has been the topic of a lot of discussions for several years now. EFSA assessed the substance multiple times, always concluding, that it is not posing risk to the human health in the recommended doses (EFSA, 2010; EFSA 2015a). This stands in contrast to the assessment carried out by ANSES, which stated, that it was posing a risk, especially for babies and children (ANSES, 2011). The usage of the chemical in baby feeding bottles was banned by the European Commission in 2011 (European Commission, 2011), but France tried to push this ban even further.

This constant disagreement about a chemical, especially one which is used in food contact material, gained after a while momentum and interest on a European level. The contrasting opinions of EFSA and ANSES were posing serious reputational threats to each other and started an open competition between them. The fact, that in this case the critique came from a direct Member State, namely France, in contrast to any other agency or organisation outside of the EU legislation body posed a serious trust problem on EFSA. If Member States starts

questioning as well as ignoring EU agencies decisions and outcomes, the public and other audiences could potentially start to question their reliance and legitimacy in general.

This divergence between EFSA and one of its Member States, in this case France, led to a specific regulatory system for a case like that. Since the regulatory system is rather complex for the EU, the decision to cooperate is often made at the top of political hierarchies (Busuioc, 2015). In this case, the system is supposed to ensure food safety, as well as dismantle barriers and "distort competition between food business operators in different Member States" (European Union and the Council of the European Union, 2002, p. 3). That is why EFSA and ANSES had an Expert Meeting about BPA on the 3rd of December 2014 with experts and staff from ANSES and EFSA. The actual goal of this meeting was to expose the differences in both assessment as well as to support cooperation between the two agencies (EFSA, 2014). It was in general a positive encounter between the two agencies and concluded, that the main divergence was based on the different approaches of hazard identification carried out by ANSES and risk assessment, carried out by EFSA. Even though they produced as a result a joint document, in which they agreed "to collaborate in the near future and exchange views, information, and documents concerning BPA" (EFSA, 2011, p.5), they still did not solely agree on one of the conclusions. EFSA stayed with its opinion that in the appropriate doses, BPA does not pose a risk to the human health (EFSA, 2015a), while ANSES still emphasized its risk.

Accusations against both agencies did not stop after the joint meeting and especially the allegations against EFSA and the independence of its scientific experts was in question. French NGOs involved in the BPA discussion accused EFSA of being dependent on and influenced by the industry (Chemical Watch, 2012). This was not the first time, that this accusation was made against EFSA and its scientific experts sitting in the panels involved in the risk assessments.
A report by the Corporate Europe Observatory also showed, that 46 % of the current scientific experts of EFSA have a financial conflict of interest (Corporate Europe Observatory, 2017).

One could assume, that a cooperation between EFSA and ANSES in the case of bisphenol A could have possibly stopped or moderated the accusations against each other, however there are also other calculations on which the decision not to cooperate which should be considered. Reputational calculations could have been one of the reasons for no cooperation as well, because cooperative behaviour between the two agencies are a potential threat to EFSA´s organizational reputation.

As mentioned before, one of the core responsibilities of EFSA is to ensure the public's health by thoroughly and responsibly assessing all substances in contact with food. If EFSA would now agree with ANSES and conclude, that BPA after all poses a risk to the human health, their reputation would be permanently damaged and negatively viewed, especially by the public as an audience. It would pose a serious threat to the *moral* dimension of their reputation and their key values. However, the other dimensions of reputation are threatened by a cooperation as well. In order to emphasize the *performative* dimension of reputation, EFSA needs to show effective action, as well as a certain vigour or aggressiveness in their behaviour (Carpenter, 2010). Even though there were acting rather nonaggressive, especially against ANSES, with their statements, they still showed effective action in their steps. In order to take new studies into account, EFSA reviewed BPA multiple times in the past years, in order to ensure the safety of use of it and updated the recommended doses appropriately (EFSA, 2015b).

Even though EFSA was not aggressive towards ANSES conclusions or its scientific process, others expressed their concerns. The leading manufacturers of BPA have launched a consortium, REACH consortium, in order to prepare a consistent registration dossier for bisphenol A (REACHCentrum, 2020). Experts from the consortium commented on the proposal for harmonised classification and labelling (CLH Report) for BPA, which was prepared by ANSES in 2013. They strongly criticised ANSES and concluded, that ANSES "builds its arguments on incomplete, inconsistent and selective use of data rather than on a sound and

comprehensive weight-of-evidence approach as dictated by good science and by ECHA´s "Guidance on the preparation of dossiers for harmonised classification and labelling"" (REACHCentrum, 2013). However, this was not the first time, that ANSES has been accused of scientific inaccuracy. They were also accused of having no scientific foundation in the case of the ban of BPA for infant feeding bottles (Rimkutė, 2018b). Since the scientific work of cooperating agencies is often viewed and judged together, a potential cooperation between EFSA and ANSES, in the case of BPA, could have threatened EFSA´s *technical* reputation. Their work could be considered as scientifically inaccurate as well and could damage their positive technical reputation and positive scientific standing.

The last dimension of reputation, the *legal procedural* dimension, is also exposed to a threat in case of cooperation with ANSES. This dimension is enhanced if the agency follows due processes and a certain strategy (Carpenter, 2010). By cooperating with ANSES, EFSA would have to change their strategy and adjust their processes, which would pose a threat to their legal procedural dimension of reputation.

Another aspect on which a cooperation would pose a threat on, is EFSAs uniqueness. If they would cooperate, and adopt parts of ANSES assessment, it would imply that EFSA is not on its own capable of carrying out an accurate risk assessment, which would threaten its unique role in this sector.

The observation and analysis of documents, articles and reports concerning the case of bisphenol A show, that a close cooperation with ANSES could have posed threats on EFSAs positive organizational reputation and its uniqueness. This suggests, that if taking a reputation-based perspective, reputational calculations are the reason for non-cooperative behaviour in this case.

5. Discussion

This thesis has sought to observe, analyse and explain the effect, that organizational reputation can have on a regulatory agency´s decision to engage in cooperative behaviour with another agency or not. Two different cases were introduced and analysed, both carried out by the main actor for this thesis, the European Food Safety Authority. The two cases, which were analysed were the cases of the risk assessment of glyphosate and of bisphenol A. The first case was about the risk assessment of the herbicide glyphosate, in which EFSA closely cooperated with its Rapporteur Member States´ agency, the German Federal Institute for Risk Assessment. Even though both had to encounter accusations from various audiences, the analysis in this thesis shows, that EFSA cooperated with a national agency in order to further enhance its positive performative/technical/procedural/moral organizational reputation. This cooperation did not only enhance its positive reputation but also did not pose any threat to EFSAs uniqueness and was conclusively showing *reputation-enhancing cooperation efforts.*

Consequently will the first hypothesis of this thesis: *"Regulatory agencies will engage in cooperation, if it enhances their positive technical/performative/procedural/moral organizational reputation without threatening its uniqueness."* be accepted.

EFSA showed in the second case, the assessment of the chemical bisphenol A, a different cooperative behaviour. The EU agency showed reluctance to cooperate with the French Agency for Food, Environmental and Occupational Health & Safety. A cooperation would have posed a threat to its positive technical/performative/procedural/moral organizational reputation as well as to the agency´s uniqueness. That is why they showed *reputational-depleting cooperation efforts* in the process of this case.

Consequently will the second hypothesis of this thesis: *"Regulatory agencies will not engage in cooperation, if it threatens their positive technical/performative/procedural/moral organizational reputation and its uniqueness."* be accepted.

The analysis of both cases and the findings showed that organizational reputation is an important factor for a regulatory agency´s decision to engage in cooperative behaviour or to be rather reluctant towards it.

Broader findings from this thesis are showing, that they have relevance for either mandated but also for not mandated cooperation, since mandating is not necessarily a guarantee for success, but rather reputational calculations should be considered. The analysis also indicates that the consideration of reputational aspects and an agency´s uniqueness can have influence on general inter-agency interaction, which is also supported by other studies (Busuioc, 2015). Appropriate considerations can help to emphasize cooperation more persuasively as well as make it more attractive for all cooperation partners. The analysis above indicates as well, that reputational thoughts and considerations should be part of cooperation calculations, in order to emphasize its positivity and the potential benefits for agencies. They could especially be interesting, helpful and guiding for complex regulatory systems like, for example, the European Union.

This thesis indicates for future research that a reputational-based approach to cooperation is a promising way. The theoretical framework, which was developed in the second chapter of this thesis could be redefined according to most recent studies, as well as tested on other cases. Especially cases concerning other sectors and involving non-mandated cooperation can bring added value and new perspectives to promising the field of organizational reputation and inter-agency cooperation.

However, there are also certain limitations to this thesis, that need to be addressed. The cases which were observed and analysed are cases of regulatory European agencies. That is why the conclusions drawn from the data above, are foremost regarding these specific agencies. Furthermore, extensions to this thesis, including not only supra-national or national, but also international agencies, could be promising and could offer more insights and findings, in order to support the conclusions drawn. Interviews with either agency employees or also external audiences could further enhance findings, conclusions and interpretations, which were not feasible for this thesis, due to time limitations.

6. Conclusion

This thesis posed a statement, that cooperation, collaboration and communication are increasingly important in todays interconnected and quick changing world, especially for the European Union and its Member States as well as various institutions and agencies. However, inter-agency cooperation should be a positive encounter between all cooperating partners, as well as rewarding for them. This thesis has the intention of acknowledging, understanding and promoting reputational calculations as a foundation for cooperation, in order to respond to reputational threats. A reputation-based approach can provide an interesting and promising perspective to the field of inter-agency cooperation as well as to organizational reputation. It aimed to illustrate how cooperation between agencies is based on reputational calculations, in order to battle reputational vulnerabilities, respond to accusations from audiences and avoid failures, which could put the public at risk.

This was observed and analysed based on two risk assessment cases, in which the European Food Safety Authority played the main role. The first case, the risk assessment of the herbicide glyphosate showed cooperation enhancing behaviour, which helped with dealing with reputational threats, posed by external stakeholders. The findings concerning this case suggest that agencies will engage in inter-agency cooperation if it enhances their positive organizational reputation.

The second case, the risk assessment of the chemical bisphenol A however, showed rather cooperation reluctant behaviour, in order to battle the reputational threats that EFSA was facing in this case. The observation and analysis suggest, that if a cooperation will potentially pose a threat to an agency´s positive organizational reputation as well as its uniqueness, they will also respond with cooperation reluctant behaviour.

Conclusively, this thesis shows, that organizational reputation has a direct effect on cooperation for regulatory agencies and should be considered.

7. References

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