



TRANS**C**RISIS

Enhancing the EU's Transboundary
Crisis Management Capacities

WP4
**Political Leadership, EU Institutions and
Transboundary Crisis Management**

Deliverable D4.5

**Papers based on analysis of a dataset of European
agencies heads and board members, on the survey of
agency heads and board members, and on three case
studies**

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WP4.3. Political Leadership in EU agencies

Deliverable 4.5.1. European Union Agencies: A transnational logic?

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Abstract

European Union agencies have been studied explicitly or implicitly from two distinct theoretical backgrounds: an intergovernmental and a supranational logic. The two logics relate to broader dynamics that aim to understand the forces that the EU responds to. Against this backdrop, the present paper asks the following question: how can intergovernmental and supranational perspectives be reconciled in the study of EU agencies? The question we put forward seeks to discuss EU agencies as singular artefacts that combine intergovernmental coordination and access to supranational power under conditions of institutional isolation and a strong professional identity. The paper problematizes the literature on EU agencies along these lines before proposing that these organizations be studied as part of broader dynamics linked to their coordinating role in European policy-making. We conclude with a plea to favor an analysis that would reconcile these two perspectives based on considering agencies as trans-governmental bodies operating in transnational spaces.

Key words

EU agencies; Intergovernmentalism; Supranationalism; Transnationalism; Coordination; Agency independence

1. Introduction

The *agencification* of public administration at the European level has represented a reconfiguration of the EU executive power (Egeberg and Trondal 2009) as well as the appearance of new actors with influence over European policy-making (Coen and Thatcher 2008; Wonka and Rittberger 2010). This large-scale transformation has received ample scholarly attention in recent years, and a great interest has been placed to understand the nature of such agencification process. Different debates on the significance of EU agencies have emerged, mainly centred on the motivations behind their design, the level of political independence, their organizational autonomy, and the different mechanisms of accountability they convey (Majone 1996; Kelemen 2005; Dehousse 2008; Christensen and Nielsen 2010; Busuioc 2013; Pérez-Durán 2017).

Scholars studying EU agencies have explicitly or implicitly followed different approaches, most of which are supported by two distinct theoretical backgrounds: either emphasizing the intergovernmental nature of agencies or considering the relevance of a supranational logic in their development (Egeberg et al. 2015; and Egeberg and Trondal 2017). A major difference between these two approaches is how they interpret the role of European institutions and whether they understand the supranational logic of the European Commission as encompassing the activities of EU agencies or not. The two logics relate to broader dynamics that aim to understand the forces that the European Union responds to. The intergovernmental logic claims that member states are behind the integration process; in this process, they agree to pool resources with other states while designing EU institutions that oversee it (Puchala 1999). In contrast, a supranational logic acknowledges EU institutions as autonomous poles of power that concentrate resources and decision-making capabilities while promoting European integration on their own (Sandholtz and Stone Sweet 2012: 9). However, as Schimmelfenning (2015: 723–730) asserts in a critique of liberal intergovernmentalism, the two logics seem to be insufficient for analyzing the drivers behind the functioning of EU institutions. Agencies' operational logic appears to resist clear-cut interpretations based on any of these logics, as it requires an explanation

beyond the agencification process that challenges the interpretative frameworks they are based on.

Against this backdrop, the present paper asks the following question: *how can the intergovernmental and supranational perspectives be reconciled in the study of EU agencies?* This question seeks to make a normative plea to understand EU agencies as singular artefacts that combine, with different intensities, intergovernmental coordination and access to supranational power under conditions of institutional isolation and strong professional identities. We argue that a possible path is to focus on the *transnational dynamics* around EU agencies and their activity as trans-governmental bodies in the European space. Our argument starts from acknowledging that agencies nurture from a plethora of actors that are not necessarily entrenched in the national government's bureaucracies or EU-level governing institutions. By doing so, we move the focus from the EU multi-level power relations to the fragmented responsibilities and the specialization carried out by different actors operating at EU-wide policy sectors.

The basic principle behind the transnational dynamics is that agencies respond to multiple interactions based on the mandate, tasks and operations they perform, beyond the hierarchical principle that the intergovernmental and supranational perspectives assume. Within these transnational dynamics, the transgovernmental character is based on their composition, formed by representatives from EU institutions, member states and in some cases, stakeholders related to the policy sector of the agency. The transnational logic in the study of EU agencies is not something new; in fact, Renaud Dehousse (2008) states that 'none of the existing agencies can be depicted as a mere instrument in the hands of any of the "political" institutions' (803). In other words, EU agencies may absorb supranational and intergovernmental tensions derived from the existence of several principals at both the EU and state level. Under these conditions, we should better understand how agencies articulate governmental units, but also broad networks of expertise and dispersed power resources in the EU governance scheme. Our contribution then is twofold, on the one hand, to further develop the conceptual operationalization of this

logic in regard to agencies and on the other, to empirically focus on certain characteristics in the agencies that may potentially enhance the agencies' transnational space.

This paper is divided as follows: first, we discuss the intergovernmental and supranational logics in relation to EU agencies. Next, we introduce the transnational logic as the differentiated lens that helps to build a new understanding of EU agencies activity, based on their functional and organizational characteristics. We then empirically discuss certain features in the members' composition of the EU agencies' management boards, the decision-making body par excellence in these institutions, in order to illustrate how these trans-governmental bodies operate. Finally, we put forward our plea to further study EU agencies as trans-governmental bodies that articulate multi-level policy sectors in transnational European spaces, making use of both intergovernmental and supranational instruments.

2. Analytical perspectives on EU agencies: between the intergovernmental and supranational logics

Although the definition of EU agencies in the literature is quite diverse, most authors acknowledge the non-majoritarian and specialized nature of their mandate. EU agencies are defined as 'EU-level public authorities with a legal personality and a certain degree of organizational and financial autonomy that are created by acts of secondary legislation in order to perform clearly specific tasks' (Kelemen 2005: 175–6; Kelemen and Tarrant 2011: 929). Taking into account a more power-based approach, Levi-Faur (2011) defines an agency as an 'administrative organization with distinct, formal identity, an internal hierarchy and, most importantly, at least one principal'. It is precisely the role of different principals (e.g., the Council, the European Commission, member states), adds Dehousse (2008), that makes EU agencies such interesting institutions to study. To put forward our plea for a more sophisticated understanding of EU agencies, we first need to better grasp the logic and current shape of studies focusing on EU agencies. In general lines, as already mentioned, scholars have

explicitly or implicitly followed the intergovernmental and supranational logics to explain the agencification of different policy sectors at the EU level.

The *intergovernmental logic* defends the notion that EU agencies were created as a mechanism to implement or monitor the policies that were jointly approved by the member states (Thatcher and Coen 2008). According to Pollack (2003), this logic emphasizes the power preferences of the member states, which contribute to the development of the EU's capacities in a fragmented manner. The fragmentation is connected to a model that argues that EU institutions (agencies included) depend on the member states' material and immaterial resources. The intergovernmental logic builds on Moravcsik's (1993) proposal of a theory of liberal intergovernmentalism. He holds that EU institutions and the whole process of integration are the results of, first, national preference formation; second, an intergovernmental EU-level bargaining model; and third, the incentives derived from interstate commitments. In a classical intergovernmental logic, agencies should incorporate the views of different member states' apparatuses, including their national agencies and ministries as well as different domestic stakeholders (Puchala 1999: 319).

Unlike the intergovernmental approach, the *supranational logic* holds that having a supranational authority brings about a change in the expectations and behaviours of social actors, 'who in turn shift some of the resources and policy efforts to the supranational level' (Sandholtz and Stone Sweet 2010: 20). The supranational logic also defends the fact that the EU promoted an integrated and uniform administration (Olsen, 2007). Under this logic, agencies are instruments for the centralization of regulatory functions at the EU level (Majone 2005), or at least, as EU institutions, they take on, *de jure* or *de facto*, supranational powers regarding member states (Ossege 2016). As a political body, the European Commission has presented itself as the promoter of the agencification process in the EU (Dehousse 2008: 792). Sandholtz and Stone Sweet (2012: 19) claim that supranational organs 'would possess the formal attributes necessary to make them an agent of integration'. A more procedural argument claims that although the EU initially followed a more network governance approach based on consensus building, there has been a growing tendency for a lead-

agency model since the 2000s, in which the EU institutions have a prominent role (Thatcher and Coen 2008; Egeberg and Trondal 2011; Boin et al. 2014; Levi-Faur 2011).

Between these two logics, transnationalism thus emerges as a bridge for studying the agencification phenomenon at the EU level. There are some studies on the regulatory power at the EU level implicitly appealing to this logic from a network approach (Eberlein and Grande, 2005). Egeberg and Trondal (2017) mention that those studies following the transnational logic refer to agencies as hubs with enhanced autonomy from different actors, both national and European. In this respect, a transnational perspective would consider agencies as part of a more horizontal space where intergovernmental and supranational dynamics coexist with the functional needs of EU institutions (Pollack 2003). We suggest approaching the rise of EU agencies as part of a larger transition on the part of the administrative state towards agencification and professionalism, which have triggered the massive diffusion of independent agencies over the world in recent decades (A).

Studying agencies through the intergovernmental and supranational logics has been part of the exercise to understand their origin and expansion. The early formation of networks of national agencies throughout Europe in key sectors (Blauberger and Rittberger 2015), their evolution towards EU agencies with a specific mandate (Rittberger and Wonka 2013), and the development of regulatory governance (Coen and Thatcher 2008; Thatcher and Coen 2008; Mathieu 2016) have been guided by three parallel processes: *governancing*, *networkation* and *agencification*. *Governancing* implies the decentralization of power through decentralized systems of governance. *Networkation* implies the establishment and formalization of networks, which refers to the process of formalizing their roles and missions by mean of establishing loose organizations. Finally, *agencification* entails the formalization of stable organizations with specific responsibilities and mandates. Although the logics of *governancing*, *networkation*, and *agencification* have not explicitly been related to the logics discussed in this paper; it is possible to trace these processes back to being the consequence of a permanent negotiation between the interests of the member states,

the interests of EU-level institutions, and the interests of specific stakeholders related to different policy sectors.

Part of the literature on EU governance diverges between the role of networks and agencies and the processes they have followed. Somehow, networks and agencies reflect two distinctively different processes in the road to EU integration. While networks allow member states to retain their sovereignty in specific policy sectors, agencies require the delegation of some competences from the national level and, eventually, from the European level, too. This is probably an overly simplistic view, in that we can find agencies where there is no delegation of responsibility, as well as networks that can act as empowered European regulators. However, this leads to two possible interpretations as to the drivers of EU agencification, one bottom-up and the other top-down. Following a bottom-up, intergovernmental logic, Levi-Faur (2011: 811) states that the more horizontal character of networks allows flexible and informal decision-making rules, including voluntary membership. Levi-Faur suggests that many European networks represented an effort to coordinate responses and strategies from different national public actors and stakeholders at the European level leading to a common approach to specific sectors (i.e., electricity, telecoms, financial systems, etc.) (Papadopoulos 2008; Maggetti 2014; Maggetti and Gilardi 2014).

Adopting a top-down perspective, Eberlein and Grande (2005) argue that these networks filled a policy gap in Europe that required the development of a single market with a common regulatory framework. However, the worldwide process of *agencification* contributed to replacing the different European-wide networks with agencies. In this sense, Christensen and Nielsen (2010) argue that the spread of EU agencies was due to a process of institutional isomorphism. As the agencification process advanced, some authors expected EU agencies to continue to follow an intergovernmental logic in which the previous network dynamics would remain strong, as well as decision-making procedures based on distributed power (Thatcher and Coen 2008; Levi-Faur 2011). Conversely, Blauburger and Rittberger (2015) suggest that the European Commission acted first as an orchestrator of European-wide networks before later promoting the formation of EU agencies following a more supranational

logic. Beyond the network issue, the literature on agencification has explicitly referred to the motivations behind agency creation. Scholars in this field have offered two main lines of thought to explain the creation and design of EU agencies: a functional and a political argument.

The *functional argument* defends the need of EU-level institutions and member states to take a more technical – and less political – approach to agencies in policy sectors (Thatcher, 2011). From this perspective, many authors have suggested that the emergence of agencies is an answer to the coordination dilemma among EU member states (Majone 1996; Eberlein and Grande 2005; Sabel and Zeitlin 2010; Levi-Faur, 2011; Rittberger and Wonka 2013; Heims 2015). So, in this case, delegation is not a political issue but one of efficiency which does not undermine the agencies' intergovernmental logic. On the other hand, the functional argument can also be connected to the supranational logic put forward in the literature. For the European Commission, agencification was a strategy for expanding administrative capacities at the European level beyond the limitations of the European Commission itself (Busuioc 2013: 25; Rittberger and Wonka 2013). Moreover, some authors have studied the agencification of the EU as a process preceding transboundary crises in specific policy sectors so to offer coherence and unified responses (Vos 2000; Paul 2012).

The need to understand the functional characteristics of the different EU agencies pushed scholars to propose typologies for classifying their role more accurately (Busuioc 2013). In general lines, agencies have been classified according to their regulatory power and their main function (Griller and Orator 2010; Chiti 2013, Busuioc 2013). The Communication from the Commission –SEC(2008) 323 –pretty much gathers the abovementioned logic and classifies agencies according to their main function: adoption of individual decisions; provision of technical or scientific advice; operational; informational and those providing services to other agencies and institutions (see Table 1).

Table 1. The creation of EU agencies through waves and functions

	Waves of agency creation	First wave (mid-1970s)	Second wave (early 1990s)	Third wave (early 2000s–present)
Function				
Adoption of individual decisions			CPVO EUIPO	EASA EBA ECHA EIOPA EMA ESMA SRB
Provision of technical or scientific advice				BEREC ECDC EFSA EMSA ERA
Operational			EDA EUROPOL	CEPOL EASO EFCA EUISS EU-LISA EUROJUST EUSC FRONTEX GSA
Informational		CEDEFOP EUROFOUND	EEA EMCDDA ETF EU-OSHA	ACER EIGE ENISA FRA
Services to other agencies and institutions			CDT	

Agencies according to their acronym:

ACER, Agency for the Cooperation of Energy Regulators; BEREC, Body of the European Regulators of Electronic Communications; CDT, Translation Centre for the Bodies of the European Union; CEDEFOP, European Centre for the Development of Vocational Training; CEPOL, European Union Agency for Law Enforcement Training; CPVO, Community Plant Variety Office; EASA, European Aviation Safety Agency; EASO, European Asylum Support Office; EBA, European Banking Authority; ECDC, European Centre for Disease Prevention and Control; ECHA, European Chemicals Agency; EDA,

European Defence Agency; EEA, European Environment Agency; EFCA, European Fisheries Control Agency; EFSA, European Food Safety Agency; EIGE, European Institute for Gender Equality; EIOPA, European Insurance and Occupational Pension Authority; EMA, European Medical Agency; EMCDDA, European Monitoring Centre for Drugs and Drug Addiction; EMSA, European Maritime Safety Agency; ENISA, European Union Agency for Network and Information Security; ERA, European Rail Agency; ESMA, European Securities and Markets Authority; ETF, European Training Foundation; EUISS, European Institute for Security Studies; EUIPO, European Union Intellectual Property Office; EU-LISA, European Agency for the operational management of large-scale IT systems; EU-OSHA, European Agency for Safety and Health at Work; EUROFOUND, European Foundation for the Improvement of Living and Working Conditions; EUROJUST, the European Union's Judicial Cooperation Unit; EUROPOL, European Police Office; EUISS, European Union Institute for Security Studies; EUSC, European Satellite Centre; FRA, European Agency for Fundamental Rights; FRONTEX, European Border and Coast Guard Agency; GSA, European Global Navigation Satellite Systems; SRB, Single Resolution Board

Sources: compiled by authors with information from Groenleer (2009: 96), Analytical Fiche Nr.1, and Davis (2013: 3).

Following the *political argument*, Busuioc (2013: 73) argues that 'agencies have emerged as a strategic, political compromise between main institutional actors at the EU level'. When an agency is created, its design is supposed to be the consequence of the strategic interaction among an array of different actors, including the European Commission, the European Parliament, the European Council, and the member states (Rittberger and Wonka 2013: 35). The degree of distributional conflict in the policy sector in question along with the degree of influence of supranational actors shapes the design and the strength of regulatory bodies (Keleman and Tarrant 2011). Thatcher (2011: 790) argues that the European Commission has defended the creation and empowerment of agencies to the extent they help to increase its reach.

The role of supranational EU institutions, such as the European Commission, has been an important part of the *political argument*. As a political body, the European Commission has presented itself as the principal of the process (Dehousse 2008: 792). Egeberg et al. (2015) argue that although agencification aims to de-concentrate the executive power; the close ties between the European Commission and the EU agencies indicate an expansion of the executive power at the EU level. Through the European Council, member states are confronted with the tension between their

commitment to regulation and their will to shape the distributional consequences of regulatory decisions. Similarly, the importance of the European Parliament's role in agency creation has increased in a number of sectors characterized by high distributional conflicts, especially during the second and third waves of agency creation, such as electricity, gas, or financial services (Kelemen 2002; Kelemen and Tarrant 2011). This suggests the rise of supranational actors to the detriment of intergovernmental ones (Dehousse 2008: 790).

The functional and political dynamics that have informed the creation of EU agencies, as discussed in the literature, appear to have produced an institutional design that in most cases allow agencies to gain some independence from their public stakeholders, but also requires significant levels of accountability to them. In fact, the independence and accountability mechanisms have drawn important attention in the study of EU agencies. Since their institutional designs vary considerable, we can assume that some agencies replicate the design of their national counterparts by enjoying independence from their principals.

In the literature, the agencies' independence has been studied from different perspectives: In a central contribution to the topic, Wonka and Rittberger (2010) measured the agencies' formal independence from EU institutions and the member states. The conclusions of their study, in line with other scholars (Majone 1996; Gilardi 2005), showed that the agencies' formal autonomy depended on political commitment to regulatory policies. However, Wonka and Rittberger (2009: 9) also claimed that an agency may have limited powers but use them independently; conversely, it may possess a wide range of powers but exercise them with very limited independence.

Agencies may share similar levels of formal autonomy but then display different levels of practical autonomy (Maggetti 2007: 282) and the reverse may also hold true (Pollit and Talbot 2004; Busuioc 2009; Trondal 2010). This situation may be related to the reputation and leadership capacity they show. In fact, some scholars have empirically demonstrated that tight oversight was compatible with quasi-independent agency action (Gehring and Krapohl 2007: 208). Some contributions demonstrate that the

autonomous task expansion of EU-level agencies is actually the result of organizational capacity building and subsequent *de facto* actor-level autonomy (Trondal 2010). Other scholars claim that some EU agencies' expertise in certain areas allows them to act more autonomously than others (Gehring and Krapohl 2007; Groenleer 2009).

According to Heims (2016), the autonomy of EU agencies might be related to their level of coordination with their national counterparts. NRAs may or may not deepen their coordination with EU agencies on specific issues depending on the policy sector in question and their national competences. To illustrate this point, Busuioc (2013) claimed that the European supervisory agencies created as part of the third wave of agencification are more independent because they were vested with quasi-rule-making powers.

The need to centralize certain technical competences following a functional logic would require member states with similar organizations regulating specific policy areas to delegate responsibility. In other cases, close links with EU institutions may involve the transfer of some supranational powers. These elements leave us with a varied picture where functional and political characteristics in the creation and design of EU agencies reflect the theoretical and empirical tensions between the intergovernmental and supranational logics. This puzzle confirms the need to respond to this tension by discussing how to better incorporate the transnational logic into the study of agencies.

3. The transnational character of EU agencies

On their study on delegation of regulatory authority in the EU, Eberlein and Grande (2005: 91) claimed that the scholarly focus on the Europeanization (i.e. supranationalism) and the nationalization (i.e. intergovernmentalism) of regulatory power underestimated the role of functional dynamics and informal regulation. They made a plea to introduce a differentiated logic that bridged the supranational and intergovernmental dynamics while acknowledging the functional and informal dynamics developed by regulators in specific regulatory regimes. They defined a regime as 'the full set of actors, institutions, norms and rules that are of importance

for the process and the outcome of public regulation in a given sector' (p.92). Although they did this study at a stage where the second wave of agencification at the EU level was on its way and there were not as many agencies as nowadays; the plea for a differentiated logic is still a valid one in opening the scope of research on European regulation.

The scholarly research on agencification began with an implicit assumption: the more supranational an agency becomes, the more independent it will be when carrying out its tasks no matter if these cover a broad range of issues or not (Pollit and Talbot 2004; Krapohl, 2004; Christensen and Laegreid 2006; Busuioc and Groenleer 2012; Busuioc 2013; Trondal and Peters, 2013). As Dehousse (2008: 790) argued, EU agencies normatively illustrate the ideal of EU institutional architecture: they are institutions that avoid the concentration of power in the presence of a defined hegemon and vow to strengthen the multilevel character of the system. Scholars studying EU agencies suggest that the salience of the policy sector where they operate contributes to their design in terms of how much power they are endowed with to carry out their tasks (Groenleer, 2009; Kelemen and Tarrant, 2011; Jacobs, 2014; Font and Perez, 2015). Hence, the supra-nationality of agencies – that is, their capacity to act on their own in areas pertaining the policy sectors they should serve – and the sector where they operate can become good indicators as to what extent agencies act on their own in the transnational space.

The capacities that agencies develop due to their expertise and level of specialization may reinforce (or not) their independence from other actors. In fact, the way they carry out their mandate can formally or informally provide them with some degree of – albeit not full – regulatory power. It is precisely the absence of full regulatory power and their functional sub-specialization (information, coordination, regulation, among others) what reinforces their transnational space. Within this space, agencies position in dynamic networks of actors where they develop different types or relationships with various degrees of power. In sum, there is a broad consensus in the literature that the assessment of actual EU agency independence requires detailed empirical observation beyond agencies' formal rules. However, the challenge is finding different variables

that can combine formal and informal agency independence in a transnational environment.

Analysing EU agencies through transnational lens defends their study as part of policy regimes (Eberlein and Grande 2005). In this context, agencies navigate through supranational and intergovernmental waters while enhancing their own space as transgovernmental bodies through its relations with specialized actors that strengthen their technical character. In order to sustain our plea, agencies enjoy of certain characteristics that provide them with a special role, beyond the dichotomous character of power relations in the EU, namely: specialization, differentiation and coordination.

Specialization

Agencies are specialized, non-majoritarian bodies aimed to develop certain functions in specific policy sectors. They enjoy a level of expertise that endows them with capacities that, depending on the policy sector, may reinforce a much more technical and less hierarchical relation with other actors (e.g. aviation safety, food safety, environment) (Thatcher, 2011). The level of professionalization and expertise provided by the actors involved and the policy sector where the agency is located have the potential of creating an environment where decisions are based on technical capacities. This is the case of the dynamics developed by EU agencies with their national counterparts, most of which are quite independent of their governments and the main EU institutions, and other actors, such as international bodies, nongovernmental organizations, and private actors operating at the European level (Ongaro et al., 2010). It is precisely the technical character and expertise what makes of agencies bodies with the capacity to develop horizontal transnational dynamics.

Diferentiation

Agencies belong to different regimes connected to the policy sector they aim to regulate. The different interests and aspirations embedded in specific policy sectors make of EU agencies organizations interconnected to actors that place them closer or further away from intergovernmental or supranational logics. In this respect, the

agencies base their actions on their mandate but also on informal procedures and best practices sometimes out of the reach of the principals behind their design. The resulting actions carried out by agencies translates into varying degrees of power which in the end can endow them with more or less independence in the regime they belong to. This is particularly evident when they take preliminary decisions (e.g. EBA, EIOPA) or give scientific recommendations to the formally responsible bodies (e.g. EFSA, EMA), such as the Commission, on technical issues (Eberlein and Grande, 2005: 100).

Coordination

Empirical studies reveal that coordinating capacities are not always based on the powers endowed to agencies by their principals but rather from daily interactions and the confrontation of internal and external challenges that require immediate answers (Boin et al. 2014; Heims 2016). Following Jordan and Schout (2006: 7), we define coordination capacities as those instruments that enhance a coherent response to common challenges within a network of interdependent actors. It may include the exchange of information, the identification of coordinated solutions, or conflict arbitration. As a consequence, coordination (horizontal or vertical) derives from the need to offer responses to specific actors that are part of selected audiences (e.g., public and private stakeholders, the public, among others). In this respect, how agencies coordinate with other actors reinforce their role in the transnational space. Moreover, coordination provides the agency with a certain degree of independence as seen in moments of crisis. In this respect, EU agencies' crisis management capacity in given cases rely on administrative mechanisms that improve policy coordination and through "the push and pull of bureaucratic politics in day-to-day policy-making institutions" (Jordan and Schout 2006: 31). It is precisely its role, as a coordinating node, what allows agencies to acquire new tasks and expand their scope from the regulation that initially established them.

4. EU agencies' boards: illustrating the agencies' trans-governmental character

In this section, we illustrate the agencies trans-governmental nature through an empirical study of the biographies of 1074 management board members from 33 EU agencies. Although the results presented here are purely descriptive and they refer to a small part of their biographies (i.e. educational and professional background); they are a modest attempt pointing at the agencies' potential to develop networks informing the transnational logic we defend. The database was built with information from the official agencies' webpages, networking platforms such as LinkedIn and the CV provided by the organizations they represented (e.g. national agencies, national ministries, EU institutions, non-governmental organizations) between April-June 2016. The biographies were divided into four sections containing the general and appointment information of the member, the educational background, professional experience and political affiliation. Before getting into the abovementioned results, it is important to define the significance of MBs as an object of study in the agencification literature.

The literature on EU agencies has highlighted the importance of management boards (MBs) due to their visibility as the decision-making organ within agencies. MBs have the potential to shape agencies' activities while activating accountability mechanisms that respond to their multiple principals (Kelemen 2002; Kelemen and Tarrant 2011; Busuioc 2013). Most MBs are quite large in EU agencies and often they include one representative of each member state, a few representatives from the European Commission, and, less frequently, from other European institutions, and additional stakeholders. As the literature shows, the behaviour of MB members is diverse. On the one hand, it seems that the defence of national interests prevails among MB members (Busuioc 2012; Buess 2014). On the other hand, supranational explanations based on empirical evidence shows that the European Commission, as a major stakeholder, plays an important role in attempting to improve its position within the MBs. However, it has exerted greater influence over certain agencies beyond its mandate than over others (Busuioc, 2013). In any case, most member states tend to informally accept the leading role that the European Commission plays within agencies and do not confront

such situations (Font, 2015) An important reason suggested in studies on independence is that MB members – mostly directors of national agencies (NRAs) –do not get very involved in EU activities because they are ill-prepared in comparison with European Commission representatives. In spite of this lack of involvement, we assume that MB members play different roles within EU agencies: activating interorganizational coordination to different degrees and facilitating transnational exchanges and collaboration with different levels of governance in Europe.

The role of MBs and those who participate in them seems to be a key issue in defining the nature of EU agencies. The two perspectives examined suggest that there exist strong arguments to interpret the agencies either as being either intergovernmental or supranational (Egeberg and Trondal 2017) which does not necessarily mean that control will remain in the hands of the member states or the European Commission. There are probably variations among agencies, with some being closer to one end of the spectrum and some closer to the other. However, the more EU agencies become *de facto* independent; the more they can expand their own transnational space, where nonhierarchical interorganizational relations undermine the traditional views based on principal-agent dependences. Based on this, we could argue that those representatives from national agencies with significant levels of administrative autonomy and political independence can reinforce the agency's transnational space.

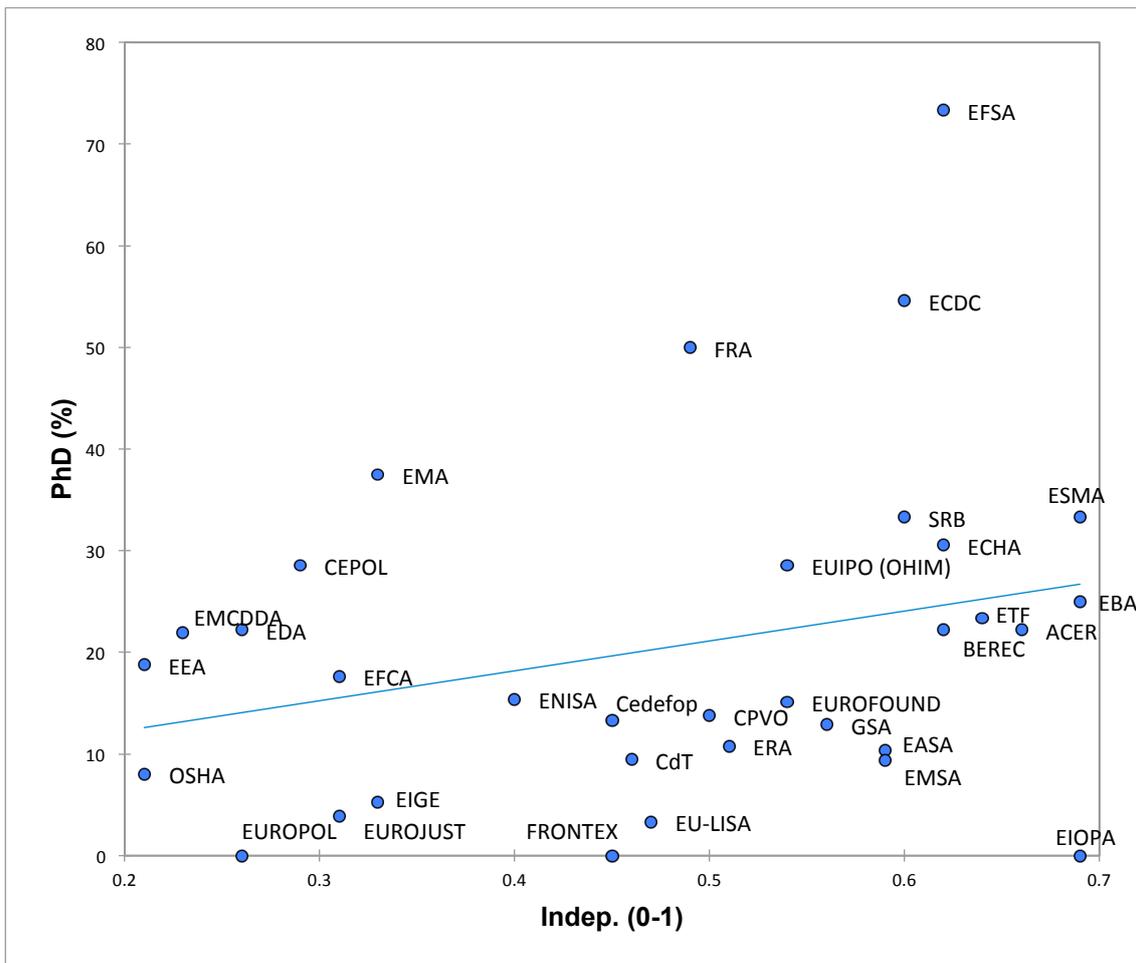
In the graphs presented as examples of the trans-governmental character of the agencies, we particularly focus on the one hand, the formal independence index put forward by Wonka and Rittberger (2010) as an indicator of supranationalism; and on the other, two biographical indicators: (1) the level of education, which measures the percentage of members with PhDs and aims to identify the technocratic science-based identity of each agency; and (2) the professional background, which measures the percentage of members with experience in national agencies as a way of identifying how accustomed members are to agencification culture.

In these graphs, agencies that rank high on indicators related to these dimensions should be able to develop a transnational space to perform their duties on their own.

Our expectation relates to the profiles of country representatives in the MBs. Among representatives that have been exposed to transnational environments, there are greater odds of promoting more intense interorganizational coordination and supporting agency autonomy. Conversely, those representatives who have been less exposed to this will be left with only an intergovernmental understanding of the agency, which will limit them to the defence of their perceived national interests.

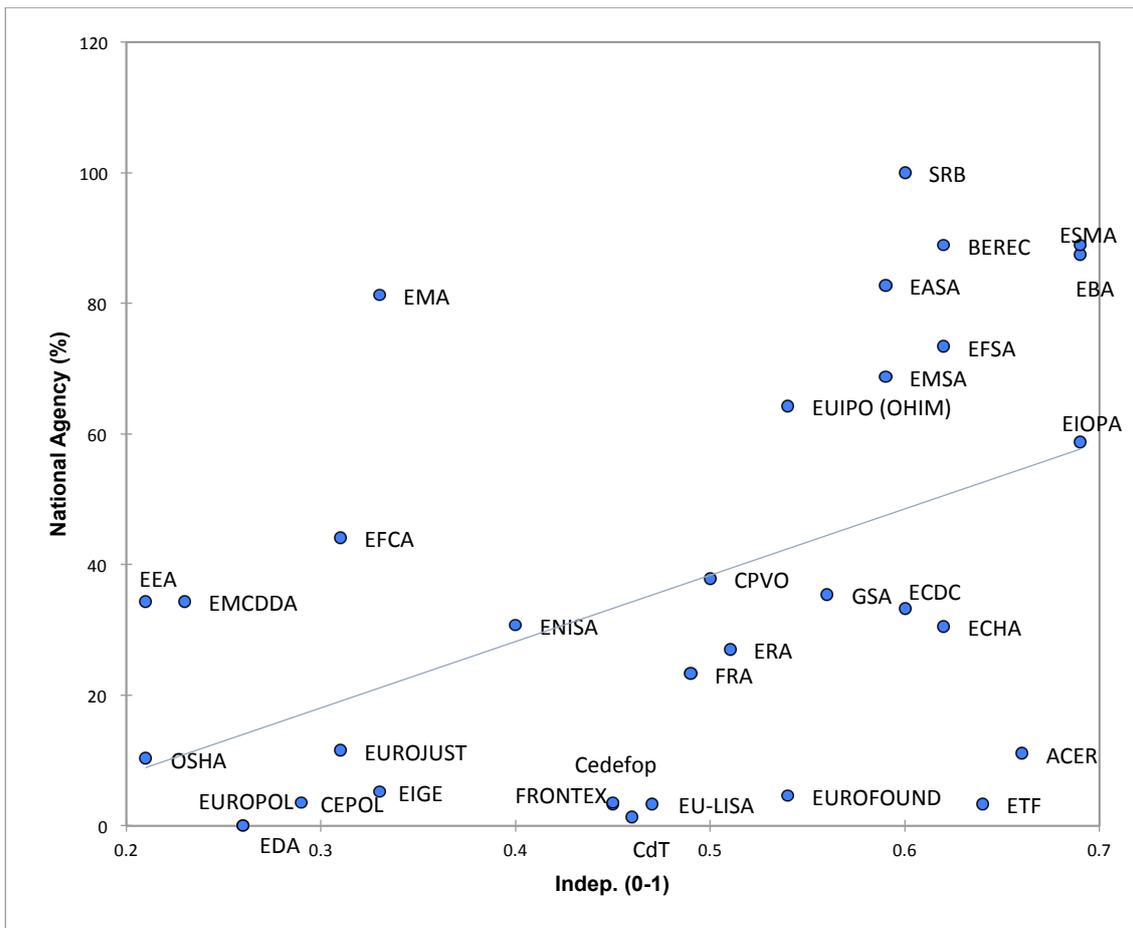
Our data (Graph 1) shows that those agencies whose main responsibilities are related to the adoption of individual decisions (SRB, ESMA, EBA, OHIM) and those that provide technical or scientific advice (EFSA, ERA, EMA) tend to have board members with a stronger scientific profile than the rest of EU agencies. On the other hand, we observed a large variation in terms of the links between MB members and national agencies. While about 40% of MBs are made up of representatives with experience in national agencies, the proportion is less significant in the remaining cases. In addition, we have not found a clear association between these two variables for most operational and information agencies. Not all EU agencies combine extended agencification and high scientific levels, but agencies related to the biomedical and financial clusters (EFSA, EMA, EBA, ESMA, etc.) show similar patterns and positive associations between these factors. Thus, these are the agencies where we should probably look for a distinctive transnational behaviour that is more autonomous and intensively oriented towards interorganizational and multilevel coordination.

Graph 2. Scientific profile and EU agency independence



Graph 3 combines two variables, experience in national agencies and the independence index. In this graph, we observe a more pronounced positive trend in the results where those agencies with more independence are those whose MB members have been or are part of NRAs in their countries of origin. This confirms our expectation about the functional logic of providing formal independence to agencies if such characteristics also prevail at the domestic level. Interestingly enough, most of the examples located on the upper right axis are those that share more supranational traits in their formal design according to the Table 1 above (e.g., EASA, EFSA, EIOPA).

Graph 3. Experience in national regulatory agencies and EU agency independence



As seen in the graphs above, agencies can potentially enhance their transnational space based on their specialization, differentiation and coordinating characteristics. In fact, the results seem to indicate that the more scientific the agencies' boards are, the more independence they enjoy. Moreover, the experience of board members in national regulatory bodies have the potential of reinforcing the autonomy they enjoy to perform their work. This is strongly connected to the differentiation between policy sectors (more scientific or economic oriented) and the functions they perform (more informational or regulatory). The differentiation element also provides agencies of isolation to perform their role. Finally, from the graphs, we could assume that those where board members come from national regulatory bodies will tend to favour coordination as a horizontal exercise to harmonise the policy sector. As seen, the agencies' functions and policy sectors they belong and the profiles of their board member may contribute to enhancing the transnational space where they are located.

5. Conclusion

From their emergence in the 1960s through their evolution during the different waves of agency creation, EU agencies have been seen as public bodies that apparently respond better to the administrative and policy needs of other EU institutions. In terms of functional motives, agencies are the outcome of a consensus to endow EU institutions with specialized bodies that harmonize the rules of specific policy areas while offering credible information. It also becomes evident that the multiprincipal nature of the creation of EU agencies makes them accountable to several EU institutions and all member states.

We have explored the literature on EU agencies with an eye on the apparent dichotomous debates between the intergovernmental and supranational logics guiding these studies. From the introduction, we have defended the need to bridge the supranational and intergovernmental logics by considering the agency as a transgovernmental organization with interorganizational relations with different actors. We find this framing useful because it supports what Giandomenico Majone (2016) proposes as a normative aspiration for EU agencies: a decentralized system of operational agencies that can better tackle different challenges by following a functional approach that is more focused on outcomes. Moreover, the coordinating role of EU agencies in terms of information and regulatory tasks is of great importance in creating coherent and harmonized policy sectors in Europe.

We believe that adopting a transnational logic could be a successful part of the design of future studies that focus on agencies as part of broader networks of actors where coordination is a key factor. Agencies, as stated above, should be part of the coordination of responses to different challenges that cross national borders and affect a multiplicity of actors in Europe. The EU integration process demands that we think of agencies as central components in the construction of a networked multilevel governance (Stubb et al. 2003: 148). In this context, coordination is seen as a core element in the effort to integrate and harmonize different pieces in the construction of the European project. Moreover, the changing nature of the problems that Europe is

currently confronting (e.g., terrorism, the refugee crisis, and systemic economic problems) require nonstandard policy solutions based on the establishment of coordinative tools to cope with vertical and horizontal interdependencies (Peters and Wright, 2001: 158; Jordan and Schout, 2006: 5). In our view, a transnational perspective acts as an umbrella concept that reconciles the intergovernmental and supranational logics in the study of agencies. It helps expand the current theoretical debates while potentially contrasting them with empirical evidence. Focusing on agencies from this perspective seeks to enrich the study of them as poles of coordination that provide coherence in certain policy areas through the development of factual (not legal) capacities.

Our plea shifts the study of agencies from a power approach to one where we acknowledge the relevance of power but also the existence of relations between actors in functional terms (Following Majone 2016: 1). This implies emphasizing their role as ‘hubs’ of expert knowledge for different actors in different policy sectors, although the coordination aspect of this function may vary in intensity. Developing the idea of hubs places the study of agencies outside the power dynamics that operate around the usual suspects (i.e., EU institutions and member states). Instead, this focus makes EU agencies the protagonists of multiple relationships in coordination frameworks. In this role, EU agencies can either address critical junctures or get involved in incremental decision-making processes. The strength of their role as a coordinating hub will depend on the actual independence they have in their policy areas. Moreover, the existence of multiple actors with vested interests shapes the different channels of interorganizational relations that agencies employ when developing their coordinating capacities.

Concentrating on interorganizational relations to study EU agencies makes these the focal points of different constellations of actors at different levels. These perspectives also position agencies as organizations that absorb the tensions and incoherencies between different levels of governments and multiple stakeholders. Acknowledging the specificities of the policy sector where the agency is situated is a way to avoid over-generalizing the behaviour of these organizations and those institutional and non-

institutional actors that are part of their environment. In making the case for the study of agencies through their transnational patterns, we shall distinguish between relations according to the policy sector where the agency is located. As Heims (2016) stated, the actual level of coordination between EU agencies and NRAs responds to the vested interests that actors have in different policy sectors.

Setting agencies at the centre of a transnational logic is advantageous for a number of reasons. First, it treats EU agencies as organizations interwoven with different levels of government and different actors (Toonen, 2010: 40). Interwovenness implies calibrating the focus around flexible arrangements (both formal and informal) between actors (both institutional and non-institutional) with the aim of coordinating coherent responses beyond the supranational/intergovernmental dichotomy (Piattoni, 2010: 160). In this sense, studying actors' preferences and the compatibility of their goals can benefit our overall understanding of the agency and the policy sector being coordinated. Second, interest in the mezzo-level and its multiple actors seeks to better understand the capacity these have to mobilize each other towards certain goals and how the agency fits within this interaction. Finally, expanding the focus to include broad arrangements between actors contributes to our understanding of agencies as conduits where non-institutional actors channel their interests through member state representatives but also through EU institutions. This is how agencies come to be seen as critical part of a complex picture based on interdependent actors.

By considering agencies as part of a transnational logic we are positioning them as a hub for interorganizational relations. We do not deem it useful to repeat current debates on power relations or the independence of agencies from several principals. Instead, we have set out to study them as institutional constructs that articulate broader networks at different levels. Considering agencies as being embedded in the multilevel coordination scheme turns them into actors whose potential is realized depending on their ability to interact and develop their own capacities. This position prompts important questions on the role of agencies: How do agencies perceive their role in the overall EU governance scheme: as a clear mandate to offer technical information and influence decisions on specific policy areas? Or do they see

themselves as a melting pot of different interests and tensions that force them to strictly abide by this mandate? These questions seek for empirical answers that acknowledge agencies as diverse organizations embedded in diverse policy sectors requiring the use of innovative dimensions in their study. Moreover, agency diversity suggests that we should not be polarizing the debate into a dichotomy between the intergovernmental or supranational logics but should instead be trying to understand them as part of a broader European machinery that sets the EU governance scheme in motion.

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WP4.3. Political Leadership in EU agencies

Deliverable 4.5.2. European transboundary crises and EU agencies: Examining board members' attitudes towards crisis involvement

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Abstract

The European Union has faced and faces continuous transboundary crises (e.g. the 2000s mad cow crisis, the 2008 financial crisis or the ongoing refugee crisis). Within this context, and among other institutions, European Union agencies (EAs) have emerged as a repository of plausible mechanisms to react to crises. In fact, there are several agencies, responding to the necessity to formulate more integrated policies within the EU, that have been born because of crisis episodes, (e.g. the European Food Safety Agency, EFSA, or the European Centre for Disease Control, ECDC). Against this backdrop and considering most of the existing EAs, this study examines EAs board members' attitudes —the agency decision-makers *par excellence*— towards crises management. In particular, our study seeks to answer the following questions: How do they perceive the EA's performance in the management of transboundary crises? Do board members professional background and EAs institutional design influence the perceptions about the performance of agencies in transboundary crisis? In order to understand the role of EAs *vis-à-vis* transboundary crisis management, this study is based on two original datasets: a survey of the current management board members focused on their perceptions on transboundary crisis, and a biographical database of these members based on public sources.

1. Introduction

The European Union (EU) has faced and faces continuous transboundary crises (e.g. the 2000s mad cow crisis, the 2008 financial crisis or the ongoing refugee crisis). From a policy approach, these experiences may help rethinking the process of integration, identifying potential areas of improvement and raising the existing coordination problems among different actors. In this context, most transboundary crises require EU institutions and procedures to offer responses in their management and resolution (Boin et al. 2014). Thus, EU agencies (EAs) have emerged, among other institutions, as a repository of plausible mechanisms to react to crises that can threaten different policy domains (e.g. the economy, public health, or security). For example, due to their technical and professional resources, agencies can create narratives and diagnoses to facilitate agreements among different actors involved, can eventually activate networks of experts across Europe, or can also activate emergency plans that coordinate resources from EU member states.

Against this backdrop, this paper examines the attitudes of the EAs' management board members towards transboundary crises. Using the analytical framework proposed by Boin and Cadar (2015),¹ we focus on the capacities of agencies to manage transboundary crises (TBCs) along three dimensions: decision-making, coordination and communication. In particular, we seek to answer the following research questions: How do management board members perceive the EA's performance in the management of transboundary crises? Do board members professional background and EAs institutional design influence the perceptions about the performance of agencies in transboundary crisis? To do this, we examine whether professional characteristics of EAs' board members lead to different attitudes towards crisis management. In addition, we also examine whether board members from agencies with a clear risk assessment or management mandate show different perception than

¹ The framework largely draws its logic from the one developed by Boin and Cadar (2015) for the EU funded H2020 project TransCrisis (www.transcrisis.eu).

those agencies that do not have these characteristics. A similar distinction is made between members from regulatory agencies and non-regulatory. To understand the role of EAs vis-à-vis transboundary crisis management, this study is based on two original datasets: a survey-based of the current management board members focused on their perceptions on transboundary crisis, and a biographical database of these board members, based on public sources.

The present paper is located at the intersection between the literature on European Union agencies and the one on trans-boundary crisis management. While the former has mainly focused on EAs institutional design and how this affects their further development (e.g. Majone and Baake, 1996; Dehousse, 2008; Kelemen and Tarrant, 2011; Busuioc, 2013), the latter deals with the responses given by different institutions and actors to the challenges of crises affecting different boundaries e.g. (Boin, et al. 2010). Within this strand, there is a nascent literature focusing on the convergence of EU level transboundary crisis management and the role of EU institutions (Boin and Rhinard, 2008; Olsson, 2009; Moloney, 2010; Ondarza and Parkes, 2010; Boin, et al. 2014), not much on EAs though.

The paper is organized as follows. Firstly, we discuss the literature linking the performance of European Union agencies and TBC management. Secondly, we offer an analytical framework with hypotheses to be empirically tested. Thirdly, we discuss a two-tier methodological strategy mentioned above. Fourthly, we discuss the results obtained from our survey conducted. Finally, the empirical findings are presented.

2. An analytical framework for EAs and trans-boundary crisis management

Since the start of the European project, the EU has been confronted to the challenges of harmonizing social and economic areas of member states. Thus, it has been argued that EAs emerged as an institutional attempt to manage different aspects of the EU integration process requiring intense organizational resources (Eberlein and Grande, 2005; Rittberger and Wonka, 2011). It is precisely in this context where some EAs

emerge as a reasonable mechanism of transboundary crises management (Boin et al. 2014), although in most cases some of them have not been created essentially to face such objective.

Although there has been an exponential growth in agencies at the EU level, still the literature has not explored in depth the logics behind their role in crisis management. Broadly speaking, the literature focuses on four areas: the creation of EAs (e.g. Christensen and Nielsen, 2010); the political and functional motivations behind their institutional design (e.g. Majone, 2000, 2002; Eberlein and Grande, 2005; Coen and Thatcher, 2008; Levi-Faur, 2011); how formally or de facto independent they are from other institutions and national governments (e.g. Gilardi, 2005; Christensen & Laegreid, 2006; Groenleer, 2009; Wonka and Rittberger, 2010; Trondal & Peters, 2013); and how accountable they are to their principals (Busuioc and Groenleer, 2012; Busuioc, 2013). Other strands also focus on functional elements of their day-to-day work dynamics, namely, the management boards or the relation regulators have with the European Commission (Egeberg et al 2015) or the European Parliament (Busuioc, 2012; Font and Pérez-Durán, 2016). As said above, the focus on more political dynamics of EAs have prevented a better understanding of their role when confronted to moments of crises.

On the other hand, the effects of TBCs on institutions have drawn scholarly attention on both sides of the Atlantic from a handful of scholars (e.g. Rosenthal, et al. 2001; Boin and Rhinard, 2008; Rhinard & Sundelius 2010; Ansell et al. 2010; 't Hart et al. 2013; Boin, et al. 2014). At the EU level, some researchers have aimed to understand the relationship between crises in the EU and the creation of crisis management instruments. For example, Boin et al. (2014: 419) claim that EU institutions along with the member states are a “policy laboratory for TBC management” where these actors have developed “European” capacities to deal with the potential effects of transboundary threats.

Due to the multi-level character of the EU, a major challenge identified is to determine who owns the response to different TBCs (Boin and Rhinard, 2008; Olsson, 2009; Boin et al., 2013; Busuioc, 2013). In fact, sometimes the diffused power at the EU level and the fragmentation of responsibilities has been signaled as possible causes undermining the overall response to TBCs. Managing TBCs at the EU level has implied developing the capacities of different actors to carry out coherent responses while tackling the consequences of crises. As said above, as part of the EU multilevel governance, EAs have also become institutional actors with various roles in crises moments (e.g. threats detection, sense-making, coordination, among others). In opening a space for a crises response in the EU, these agencies have aimed to develop, formally and informally, capacities to do so.

TBC management can be defined as the development of “a set of capacities, tools, resources and strategies that can be used to limit the effects [of a TBC] in an effective and legitimate way” (Boin, et al. 2015). In order to offer an affective and legitimate response, institutions can follow strategic crisis management tasks to tackle the crisis: recognizing the threats (detection); processing the information of the threat by sharing it across the system and understanding it (sense-making); deliberating in environments of uncertainty (decision-making); identifying key partners while working with them (coordination); creating a narrative with information understandable by the different actors involved in the management of the response and the public (communication); and finally, constructing a transparent account of the actors’ actions and inactions before, during and after the crisis.

Based on the literature on EAs and crisis management, we deem important to focus on the analysis of three type of dimensions in the process of TBC management: decision-making, coordination and communication.

The ***decision-making*** refers to the capacity of an agency to decide on the best response to a TBC. The leadership within an agency is of central important in providing the answers needed. Hence, the decision-making is composed by procedures that may

determine who and how a decision is taken. The literature on EU agencies has somehow linked decision-making to the level of autonomy of the agency. In this terms, Christiansen and Nielsen (2010: 177) define it as “the authorization of the agency to act in its own capacity, and ranges from purely informational tasks to binding decisions.” In this dimension, we seek to understand the importance of planning the response that later on will be implemented by different actors. We assume that the success of the reaction will depend on the level of agreement between relevant actors (such as between EU institutions and member states) on the best way to respond to the crisis and the type of response decided.

In the management of TBCs, **coordination** emerges as a key component for an efficient response (Heims, 2014; Boin et al, 2014). In particular, it can be defined as those mechanisms that facilitate the creation of a common ground within networks of interdependent actors to respond to challenges. Their importance relies on the capacity to help participants exchanging information, identifying common areas of cooperation while settling potential conflicts among themselves (Jordan and Schout, 2006: 7). The implementation of these capacities can be based on the one hand, through deliberation, mutual learning and negotiation to achieve common expectations or on the other, through coercion by EU bodies (Majone, 1997; Sabel and Zeitlin, 2010). Through these mechanisms, agencies may “coordinate their work with each other in order to ensure that further harmonization is not imposed... through hierarchical intervention” (Heims, 2015: 452). At the same time, the coordination with actors at different administrative levels imply paying attention to the horizontal and vertical relations that EAs have with EU institutions, member states, other EU agencies and stakeholders.

Finally, the **communication** dimension in the TBC management, political leaders have an important responsibility in assuring the public that the response to a TBC is adequate (Boin et al. 2010: 200). According to ‘t Hart (1993), it is central to the management of a crisis to have a leading voice that makes an account of the situation and the response to this situation. Meaning-making implies providing a message that

identifies the threat and offers the implementation of a response to this threat by capable leaders. Doing so is necessary to restore or reinforce the legitimacy of the institution(s) in charge at the EU and national levels. A coherent response and a coherent narrative are primordial tasks of those actors involved in the TBC management.

3. Crises management from the management boards perspective

Within EAs, management boards are the most visible decision-making bodies since they ensure the agencies' function according to their mandate defined in the founding regulations, such as to meet the expectations of European Union institutions and national governments, to approve strategic documents along the agency's lines of action and to establish the budget. MBs have the potential to shape agencies' activities while activating accountability mechanisms through their steering and managerial responsibilities (Kelemen, 2002; Kelemen and Tarrant, 2011; Egeberg and Trondal, 2011; Busuioc, 2013). Most MBs are quite large and they often include one representative of each member state –mainly national agencies or national ministries in the policy sector where the agency operates—, a few representatives from the European Commission, and, less frequently, from other European institutions —such as individuals appointed by the European Parliament or the Council—, and additional stakeholders (e.g. Egeberg and Trondal, 2011; Font, 2015).

When a transboundary crisis emerges, the MBs' nature —as interorganizational bodies combining different administrative levels— face the challenge of becoming involved in the its resolution. For example, they can place the agency as a conveyer belt between different actors involved in the management of the response. Moreover, MBs can better indicate how the “problems of fragmentation, sectoralization and policy interdependence so commonly seen along the EU institutions and member states” can potentially be overcome (Peters and Wright, 2001: 158). In particular, we focus on examining MBs since they may become, through formal and informal procedures, into a central element in mobilizing resources and creating consensus among different EU

institutions, national and sectorial interests related on how to better address a crisis. In a nutshell, focusing on MBs and their perceptions allow grasping the existing tensions that can emerge in defining the role of a specific EA during and after the emergence of a transboundary crisis.

4. Explaining variation in agencies crisis management capacity

We believe that the variations in the extent to which EAs actually manage transboundary crises are related to two different sets of factors: on the one hand, the agencies' characteristics; and on the other, the professional attributes of their board members. Based on the existing literature on agencification, possible explanatory factors were identified and four hypotheses developed as we see next.

4.1. Regulatory vs non-regulatory agencies

The need to understand functional characteristics of the different EAs pushed scholars to propose typologies that could classify more accurately their role (Busuioc, 2013). Flinders (2004) identifies four different tasks: information gathering, rule setting, monitoring and enforcement. On their part, Griller and Orator (2010) argue that most agencies are providers of information or executives (no pre-decision-making power) while the rest are regulatory and their main role is the application of rules. Chiti (2013) offers a typology centred on agencies with genuine decision-making powers, agencies that coordinate common systems and provide advisory or technical assistance and information agencies coordinating the production of high-quality information in specific sectors of EU action. In general, EAs can be functionally simplified to having — or not— regulatory powers. We then assume that management boards members located in agencies with regulatory powers will have different perceptions of the effectiveness of their role in TBC. In particular, since these agencies have binding powers we argue that their officials will be more prone to perceive a better performance of their respective agencies. Accordingly, our hypothesis holds that:

H1: Management board members belonging to agencies having regulatory powers will be more prone to perceive their agencies as having higher capacity—in the decision-making, coordination and communication— vis-à-vis crises episodes than board members who belong to agencies without binding powers.

4.2. Risk profile vs non-risk profile agencies

As mentioned, some scholars have emphasized that some EAs have been created as a result of crisis episodes (Vos, 2000; Rinhard 2009). For example, Vos (2000) has extensively argued that EFSA was created as a response to the 1996 and 2000 mad-cow crises in the UK; or else, some scholars have argued that European supervisory authorities (i.e. SRB, EIOPA, EBA, ESMA) came as a consequence of the 2008 financial crisis to coordinate financial authorities across EU Member States. It is precisely for this reason that some EAs have been provided with risk assessment and risk-management mechanisms to confront transboundary threats. In line with Boin et al. (2014, 2015), we consider that risk-assessing or risk managing agencies as those with an explicit mandate to cope with potential threats in their policy sector. These threats require urgent action since they can affect various boundaries, such as geographical, political or economic ones. In particular, these agencies are characterized by including provisions on risk preparedness, risk assessment and risk detection tools in their founding documents. Hence, we believe that members who belong to agencies formally designed to respond to risks mandates will be more likely to perceive their respective agencies as more effective than those in agencies with a no clear mandate of risk management/assessment.

H2: Management board members belonging to agencies that focus on risk management/assessment will be more prone to perceive their agencies as having higher capacity—in the decision-making, coordination and communication— than those members in agencies not focus on risk activities.

4.3. Educational degree of board members: scientific vs. professional educational training

Scientific knowledge of board members can shape their attitudes towards the role of the agency in crisis management. Thatcher (2002) states that “[n]ew issues that emerged onto the regulatory agenda were frequently complex and involved very high levels of scientific expertise” (e.g. food safety and environmental protection). According to the same author and Majone (1997), this is done for three important reasons: first, policy decisions had to be solidly grounded in an environment where they have to withstand judicial challenges from various sectional interests; second, legitimization of the decisions taken by the agencies; and third, the need to create a reputation that justifies the regulatory space where the agency navigates. In a similar line, Richardson and Laegrid (2006) claim that agencies with high levels of professionalization where expertise and professional background are prioritized will generally see themselves as more independent from other principals. In fact, the complexity of regulating different policy areas makes of scientific, engineering and economic knowledge key components of the agencification process (Majone, 1997; Ryan, 2001). If we apply the aforementioned theoretical premises to our study, we can expect that board members with a highest level of education—a PhD degree—will be more likely to make sure that scientific criteria prevails in decision-making. In particular, we expect that the level of education in the area of the agency by board members will reinforce the perception of the agency as being effective or have the technical capacities to respond to crisis episodes.

H3. MBs members having a PhD degree will be more prone to perceive their agencies as having higher capacity—in the decision-making, coordination and communication—vis-à-vis crises episodes than those members who do not have the same educational background.

4.4. Intergovernmental and supranational profiles

The management boards are central components to understand how independent an agency is from its political principals (Kelemen 2002; Kelemen and Tarrant 201; Egeberg and Trondal, 2011; Busuioc, 2013). Scholars on agencification (e.g. Egeberg et al. 2014, 2015; Egeberg and Trondal, 2016) have explicitly or implicitly followed two different logics: intergovernmentalism and supranationalism. On the one hand, some scholars, (Majone, 2000) have followed an implicit intergovernmental logic, arguing that member states established agencies as a way to deal with policy complexity and to show a credible commitment towards more technical and less political decisions. Conversely, other explanations based on empirical evidence (e.g. Font, 2015) demonstrate that the Commission has exerted greater influence over certain agencies and their boards beyond their mandate. Moreover, she states that functional motivations, through informal rules, guide the Commission's relationship with agencies. Applied to the study of management boards, we assume that there is a relationship between the strongest professional link that EAs board members have with a specific political principal—either at the European Union level or the national level— and its perceived effectiveness towards transboundary crisis management.

H4a. Board members embedded in the EU institutional environment will be more likely to perceive their agencies as having higher capacity—in the decision-making, coordination and communication— vis-à-vis crises episodes than those whose professional experience has been mainly at the national level.

H4b. Board members having a previous experience at the national level will be more likely to perceive their agencies as having higher capacity—in the decision-making, coordination and communication— vis-à-vis crises episodes than those whose professional experience has been mainly at the European Union level.

5. Data and Method

The empirical analysis of our study is based on two original sources: The first one consists in an online survey on EAs management board members' perceptions on transboundary crisis management; while the second one is based on an original biographical database of such board members. As mentioned, our analysis is focused on management board members since they are the governing body of the agencies while representing supranational actors, such as, EU institutions and intergovernmental ones, such as member states (Egeberg and Trondal, 2011; Font, 2015). The management board, in this sense, represents the organizational body within the EUs where multiple connections are materialized, and deliberation and negotiation takes place, if necessary, to establish the agency strategy and to make agency's key decisions.

In the one hand, the survey was distributed across management board members in the 30 decentralized European Union agencies that existed by 2016. The online survey consists of four sections: The first one focuses on an assessment of the agency decision-making capacity when facing transboundary crises; the second one, on the coordinating capacity of the agency; the third one, on the communication capacity of the agency; and finally, on the direct involvement of the agency in crisis-management (See Annex 1). After three reminders, we obtained 162 responses from 27 out of 30 EAs surveyed (a response rate of 19.7 percent): 0.6 percent of the respondents have been appointed by the European Parliament, 2.4 percent by the Commission, 6.1 percent by the Council, 78.2 by Member states, and 10.3 by stakeholders. We excluded some agencies from the analysis since we did not obtain any response rate from two agencies (ESMA and SRB) and a low response rate (3 percent) from GSA. Additionally, two agencies (EUROJUST and OSHA) were not included in the survey since they did not accept to participate. We did not include agencies under the common security and defense policy (Satcen, EDA, and EUISS). Moreover, due to the CdT's scope as a body serving other EU institutions –focused on translation task–, this agency was not

included in the analysis. The survey was submitted to 887 out of 947 board members (we could not send the survey to 60 board members due to lack of contact information) (See response rate in Annex 2).

In addition, we also collected the biographical data of the board members surveyed across the 27 EAs included in the analysis. The information was collected through the agencies websites, online CVs, LinkedIn and the organizations' webpage where their primary work is based. From this database we selected variables related to: (1) the type of appointing body of management board members (i.e. the European Parliament, European Commission, European Council, Member States, stakeholders, non-EU countries, and other EU agencies); (2) their highest level of education, which measures the percentage of members having a Ph.D degree; and (3) their professional background, which measures the percentage of members having experience in different sectors in the period 2005-2015 (namely, university —full time professor/ researcher— private sector, public sector — at national and EU levels—, third sector — NGOs, political parties, and trade unions—).

6. Findings I: Describing board members' attitudes towards crisis management

In this section, we focus on describing board members' attitudes towards the above-mentioned three capacities that EAs perform when confronted to crisis situations: decision-making, coordination and communication. In particular, we examine whether board members in both regulatory agencies and agencies with a clear risk assessment show different perception than those agencies that do not have these characteristics. In addition, we also examine whether professional characteristics of EAs' board members lead to different attitudes towards crisis management.

a. Decision-Making

Important players in EAs decision-making process during aTBC:

Firstly, the respondents differ in the importance attributed to specific players in agencies' decision-making processes during a TBC: 82 percent of the respondents consider the Commission the most important/important player when the agency confronts a crisis; it is then followed by the importance given to national regulatory agencies (NRA) and national governments (78.2 percent for both players). It is interesting that both, business associations and civil society organizations, do not reach a similar percentage as civil players (49.1 percent of the respondents consider the former as the most important/important while the latter reaches a 48.5 percent) (See Table 1).

Results regarding the importance of specific players in the agencies' decision-making during a TBC do not differ much when analyzed through the lens of respondents in regulatory vs. non-regulatory agencies. For instance, 79.4 percent of respondents in regulatory agencies and 83.5 percent in non-regulatory ones consider the Commission a very important/important player in the agencies' decision-making when confronted to a TBC. This is followed by national regulatory agencies (NRAs) (76.47 per cent of the respondents in regulatory and 79.4 percent in non-regulatory) and national governments (72.1 percent in regulatory and 82.5 percent in non-regulatory ones). It is quite remarkable how the difference attributed to the importance of business associations and civil society organizations differ among regulatory vs non-regulatory agencies: while 54.4 percent of the respondents in regulatory agencies consider business associations as very important/important, 42.7 percent of them consider civil society organizations as very important/important. In contrast, respondents in non-regulatory agencies attribute a higher level of importance to civil society organizations (56.2 percent) in comparison to regulatory agencies (42.7 percent) (See Table 1). On the other side, the European Parliament is not equally important for both types of

agencies: while for regulatory agencies, 47.1 percent of the respondents consider it very important/important, 66 percent of the respondents in non-regulatory agencies consider it as very important or important. Regarding risk vs non-risk agencies, it became visible the importance attributed to the EP: while in the case of risk agencies, 48.7 percent of the respondents believe this actor is very important /important; in agencies with a non-risk profile, 66.9 percent see this actor as very important /important (See Table 1).

[Table 1. Differences across agencies: To what extent are the following players important in the agency’s decision-making process during a transboundary crisis?]

		Business (%)	National Agencies (%)	Council (%)	EC (%)	EP (%)	CSOs (%)	National Governments
General	Extremely Important	12.12	37.58	33.33	48.48	20.61	9.70	47.88
	Important	36.97	40.61	32.73	33.33	37.58	38.79	30.30
	Somewhat Important	27.88	15.15	20.61	9.70	22.42	35.76	12.73
	Not at all Important	20.00	4.85	8.48	4.24	13.33	10.30	3.64
	N/A	3.03	1.82	4.85	4.24	6.06	5.45	5.45
Regulatory	Extremely Important	13.24	41.18	23.53	47.06	13.24	4.41	38.24
	Important	41.18	35.29	38.24	32.35	33.82	38.24	33.82
	Somewhat Important	32.35	14.71	23.53	10.29	30.88	38.24	17.65
	Not at all Important	10.29	5.88	10.29	5.88	14.71	14.71	4.41
	N/A	2.94	2.94	4.41	4.41	7.35	4.41	5.88

Non-Regulatory	Extremely Important	11.34	35.05	40.21	49.48	25.77	13.40	54.64
	Important	34.02	44.33	28.87	34.02	40.21	39.18	27.84
	Somewhat Important	24.74	15.46	18.56	9.28	16.49	34.02	9.28
	Not at all Important	26.80	4.12	7.22	3.09	12.37	7.22	3.09
	N/A	3.09	1.03	5.15	4.12	5.15	6.19	5.15
Risk	Extremely Important	13.51	47.30	25.68	47.30	13.51	4.05	50.00
	Important	36.49	35.14	36.49	28.38	35.14	47.30	27.03
	Somewhat Important	29.73	10.81	21.62	12.16	27.03	27.03	13.51
	Not at all Important	17.57	4.05	12.16	8.11	17.57	17.57	5.41
	N/A	2.70	2.70	4.05	4.05	6.76	4.05	4.05
Non-Risk	Extremely Important	10.99	29.67	39.56	49.45	26.37	14.29	46.15
	Important	37.36	45.05	29.67	37.36	39.56	31.87	32.97
	Somewhat	26.37	18.68	19.78	7.69	18.68	42.86	12.09
	Not at all	21.98	5.49	5.49	1.10	9.89	4.40	2.20
	N/A	3.30	1.10	5.49	4.40	5.49	6.59	6.59

Note: NA= No answer.

When we look differences among professional profiles of EAs management board members, we also identify that perceptions do not differ much between high ranking posts having a PhD and those who do not have this level of educational attainment (see Table 2). However, when we examine difference across professional experience, it

is interesting that 25 percent of board members having experience at the EU-level perceive that the Council is a very important/important player in the agencies' decision-making when confronted to a TBC; while members having experience at the national level attribute a higher level of importance to this EU body (65 percent consider that the Council is very important/important player). On the other side, it is also worth noting that while 41.7 percent of those having experience at the EU-level believe that the EP is a very important/important player, 57.8 percent consider this EU institution as very important/important (See Table 2).

[Table 2. Differences across professional profiles: To what extent are the following players important in the agency's decision-making process during a transboundary crisis?]

		Business (%)	National Agencies (%)	Council (%)	EC (%)	EP (%)	CSOs (%)	National Governments (%)
PhD	Extremely Important	12.12	33.33	30.30	45.45	18.18	9.09	51.52
	Important	24.24	39.39	33.33	30.30	36.36	45.45	27.27
	Somewhat Important	33.33	18.18	24.24	12.12	30.30	30.30	9.09
	Not at all Important	24.24	6.06	9.09	9.09	12.12	12.12	9.09
	N/A	6.06	3.03	3.03	3.03	3.03	3.03	3.03
No PhD	Extremely Important	15.46	40.21	34.02	51.55	19.59	6.19	46.39
	Important	37.11	40.21	31.96	30.93	36.08	42.27	31.96
	Somewhat Important	28.87	13.40	19.59	9.28	22.68	36.08	12.37
	Not at all Important	16.49	4.12	9.28	3.09	14.43	9.28	3.09
	N/A	2.06	2.06	5.15	5.15	7.22	6.19	6.19

Public Sector - National Level	Extremely Important	11.11	37.04	31.11	48.15	19.26	5.93	50.37
	Important	33.33	41.48	34.07	31.85	38.52	37.78	29.63
	Somewhat Important	31.85	14.81	19.26	11.11	21.48	38.52	11.85
	Not at all Important	20.00	4.44	10.37	4.44	14.81	12.59	3.70
	N/A	3.70	2.22	5.19	4.44	5.93	5.19	4.44
Public Sector - EU Level	Extremely Important	8.33	41.67	16.67	50.00	16.67	16.67	41.67
	Important	33.33	33.33	8.33	25.00	25.00	33.33	33.33
	Somewhat Important	25.00	16.67	41.67	16.67	33.33	33.33	8.33
	Not at all Important	33.33	8.33	25.00	0.00	16.67	8.33	0.00
	N/A	0.00	0.00	8.33	8.33	8.33	8.33	16.67

Note: NA= No answer.

Effectiveness in EAs decision-making process during a TBC:

We also asked the board members how effective they considered the agency's decision-making process during a transboundary crisis. Accordingly, 71.34 percent of the respondents consider the decision-making process as very effective/effective. As in the previous question, we did not find any important variation among board members responses in different type of agencies. However, when we include the analysis of the professional experience of EAs board members, we identify that 71.6 percent of the respondents with public sector experience at the national level consider the decision-making process as very effective/effective, while 68.3 percent with experience at the EU-level believe that their respective agencies are efficient when facing a transboundary crisis (See Annex 3).

b. Coordination

Important players in EAs coordination during aTBC:

The respondents, as in the decision-making stage, differ in the importance of different players at coordinating different tasks. A high percentage of respondents consider National Agencies (72.6 per cent) and the Commission (71.3 per cent) to be extremely important or important at coordinating players during a transboundary crisis. On the other hand, social actors, such as, civil society organizations and business associations are considered as extremely important or important by 40.9 per cent and 45.7 per cent of the respondents respectively; and 40.9 per cent of the respondents consider the European Parliament as an important player at coordinating tasks related to the management of transboundary crisis (See Table 3).

When the results on the importance of different actors in coordinating actions with the agency are disaggregated according to regulatory vs. non-regulatory agency, the differences in the numbers on the same player are quite telling. For 45.59 percent of respondents in regulatory and 56.26 per cent in non-regulatory agencies the Council is a very important or important actor; for 27.94 percent of respondents in regulatory agencies and 50 per cent for respondents in non-regulatory ones, the Parliament. As in the decision-making task, it is striking the big difference on the responses between those board members in regulatory and non-regulatory agencies on the importance of business associations and civil society organizations: while 63.24 percent of the respondents in regulatory agencies consider business associations as very important/important, 32.35 percent of the respondents consider civil society organizations as very important or important. In contrast, respondents in non-regulatory agencies attribute a higher level of importance to civil society organizations (46.88 percent) and a lower level to business associations (32.13 percent). Although the differences are not as striking as in the previous numbers; it is still interesting to

see that the Council is for 45.59 percent of respondents in regulatory agencies and 56.26 percent in non-regulatory an important actor, a difference of 11 points. Similarly, for 63.2 percent of board members in regulatory agencies, national governments are very important or important while for members in non-regulatory ones it is 71.88 percent. Regarding risk vs. non-risk profile agencies, an eye-catching result showed that 28.8 percent of the respondents in risk-profile agencies and 50.6 percent in non-risk profile agencies deemed the Parliament as very important or important player in coordinating with the agency a response to the TBC. There were no major differences in the responses between the two types of agencies for the remaining players (See Table 3).

[Table 3. Differences across agencies: how important are the following players in coordinating different tasks related to transboundary crisis management (e.g. detecting a threat, gathering information, communicating information, implementing actions)?]

		Business (%)	National Agencies (%)	Council (%)	EC (%)	EP (%)	CSOs (%)	National Governments (%)
General	Extremely Important	10.37	37.20	19.51	32.32	13.41	7.32	32.93
	Important	35.37	35.37	32.32	39.02	27.44	33.54	35.37
	Somewhat Important	22.56	9.76	24.39	10.37	28.05	30.49	14.63
	Not at all Important	16.46	4.27	9.15	6.10	16.46	13.41	3.66
	N/A	15.24	13.41	14.63	12.20	14.63	15.24	13.41
Regulatory	Extremely Important	13.24	35.29	16.18	26.47	8.82	2.94	27.94
	Important	50.00	38.24	29.41	39.71	19.12	29.41	35.29
	Somewhat Important	16.18	7.35	29.41	13.24	36.76	36.76	17.65

	Not at all Important	7.35	5.88	10.29	8.82	19.12	14.71	4.41
	N/A	13.24	13.24	14.71	11.76	16.18	16.18	14.71
Non-Regulatory	Extremely Important	8.33	38.54	21.88	36.46	16.67	10.42	36.46
	Important	25.00	33.33	34.38	38.54	33.33	36.46	35.42
	Somewhat Important	27.08	11.46	20.83	8.33	21.88	26.04	12.50
	Not at all Important	22.92	3.12	8.33	4.17	14.58	12.50	3.12
	N/A	16.67	13.54	14.58	12.50	13.54	14.58	12.50
Risk	Extremely Important	10.96	45.21	15.07	30.14	6.85	5.48	39.73
	Important	36.99	32.88	34.25	38.36	21.92	35.62	31.51
	Somewhat Important	23.29	6.85	27.40	10.96	34.25	31.51	13.70
	Not at all Important	16.44	5.48	12.33	10.96	24.66	15.07	4.11
	N/A	12.33	9.59	10.96	9.59	12.33	12.33	10.96
Non-Risk	Extremely Important	9.89	30.77	23.08	34.07	18.68	8.79	27.47
	Important	34.07	37.36	30.77	39.56	31.87	31.87	38.46
	Somewhat Important	21.98	12.09	21.98	9.89	23.08	29.67	15.38
	Not at all Important	16.48	3.30	6.59	2.20	9.89	12.09	3.30
	N/A	17.58	16.48	17.58	14.29	16.48	17.58	15.38

Note: NA= No answer.

When the same results are disaggregate according to members with PhD vs. those without PhD, it is noticeable that 66.7 percent of the respondents with PhD consider

NRAs as extremely important or important while 76 percent of the respondents without PhD consider NRAs as extremely important/important. Similarly there is a different perception between the two groups regarding the Council: while 60 percent of the respondents with PhD consider the Council as extremely important/important; only 48.96 percent without this level of education think the same. Again, when the results are disaggregated according to those with public sector experience at the national level vs. those at the EU level, it is possible to identify an important difference for the Council: while 47.76 percent of the profiles with national level experience consider that the Council is extremely important/important; only 16.67 percent of those with EU experience believe that the same institution is extremely important/important (See Table 4).

[Table 4. Differences across professional profiles: how important are the following players in coordinating different tasks related to transboundary crisis management (e.g. detecting a threat, gathering information, communicating information, implementing actions)?]

		Business (%)	National Agencies (%)	Council (%)	EC (%)	EP (%)	CSOs (%)	National Governments (%)
PhD	Extremely Important	12.12	24.24	33.33	39.39	21.21	9.09	33.33
	Important	36.36	42.42	27.27	33.33	30.30	36.36	39.39
	Somewhat Important	18.18	15.15	21.21	9.09	21.21	30.30	9.09
	Not at all Important	18.18	6.06	3.03	6.06	9.09	9.09	6.06
	N/A	15.15	12.12	15.15	12.12	18.18	15.15	12.12
No PhD	Extremely Important	11.46	42.71	14.58	30.21	8.33	7.29	33.33
	Important	38.54	33.33	34.38	40.62	27.08	35.42	35.42

	Somewhat Important	22.92	8.33	28.12	12.50	31.25	28.12	16.67
	Not at all Important	14.58	2.08	9.38	5.21	19.79	15.62	2.08
	N/A	12.50	13.54	13.54	11.46	13.54	13.54	12.50
Public Sector - National Level	Extremely Important	8.96	38.81	15.67	30.60	11.19	6.72	35.82
	Important	36.57	35.82	32.09	39.55	27.61	32.84	32.84
	Somewhat Important	23.88	8.96	27.61	11.19	27.61	30.60	14.18
	Not at all Important	14.93	2.99	9.70	6.72	18.66	14.18	3.73
	N/A	15.67	13.43	14.93	11.94	14.93	15.67	13.43
Public Sector - EU Level	Extremely Important	0.00	25.00	16.67	25.00	16.67	0.00	16.67
	Important	41.67	41.67	0.00	41.67	8.33	41.67	41.67
	Somewhat Important	8.33	8.33	41.67	16.67	25.00	16.67	25.00
	Not at all Important	33.33	8.33	25.00	0.00	33.33	25.00	0.00
	N/A	16.67	16.67	16.67	16.67	16.67	16.67	16.67

Note: NA= No answer.

Effectiveness in EAs coordination during a TBC:

When it comes to the coordinating role of the agency during a transboundary crisis, 68.9 percent of the respondents claimed that the agencies are very effective or effective at coordinating different players during a crisis. Again, when we disaggregate the analysis according to regulatory vs non regulatory agencies, and risk vs non-risk profile no major variation is identified (See Annex 3). For instance, the coordinating role of the agencies is considered as very effective or effective by 67.7 per cent of the

respondents in regulatory agencies and 69.8 per cent in non-regulatory ones. However, when we look through the lens of respondents with national level experience vs those with EU level experience, we identify 68.7 percent of the board members belonging to the first groups believe that their respective agencies are very effective/effective at coordinating different players during a crisis; while 58.3 percent of the members with with EU level experience consider their agencies as effective in this task.

c. Communication

Effectiveness in EAs communication during a TBC:

In this section of the survey, we asked the respondents to assess the circulation of information when a transboundary crisis arises: 62.2 percent of the respondents consider the circulation of information as extremely effective/effective. We also divided the responses on the circulation of information accordingly: 58.8 percent in regulatory agencies and 64.6 percent in non-regulatory ones assessed it as extremely effective/effective. We also analyzed risk-profile and non-risk profile agency with no relevant difference from the numbers in the general assessment. However, the situation changes when we desegregate the data according to members with national level experience and those with EU level experience: 63.43 percent of the board members with national experience considered the circulation of information within the management board when a crisis arises as very effective /effective; while only 50 percent of respondents with EU level experience considered that the circulation of information is very effective/effective (See Table 5).

[Table 5. How would you describe the circulation of information within the board when a transboundary crisis arises?]

	General	Regulatory	Non-Regulatory	Risk	Non-Risk	PhD	No PhD	Public Sector - National Level	Public Sector - EU Level
Very Effective	9.76	8.82	10.42	9.59	9.89	9.09	7.29	10.45	0.00
Effective	52.44	50.00	54.17	52.05	52.75	51.52	55.21	52.99	50.00
Ineffective	20.12	20.59	19.79	23.29	17.58	21.21	18.75	18.66	33.33
Very Ineffective	1.83	2.94	1.04	1.37	2.20	0.00	3.12	2.24	0.00
N/A	15.85	17.65	14.58	13.70	17.58	18.18	15.62	15.67	16.67

Note: NA= No answer.

d. Overall assessment of EAs facing crises episodes

Necessary resources to respond to a TBC:

Finally, we also included some questions regarding an overall assessment of the role of EAs during episodes of crises. In this section, we asked whether EAs have the necessary resources to respond to a crisis on its own: while 37.3 percent strongly agree/agree about this statement, 46 percent strongly disagree/disagree. When we disaggregate the data, the results show sharp differences among the respondents. While in regulatory agencies 54.6 percent of the respondents strongly agree/agree that their agencies have the necessary resources, only 23.2 percent in non-regulatory ones believe the same. In risk-profile agencies, 45.1 percent strongly agree/agree, while in non-risk profile agencies, only 31.11 percent matches the same response.

Looking to the data according to individual attributes, no major differences between those members with PhD and those with PhD arises. Same situation for those with experience in the public sector at the national level and those at the EU level (See Table 6).

[Table 6. In your opinion, does your agency have the necessary resources to respond to a crisis on its own?]

	General	Regulatory	Non-Regulatory	Risk	Non-Risk	PhD	No PhD	Public Sector - National Level	Public Sector - EU Level
Strongly Agree	4.97	12.12	0.00	5.63	4.44	9.09	5.32	5.34	8.33
Agree	32.30	45.45	23.16	39.44	26.67	33.33	29.79	35.88	25.00
Disagree	34.78	21.21	44.21	28.17	40.00	30.30	35.11	32.82	16.67
Strongly Disagree	11.18	4.55	15.79	14.08	8.89	12.12	12.77	10.69	25.00
N/A	16.77	16.67	16.84	12.68	20.00	15.15	17.02	15.27	25.00

Note: NA= No answer.

Necessity for having more competences to respond to a TBC:

Additionally, we also sought to investigate officials perceptions regarding the necessity for agencies to have more competences to respond to transboundary crises: 52.8 percent of the respondents strongly agree/agree that their agencies should have more competences. The most striking result in this question, if we disaggregate the results is the one provided by risk-profile vs. non-risk profile agencies: while 59.2 percent in the former believe that their agencies should have more competences; 47.8 percent in the latter think the same. Following the same line, 51.2 percent of the respondents with public sector experience at the national level strongly agree or agree that their

agencies should have more competences to respond to TBC. However, 66.7 percent of the respondents with public sector experience at the EU level strongly agree or agree with the same statement (See Table 7).

[Table 7. In your opinion, should your agency have more competences to respond to transboundary crises?]

	General	Regulatory	Non-Regulatory	Risk	Non-Risk	PhD	No PhD	Public Sector - National Level	Public Sector -EU Level
Strongly Agree	11.80	7.58	14.74	12.68	11.11	6.06	14.89	9.16	16.67
Agree	40.99	43.94	38.95	46.48	36.67	42.42	38.30	41.98	50.00
Disagree	24.22	25.76	23.16	21.13	26.67	30.30	23.40	27.48	0.00
Strongly Disagree	4.35	6.06	3.16	5.63	3.33	9.09	3.19	4.58	0.00
N/A	18.63	16.67	20.00	14.08	22.22	12.12	20.21	16.79	33.33

Note: NA= No answer.

7. Findings II: Explaining board members' attitudes towards crisis management

In this section we focus on examining four dependent variables which allow us to assess the perceived capacity—in the decision-making, coordination and communication—, and the perceived availability of the necessary resources to manage transboundary crises. The wording of the first three questions is the following: (a) *how effective do you consider the agency's decision-making process to be during a transboundary crisis?*, (b) *How effective do you consider the agency to be at coordinating different players during a crisis?*, and (c) *How would you describe the circulation of information within the board when a transboundary crisis arises?* In

addition, with the aim to capture the degree to which board members believe that their respective EAs have the necessary resources to respond to a crisis, we focus on the following question: (d) *In your opinion, does your agency have the necessary resources to respond to a crisis on its own?* The first three variables are ordinal variables with four categories: “Extremely ineffective” (1), “Somewhat ineffective” (2), “Effective” (3), and “Extremely effective” (4). The fourth dependent variable is also an ordinal variable that ranges from (1) “Strongly disagree” to (4) “Strongly agree”.

To test our first hypothesis (H1) on those members belonging to agencies having regulatory powers we use a binary variable showing whether each board member belonged to an agency with regulatory power (1) and those who did not (0). For the second hypothesis (H2) on those members belonging to agencies with risk management/assessment provisions, we also used a binary variable pointing at those members in agencies with these provisions in their founding regulations (1) vs. members in agencies with no legal provision on this subject (0). To test our hypothesis on educational degree of board members (H3), we use a binary variable indicating whether each management board member included in the analysis has —as her/his highest level of educational attainment— a PhD degree (1), and 0 otherwise. In addition, to test our hypothesis (H4) on the role of having intergovernmental and supranational professional profiles, we include two covariates: On the one hand, we identify whether each management board member has professional experience working in the public sector at her/his respective national level in the period 2005-2015 (1), and 0 otherwise. On the other hand, with the aim to measure the presence of a supranational professional profile, we identify whether each board member has professional experience working in the public sector at the European Union level in the period 2005-2015 (1), and 0 otherwise.

To examine the effect of the above-mentioned agencies’ characteristics and board members professional attributes, we use ordinal logistic regression cluster by agency. We use an ordered analysis because our dependent variables assume an ordering in the efficiency perceived by boards members within EAs. Since we run clustered

models, our analysis includes the EAs that obtained, at least, two responses. Since we only obtained one response from EIOPA the regression analysis does not include this agency. The main results are reported in Table 8.

Table 8. *Ordinal logistic regression for perceived effectiveness and necessary resources to face transboundary crises in EAs*

	Effectiveness - Decision Making	Effectiveness - coordination	Effectiveness - communication	Necessary resources
PhD degree	-0.49 (0.37)	-0.26 (0.28)	-0.14 (0.38)	-0.15 (0.35)
Professional experience- National level	-0.12 (0.46)	-0.32 (0.43)	-0.21 (0.55)	-0.14 (0.35)
Professional experience- European Union level	0.44 (0.82)	0.32 (0.37)	0.46 (0.55)	-0.12 (0.60)
Regulatory agencies	0.02 (0.38)	-0.63* (0.35)	-0.07 (0.38)	0.25*** (0.64)
Risk-profile agencies	0.35 (0.38)	0.91** (0.34)	0.55 (0.38)	-1.69* (0.38)
Cut 1	-2.11 (0.58)	-2.06 (0.32)	-1.70 (0.56)	-2.58 (0.84)
Cut 2	-1.27 (0.58)	-1.48 (0.34)	-1.15 (0.54)	-2.15 (0.79)
Cut 3	1.44 (0.55)	1.42 (0.39)	1.38 (0.59)	-0.61 (0.65)
Cut 4	3.77 (0.79)	4.07 (0.74)	3.8 (0.75)	1.50 (0.55)
Obs	131/28	131/28	131/28	129/28
Pseudo R ²	0.01	0.02	0.01	0.06
Log-likelihood	-155.34015	-147.46927	-159.04191	-176.37582

Note: Numbers in parentheses represent standard errors. Significant at *p ≤ .10; **p ≤ .05; ***p ≤ .01.

Although we expected the same results across the three dimensions examined (decision-making, coordination, and communication), the results show that board members have different beliefs about how their agencies perform such tasks when facing TBC.

The results show that board members in regulatory agencies are less likely to perceive higher levels of effectiveness in the coordination of their respective EAs, while board members in agencies with a risk-profile are more likely to perceive higher levels of effectiveness in the coordination. On the one hand, these results are contrary to our theoretical expectation regarding the role of regulatory agencies. In H1 we expected that management board members belonging to this type of agencies would be more prone to perceive them as more effective, particularly, because these agencies have been granted with binding powers. However, this result suggest that there is a gap between the expectations of board members belonging to these agencies and the participation in practice followed by external actors (e.g. member states) in the coordination of crises responses. Moreover, these results partially support our theoretical expectations regarding risk-profile agencies (H2) as these agencies are granted with provisions in their founding regulations to cope with emerging threats at the EU level, that is to say, board members beliefs' support the interpretation that this type of agencies are more likely to effectively carry out formal and straightforward procedures to coordinate different actors.

The results also suggest that board members in regulatory agencies are more likely to perceive that their respective agencies have the necessary resources to face transboundary crises; while those in risk-profile agencies are more inclined to believe that their agencies do not have the necessary resources. This result confirms that regulatory agencies have been granted with sufficient resources (e.g. staff, budget, competences) to carry out their tasks; however, when it comes to their role in the coordination, other factors may intervene (e.g. salience of the crises, national politics or politicization of issues related with the crises). In contrast, this result also suggest that although board members in risk-profile agencies believe that their respective EAs

are effective in coordinating crises episodes, they are more likely to believe that the resources available are not sufficient.

Finally, we did not find any significant result regarding the individual variables examined (i.e. educational degree of board members and intergovernmental and supranational profiles).

8. Conclusions

The last two decades has shown a growth in the amount and size of the challenges faced by the European Union. From an initial stage of construction of the European project, we have moved onto one of consolidation. However, multiple challenges from a financial, socio-political, environmental and technological nature seem to be new sources of transboundary crises in Europe. The financial crisis since 2008 has questioned the whole Euro-currency project while increasing Euro-skepticism, the growth (and acceptance) of disruptive and aggressive political rhetoric, the global warming, the refugee crises and the failure of democratization in several neighboring countries seem to pose immediate challenges to Europe. It is important to understand these new challenges and how European institutions should cope with them. In this context, European agencies, with their technical role, may play a significant role, while providing part of the answers needed in this process.

In this article we attempt to examine the attitudes of the EAs' management board members towards the capacities of agencies to manage transboundary crises along three dimensions: decision-making, coordination and communication. In line with other studies not related to crises management, our study confirmed that some political principals have a more central role in relation to the agency when managing crises. In general lines, our study showed that the board members surveyed attributed a higher level of importance to the European Commission, national regulatory agencies and national governments in the three dimensions analyzed. Other interesting result is that at the EU level, the European Parliament is perceived as less important than other political principals. However, board members in regulatory and non-regulatory and risk

and non-risk profile agencies attribute different degrees of importance. The results also demonstrated that the respondents attribute higher levels of importance to business associations than to civil society organizations, although these both type of social actors do not reach high levels of importance in comparison to the EAs' political principals.

Finally, our analysis also supports the idea that although board members in regulatory agencies believe that their respective EAs have the necessary resources to cope with TBCs; they also perceive lower levels of effectiveness in the coordination. The opposite holds true when it comes to risk-profile agencies, since their board members are more inclined to consider them as not having the necessary resources to face TBCs. Nevertheless, the same respondents believe that their respective agencies are more effective in the coordination of crisis' responses.

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ANNEX 1. Response rate by agency

	Agency Acronym	Number of MB members (according to EAs founding documents)	Number of respondents (after third reminder)	% Response rate
1	ACER	9	2	22,2 %
2	BEREC	29	6	20,7 %
3	CEDEFOP	89	18	20,2 %
4	CEPOL	26	6	23,1 %
5	CPVO	29	4	13,8 %
6	EASA	33	4	12,1 %
7	EASO	31	2	6,5 %
8	EBA	7	2	28,6 %
9	ECDC	33	6	18,2 %
10	ECHA	36	8	22,2 %
11	EEA*	32	3	9,4 %
12	EFCA	34	4	11,8 %
13	EFSA	15	10	66,7 %
14	EIGE	19	3	15,8 %
15	EIOPA	7	1	14,3 %
16	EMA	36	7	19,4 %
17	EMCDDA	32	7	21,9 %

18	EMSA	36	9	25,0 %
19	ENISA	30	7	23,3 %
20	ERA	36	10	27,8 %
21	ETF	34	8	23,5 %
22	EUIPO (OHIM)	31	5	16,1 %
23	EU-LISA	30	4	13,3 %
24	EUROFOUND	90	12	13,3 %
25	EUROPOL	29	3	10,3 %
26	FRA	31	7	22,6 %
27	FRONTEX	30	3	10,0 %
	TOTAL	874	162	19,7 %

WP4.3. Political Leadership in EU Agencies

Deliverable 4.5.3. Transboundary crisis management from the perspectives of four EU agencies: a case study research exercise

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Executive Summary

The European Union has faced, is facing and will continue to face transboundary crises (TBCs). Multiple threats, including terrorism, environmental problems, large-scale cyberattacks and financial instability, are creating challenges across geographic, political and policy borders (Ansell et al. 2010), often in unexpected ways. These crises often challenge EU-level institutions' capacities for offering coherent responses, making the multilevel dynamics that guide EU governance more evident. In this context, the establishment of EU agencies in recent years has created a repository of plausible mechanisms based on expert knowledge. These agencies are contributing to finding solutions — albeit imperfect, temporary ones — to crises. As part of the TransCrisis Horizon 2020 project, in this document we examine the role of EU agencies in the overall management of TBCs by asking the following questions: *Do EU agencies engage in responses to European TBCs? What role do they play in such crises? Are their resources and capabilities relevant for coping with TBCs? How can EU agencies improve EU crisis management?* This deliverable focuses on answering the questions listed above by studying four TBCs that affected Europe between 2011 and 2015 and the role of specific EU agencies within them. These cases were selected based on the nature of the crises that occurred and the characteristics of different policy sectors. The four selected cases we examine here are the: (1) the 2012 Banking Crisis that, which particularly affected Southern Europe, and the role of the European Banking Authority (EBA); (2) the 2011 E. coli outbreak in several EU countries and the role of the European Food Safety Agency (EFSA); (3) the 2014 Ebola outbreak in Sub-Saharan Africa and the role of the European Centre for Disease Control (ECDC)); and finally, (4) the start of the ongoing refugee crisis in the Mediterranean Sea in 2015 and the role of Frontex.

1. Introduction

The European Union has faced, is facing and will continue to face transboundary crises (TBCs). Multiple threats, including terrorism, environmental problems, large-scale cyberattacks and financial instability, are creating challenges across geographic, political and policy borders (Ansell et al. 2010), often in unexpected ways. These crises often challenge EU-level institutions' capacities for offering coherent responses, making the multilevel dynamics that guide EU governance more evident. The potential crises that may derive from such threats reinforce the need to provide institutional structures with new tools to cope with these challenges while offering efficient responses. In this context, EU agencies are a repository of plausible mechanisms based on expert knowledge that are contributing to finding solutions — albeit imperfect, temporary ones — to crises. Their specializations and clear-cut mandates on diverse policy areas enable them to create narratives and diagnoses that may facilitate cooperation among different actors at different levels (i.e. EU institutions, Member States and stakeholders). The emergence of the EU as a 'regulatory state' has made agencies a vital component in enhancing the EU's technical capacities for responding to these challenges (Majone 1996, 2005).

As part of the TransCrisis Horizon 2020 project, in this document we examine the role of EU agencies in the overall management of TBCs by asking the following questions: *Do EU agencies engage in responses to European TBCs? What role do they play in such crises? Are their resources and capabilities relevant for coping with TBCs? How can EU agencies improve EU crisis management?*

Our starting point for answering these questions is the definition of TBC management as 'the set of capacities, tools, resources and strategies that can be used to limit the effects of a TBC in an effective and legitimate way' (Boin et al., 2015). We focus specifically on crisis management because ineffective management generally plays a part in crises and the negative outcomes of these (Boin et al. 2013: 81). Moreover, studying crisis management implies understanding how institutions organize, direct and implement actions to minimize threats. It also implies studying the existence, or

lack thereof, of cooperative ties which pool resources with other players to make responses more effective. In this context, when institutions regulate the activities of certain groups, it implies that they make them foresee and manage potential risks that may affect the general public (Hutter and Lloyd-Bostock 2017: 11). EU agencies are a source of specialist knowledge and coordination for managing potential risks affecting citizens.

The involvement of EU agencies in TBCs affecting Europe is not new. Several EU agencies were created as part of coordinated responses to specific threats or as a risk-prevention mechanism for potential TBCs. This is true of the agencies operating under the European System of Financial Supervision that have been created since the 2008 financial crisis, such as the European Banking Authority (EBA), the Single Regulation Board (SRB) and the European Insurance and Occupational Pensions Authority (EIOPA). It also applies to the European Maritime Safety Agency (EMSA), created after the Prestige oil spill disaster in Spain, the European Aviation Safety Agency (EASA) and its role in the response to the 2010 volcanic ash cloud that paralysed European air travel, or Europol and its role in countering transnational terrorism. All the same, not all agencies were created with comprehensive risk management provisions. As recent events in the EU have shown, in some cases, EU agencies have faced crises in contexts where they were expected to react spontaneously, while in others their response came at the request of EU institutions or Member States. In these cases, some agencies embraced this role as part of a strategy for developing their missions and consolidating their organisations. In fact, as some of the cases studied in this report show, even if EU agencies did have some risk management provisions, the specific nature of each crisis created a need to expand their scope of action and innovate in real time during their responses.

This deliverable focuses on answering the questions listed above by studying four TBCs that affected Europe between 2011 and 2015 and the role of specific EU agencies within them. These cases were selected based on the nature of the crises that

occurred and the characteristics of different policy sectors. This is because we acknowledge that the type and nature of crises and the actors involved in them result in different responses and effects on citizens. Moreover, the EU agencies involved in each crisis enjoy different degrees of institutionalization and scopes of action, which are also influenced by the policy sector in question. The four cases we examine here are: (1) the 2012 Banking Crisis, which particularly affected Southern Europe, and the role of the European Banking Authority (EBA); (2) the 2011 *E. coli* outbreak in several EU countries and the role of the European Food Safety Agency (EFSA); (3) the 2014 Ebola outbreak in Sub-Saharan Africa and the role of the European Centre for Disease Control (ECDC); and (4) the start of the ongoing refugee crisis in the Mediterranean Sea in 2015 and the role of Frontex. Our case studies thus include two political-economic crises (the banking and refugee crises), and two health-related crises (the Ebola and *E. coli* crises). Furthermore, they include two highly integrated policy sectors (food/agriculture and EU borders), and two with limited EU integration (public health and financial regulation). These differences are important because they reflect issues where the existing tensions between Member States and EU institutions may emerge in crisis moments. These differences will allow us to draw detailed comparisons regarding the behaviour EU agencies during TBCs.

Building on Boin et al. (2005); Boin et al. (2013) and Boin et al. (2015), we study these four cases by examining three aspects of crisis management: decision-making, coordination and communication. Through these dimensions, EU agencies carry out the tasks defined in their founding regulations as well as new tasks that may emerge vis-à-vis unforeseeable threats that require innovative responses. On the one hand, these three aspects focus on the internal dynamics that lead an agency to respond to a crisis in one way or another and, on the other hand, on the external dynamics that link several actors and enable them to build broad responses that create crisis management networks at different EU levels.

This deliverable is divided into four parts: first, we will briefly define TBCs, the role of agencies in these and expand on the three dimensions of crisis management listed

above (decision-making, coordination and communication). Second, we will discuss the background for these cases and the methods used to collect and analyse information. Third, we will study the proposed aspects of the four cases before making some concluding remarks relating to the *de jure* and *de facto* roles that are expected of these agencies in relation to TBCs and those that they actually carry out. We also provide policy recommendations from our observations during fieldwork.

2. Transboundary crises at the EU level and EU agencies

TBCs can be defined as the widely shared perception of an urgent threat for which there is no obvious solution and that affects different boundaries (i.e. national, political, economic, social, organisation-related and legal, among others) (Boin et al. 2015). Such crises' potential to affect multiple sectors, groups and countries means that they reach beyond material and symbolic borders. To identify a TBC, we need to ask questions such as: Does it affect several countries? Does it have economic, political or social implications beyond the affected geographical space? Does it bring about an institutional reconfiguration of the actors in charge of managing the consequences of the crisis? Does it have legal implications? Answering these questions allow us to better identify the ever-increasing presence of TBCs and how organisations such as EU agencies respond to them.

A TBC needs a comprehensive and efficient response that identifies its origin, manages the required actions and deals with the potential consequences while informing relevant actors and the general public about this whole process. Deciding upon a response, implementing it and creating a message that everything is under control requires another key factor in the whole process: flexibility in implementing the pre-established procedures for crisis moments and in proposing and implementing actions that respond to these challenges in the absence of pre-established procedures. An efficient response to a TBC derives from an appropriate reaction and a narrative of the crisis that helps reassure different audiences that the situation is under control.

An efficient response involves including and integrating players that act coherently at different points in the response. This is why an overarching factor in any TBC is how players coordinate their responses. In line with Jordan and Schout (2006: 7), we define coordination capacity as those instruments that enhance a coherent response to common challenges within a network of interdependent actors. It may include the information exchange, identifying coordinated solutions and conflict arbitration, among other factors.

Another interrelated aspect of the overall response is the question of leadership. As Boin and t'Hart (2003) point out, leaders must worry about restoring trust in institutions and be convincing enough about their capacity to manage the crisis. In this sense, Suchman (1995: 574) defines legitimacy as the 'generalised perception or assumption that the actions of an entity are desirable, proper, or appropriate within a social system.' In this sense, agencies have been a direct or indirect part of three essential components of crisis management: leading critical decision-making in TBC management, coordinating responses involving a wide array of actors, and producing different narratives that identify, explain and reassure audiences that the situation is under control. Agencies emerge as a technical mechanism that may contribute to crisis management the coordination of the actors responsible for responding at the ground level (Heims, 2015: 2). An efficient response to a TBC will depend on an accurate assessment of the bigger picture and a coherent response that effectively manages the consequences. In most cases, it will also depend on EU agencies having the background information and human resources required for this purpose. As we suggested above, we believe that EU agencies may exert crisis leadership through existing formal capacities or even through the creation of informal ones in three specific areas: decision-making, coordination and communication.

Decision-making

Through this dimension, we seek to understand the importance of planning the response that will be implemented by different actors. We understand decision-making as ‘the authorisation of the agency to act in its own capacity and ranges from purely informational tasks to binding decisions’ (Christiansen and Nielsen 2010: 177). We assume that the success of the reaction to the crisis will depend on the level of agreement between relevant actors (such as EU institutions and Member States) on the best way to respond and the type of response that is decided on. To study this aspect, we will focus on agencies’ capacities to decide on the best response to a TBC. With this in mind, we focus on the existence of procedural designs consisting of ‘fire alarms’ to warn policymakers if a destabilising issue emerges (risk assessment) to procedures that encourage more ‘proactive’ involvement in the management of the crisis. We also look at the existence of informal practices in the absence of or as a complement to the above procedures (Christensen and Nielsen 2010: 178).

Coordination

Coordination is a key component of effective responses to TBCs (Heims 2014, Boin et al. 2014). At the EU level, leading responses to TBCs requires coherence among all the actors involved, especially the main ones responsible for implementing actions, namely Member States. In the EU, the multilevel nature of responses and the fact that different jurisdictions may be involved may represent a challenge coordinating the response (Boin et al. 2015: 421). Moreover, who makes the decisions, how decisions are implemented and how resources are pooled may affect the legitimacy of the response vis-à-vis the public. Coordination may be based on soft or hard mechanisms: soft mechanisms are based on deliberation, mutual learning and negotiation to achieve common expectations (Majone 1997, Sabel and Zeitlin 2010). Conversely, hard mechanisms are based on coercion by EU bodies (Heims 2015).

In these contexts, agencies may become coordinating nodes for different aspects of the response (e.g. consolidating expert information, coordinating resources and assets or becoming part of broader networks that respond to crises). During the coordination process, the agency may follow what it is stipulated in its mandate based on conventional and routine procedures or it may have to act without previous experience or pre-established procedures. In both situations, EU agencies can greatly contribute to coordinating responses among Member States and different actors (Majone 2002).

Coordinating actors at different administrative levels implies paying attention to EU agencies' horizontal and vertical relationships with EU institutions, Member States, other EU agencies and stakeholders (Jordan and Schout 2006, Heims 2015). Those defending a more horizontal approach argue that pre-established hierarchies are counterproductive when coordinating a crisis response since they hinder a flexible and context-based reaction. The assumption is that a less hierarchical coordinating model makes responses more flexible by resembling a network-like model. In contrast, those defending a more vertical approach allege that a pre-established, crosscutting authority that reacts to a crisis is an efficient move when coordinating different actors. In this case, the assumption is that a more hierarchical coordinating model gives a more standardised response by resembling a supranational model vis-à-vis the emergence of TBCs. In our discussion of this dimension, we focus on the existence of pre-existing coordinating procedures for responses and the implementation of these during crises. We also consider informal practices in the absence of or as a complement to these procedures.

Communication

Political leaders have a major responsibility for assuring the public that the response to a TBC is appropriate (Ansell et al. 2010: 200). Furthermore, representatives of public organisations such as the police, fire departments and the army, among others, are

also important in reassuring the public that the situation is under control during a crisis. According to 't Hart et al. (1993), it is central to the management of a crisis for there to be a leading voice that creates an account of the situation and the response to it. Communication implies providing a message that identifies the threat and offers a narrative on the implementation of a response to this threat. Doing so is necessary to restore or reinforce the legitimacy of the institution(s) in charge at the EU and national levels. A coherent response and a coherent narrative are the primordial tasks of those actors involved in managing TBCs. In the context of this study, the missing of an EU agency is to provide information and steps for tackling the crisis and also helping to coordinate the coherent message that all the actors involved should offer. Consequently, one crucial factor is how prepared the agency and other actors involved in the management of the TBC are to formulate an understandable narrative. This includes paying attention to time management from the moment a crisis starts to the moment the agency and other actors start releasing information to different audiences on the response.

3. Background and selection of case studies

Since the start of the European project, the EU has faced the challenge of harmonising the social and economic areas of Member States. It has thus been argued that EU agencies emerged as an institutional attempt to manage cross-border risks that challenge the EU integration process (Eberlein and Grande 2005; Rittberger and Wonka 2011). From time to time, these risks have turned into major and minor crises with consequences that affect the entire EU, several Member States or just a few of these. At the same time, the political, social and economic effects of specific issues have prompted EU institutions to take on a coordinating role in responses that seek to tackle them. It is precisely in this context that EU agencies emerge as a plausible crisis management mechanism.

As was mentioned in the introduction to this report, we focus on four TBCs that affected the EU between 2011 and 2015. We used the definition of TBCs that was

implemented for the TransCrisis project that we mentioned above (Boin et al. 2015; Jordana et al. 2017). The criteria for selecting these cases were based on the assumption that different policy sectors will respond differently to specific crises affecting different groups. Hence, the crisis may have effects on human health, the economy, the environment and security, among other areas. Under these circumstances, the transboundary nature of the crisis is related to the combination of different boundaries affected, which may be geographical, economic, administrative, political or legal.

Based on this line of thought, we selected four crises from different policy sectors that were salient in the political arena and the media over the past five years. In each case, we focused on the most relevant EU agency involved in the crisis according to background analysis of selected media outlets and European Commission documents.

The 2012 Banking Crisis and the European Banking Authority (EBA)

The first case is the banking crisis that mainly affected southern European countries in the first half of 2012. This crisis was part of the 2008 financial crisis and the subsequent economic recession it caused in Europe. The solvency of the financial systems of several EU Member States was under intense scrutiny as economic recession in these countries deepened (especially in Cyprus, Greece and Spain). As the banking supervisory body for the EU, the EBA undertook a capital assessment of European banks in the second half of 2011 which showed that banks in countries in this region were vulnerable to continuous economic shocks. The problems in Spain, the fourth-largest Eurozone economy, created anxiety among investors, who saw it as a potential threat to the Euro currency project. At the time, the Spanish economy was in deep recession, foreign capital was flying out of the country and there was a runaway public spending deficit.

The lack of deep reforms to the banking sector and banks' exposure to bad credit from the ailing construction sector raised fears that many were not solvent enough. Doubts about the strength of the banking system prompted Spain to force its banks to raise their capital provisions in line with EBA recommendations in the Eurozone. However,

on 9 May 2012, the country's economic circumstances prompted the government to intervene in Bankia after it became evident that this bank could not meet the capital provisions stipulated by Spanish financial regulators. Bankia had been created by consolidating the operations of seven regional savings banks affected by the economic crisis that started in 2008. On 25 May 2012, Bankia requested EUR 18 billion in state rescue. After several contradictory reports on the bank's real needs, the Spanish government requested an aid package from the European Stability Mechanism (ESM) on 9 June to keep the whole banking system afloat. In practical terms, this meant that the International Monetary Fund (IMF), the Commission and the European Central Bank (ECB) were going to establish the guidelines for restructuring the banking system. Due to their expertise in this arena, the European Banking Authority (EBA) was key to this process. The period covered in our analysis of this crisis is from December 2011, when Bankia issued a recommendation that capital provision in European banks be raised, to July 2012, when the ESM was put in place in Spain.

The 2014 Ebola crisis and the European Centre for Disease Control (ECDC)

After a series of cases detected in the Democratic Republic of Congo at the end of 2013; the government of Guinea declared an Ebola outbreak in March 2014. The rate of contagion and the difficulties in controlling the spread of the disease raised the alarm at the World Health Organization (WHO). The WHO declared the outbreak a Public Health Event of International Concern (PHEIC) on 8 August 2014. The slowness of the response drew heavy criticism from major international humanitarian organisations working in the field. In the following months, the outbreak spread to several neighbouring countries. The Member States' ministries of health responded to the threat of the virus in coordination with EU institutions through contingency plans and the repatriation of individuals that were either infected or suspected of being infected (a total of 13 infected European healthcare workers and 25 asymptomatic individuals were repatriated). Controls were imposed in certain international ports of entry to the EU and the preparedness of healthcare facilities was assessed. The sense

of threat heavily increased in October 2014, when Madrid-based nurse Ms Teresa Romero, who had been treating a Spanish priest who had got the virus in Sierra Leone, became infected, making her the first person to contract the virus in the EU. The preparedness of the hospital and the management of the situation by the Spanish government were criticised in the media, which raised concerns over the EU's preparedness for dealing with the virus. Although the risk of an outbreak was considered low by the WHO and European authorities, the speed at which Ebola was spreading in Africa prompted around whether the EU was prepared to respond to a potentially catastrophic scenario within its borders. The outbreak led to the involvement of a variety of actors. At the EU level, the Commission requested the expert assessment of the European Centre for Disease Control (ECDC). In December 2014, an ECDC mission was sent to Guinea to support the WHO's operations in the area. The WHO was also involved in coordinating the response to the outbreak with other countries, such as the US, the international NGO *Médecins Sans Frontières* (MSF), and the governments of the most affected countries (Guinea, Liberia, Nigeria, and Sierra Leone). Although the outbreak in Sub-Saharan Africa gradually faded away, more than 28,000 people contracted the virus and 11,296 died of it. The period covered in this case study goes from March 2014, when the Ebola outbreak was detected in Africa, to January 2015, one month after the decision to deploy ECDC staff in Guinea.

The 2011 E. coli crisis and the European Food Safety Agency (EFSA)

In May 2011, several cases of people infected with a rare and deadly strain of the *Escherichia coli* (*E. coli*) bacteria appeared in northern Germany. The symptoms were virulent diarrhoea and fever. On 26 May 2011, the City of Hamburg's minister of health pointed to Spanish vegetables as being the carrier of the pathogen, based on information from the Hamburg Hygiene Institute.¹ The day after, the Commission notified the 27 Member States of the existence of the *E. coli* outbreak through its

¹ Frankfurter Allgemeine Zeitung, 26 May 2011

Rapid Alert System for Food and Feed (RASFF).² On 31 May, German agriculture minister Ilse Aigner recognised that Spanish vegetables were not carrying *E. coli* and that they had still to find the source of the outbreak. In the meantime, new cases emerged in the Netherlands, the UK, Sweden and France.

Germany's initial suspicions around Spanish vegetables created tensions between the two countries. The initial communication strategy from the German authorities produced fears that European vegetables were not safe for consumption, which led to severe losses for the European agricultural sector. Farmers in Spain, France and Germany endured major losses that derived from restrictions on vegetable consumption. The crisis also affected the credibility of the transportation industry, which was responsible for moving the allegedly infected vegetables across Europe. The concern that EU agricultural products could be contaminated led to restrictions on their imports into several countries (e.g. Russia).

Upon an official request from the Commission to investigate, the European Food Safety Agency (EFSA), along with the ECDC and researchers from the national health institutes of the affected countries, searched for the origin of the outbreak. In the end, a research team led by EFSA found the source of the *E. coli* to be fenugreek seeds imported from Egypt. The Egyptian government reacted by defending its agricultural exports. The German authorities were heavily criticised for their communication strategy and initial management of the outbreak while the Commission was also criticised for not properly verifying the initial information released by the German authorities and for the economic management of the crisis in the affected countries. The debate revolved around the responsibility of regional, national and EU authorities. The outbreak produced 3,950 infections and 53 fatal victims³. The time period covered for this crisis is from April 2011, when the outbreak was declared, to July 2011, when it was officially considered over.

² Commission, Press Note IP/11/653, 27 May 2011

³ EFSA (2012). 'E.coli: Rapid response in a crisis' Press Release. May 11. Available at: <https://www.efsa.europa.eu/en/press/news/120711>

The 2015 Refugee Crisis and Frontex

In 2014, the lack of government in Libya facilitated the passage of refugees from Syria, the Middle East and the Horn of Africa and economic migrants through the central Mediterranean to Italy. As numbers increased by the thousands every month, Italy reacted by creating the Mare Nostrum operation using its own resources. At the end of the same year, the Italian government claimed that the operation was too expensive and requested contributions from EU Member States. Reluctance from several Member States to fund Mare Nostrum led to its termination. To replace it, the EU created the much smaller and less costly Operation Triton through Frontex, with a surveillance mission on the central Mediterranean migration route. Following a record five shipwrecks in April 2015, the European Council held an emergency meeting where they decided to increase the budget for Operation Triton and Frontex.

While the situation in the central Mediterranean escalated as fresh resources were placed in this area, a new episode developed in the eastern Mediterranean. Due to the pressure on the central Mediterranean route, new flows of refugees and economic migrants started using the eastern Mediterranean route from Turkey to the Greek Islands. The situation along the new route escalated to a point where three Member States (Greece, Croatia and Hungary) had serious difficulties managing the flows of refugees that were arriving in their territories by sea and land. To respond to these new flows along the eastern Mediterranean route, Operation Poseidon was put place to implement surveillance of the new route and control the human trafficking mafias in the area.

The same month, the Commission proposed a quota system for allocating refugees throughout the EU Member States. However, strong divisions between northern, eastern and southern European countries emerged on the numbers and types of refugees that they were willing to accept. After fruitless negotiations among EU Member States on the crisis, Germany opted for a short-lived 'open arms' policy that welcomed hundreds of thousands of refugees in September 2015. In a move to counter the pressures from traffickers in the Mediterranean and in parallel to

Operation Triton, the EU launched Operation Sophia (also known as EU Navfor Med) to board, search, seize and divert vessels suspected of being used in human trafficking.

Although the crisis is far from over, the implementation of more border controls and the externalisation of borders using countries outside the EU (such as through the Turkey–EU agreement of March 2016) contributed to decreasing the number of refugees arriving in Europe. During this crisis, Frontex emerged as a key actor in coordinating the operation’s response to the crisis. The period studied in this case is from April 2015, when the shipwrecks in the central Mediterranean occurred, and October 2015, when Germany halted its open border policy for refugees.

Table 1. Summary of the cases included in this paper

Case	Agency studied	Member States affected or involved	Timeframe studied	Policy sector involved
Banking Crisis	European Banking Authority (EBA)	Spain (affected)	December 2011-September 2012	Economic and monetary affairs
Ebola crisis	European Centre for Disease Control (ECDC)	Spain (affected) France (involved)	March 2014-January 2015	Health
<i>E. coli</i> crisis	European Food Safety Agency (EFSA)	Spain (affected) Germany (affected) France (affected)	April-July 2011	Food safety, health
Refugee Crisis	European Border and Coast Guard Agency (Frontex)	Italy (affected) Greece (affected)	April-October 2015	Justice, migration

4. Methodology

A multi-method data collection strategy was implemented in the four selected cases. The strategy involved desk research for official and media documents and semi-

structured interviews with officials involved in EU and national organisations that worked with the agency studied in each of the cases.

Our desk research focused on two types of material: **official documents** and **media documents**. The idea behind using this technique was to create a chronology and a reading of the different TBCs that agencies played a part in, as well as to identify the main actors and connect them to their institutional and political settings.

The **official documents** we used were technical documents and press releases from the agencies studied during their involvement in the crisis. In some cases, these were joint reports by the agency and partners involved in responding to the TBC. The more scientific agencies, such as the ECDC and EFSA, released several technical reports indicating progress in their efforts to solve the crisis while working with European and international organisations. We also looked at the founding regulations for the different agencies studied and amendments to these, as well as technical documents created during 'peacetime' to respond to potential threats.

The **media documents** we collected included newspaper articles relating to the specific crisis, first, and the agency studied, second. Newspapers were useful sources for identifying the features of the crises, the actors involved and the role of the agency. Since ideology may have an impact on the narrative of the news, especially in highly sensitive crises (e.g. immigration or food safety), the criteria we used to select media outlets were based on three aspects: their ideological leaning (left-wing, right-wing or centre), readership numbers and quality media outlets. It is important to mention that we were not interested in the editorial line of these newspapers but rather in how they contextualised the TBCs in question and the EU agencies that were responding to them.

Our selection of news came from two different types of sources: European and national. For European sources, we selected the news outlets with the largest readership among European elites. For the national level, we selected the two daily newspapers with the highest numbers of readers in the countries most affected by

these different crises and identified their ideological leanings (left/right). Tabloids were also included in some countries where reader numbers were high and where they have a significant influence on public opinion (e.g. Germany and Sweden). English versions of newspapers, where available, were included. **In total, we collected 693 newspaper articles.**

The Factiva database was used to identify news articles that included specific search terms related to each of the crises studied and the EU agencies that were responsible for responding to them over a specific period of time. The full text of each of the resulting articles was saved in one large Word document for each newspaper in each of the cases studied. We also created four different Excel databases⁴ with the news articles found in each of the four cases. The content in the files was organised in 11 columns containing:

1. The case in question (e.g. Banking Crisis);
2. article code in the Word document: for instance, 1EP1. The first number refers to the case (1: banking crisis; 2: Ebola crisis; 3: *E. coli* crisis; 4: refugee crisis), the two letters refer to the initials of the newspaper (EP = El País, Spain), and the final number indicates the article from that specific newspaper;
3. type of outlet: national/ international;
4. date of the publication: DD/MM/YYYY;
5. source: full name of the newspaper;
6. title: in the original language;
7. title: translated into English;
8. journalistic genre: news (economics); news (politics); news (international); opinion; expert analysis; editorial; interview;
9. keywords used in the search;
10. summary of the article in English; and
11. link to the article.

We will now discuss the newspapers selected based on our criteria. The newspapers were chosen based on information from the national organisations in charge of surveying readership numbers. Table 2 (below) summarises these selections:

⁴ The databases summarizing the media documents are available upon request.

Table 2. Newspapers and media outlets where we searched for articles

Case	Member State	Name (ideological leaning)	Time period	No. of articles
ALL	European Union	<ul style="list-style-type: none"> • Financial Times • Frankfurter Allgemeine Zeitung • Le Monde • New York Times 		176
The banking crisis and the EBA	Spain	<ul style="list-style-type: none"> • El País (centre-left) • El Mundo (centre-right) • La Vanguardia (centre-right/centre-periphery cleavage) 	April-September 2012	116
The Ebola crisis and the ECDC	Spain	<ul style="list-style-type: none"> • El País (centre-left) • El Mundo (centre-right) • La Vanguardia (centre-right/centre-periphery cleavage) 	March-November 2014	135
	France	<ul style="list-style-type: none"> • Le Monde (centre-left) • Le Figaro (centre-right) 		
The <i>E. coli</i> crisis and EFSA	Germany	<ul style="list-style-type: none"> • Süddeutsche Zeitung (left-wing) • Frankfurter Allgemeine Zeitung (right-wing) • Bild (right-wing/tabloid) 	May-July 2011	119

	Spain	<ul style="list-style-type: none"> • El País (centre-left) • El Mundo (centre-right) • La Vanguardia (centre-right/centre-periphery cleavage) 		
The refugee crisis and Frontex	Germany	<ul style="list-style-type: none"> • Süddeutsche Zeitung (left-wing) • Frankfurter Allgemeine Zeitung (right-wing) • Bild (right-wing/tabloid) 	April-October 2015	147
	Greece	<ul style="list-style-type: none"> • Katherimi (right-wing) — English version 		
	Italy	<ul style="list-style-type: none"> • La Reppublica (centre-left) • Corriere de la Sera (centre-right) 		

As said above, we also relied on ***semi-structured interviews*** with key respondents who were familiar with the crises in question, as well as with the EU agencies. While desk research allowed us to identify key events and actors, semi-structured interviews provided in-depth information on the dynamics underpinning the phenomena in question. The main criteria for selecting informants was their involvement in managing the crisis. We separated the informants into two groups: agency staff in key scientific, technical and managerial positions, and respondents from outside the agencies who were directly involved in working with these agencies during the crises in question. Our reason for selecting respondents within the agencies is that we wanted to get a sense of how they thought a given crisis should be managed while looking at the agency's working dynamics. These respondents are responsible for the different units in charge of designing responses and making proposals that the management boards (which are often made up of representatives of the Member States' national agencies) will later approve. When interviewing respondents outside the agency in question, our focus

was on their perceptions of the agency, their role in the crisis and their overall, more general understanding of crisis management.

For the first group, we interviewed people in 11 high-ranking positions in the four focus agencies as part of each of the four cases: two people at the EBA, four at the ECDC; three at EFSA; and two at Frontex. We carried out four interviews for the second group of respondents: one former official from the Commission on the Ebola case; one Commission official and one official from the Spanish Ministry of Health on the *E. coli* case; and one Commission official on the refugee case. In total, we carried out 15 interviews. We attempted to contact more actors for all the cases, but, unfortunately, the sensitive nature of the issues in question and the workloads of some of the people we contacted prevented us from interviewing them. As stated above, we searched for people who were directly involved in the cases in question.

The aim of the interview questionnaire was to identify different aspects of the agency's role during the response to the crisis from a crosscutting perspective. We were particularly interested in three crisis management tasks (based on the TransCrisis Project Analytical Framework): decision-making, coordination and meaning-making. However, talking about a specific crisis inevitably leads to discussing other tasks which are also important in obtaining a complete picture of the process: the detection of the crisis, meaning-making around it, and communication and accountability during the response to it. Although these tasks emerged during the interviews, we were interested in using this information to complement the main three dimensions that we focus on.

Data-Analysis

Our analysis of the information followed the two conditions of qualitative methodology: a focus on meaning rather than on quantifying phenomena and gathering information on a small number of cases. As Patton (2014: 21) states, 'qualitative analysis transforms data into findings. No formula exists for that transformation. Guidance, yes. But no recipe.' Due to the characteristics of the data collected and the aim of our study, we found process tracing useful for analysing the

data. Process tracing can be defined as the ‘systematic examination of diagnostic evidence selected and analysed in light of research questions and hypotheses posed by the investigator’ (Collier, 2011: 823). The method is recommended when the objective is to establish the causal mechanisms behind a phenomenon (George and Bennett, 2005). Tansey (2007) states that process tracing allows data to be obtained about specific events and processes. The data collection methods described above therefore mainly focus on the key political actors in the process under scrutiny: the role of agencies in TBCs.

5. Agencies and the cases of TBC management

We will present our results through the three dimensions discussed above: decision-making, coordination, and communication.

5.1. The 2012 Banking Crisis and the European Banking Authority (EBA)

The 2012 sovereign debt crisis affected the credibility of certain countries in the Eurozone and was also connected with doubts around their banking systems. In these countries, extreme pressure from international markets led to skyrocketing risk premiums. The role of the EBA, as an agency created to oversee the European banking system, became central in the EU’s weaponry for re-establishing trust in the financial system. Despite criticisms of the European authorities and certain national governments in their overall management of the banking crisis, the EBA performed the role that was stipulated in its regulations. In fact, as a semi-regulatory body in charge of supervising the European banking system, it undertook the actions it was expected to perform under its mandate. The engagement of the EBA in this crisis can be divided into two parts that will be described in the following paragraphs: a more general response to the wider EU banking system through the application of the regulatory provisions in its regulations and a more specific response that was coordinated with several actors in the banking crisis that particularly affected Spain in 2012.

The EBA's legal competencies

The EBA was established under Regulation (EU) No. 1093/2010⁵ of the European Parliament and of the Council on 24 November 2010 (in the Journal of the EU on 15 December 2010) following the recommendations provided in the Larosiere Report (25 February 2009)⁶. The report recommended strengthening the EU supervisory framework by creating the European System of Financial Supervisors which should be comprised of three European Supervisory Authorities (ESAs): the EBA, the EIOPA and the European Securities and Market Authority (ESMA). The main goal was to reduce the risk and severity of future financial crises.

The overall objective of the EBA is to maintain financial stability in the EU and to safeguard the integrity, efficiency and orderly functioning of the banking sector. Its mission is the adoption of the European Single Rulebook in the banking sector. The intention is to harmonise prudential rules across the EU. The EBA seeks the convergence of supervisory practices and is mandated to assess risks and vulnerabilities through risk assessment reports and pan-European stress tests.

The EBA's founding regulations state that its powers are based on two grounds: (A) quasi-regulatory powers: the Regulation Act by which the EBA is founded confers it quasi-regulatory powers in the form of the capacity to draft binding technical standards and adopt soft law instruments (made up of guidelines and recommendations); and (B) supervision: the logic is to verify that all market participants are complying with the financial rules of the EU. For this purpose, the EBA has supervisory coordination, supervisory convergence and risk assessment competencies.

The **decision-making process** in the EBA was guided by the crisis environment in which the agency was created. The fact that the agency started its operations in January 2011 and that it was created amidst a serious economic crisis in the EU endowed it with mechanisms for detecting risks and tackling them (e.g. capacity to give recommendations to the EU banking system or binding mechanisms). In December 2011, the agency made what became the most important decision in this crisis: a

⁵ See online at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32010R1093>

⁶ See online at:

http://ec.europa.eu/internal_market/finances/docs/de_larosiere_report_en.pdf

formal recommendation that EU banks increase their capital ratios. Despite their capacity to decide on the content of the policy lines for the supervision of the banking system, consensus with the Commission and national supervisors was still central to their actions. In this sense, the EBA's to make decisions within its jurisdictions reflected the intention in its design of it being an organisation that would be able to centralise banking supervision practices at the EU level. This was especially useful at a time of uncertainty around responses to the overall crisis.

During the banking crisis, the agency had tools at their disposal that compelled supervisory authorities to follow recommendations that strengthened national positions in the event of future shocks. In this sense, the agency's mandate for achieving supervisory convergence in the EU meant that the EBA had to implement actions to enforce the Single Rulebook for banking supervision. Risk assessment at the end of 2011 and 2012 was central in the decision-making process the agency followed. In the second half of 2011, the agency conducted a recapitalisation exercise in which they assessed sovereign risk in the European banking system. The exercise showed that banks in southern Europe were especially vulnerable to economic shocks, a finding which helped shape the above-mentioned recommendation. Following the exercise, the EBA's Board of Regulators (its decision-making body) adopted a recommendation to increase capital requirements for banks. Implementing the recommendation implied that banks in Member States had comply with these new requirements by June 2012. To achieve this, national supervisory authorities were responsible for ensuring that the banks under their supervision complied with this increase.⁷ In parallel with the above-mentioned actions, in the second half of 2012, the EBA proposed a Crisis Management Manual for cross-border banking groups⁸ and in

⁷ EBA (2011). 'The EBA publishes Recommendation and final results of bank recapitalisation plan as part of coordinated measures to restore confidence in the banking sector'. Press release, December 8. Available at: <http://www.eba.europa.eu/documents/10180/15971/Press+release+FINALv2.pdf/c9046302-c51d-4c7e-9156-8481db75d036>

⁸ EBA (2012). BoS meeting, Minutes. Agenda item 3, point 7. 25-26 September. Available at: <https://www.eba.europa.eu/documents/10180/16841/EBA-BS-2012-207-Final--BoS-minutes-25-26-September-2012--PUBLIC.pdf>

2012 issued a new recommendation on the strategic use of capital accumulated by banks.⁹

With specific regard to the EBA's role in Spain, the Commission emerged as a major player in the decision-making process. When Spain requested an aid package in June 2012, the EC, the IMF and the ECB formed an Expert Coordination Committee with Spanish authority. The EBA's decision to participate came after Spain invited it to become part of the steering group guiding the restructuring of the banking sector, at the EC's suggestion. In this sense, the EBA's expertise in the banking sector evidently came to legitimise the EC's role in the steering process.

The EBA's *coordinating role* was one of the central points in the management of the crisis. EBA implemented two different types of coordination: on the one hand, it coordinated national supervisory authorities in their implementation of the EBA's December 2011 recommendation; on the other, it coordinated these authorities' involvement with European authorities, the IMF and the ECB in the adjustment programmes in several Member States (e.g. Bulgaria, Cyprus, Greece, Ireland, Portugal and Spain). Spain represented a major challenge due to the size of its economy and financial sector. In both instances, the provisions set out in the EBA's mandate and the pre-established procedures for its involvement enabled it to develop a role that was consistent with that of the other actors involved.

The EBA's clear-cut mandate and the allocation of powers to it facilitated its role in the relationship so central an actor in the European economy as the ECB. As can be seen in the coordination aspect of this crisis, the EBA carried out its role as established in its founding regulations, which implied that its coordinating role did not clash with the decisions made by the ECB. The EBA's coordinating role was limited to oversight of the

⁹ EBA (2012). 'EBA publishes final report on the recapitalisation of European banks and paves the way for the transition to the CRDIV framework'. Press note, October 3. Available at: <https://www.eba.europa.eu/-/eba-publishes-final-report-on-the-recapitalisation-of-european-banks-and-paves-the-way-for-the-transition-to-the-crdiv-framework>

European banking system and coordination with EU institutions, the IMF and the ECB at the request of the EC.

The first of these two types of coordination, which was centralised through the EBA, revolved around the close oversight of issues related to the recapitalisation of European banks. The EBA and national supervisors approved and monitored the implementation of the banks' plans to increase capital¹⁰ following the December 2011 recommendation. Although the EBA had a major say in the coordination and oversight processes, it was the national authorities that were ultimately responsible for approving the banks' recapitalisation plans. Through the interviews we conducted, it became clear that the EBA's coordinating role was limited to directing their national counterparts, who were actually in charge of implementing the recommendation on the banks per se.

In Spain, the procedure for the EBA's participation on the ground was based on the EC's assessment of the expertise that would be needed to implement the ESM. These needs were based on a mix of policy actions designed by the European 'Troika' (the EC, IMF and ECB) in the banking sector. Again, the Commission played a central role in making the EBA take part in coordinating the different actors involved because of its expertise in addressing shortcomings in the supervision of banking sectors in Member States. As mentioned above, the EBA was part of a strategic coordination committee and an expert coordination committee.

The **communication** aspect of the EBA's involvement in banking crisis used a two-pronged strategy based on a consistent narrative. This entailed, on the one hand, addressing the public and political sectors at the EU level and, on the other, addressing the Board of Supervisors, which represented the national supervisory authorities of 28 Member States. The idea behind this strategy was to translate the EBA's findings on

¹⁰ EBA (2012). 'Update on the implementation of the capital exercise.' Press release, July 11. Available at: <https://www.eba.europa.eu/-/eba-publishes-final-report-on-the-recapitalisation-of-european-banks-and-paves-the-way-for-the-transition-to-the-crd-iv-framework>

the assessment of the banking system, its recommendations and the follow-up exercises it carried out into a coherent, unified narrative. The only variation in this two-pronged strategy was the depth of the information offered: while for the general public the message was more condensed, for the national supervisory authorities and the Commission it was based on the technical details that supported the EBA's recommendations. Through its various assessments of the situation, the EBA attempted to understand where the weaknesses of the banking system lay, especially in southern Europe. As one of the respondents said, the need to make national supervisory authorities agree on common positions that supported the EBA's strategy for tackling the crisis implied providing more technical information.

'...we have been saying since 2011, we have a crisis in the banks, we need the banks to restructure, reform and move on from the crisis, we are still saying that, because I haven't finished the job yet, that's why we put out a recommendation on asset quality reviews across the European Union in 2014' (EB02).

The EBA's communication strategy and transparency in this communication were central factors in legitimising its role in the overall crisis. This might be related to the novelty of there being a European agency in a nationally dominated sector such as banking. Its communication strategy was also related to a sense of accountability to other EU institutions and European citizens, which the EBA felt it had a duty to during the crisis.

Two factors can be identified in relation to the role of the EBA in the overall management of the crisis. First, as a new agency created in the wake of the 2008 financial crisis, it had a mandate to act as semi-regulatory power to point out the weaknesses of the European banking system and oversee the correct implementation of their recommendations. Although the formal procedures establish a series of mechanisms where Member States invite the EBA to participate in accompanying the implementation of banking reforms, at an informal level it seems to have more power than this description would suggest due to its expertise and its horizontal relationship

with the EC. In this sense, the EBA's mandate and its specialist nature are key factors in the economic management of Member States. Moreover, the presence of national supervisors on the EBA's Board of Supervisors provided the agency with a forum for discussion, negotiation and information exchange that helped it perform its mission. In this crisis, contact with national supervisors and the coordination of decisions played a central part in the EBA being able to provide coherent positions.

Second, the EBA did what its mandate stipulated and what its powers allowed. Although some respondents said that the EBA should have been granted more powers to inquire into the national banking systems of the affected countries, it was still able to use the information that was available to it in an expansive manner even after the period under study. The need for convergence in banking systems and the depth of the crisis favoured the EBA's more established role as a coordinating node for the convergence of banking supervisory rules in the EU. For instance, the EBA introduced changes to the Single Rulebook by making the enforcement of banks' capital levels stricter (BANK02). However, the interviews also pointed to a need for more powers in specific risk assessment areas to enable authorities to act quicker when weaknesses are detected. This is directly linked to the fact that the EBA's mandate prevents it from directly assessing the asset quality of national banking systems — this is the responsibility of national authorities.

Within the EBA's mandate and the constraints of its role during the crisis, the political component emerged as a factor that facilitated its involvement, for instance, the situation in Spain. While the Spanish government requested aid for bailing out their banking system, the Commission invited the EBA to participate in the Strategic and Expert Coordination Committees, which gave the EBA room to make recommendations on the banking system. This situation demonstrated that the overall political salience of the crisis had an impact on the scope of the work carried out by the EBA: the more serious the uncertainty in Member States, the more the EBA could perform the expansive role mentioned above.

5.2. The 2014 Ebola crisis and the European Centre for Disease Control (ECDC)

The 2014 Ebola outbreak in Sub-Saharan Africa and the deaths it caused in the most affected countries was treated as an international health crisis by European authorities. The main cause of uncertainty identified in this crisis was how to control a potential outbreak in Europe. The process for intervening in the outbreak was not a straightforward one — in fact, the involvement of several actors in assessing and managing the crisis gives a rather fragmented picture in which the WHO, European authorities (namely the Commission and the Council), and Member States (i.e. France, the UK and Spain) attempted to offer a coherent response. Among the EU authorities, the ECDC, as part of the European line of defence against health-related risks, sought a balance between its role in the assessment of health risks to the EU population and a willingness to use this expertise in an outbreak outside the EU that could eventually pose a risk within it. This situation created some degree of confusion as to how far the ECDC could expand its actions outside EU boundaries. Despite the initial confusion, requests from global public health actors to the EU to let the ECDC participate in the international response to the outbreak made the latter an important actor in the overall management of a health-related crisis.

The ECDC's legal framework

In accordance with article 168 of the Treaty of Lisbon, the EU has legal authority in the field of public health. The basic tenet is that EU action is meant to complement the national policies of EU members and to coordinate and support their actions. Given this authority, the European Centre for Disease Control (ECDC) was created through Regulation (EC) No. 851/2004 on 21 April 2004. Article 3 (par 1) establishes that the ECDC's mission is 'to identify, assess and communicate current and emerging threats to human health from communicable diseases'. To achieve this, the ECDC works in partnership with national health bodies across the EU to monitor health issues and launch early warnings on potential risks.

This regulation makes it clear that the ECDC has no regulatory power (L142/1, paragraph 6). However, it also states that the ECDC has the power to act on its own initiative when there is an outbreak of a communicable disease of unknown origin. In cases when the outbreak is NOT produced by a communicable disease, the ECDC 'shall act only in cooperation with the competent authority upon request from that authority.' To achieve comprehensiveness, coherence, and complementarity of action, the ECDC 'shall take full account of the responsibilities of Member States, the Commission and other agencies and of the responsibilities of international organisations active in the field of public health.'

The ECDC is responsible for the Epidemiological Surveillance Network (ESN) and the Early Warning and Response System (EWRS). Member States are required to submit any scientific and technical data to the ECDC so that it can carry out its mission and identify competent public health bodies that could assist the EU in the case of disease clusters or outbreaks (Article 5 of the regulation).

The ECDC can issue scientific opinions and studies as articles 6 and 7 of the regulation state. These opinions can be released at the request of the EC, the European Parliament or a Member State OR on its own initiative.

The ECDC's **decision-making** on the Ebola outbreak was a mix of routine risk assessment responses and joint decisions with relevant actors with the aim of offering innovative answers to a type of situation the ECDC had not faced before – an international outbreak and a mandate restricted to Europe (the 2015 Annual Report and interviews with ECDC officials). The ECDC's decisions were strongly grounded at all times in the mission set out in its founding regulations. In this sense, it worked in

partnership with national health bodies across the EU to assess the risk of an outbreak and how prepared each country was in the event of one. Up until this point, it was 'business as usual' for the ECDC. However, the greatest challenge started when international health organisations requested its support on the ground at the origin of the outbreak: Sub-Saharan Africa. From this point, decision-making within the ECDC can be divided into two categories: actions aimed at the EU and those aimed at countries outside the bloc where Ebola had appeared. As one interviewee said:

'During the first month our role was clearly to prepare and protect Europe in Europe... carry out risk assessment, ensure the capacity (of Member States)... and we did all of that, and that is our role, and the perception was that if we all go to Guinea, who is going to prepare Europe?... Should I protect my house from the fire at my neighbours' before helping them [put it out]...? (Interview, EB03)

During the first stage, the first decision the ECDC had to make was whether the outbreak was a threat to the EU. The ECDC has a crucial tool in its decision-making process: the daily round-table on risk assessment. At this round-table, the ECDC's scientific experts get together to discuss emerging risks around the world and decide how they should act, if necessary. Thanks to this established risk-detection procedure, the ECDC was able to identify the start of the Ebola outbreak in Africa right from the beginning. They deemed it a low risk due to the geographical distance from the epicentre of the outbreak, the conditions for transmission, and the preparedness of Member States' health systems for such situations.

'Our role was to assess the risk and we did, and we said the risk is very, very minimal for, for the EU, so get the country prepared in case they have a case and for that we gave a lot of guidance on protective equipment in the EU, reviewed capacity for diagnostics in all the countries' (EB03).

The ECDC then prepared a series of recommendations on screening to detect potential cases as well as to check the preparedness of Member States in terms of detection and care facilities for infected patients. However, as the interviews made clear, Member States had the freedom to implement recommendations they considered necessary. This led to a situation where some countries decided to carry out airport screening on potential Ebola cases using temperature scanners when the ECDC had already stated that this was an ineffective measure, as the false negative case of a UK passenger at Heathrow airport in London proved (EB02). Another important step related to decision-making and the coordination of the ECDC's role during the outbreak was to name one agency representative to liaise with the EC.

During the second stage, when the outbreak was escalating quite rapidly, the ECDC, in consensus with other partners (the US CDC, the WHO), decided to deploy experts in Sub-Saharan Africa to support public health and clinical teams there. The decision came after requests from scientific global partners (CDC and WHO) that had deployed teams on the ground as part of the global response to the Ebola outbreak. The ECDC's decision to participate came after deliberation among the EC, the ECDC's management board and Member States. The decision was challenging since the ECDC is a European agency with a mandate to protect the EU, not an EU organisation designed to serve *in situ* in countries outside the bloc. This decision was also complicated by the reservations of national health authorities regarding the use of resources abroad or at home. As one respondent said, the outbreak in Africa was initially perceived by Member States as being too far away to justify sending national experts that should be at home if there is an emergency before national governments and national public opinion. In the end, the magnitude of the crisis in Africa, the international requests to the EU for support in Africa and the need for more French-speaking experts to be deployed in Guinea led the ECDC to participate in this endeavour and request cooperation from national experts in Member States.

The decision to participate in an international mission implied the ECDC deciding on critical issues based on its preparedness, institutional capacity and logistics to deploy staff on the ground in Guinea. Defining the needs in the field, selecting the staff who would go and sorting out technical aspects such as insurance, transportation, and daily allowances, among other factors, were all important during this phase. At the same time, defining the type of role the experts would carry out in the field (research-oriented, clinically-oriented, public health-oriented) were also central to the ECDC's work plan.

On the one hand, the ECDC's *coordinating role* was based on the formal tasks where the ECDC played a leading role according to its regulations and which were put in place in Member States and, on the other, on those parts of the response where the ECDC was part of broader networks of actors in Europe and abroad.

In the first part, the ECDC's role was fairly straightforward due to its mandate as a risk assessment agency in the EU. As mentioned above, the ECDC had to assess the preparedness of Member States in the event of an Ebola outbreak (e.g. management and treatment of Ebola cases) (2015 Annual Report: 14). At the EU level, the production of documents helped build preparedness for a potential outbreak. In this sense, the coordination with the national health authorities in Member States was perceived as appropriate to the needs of the crisis.

At this point, it is important to mention that the case of the Spanish nurse infected with the Ebola virus at the Carlos III Hospital in Madrid led to a thorough revision of all preparedness procedures as well as the technical aspects related to health workers' safety. In fact, EU governments and institutions were in permanent contact with the Spanish Ministry of Health to review their health protocols¹¹. During this stage, the ECDC played a key role in assessing the situation by pointing out various mistakes made at the hospital¹². The lessons learned were channelled through the ECDC and its

¹¹ La Vanguardia, 9 October 2014

¹² El Mundo, 11 November 2014; interviews

focal points across Europe — in Spain, for example, this took place through the National Centre for Microbiology (Instituto de Salud Carlos III).

‘If this has been done in Africa for years, since 1976, when the first outbreak was detected, and it has been done successfully, how can this not be done in a European country?... So it was more the panic, the cloud that gathered around Ebola, rather than risk management’ (Interview, EB05).

In the second part of the response, according to our interviews and to media reports, the EU was effective in setting up inter-sectoral coordination among different actors in response to Ebola. From early on, the EC’s Humanitarian Office (ECHO), DG Santé and External Action Services held meetings as part of the response to Ebola. ECHO established an Ebola virus task force which the ECDC took part in. The ECDC circulated the scientific and public health information it produced among the different Member States and EU authorities while participating in the coordinating board that had been set up to respond to the outbreak. Accordingly, respondents and media reports both expressed that this part of the response had been correct. All the interested parties were in crisis mode while preparing their responses. The apparent issue that emerged from the study came when putting these plans into practice, especially those related to the EU’s work, especially that of the ECDC, in countries outside the EU (i.e. Guinea).

ECDC experts were deployed in Sub-Saharan Africa at the request of the WHO and other international partners in Guinea, under the umbrella of the WHO, and as part of the WHO’s Global Outbreak and Response Network (GOARN) (2015 Annual Report: 14). As mentioned above, preparing this mission led to a series of challenges that were eventually solved. However, the actual deployment also prompted new challenges on the ground when coordinating the ECDC with other actors. One such challenge was the decision to release a call for setting up a network of clinicians, public health experts and other specialists who could support the mission in Guinea. Although the ECDC recruited volunteers to travel to Guinea, the main issue was that it did not have a field

preparation department as some large NGOs or institutions working in the field do. This meant that the ECDC ran the risk of not being able to fully assess volunteers. On the bright side, the ECDC's experience and the recent creation of the European Medical Corps under the ECHO led to the inclusion of recruitment mechanisms to improve the selection (EB01, EB05).

One important criticism of the coordination of the Ebola response was the question of who was in command (interviews). In a newspaper interview, MSF's director of operations claimed that rather than a lack of funding, the problem revolved around a lack of global leadership and organisation¹³. This goes some way to explaining how long it took the EU to react and respond to international partners' requests for ECDC experts to be sent to the field. In fact, one of the respondents, an expert from the EC, stated that there was a need for more automatic proceedings when the outbreak occurred. The outbreak was declared in March 2014, but it was not until December of that year that the ECDC was able to send personnel to the area. Along the same lines, an ECDC respondent mentioned that the ECDC did all that it was supposed to do from a public health, clinical and scientific point of view, but it was not sufficiently well coordinated in other spheres (EB05). The same informant suggested more permanent coordination structures with ECHO and the different civil protection mechanisms and other public health-related areas of the EC.

The **communication** the ECDC used with different audiences was strongly influenced by its scientific and technical nature. According to an ECDC official, at the beginning of the outbreak, the communication strategy followed the procedures already established for similar situations (EB04). As explained by another ECDC informant, communication during the crisis was based on doing the same core business they did in 'peacetime' but more intensely and with greater volumes of information. As mentioned above, the strategy for communicating with other EU institutions and Member States was based on the ECDC's scientific and technical nature. Information

¹³ Le Monde, 19 October 2010

came in the form of Rapid Assessment documents released by the ECDC and the subsequent documents and communications released as part of the ECDC's research and public health response *in situ*.

The main communication strategy included two approaches: the first relied on communication with the Commission and Member States through the different ministries of health, and the second relied on public communication through the ECDC webpage and social media. In fact, as stated by ECDC respondents and in the documents it released during the outbreak, there was a significant quantity of information on preparedness, rapid risk assessment, detailed risk assessment reports, minutes from different meetings, and press releases which explained the ECDC's actions during the Ebola outbreak.

Identifying the key messages that the ECDC wanted to deliver to the wider public was essential in this process. In general, the strategy was to reassure the public that everything was under control.¹⁴ There was a different message to the public health community, namely that it needed to be vigilant and aware of any new development.

'In terms of strategy, I think that we understood quite early that our key message was in terms of... what the kind of risk would be for Europeans, what the risk would be if it came to Europe and that was expressed in our risk assessment' (EB4).

From a media perspective, the ECDC's role was perceived to be highly technical and ancillary to the EC's response to the crisis. In fact, ECDC was less visible in the media outlets studied during the peaks of the outbreak than, for instance, the US CDC. The situation slightly changed when Ms Romero, the nurse mentioned above, was infected with the virus at the Carlos III Hospital in Madrid. In fact, according to some respondents, the biggest challenge was coordinating communications from the Spanish government, rather than managing the infection itself (EB05).

¹⁴ As an example, the ECDC's website press release: <https://ecdc.europa.eu/en/news-events/reinforcing-fight-against-ebola-guinea>

Our interviews and the documents released by the ECDC and other EU institutions make it clear that a great effort has been made to identify the strengths and weaknesses of the different procedures and actions that were implemented. Moreover, despite some criticisms around the speed of the response, the efforts made by the actors involved avoided the worst-case scenarios feared at some points in the outbreak. It is important to mention that for the EC, the ECDC, Member States and other related actors, the Ebola outbreak was an enormous stress test of the capacity of European authorities to respond to global health challenges.

This case reveals several issues. The first relates to the organisational perspective and the flexibility of the legal framework that the ECDC has to navigate in complying with its mandate while responding to the scientific needs of global health-related threats. Although the situation in Europe and the ECDC's role in all Member States was straightforward, the mission in Africa exposed some shortcomings regarding the flexibility of its mandate in actually attacking the root causes of Ebola. One future course of action that has emerged from studying the role of the ECDC in this outbreak would be to take a closer look at its mandate in relation to the ECDC's preparedness for handling the health challenges of a modern, interconnected and globalised world.

Second and related to the previous point, the ECDC's transnational mobilisation capacity has proven to be a central component in its task of protecting the EU from any health threats. Although Decision No. 1082/2013/EU on serious cross-border threats is a step in this direction, the ECDC could still be granted more powers to create procedures when facing similar challenges in the future (e.g. the presence of experts *in situ*).

Third, in more general terms, there is a clear need to foster a wider European sense of defence against emerging health threats beyond Member States' national considerations. According to some of the informants, the initial reaction to the Ebola outbreak in Sub-Saharan Africa was slowed down by the different proposals from Member States on how to respond. In this sense, steps have been taken to unify the

European response to similar threats emerging in other parts of the world that could eventually represent a risk to the EU.

5.3. The 2011 *E. coli* crisis and the European Food Safety Agency (EFSA)

The management of the *E. coli* crisis in Europe in the spring of 2011 can be divided into three phases. First, the communication strategy regarding the causes of an outbreak in northern Germany. Second, the negative implications of this communication strategy and the reaction of EU authorities to counter economic and diplomatic implications while reassuring the public that the situation was under control. Finally, and almost in parallel to the second phase, the scientific response to finding the source of the outbreak, which was the main factor of uncertainty in the whole crisis. In the case of EFSA, vast numbers of official reports, self-assessment and interviews with respondents representing different organisations paint a picture whereby EFSA had already internalised its risk assessment role while coordinating different actors to uncover the origin of the pathogen. In general terms, EFSA performed its role as expected and followed the mandate set out in its founding regulations. During our interviews with EFSA experts, the organisation's scientific reputation was explicitly or implicitly mentioned as a strong guiding principle in its response to the crisis. As one of the respondents said:

'... at EFSA we are really scrutinised because of food... we are in the... in the health business so, for example, the (European) Medicines Agency is in the sickness business, and when you are sick, you don't care about the risk that the medicine, you know, you don't read the whole thing, you just want to be cured and then you are also willing to accept risks (hmm). Well, with food you don't want to accept any risk because food is something that ... it's very emotional in you, so...' (E.CO02)

EFSA's legal mandate

Following a series of food crises, EFSA was created in 2002 under the General Food Law - Regulation 178/2002. The regulation divides food law into three interrelated components for risk analysis: (1) risk assessment, (2) risk management and (3) risk communication. While risk management is the domain of policymakers, risk assessment is that of scientists and EFSA's main job. EFSA is established in Chapter 3 of this regulation.

The regulation considers EFSA to be a risk assessor that produces scientific opinions and advice on food and feed safety, nutrition, animal health and welfare, plant protection and plant health. Most of EFSA's work is undertaken in response to requests for scientific advice from the EC, the European Parliament and the EU Member States.

EFSA collects and analyses information that ensures the scientific grounds for European risk assessment, in coordination with the EU Member States. It also communicates the risks associated with the food supply chain, for which it must raise awareness and explain the implications of its work. To communicate clearly and concisely with the general public about its scientific work, EFSA must also carry out scientific work on its own initiative, particularly by examining emerging issues and new hazards.

Under Article 34, EFSA may establish monitoring procedures for collecting, collating and analysing information and data with a view identifying emerging risks. The regulation grants EFSA the capacity to promote networking among European organisations operating in the field of food safety.

EFSA's **decision-making** process during the *E. coli* outbreak features two important characteristics: first, EFSA became a participant in the crisis management process for the outbreak at the invitation of the EC. This broadened the scope of EFSA's work from what it had traditionally done (risk assessment). Second, EFSA enjoyed the autonomy to put its own procedures in place or create new ones as the needs of the case emerged. Despite EFSA's central role in the decision-making process and the steps it took in this respect, one criticism of the overall response that was expressed by risk

managers, in general, was how long it took the German authorities to report the outbreak as an emergency.

The EC, as a risk manager, also played a central role in the initial risk management decisions regarding the outbreak. Its decisions were based on the RASFF, which was activated when Germany raised the alarm. EFSA came into the picture when it received an urgent request from German authorities and the Commission to assess the situation. EFSA interviewees said that the request took them by surprise because the *E. coli* outbreak in Germany was deemed a matter of national competence.

EFSA had already established the different procedures the staff had to take when an EU institution or a Member State made an urgent request. As the different interviews showed, earlier risk assessment experience provided a learning environment that helped in the process of activating all structures to respond to this request (E.Co01). The first decision taken by EFSA's director was to classify the urgency of the response — this case was considered a level 1 situation on EFSA's two-level scale. EFSA then set up two groups: a technical one in charge of the scientific aspect of the response and a managerial one in charge of providing the necessary resources for the response. In this sense, the decision implies that EFSA had pre-established procedures to coordinate their different units internally.¹⁵ EFSA's documents and our interviews show that previous experience with urgent requests had already prepared EFSA to organise itself into this 'crisis mode.' In fact, EFSA has had an emergency manual since 2007.¹⁶

One of the most important decisions taken by EFSA was to actively participate *in situ* in a mission to trace the origin of the pathogen and identify where the contaminated food had been distributed, the first time in its history that it had ever taken part in the latter type mission. The Commission played a central role in requesting that EFSA participate in this stage in the process and put together a task force of European

¹⁵ EFSA (2011). 'Scientific Report of EFSA. Shiga toxin-producing *E. coli* (STEC) 0104:H4 2011 outbreaks in Europe: Taking Stock.' *EFSA Journal*, 9 (19): 2390

¹⁶ Robinson, T., & Deluyker, H. (2012). 'EFSA's Food and Feed Safety Crisis Preparedness and Response.' *EFSA Journal*, 10(5).

experts that could contribute to finding the source of the outbreak.¹⁷ The aim was to provide risk managers with information so that they could implement ‘risk-mitigating measures regarding potential further outbreaks’¹⁸. This was decided when new cases started to emerge in France. The reasons behind the decision were, first, the transboundary nature of the outbreak, which mainly affected two countries, Germany and France, and second, the difficulties in finding the source of the pathogen. The Commission played a notable role in guiding the scope of EFSA’s action during the crisis by inviting it to fill the expert vacuum when needed.

As we stated above, the **coordinating role** that EFSA played at the EC’s request was central to finding the source of the outbreak. The coordination process can be divided into two parts: sharing information with other actors involved in the response and actually coordinating activities. As one interviewee said, this was the most challenging part of the response since it required the harmonisation of procedures to collect, interpret and reproduce the information (E.Co01). EFSA had already started coordinating the decision-making process, and its work with the German authorities helped to find that sprouts from a specific establishment were the vehicle and origin of the infection.

‘...So there were people that were going out, interviewing people, collecting information from the various parts of the food chain, to understand how the [inaudible] was distributed through the food chain, so the data-gathering also because of all the investigations into the human cases and access of implicated food staff, all this at the Member State level...’ (E.Co01).

The central role that EFSA played in the coordination process is evident in the fact that it organised the European task force to ‘trace back the implicated seeds through the EU supply and distribution chain’ (2011 Annual Report, p. 24). This EFSA-led task force

¹⁷ EFSA (2011). ‘Tracing seeds, in particular fenugreek (*Trigonella foenum-graecum*) seeds, in relation to the Shiga toxin-producing *E. coli* (STEC) O104:H4 2011 Outbreaks in Germany and France.’ *Technical Report*, European Food Safety Authority. Available at: <http://onlinelibrary.wiley.com/doi/10.2903/sp.efsa.2011.EN-176/epdf>

¹⁸ *Ibid* (p. 2)

was created on 24 June (Germany reported the outbreak on 21 May) gave EFSA more of a leading role, as evidenced in the reports and media articles (the frequency of the term 'EFSA' become more common in newspapers from that date on). The task force included specialists from the affected Member States, the EC, scientists from ECDC, the WHO and the FAO. EFSA's coordination with other EU agencies and organisations — such as the ECDC, the EU Reference Laboratory for *E. coli*, and EFSA's Advisory Forum network¹⁹ —took on a more horizontal logic based on a long-standing knowledge of the inner functioning of EU public health dynamics. In this sense, a broader vision of the crisis provided synergies that were beneficial for EFSA's coordinating role (various interviews and reports).

EFSA coordinated the production of a scientific report summarising the characteristics of the outbreak, in partnership with French and German authorities and the EU Reference Laboratory on *E. coli*. It also coordinated a discussion paper to summarise the steps taken to solve the crisis and the scientific work and risk communication activities it had carried out. Thanks to the risk assessment work carried out by EFSA and the task force, EFSA delivered a scientific opinion to the Commission on the risks posed by seeds and sprouted seeds in October of the same year (2011 Annual Report: 25).

The way events unfolded and the responsibilities EFSA was given made it an increasingly central actor in risk management as well as risk assessment. This importance seems to be related to EFSA's expertise and the urgent needs of Member States and the Commission to rapidly find the source of the pathogen. In fact, EFSA's expertise in such situations and the clear procedures it established (i.e. traceability methodology) allowed it to quickly deploy resources to organise different actors. The interviews suggest that a key factor in managing the crisis was to effectively coordinate the expert teams involved under EFSA's leadership. As one respondent said, 'the matter is not about having more resources; it is about learning to collaborate well with

¹⁹ EFSA (2011). 'EFSA monitors *E. coli* outbreak.' Press release, 27 May. Available at: <https://www.efsa.europa.eu/en/press/news/110527>

Member States. They (EFSA) got Germany, then all Member States, to do the tracing back and forward...' (E.Co06).

EFSA's **communication** during the outbreak is characterised by two factors. The first of these is a very strong scientific base, derived from its approach as an information agency taking a scientific approach to food-related issues. The second factor is the communication procedures it addressed to different audiences: the scientific community, Member States and EU institutions, as well as the general public. EFSA had to deliver a message that the situation was under control, especially, after the City of Hamburg's authorities released unconfirmed reports on the source of the pathogen that pointed to one specific country (Spain) as the source of the contaminated food.

As one of the countries' that was most affected by German authorities' initial reports, Spain was very critical of the EU's overall management of the crisis. They blamed miscommunication between the Commission and the German authorities for the confirmation of initial findings that pointed to Spanish vegetables as the carrier of the E.Coli. Although the Spanish authorities praised EFSA's role during the crisis, they would have liked closer interaction from a communication perspective, given that Spain was one of the protagonists in the crisis. According to an expert at the Ministry of Health, Spanish authorities were contacted informally by EFSA. On EFSA's side, the impression is that it did lend Spain support through the Advisory Forum, where all Member States had representation.²⁰

At the scientific communication level, EFSA's perspective is that the cautionary principle and fact-based approach of their intervention prevented the release of unconfirmed information that could worsen public opinion. EFSA had pre-established channels through which Member States' health authorities provided up-to-date information on the situation. In communications with the wider public, this

²⁰ Commission (2011). 'Efforts intensify to identify the source of *E. coli* outbreak in Germany as final tests clear Spanish cucumbers.' Press release, MEMO/11/366, 1 June. Available at: http://europa.eu/rapid/press-release_MEMO-11-366_en.htm?locale=en

information had to pass filters before being published. As summarised by one EFSA expert:

‘...we are used, in a way, to passing on messages and to be able to also reply to the media and so we also produce these frequently asked questions documents so that [...] communication colleagues can reply [...] we built also our communication so these are the core message we want to pass and then you’ll keep repeating the messages so that they... they... get through...’ (E.Co02).

EFSA’s communication strategy seems to have been one of harmonising its own messages with those produced by other actors they coordinated with. As became evident through the interviews, EFSA’s communication tools, which were based on scientific evidence that drew on evidence provided by other actors, were used to produce reliable material that could be reproduced.

As stated above, EFSA has carried out a very strong learning exercise based on this experience, according to the documents it produced and the interviews with experts familiar with the case and EFSA. Its experience during previous crises and its expertise, helped it respond promptly to this crisis. Moreover, positive working dynamics within EFSA and with other actors made it a benchmark for the management of crises with similar characteristics. In this sense, the Commission has asked EFSA to intervene in other subsequent crises, although none as significant as the *E. coli* outbreak. In comparison to the ECDC’s role in the Ebola outbreak, the fact that the *E. coli* crisis was in Europe facilitated the role of EFSA in following its mandate.

The lesson taught by this crisis is the importance of better coordinating a multilevel response from the scientific and communications point of views. The multilevel nature of managing a crisis in which the protagonist was a regional government in a federal system such Germany’s, made it necessary to review the confidentiality and scientific rigour of the information released to the public. This reveals the need to establish

cross-European scientific confirmation mechanisms to avoid unconfirmed information that could increase perceptions of the situation not being under control. The *E. coli* outbreak was a crisis per se; however, the difficulties in finding the source put more pressure on the scientific bodies in charge of making sure that it did not affect more of the population.

In spite of the challenges encountered in the multilevel response to the outbreak, we need to acknowledge the complexity of acting in such an environment but also the advantages of doing so. In the end, interconnected key actors at different levels contributed to managing the outbreak and facilitated the role of EFSA in leading operations to find the carrier and source of the *E. coli*. Moreover, building on the lessons learned from this crisis; EFSA and EU institutions have created discussion spaces to improve their responses to similar situations going forward.

5.4. The 2015 Refugee Crisis and Frontex

The fourth and last crisis we focus on is ongoing (although it is much less severe than when it began in 2015, however) and has deep implications for the governance of migration in Europe and border management in the region. The main element of uncertainty was how to manage the large flows of refugees and migrants entering Europe. Although this case centres on 2015, before Frontex was re-established as the new European Border and Coast Guard Agency, it still illustrates the challenge of preparing and implementing a response in a highly politicised policy area that receives permanent media and political attention. The human tragedy of refugees coming from war-torn territories to Europe, the emergence of nationalist and xenophobic sentiments in the political discourse of certain political actors in some Member States and the multiplicity of voices that European authorities had to consider showed the weaknesses of the border management system that Frontex had to navigate. Frontex's response during the initial phase of the crisis reflects a system that was not prepared for the challenges arising from the instabilities in neighbouring countries and the need

to reshuffle Frontex's mandate to make it more flexible in such new scenarios. The response shows Frontex's limitations in effectively complying with its mandate due to its dependence on Commission guidance and on Member States' resources vis-à-vis the largest migration crisis the EU had ever faced.

Frontex's legal mandate

The former European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU (Frontex) was created through Regulation No. 2007/2004 on 26 October 2004 (In the OJ L 348 of 25 November 2004). This regulation was amended on two occasions to reflect changes in the border management scenarios the EU was confronting: in 2007, after the large inflow of migrants by boat to the Canary Islands, and in 2011, when the Arab Spring pushed thousands of people out of their countries. The current refugee crisis showed that Frontex did not have all the tools it needed to respond according to its mandate to the new refugee flows from Syria, Iraq and Afghanistan, among others. This led to a deep transformation in which the original regulation was repealed and replaced with new one creating the European Border and Coast Guard Agency (Frontex) on 14 September 2016.

The main task of the old Frontex was to provide technical support for EU countries facing severe migratory pressure. Its main tasks were to carry out risk analysis of the different scenarios, to coordinate joint operations, to deploy rapid response teams (RABIT), to train coast guards in surveillance and search and rescue operations, and to collaborate with joint return operations for those individuals deported from Europe, as well as to encourage sharing information among Member States and EU institutions.

The ***decision-making process*** at Frontex during this crisis was severely hampered by three major factors: one, the shortcomings of the founding regulation, which was not designed to offer the resources needed to respond quickly to a crisis like the one experienced in 2015. Second, the difficulties in getting Member States to commit to providing material support to expand existing operations or create new ones. While Member States facing the crisis demanded more resources from their European

partners, domestic reservations in states not at the frontline of the crisis slowed down a common position on Frontex and the overall crisis. Although the old Frontex regulation gave it tools such as the RABITs, the lack of agreement among some Member States meant that these tools were not strong enough for handling the magnitude of the crisis. The main limitations came when negotiating the assets needed to scale up operations with Member States or seeking support from specific actors (i.e. Member States).

Frontex had well-established risk analysis procedures for reacting to situations in which they detected migratory pressures on the external borders of the EU. In 'peacetime', Frontex engages in several risk analysis exercises and builds scenarios with possible migratory trends and new routes. This information, in addition to that provided by Member States, is useful for planning the different actions and operations for the following year. When an operation is planned, Frontex does it one year in advance by drawing up an operational plan for the strategy and the resources required. In this plan, they establish the physical needs for implementing their actions and negotiate these needs with Member States. An action may not be able to meet the needs established by Frontex if Member States do not provide enough assets (REF02).

In the case of the refugee crisis, the sudden increase in the number of refugees and the diversification of the routes of entry into the EU left Frontex with insufficient human and financial resources to comply with its mandate.

The problem is that the situation when it comes to law enforcement and crises is not something that you can prevent, and you, you can do some analysis in terms of scenarios, you can build some future trends and you can try to understand the factors [behind them] and... but we have been caught by surprise many times so you don't know what could happen next year in the summer because a lot of things can change (REF02).

During the crisis, Frontex was responsible for coordinating two major surveillance operations: Operation Triton in Italy and Operation Poseidon Sea in Greece. As mentioned above, Operation Triton came as an answer to the vacuum left by Italy's Operation Mare Nostrum. However, the problems outlined above rapidly appeared in

this operation: the balance between protecting the EU borders and the human rights imperative of saving lives at sea; the difficulties in obtaining more resources from Member States; and the limitations of an overloaded agency ended up making the operation a smaller and less effective one in terms of its aims (media documents, interviews). The operational plan for this mission was limited by its pre-established objective, the areas to be covered and the quantities and type of technical equipment and officers deployed *in situ*.

For Operation Poseidon Sea, Frontex decided to launch a RABIT mechanism on the Greek islands in the Aegean in December 2015 after a request from the Greek government. The RABIT mechanism provides rapid operational assistance to a requesting Member State facing urgent and exceptional migratory pressure on its external borders²¹. In this sense, the decision taken by Frontex's executive director shows that in spite of the difficulties in obtaining resources, Frontex could provide a Member State with a rapid response to a need such as the one expressed by the Greek government.

The politicisation of migration management at the EU level created a new scenario in which Frontex's role could be expanded to give it greater room for decision-making. In fact, the political context for the crisis and Frontex's need to upgrade its role in the Mediterranean helped Member States to agree to allocate more resources to operations Triton and Poseidon Sea after Frontex's director requested this of the European Council²².

It is important to mention that Frontex's budget has increased exponentially since 2015 due to the needs of the European Borders Management strategy, which requires greater centralisation and coordination in the deployment of assets. As different interviews indicated, the old Frontex had room to make executive decisions on the

²¹ Frontex (2015), 'Frontex accepts Greece's request for rapid border intervention teams.' Press Note, December 10. Available at: <http://frontex.europa.eu/news/frontex-accepts-greece-s-request-for-rapid-border-intervention-teams-amcPjC>

²² Frontex (2015). 'Frontex welcomes pledges to boost operations Triton and Poseidon.' Press release, April 23

need for a joint operation and the type of expertise required, the type of equipment used and the number of individuals needed. However, all these decisions were dependent on the annual budget that Frontex sent to the Commission a year in advance.

An important component in Frontex's mandate was its *coordinating role* when assisting Member States in managing borders under increased migration pressure. The main challenge was to coordinate numerous actors that had to intervene from the decision-making and operational points of view in the overall response to the crisis. Moreover, the primary role of the Commission and Member States as crisis managers left Frontex with a more operational role at the coordination stage. As established in its mandate, during the crisis, Frontex coordinated different actors. Even before deploying their operations, Frontex worked with Member States and the Commission while collecting information to undertake risk analysis and put forward operations in certain parts of Europe. During 'peacetime', once a Member State agreed with Frontex to launch an operation, Frontex and this host would assess what they needed to implement it (i.e. the number of specialist officers and the quantity and type of technical equipment). However, Member States could decide whether or not to commit to these requests.

As stated in the interviews and in several documents released by the different actors involved, the coordination of this particular crisis was informed by the EC's willingness to endow Frontex with more resources that could facilitate the coordinating and leading role that Frontex had to exert once operations were put in place. Although the old Frontex was not an executive agency of the Commission (FR01), the EU institutions and Member States still had to agree on the resources allocated to Frontex when the crisis emerged. This situation left Frontex relying on pre-established coordination mechanisms such as RABIT when a crisis occurred, and on more informal contacts with different actors to actually run these operations on the ground.

The coordinating role of Frontex also involved their work with a plethora of actors in different areas. This is the case with other EU agencies in policy areas related to Home

Affairs and Justice. During the crisis, Frontex worked with the European Asylum Support Office (EASO), Europol and EUROJUST. The need for a deeper coordination *in situ* before the arrival of hundreds of thousands of refugees led to the opening of an EU regional task office in Catania, Italy²³ (established on 26 June 2015), and Piraeus, Greece²⁴ (established in April 2016). At a more practical level, during the sea operations carried out in 2015, Frontex coordinated the deployment of personnel and equipment with Member States and the host countries and was then responsible for both the border guards and the technical equipment in question. However, the officers were under the command and control of the host authorities. Although it was not initially an official part of their tasks, operations that led to search and rescue operations for refugees and migrants also implied that Frontex work with host Member States' authorities (REF02). Frontex also coordinated with several actors on the protection of human rights in their operations. This was an area under intense scrutiny from humanitarian organisations and public opinion due to alleged abuses by national authorities during rescue operations for refugees and migrants. In this area, Frontex works with the Fundamental Rights Agency (FRA) and international actors such as the UNCHR and the International Organization for Migration (IOM).

Given the salience of the refugee crisis in Europe; the **communication** aspect was highly relevant from the agency's standpoint. The major challenge was to demonstrate that leaders were overseeing the situation, which proved to be quite complicated due to the disagreement among Member States on how to respond to this situation and the role Frontex had given the availability of resources from Member States. An initial communication challenge for Frontex was thus to persuade Member States that the size of the situation required larger actions than the ones Frontex was implementing at the time. In this sense, a major problem was how to put forward the agency's needs in an adverse political environment in many of the most affected Member States.

²³ Frontex (2016). 'EURTF office in Catania inaugurated'. Press release, April 27. Available at: <http://frontex.europa.eu/news/eurtf-office-in-catania-inaugurated-fcQoSr>

²⁴ Frontex (2015). 'Frontex to restructure its office in Greece.' Press release, November 26. Available at: <http://frontex.europa.eu/news/frontex-to-restructure-its-office-in-greece-ShsH5z>

As explained by a Frontex official, the most central message the agency wanted to deliver was that inaction was not an option. This was heavily supported by all the data collected and analysed by Frontex. In connection with raising awareness on the response, the strategy had to explain the refugees' situation, why they were arriving and why Member States' cooperation was needed under these circumstances. At the same time, it was also necessary to explain what role Frontex would play in this situation was and what Member States could do (FR03). At a more practical level, Frontex sought to make sense of the situation by persuading Member States of the risks detected by Frontex and the possible scenarios the EU would face if the crisis was tackled in different ways.²⁵

An important strategy that was to communications between Frontex and different audiences was to avoid blame-passing at any cost. The basic principle behind this decision was that Frontex needed to cooperate with different Member States and organisations. Consequently, coordinating information among the different partners and how it was used was essential to conducting the operations as effectively as possible. In reports to the wider public via press releases that involve a specific country, Frontex coordinated information with the specific national authorities (FR03). Despite this, due to the nature of the crisis, Frontex received criticism on its sea operations as reports by large NGOs point out. These refer to European border management in general, the flaws in this and the normative debate between more border securitisation or more solidarity in managing migration flows.

The overall study of the refugee crisis and the role of Frontex can be summarised in a quote provided by one Frontex official:

‘...everyone is trying to avoid criticism and to say we are the best of all, but in my perception, we did, we did all we could with the legal framework we had. What was, was not in place was basically the legal framework [which] did not allow Frontex to have a stronger role’ (REF02)

²⁵ Frontex (2016). *2015 Annual Report*. Available at: http://frontex.europa.eu/assets/About_Frontex/Governance_documents/Annual_report/2015/General_Report_2015.pdf

Frontex abided by the mandate provided in its founding regulation to take on an enormous task: coordinating border management operations at the EU level at a time when the continent was receiving the largest number of refugees in decades. This leaves a more general impression that European authorities were not able to read and interpret the developments that were unfolding rapidly in highly volatile scenarios in neighbouring countries. This situation placed Frontex at the limits of its mandate and resources while revealing certain aspects that the new founding regulation aimed to correct: the dependence on Member States' resources and apparent micromanagement of decision-making on the part of the EC.

Frontex received its funding from the EC's budget but its operations it depended on Member States' assets. The budgetary needs when the crisis emerged constituted a bureaucratic challenge that slowed down Frontex's capacity to adapt to rapidly changing scenarios. In this case, Frontex lost time it could have used to scale up operations such as Triton in 2015. Another point to consider was the multilevel management of immigration at the EU level. Frontex's mandate did not provide it with enough flexibility to respond in operational terms to the challenges the refugee crisis posed to several Member States under strong migratory pressure.

Despite the weaknesses mentioned above, the new regulation makes a major effort to correct these by increasing Frontex's resources while granting more operational flexibility to respond to migratory challenges. In fact, the new regulation pools assets for Frontex's use during moments of crisis. Regarding the micromanagement mentioned above, the fact that Frontex now can automatically pool resources as needed after the approval of the new regulation solves an issue that proved vital during the initial stage of the refugee crisis: the need to remove bureaucratic procedures so as to increase Frontex's *de facto* powers when intervening in particular situations. Although Frontex is part of a much a larger universe of actors in charge of border management, the tasks it carried out and the political discussions that led to it being upgraded in 2016 to the European Border and Coast Guard Agency

demonstrates the interest in there being a more supranational actor in charge of the operational response to migratory pressures.

6. Conclusion

The agencification of European public administration has put agencies in the position of offering specialist, technical answers to the challenges faced by the EU in different policy sectors. As this report shows, agencies need to engage in a balancing act between the expectations set out in their mandate and what they can achieve in scenarios where different actors with imperfect information intervene. The crises studied here have different implications for the EU as a whole, the cohesiveness of EU border management, the defence of deeper economic integration, and the role that the EU plays in global public health threats. However, one common factor is that these are all challenging scenarios in terms of agencies' roles in contributing to solving them. Additionally, the multilevel nature of EU dynamics implies that agencies are in a position where coordinating coherent responses is of paramount importance in scenarios where actors make sense of crisis management based on their own worldviews.

Overall, the EU agencies included in this study responded well to the demands made by European institutions and Member States. Although in several cases there was no clear mandate to respond to specific components of these crises, the EU agencies in question were nonetheless able to navigate these waters and offer the specialised and technical expertise stipulated in their respective regulations. Moreover, these agencies offered innovative mechanisms for responding to certain aspects of each crisis as they presented themselves (e.g. the ECDC and the international response to the fight against the Ebola outbreak in Guinea).

The study of the role of EU agencies in the four crises points to several important issues that merit further consideration. The most important is that crises are of different magnitudes and management of them is constructed differently depending

on the policy sector in which they operate. Moreover, the level of involvement that agencies have is dependent on their capacity to create synergies with other actors and to use their mandate as a tool for generating a working environment in which to solve crises that may arise. Agencies are thus organisations that enjoy different degrees of power which depend not only on their mandate but also on the resources they enjoy and the type of expertise they can provide. From here it is possible to focus on three factors that emerge from the involvement of agencies in the crisis: first, the role of the legal framework; second, the role of the Commission and Member States; and third, the type of crisis the agency is facing. These three factors affect the decision-making, coordinating and communication processes within agencies to a greater or lesser extent.

The **legal framework largely establishes the room that agencies have** for carrying out their tasks on a day-to-day basis and during a crisis. Due to the significance of crisis moments, the decisiveness with which agencies can go about their work based on their expert knowledge can be vital to overall understandings of the crisis. In the case of EFSA, its legal mandate and the procedures established by this allowed it to react quickly to the *E. coli* crisis. However, this was not true in the case of the ECDC and the Ebola outbreak. Although the geographical scope of action was different in the two cases, the fact that EFSA responded as expected while the ECDC was perceived as having taken longer to act (i.e. in sending teams to Africa) sends an important message about the legal framework underlying each agency. In both cases, the agencies did what they were supposed to do according to their mandates, but the main difference is that other actors' expectations were different in terms of what each agency should have done in the situations they were facing. In other words, the legal framework is a factor that may facilitate or constrain actual agency operations during times of crisis. Although agencies try to somehow fill in the gaps in their mandate when certain factors are not explicitly mentioned during a crisis — as the EBA did when it decided to implement stress tests every two years even though its mandate did not specify this frequency — there are still key factors in the mandate that may impede agencies from

taking a more active role from the start of the crisis, as was the case with Frontex and the lack of resources for Operation Triton.

This leads us to an important debate in the literature studying EU agency design: do these designs respond to the functional or political motivations behind their creation? When the motivations are functional, agency creation is the outcome of a consensus to endow EU institutions with specialist independent bodies that can harmonise the rules for specific policy areas while offering credible, apolitical information. When they are political, agencies are the outcome of power dynamics seeking to legitimise more a technocratic approach vis-à-vis European citizens while keeping some of the logic of multilevel political supervision. The emergence of crises somehow demonstrates the tension between these two logics, with the functional logic being more prevalent in certain cases and the political one in others.

Beyond these considerations, agencies need to be capable of adapting their operations and procedures to rapidly changing scenarios such as those that arise during crises. However, we must acknowledge that the limitations of an informative agency such as the ECDC and EFSA are different to those of an operational agency such as Frontex. Moreover, the powers the EBA has as per its mandate provides it with different tools for promoting a more centralised coordination of crisis response efforts in comparison to the other agencies. In all these cases, however, the legal framework needs to leave some room for agencies to access and quickly expand the resources they need. There also need to be automatic mechanisms that allow them to adapt to more existential or more operational issues that may arise during crises. Agency designs and mandates should thus prioritise the space for agencies to respond to the challenges of TBCs via pre-established procedures. Even if such procedures do not exist, in some cases, as in the case of the refugee crisis and Frontex, clear provisions on responsibilities in emergency situations could be included in their dynamics. More importantly, these provisions should leave room for a certain degree of self-initiative on the part of the agency, especially at the start of crises when detection and information analysis are essential to planning responses.

Another important component related to the legal framework but also to power relations and coordination is ***the role of the Commission and Member States***. Regarding the EC, all four cases point to the vital importance of this institution in the working dynamics of agencies during crises. To a greater or lesser extent, the EC's endorsement of certain of the agencies' actions was vital to the responses in all the cases included here. This is particularly true in the case of the deployment of the ECDC staff in Guinea or the EC's invitation for EFSA to participate alongside German authorities in tracing the *E. coli* outbreak. However, once the Commission has endorsed an agency to act in aspects that might be beyond the scope of its mandate, these organisations become autonomous in organising and conducting their operations based on their own procedures and logistics. Moreover, in those cases where the mandate did not clearly stipulate that the agency in question should take part in managing the crisis, once the Commission gave the agency the green light, this favoured it playing a coordinating role (e.g. the ECDC team in Guinea) or getting involved in broader expert networks in response to the crisis (e.g. the EBA's involvement in the Spanish Expert Coordination Committee).

While Member States as represented by national experts on the management boards of these agencies are central to each agency's overall work, their importance as contact points for agency staff is essential during crises. Member States are ultimately responsible for the implementation of the guidelines provided by an agency on a specific policy sector and in a specific crisis: however, when the agency depends on Member States' resources to expand their operations or when it is necessary for Member States to cede powers to the agency, the situation may change — as was the case for Frontex and the refugee crisis. This might be related to the more intergovernmental or supranational dynamics underpinning crisis management in the policy area where each agency operates. Still, close relationships between EU agencies and their national counterparts and trust between them favours quicker, easier coordination when unexpected events occur. This coordination-related advantage and

clear crisis response procedures are strengths that favour overall EU response mechanisms to TBCs.

Finally, the polarisation a crisis produces in public opinion, agreement among key actors on what to do and what not to do and the policy sector it affects are key components in understanding how an agency navigates crisis management. We need to acknowledge that **not all crises are the same** in terms of their magnitude and public implications. It is also important to acknowledge that not all crises have the same impact on public opinion. As obvious as it may sound, **all crises are different creatures and they do not impact the public in the same way**. In this sense, the role that a specialised agency can play in managing a crisis may or may not be perceived as being effective in finding solutions for it.

This point is best illustrated by the case of EFSA and the *E. coli* outbreak: there was a unified position that the source of the pathogen had to be found in order to control the outbreak and reassure the public that the situation was under control. There were also several sides to the politicisation of this crisis: the diplomatic incident between Spain and Germany, the economic losses caused in certain sectors and the implications of the crisis on a regional government's communication strategy. However, at the political level, it was agreed that all the necessary resources needed to be focused on finding the origin of the outbreak. The refugee crisis was entirely different. There was no clear solution to the issue, Member States directly affected by the crisis reacted in different ways to those indirectly affected and there was no straightforward agreement between Member States and the Commission on how best to cope with the arrival of refugees. All these factors affect the actions that an agency such as Frontex can implement.

In this sense, crises can be said to always imply a political cost. However, responses to managing these crises can entail even greater costs depending on the outcomes. Despite being technical organisations, the role agencies play and their room for manoeuvring may be linked to the level of agreement among Member States and the

Commission and the agency's capacity for finding common ground on which to put forward their mandate and even expand it.

The above points point to a broader factor at work in the agencies included in this study, namely **the incremental allocation of power vis-à-vis a crisis**. Crisis mode increases the need to centralise coordinating powers into a single authority. Somehow the acceptance of crises as the new normal in the European scenario conveys the acceptance of more powerful specialised organisations that can take a broader view of the different parts of the system. As the crises studied here show, agencies with a broader scope of action reinforce the agencification processes underpinning the EU project. Moreover, the existence of crises favours the creation of management networks in which the different pieces of the machinery come together to respond after learning from previous experiences.

The agencification of the EU is still in its infancy (most of the agencies were created after the 2000s). EU agencies are still going through a period of formation and organisational development. This situation can facilitate putting agencies into more central roles where their capacity to innovate in the coordination of responses to crises can become a key component. In fact, the specialised nature of the agencies that we have been highlighting throughout this document put them in a favourable position for developing new forms of coordination that are not limited to crisis response but also apply to other issues. In this sense, the growing agencification of the EU and the ever-more pressing need for European responses to crises may herald a more relevant role for these organisations. EU agencies and their involvement in crises might be seen as part of the complex, multilevel picture of interactions among different actors in the EU. Regardless of the policy sector they operate in, agencies are being called on to become coordinating nodes of expert knowledge that can bring coherence to the governance of crises in the EU.

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Annex

List of informants

Code	Case	Institution/Organisation	Position	Date	Place
BANK01	Banking	EBA	Policy officer	19.07.2017	London
BANK02	Banking	EBA	Policy officer	19.07.2017	London
EB01	Ebola	European Commission	Policy officer	26.04.2017	Brussels
EB02	Ebola	ECDC_	Researcher	04.05.2017	Stockholm
EB03	Ebola	ECDC_	Researcher	03.05.2017	Stockholm
EB04	Ebola	ECDC	Researcher	05.05.2017	Stockholm
EB05	Ebola	ECDC	Policy Officer	05.05.2017	Stockholm
E.Co01	E.Coli	EFSA	Researcher	24.03.2017	Parma
E.Co02	E.Coli	EFSA	Researcher	24.03.2017	Parma
E.Co03	E.Coli	EFSA	Researcher	10.04.2017	Brussels
E.Co04	E.Coli	European Commission	Policy officer	28.04.2017	Brussels
E.Co05	E.Coli	Spanish Ministry of Health	Policy officer	26.06.2017	Phone interview
REF1	Refugees	European Commission	Policy officer	28.04.2017	Brussels
REF02	Refugees	Frontex_	Policy officer	22.06.2017	Warsaw
REF03	Refugees	Frontex	Policy officer	22.06.2017	Warsaw