European Food Safety Crisis Management

- *The Forces of Integration*

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Acknowledgements

The idea for writing this thesis came to me while studying at Leiden University in the Netherlands in 2007 where I followed several crisis management modules. As I have focused on the European Union in both previous studies and work I had a strong desire to combine crisis management and European studies, hence this thesis.

After a long and hard process the work on my Master’s thesis has finally come to an end. It is with numerous conflicting feelings I present it to a larger audience and I must say it is hard to release with this paper that has been such an important part of my life for the last year -and a half-. Several people deserve sincere thanks.

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The responsibility for any misinterpretations or errors rests solely on the author.

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Abbreviations

BSE  Bovine Spongiform Encephalopathy
CAP  Common Agricultural Policy
EFSA  European Food Safety Agency
EU  European Union
EU15  The number of European Union Member States between 1995 and 2004
FAO  Food and Agricultural Organisation
GATT  General Agreement on Tariffs and Trade
QMV  Qualified Majority Vote
SPS  Sanitary and Phytosanitary
WHO  World Health Organisation
WTO  World Trade Organization

Tables

Table 1:  Major events and important documents for the integration of food safety crisis management between the 1996 BSE Crisis and the 2002 Regulation

Table 2:  Changes of food safety crisis management measures made by the 2002 Regulation
1. **Food Crises in a Boundless Europe**

The world is experiencing an increasing number of situations that can be characterised by the term crisis. One definition of this term states that it is “a serious threat to the basic structures or the fundamental values and norms of a social system, which – under time pressure and highly uncertain circumstances – necessitates making critical decisions” (Boin 2004:167). At a time when people, goods and information travel across borders to a greater extent than ever before, crisis situations tend to do the same. Recent examples are the Tsunami disaster in South-Asia 25 December 2004 that affected countries far beyond the reach of its waves and the 2005 London Tube Bombings which demanded a cross-border police investigation. In each case, countries cooperated to solve the crisis faced. In the European Union (EU) institutional mechanisms in a broad range of policy areas have been established to facilitate cooperation between its Member States in crisis management. This is particularly the case for the food safety policy area (Boin et al. 2006a; European Commission website3). However, crisis management can be argued to be one of the central tasks of national governments and EU Member States could therefore be expected to be reluctant towards integrative proposals (Rhinhard et al. 2006; Rosenthal et. al. 2001). Focusing on those who have been driving the integration of food safety crisis management forward, the following research question is put forward:

*Why is crisis management in the food safety area being integrated at European level when it is sensitive and vital for national governments?*

**European Involvement**

Throughout the last two decades the EU has been increasingly involved in crisis management in the food safety area and has taken on both new planning and new response competences. However, the EU level involvement in crisis management in the food safety area started decades ago in 1979 when the Rapid Alert System for Food was put in place. The purpose of this system is to “(...) provide control authorities with an effective tool for exchange of information on measures taken to ensure food safety” (European Commission website2). Several major food crises have hit Europe since the
Rapid Alert System was established, with both the Bovine Spongiform Encephalopathy (BSE) crisis centred in the United Kingdom and the Dioxin Chicken Crisis in Belgium\(^1\) managed by a mixture of national governments and the EU level (Grönvall 2001:170).

In 2002, after half a decade of discussions, the EU reformed its approach to food safety and created new EU-level monitoring and response capacities with the overall mission to “**assure a high level of food safety, animal health, animal welfare and plant health within the European Union (...)**” (European Commission website). This reform merged a number of crisis management measures and included plans for a crisis unit to serve as coordination centre, established the European Food Safety Agency (EFSA) as well as cross-border meeting points for national and EU representatives in charge of crisis management to frame potential crisis situations broadly (Boin et al. 2006a:40). As described in *chapter two* the regulation implemented in 2002 meant a step forward in the integration process in the food safety area by building up initial EU crisis response capacities and drawing up important guidelines for the future of EU crisis management capacities.

**National Importance**

The increased involvement of the EU in crisis management in the food safety area makes the division between the supranational and the national level a central feature to study. The balance between these two levels of government “(...) *varies between different protection policy activities, in turn altering the extent to which the influence of ‘Europe’ extends into national governance settings*” (Rhinhard et al. 2006:523). Neither scholars, nor politicians nor bureaucrats have come up with a simple answer to what the ‘right’ division of competences is within a multilevel governance system concerned with protecting citizens (Ibid.).

The management of crisis situations can be argued to be one of the central tasks of national governments. In a sense this can be seen as an extensive version of the old adage

\(^1\) The Bovine Spongiform Encephalopathy (BSE) Crisis and the Dioxin Chicken Crisis will be further elaborated in *Section 2.2*.
that governmental effectiveness derives from its legitimate pursuit of civil order (Rosenthal et al. 2001:17). “Collective discomfort with possible threats and the violation of expectations about stability and order will raise questions about the legitimacy of government” (Ibid.). In other words, because of crisis situations’ extreme sensitivity, good management is crucial for the popularity of governments among their voters, as it is they who hold the fundamental responsibility for keeping their citizens safe, and for an effective response capacity. In the food safety area the 1996 BSE Crisis can be used to exemplify this argument. The British government wanted to be in charge of the crisis response itself and strongly opposed any EU measures or involvement to limit the spread of the disease (Grönvall 2001:163; Lezaun and Groenleer 2006:439). It was seen as vital by the British government that they were able to manage the situation themselves. Not only because they saw good crisis management as crucial for their initial domestic support, but also because any strict restrictions on British beef exports would mean an enormous financial burden which the domestic political circles could not accept (Grönvall 2001:165).

Contrary to what could be expected, we have seen and continue to see an integration of crisis management in the food safety area in the EU. If Member States are reluctant to delegate crisis management to the EU level, what is then driving this process forward?

1.1 Approach

Three hypotheses to answer the research question are put forward. The introductory argument states that integration will not happen on policy areas argued to be in the national interest to the Member States. Therefore, the Member States would be reluctant to integrate food safety crisis management at EU level. To control the accuracy of this argument the following hypothesis has been created:

**Hypothesis A**: The integration process of crisis management in the food safety area in the EU has been driven forward by Member States.

Both the European Parliament and the European Commission have been heavily involved in the food safety area. To investigate if these EU-level institutions have had an
independent effect on the integration of food safety crisis management, which may also be in opposition to the national interests of important Member States, a second hypothesis has been created:

**Hypothesis B:** The integration process of crisis management in the food safety area in the EU has been driven forward by European level institutions.

The EU food safety area has not been isolated in its development, and is part of a wider pattern of policy making beyond the nation state. A third hypothesis to control for the independent effect of ideas originating in the EU’s institutional environment has therefore been created:

**Hypothesis C:** The integration process of crisis management in the food safety area in the EU has been driven forward by ideas originating in the EU’s institutional environment.

These hypotheses are based on assumptions drawn from theories on EU integration processes and the study of institutions: Intergovernmentalism; Historical Institutionalism; and an Environment-Based Perspective. The theories employed will not be discussed as mutually exclusive approaches. The aim is not to test the theories themselves, but rather to let the theories guide the study as I attempt to unravel the explanations for the integration process. Chapter three presents the complete theoretical framework employed and the empirical expectations drawn from each theory.

To discuss the first hypothesis (Hypothesis A), I have chosen to apply an Intergovernmental Perspective. It is based on the assumption that the Member States are the ones to make the important decisions and set down the premises for the development of the EU (Cini 2003:94). Member States involve themselves in European integration without ceding sovereignty, which allows them to retain control of the policy development process (Ibid. 96).

To discuss the second hypothesis (Hypothesis B), I have chosen to apply Historical Institutionalism. EU level institutions can influence the participating decision makers’ interests, preferences and identities, which again influence the choice of political
measures, outcomes and structures (Egeberg 2004:200; Pollack 2005:362). By emphasising historical aspects, the choices made early in the history of any policy and the institutionalised commitments that grow out of them can be expected to determine subsequent decisions (Peters 2005:19-20).

To discuss the third hypothesis (Hypothesis C), I have chosen to apply an Environment-Based Perspective, which will allow me to put the EU development into context with other international institutions operating in the food safety area. It emphasises the vulnerability of organisations when it comes to influence from reform trends in the surroundings, and especially organisations they compare themselves to (Meyer and Rowan 1991:47). Two main reasons organisations might have to adopt ideas from its environment are discussed further; as a result of an imitation process or as a result of external pressure (DiMaggio and Powell 1991:67-96). This approach adds a second analytical level to this thesis. While the two first hypotheses focus on action and decision making, this perspective explains the integration of food crisis management by the spread of ideas.

1.1.1 Typology and Delimitation

An important term that has not yet been defined is ‘integration’. According to the neo-functionalistic theorist Ernst Haas integration is defined broadly as a process:

“(...)whereby political actors in several, distinct national settings are persuaded to shift their loyalties, expectations and political activities towards a new centre, whose institutions posses or demand jurisdiction over the pre-existing national states” (in Diez and Wiener 2005:2).

Furthermore, two main accounts of policy integration are important; integration within policy sectors and integration across policy sectors (Ugland and Veggeland 2006:2). They represent a complex relationship, and can be viewed separately or in relation to each other. The study objective in this thesis, the integration of crisis management within the food safety policy sector, can be placed under the first of these two accounts.
The dependent variable for this thesis is the food safety crisis management framework, which can vary by being organised on the national level and the EU level to different degrees. Indicators for the EU integration of crisis management in the food safety area need to be identified. Isolating what I believe to represent the most important integrative step, attention will be directed to the ‘Regulation of the European Parliament and of the Council of January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down the procedures in matters of food safety’, referred to as “the 2002 Regulation”. This regulation reorganised the European organisation of food safety crisis management and established guidelines for the future developments still highly affective today. Selznick (1985:363-364 in Hellebø 2004:8) defines the term ‘regulation’ as “(…) sustained and focused control exercised by a public agency over activities that are socially valued”, bringing the regulating institution into focus. The 2002 Regulation will be further elaborated on in chapter two. It should be emphasised that even though the 2002 Regulation represents the main integrative step, this is a process that has happened gradually as will be shown in chapter two and elaborated on throughout the analysis.

As crisis management involves a broad spectrum of policy measures, it is necessary to be clear on what aspects will be in focus. To further narrow down the research focus the main attention will be directed towards the planning and response phases of crisis management as they are outlined in chapter two. This is done because the argument of the state being the main actor responsible in crisis situations can best be said to fit these two highly executive phases of crisis management. Though, because of the complexity of this reform process, involving all phases of crisis management and all aspects of food safety, they can not be discussed isolated and the analysis will therefore utilise a broader approach to the policy integration process studied.

Since this is a process tracking analysis, I will need a clear and limited research time frame. The 1996 BSE Crisis and the initial response it evoked will be used as an

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2 The 2002 Regulation established the general principals and outlined the major new arrangements established for the food safety area. To make these arrangements more concrete the Corrigendum to Commission Decision concerning the adoption of a general plan for food feed crisis management was later implemented (European Commission 2004). Because it was heavily based on and framed by the 2002 Regulation it will be viewed as part of the same reform.
analytical starting point and the 2002 Regulation as the end point. The focus will therefore be on what is currently known as the ‘EU 15’, meaning the EU structure when it consisted of fifteen Member States.

The EU system holds a multitude of institutions with more or less supranational aspects. After close investigation of the involved actors in the process in focus I have chosen to direct attention towards the European Commission and the European Parliament when discussing the role of the EU institutions. The European Court of Justice can be argued to be a minor actor in this area and is therefore not being referred to in the analysis. Also, because of the lack of data on internal Council debates, only passing references will be made to it in the analysis. However, when the Council is part of the discussion it will be understood as representing the interests of the Member States, giving it an intergovernmental character, despite the fact that its food safety decisions as part of the Community Pillar were made by qualified majority voting\(^3\) (Lewis 2003:150).

1.2 Methodology

The purpose of this study is to explore the reasons why there has been an EU integration of food safety crisis management. The thesis’ research question and the empirical material available make it more expedient to use a qualitative explanatory research method (Yin 2003:3-5). In the following section I will present the chosen methodological framework by elaborating on case studies and data selection. I will also reflect on aspects of reliability and validity.

1.2.1 Case Study as Research Method

According to Andersen (2003:6), case study research is the dominant empirical research strategy for the study of the EU. If appropriately designed the case study method would be the most appropriate to address the research question as it allows an in-depth study of

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\(^3\) Qualified majority voting is a system of voting in the Council, “which attributes a number of votes to each member state. A majority of these votes is needed for legislation to be agreed in the Council, implying that some states will be outvoted, but will have to apply the legislation all the same” (Cini 2003:422).
the case (Yin 2003). A case study can be defined as an “empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident” (Yin 2003:13). The formulation of an explanatory framework is based on the theoretical perspectives and the hypotheses derived from them (Andersen 1997).

I have chosen to treat the timeframe from the 1996 BSE Crisis until the 2002 Regulation as a single case. It could have been broken down into several case studies by treating each indicator as a separate case, and as such the study could have been comparative. However, as I view this as one process, I have chosen to conduct a single case study. The study will not present data on the individual level and consequently will not provide any information about the informal processes within the institutions in focus. As this study aims at increasing the knowledge about what has been framing these processes, it can be used as the basis for further, more in-depth analysis.

The main objective of this thesis is case driven, throwing new light on the empirical issue at hand. The explanatory factors will be dependent on the assumptions of the selected theories, biasing the data. As Andersen (2003:10) explains: “The ambition is to apply theory, develop empirical implications and construct explanations”. It is important to clarify that this study does not aim at a full explanation of food safety crisis management integration. Instead, it lets the theoretical framework guide the use of data when presenting explanations to the research question. A common problem with case studies is the small number of units that are being analysed, and that the researcher therefore runs the risk of not being able to generalise from one specific study to the general situation. However, rather than generalising case studies to the populations or universes, case studies can be extended to theoretical propositions (Ibid.10). More quantitative oriented methods might be better for generalisation purposes, but because of the nature of my research approach I view the chosen strategy as more suitable. As the main objective is to understand the case itself by letting the theoretical framework guide the analyses of the empirical findings, I wish to broaden our understanding of food safety crisis management integration and the forces steering the process in general.
1.2.2 Data Collection

By choosing a case study approach I can highlight my research question with data from a number of different sources (Yin 2003:83). The three theories outlined briefly above will be used in chapter three to generate empirical expectations, creating the need for different sources of data. It is the theories that will guide the use of data and help create an explanatory framework for answering the research question.

Documents and archival records will be used as the main source of evidence. The 2002 Regulation together with other documents on food safety within the research time frame is made available by the EU on the Europa web portal and in the Official Journal of the European Union. Similarly, the World Trade Organisation and the Codex Alimentarius Commission have made their documents available on their web portals. Documents and archival records as sources of evidence hold several strengths: First, by being stable and exact, they can be viewed repeatedly and contain exact names, references and results of an event. Second, they are not created as a result of the study itself and make it possible to give the thesis a broad coverage in time and events taken into consideration (Ibid. 86). However, a common problem faced by researchers using documents as a source of evidence is that they may be hard to access. For this study this problem might be faced especially when reconstructing the early stages of the research time frame which started before internet publishing became the norm for governmental institutions and news agencies. In addition documents and archival records show the ‘official’ story, making additional sources necessary. Newspapers and Community newsletters will be used to supplement the picture created by the official documents. Several news agencies and institutions covered the food safety area closely in the 1990s, like for example the British Broadcasting Corporation (BBC) and the University of Reading’s EU Food Law News.

Although legal documents are the main sources of information in this study, this is not a legal study. Focus will not be on the documents’ legal status, but on what they can tell us about who has been steering the integration process in focus. They will not shed light on the more informal procedures that might have evolved but were never fully formalised. However, this is out of the scope for this thesis and for such an understanding of these processes it falls short.
In addition to official documents and newspaper articles, secondary literature will form a basic component when recreating the policy process in focus. As the BSE Crisis turned out to be one of the more significant political crises in the history of the EU, a broad range of studies have been done to analyse it and its aftermath. By reviewing these I can draw on earlier studies in my effort to shed light on my research question. This is especially the case for the initial aftermath of the BSE Crisis where access to official documents is more limited. Research conducted on the different regulations and policy papers will also be helpful when selecting the right documents for further analysis.

Conducting interviews is a common way to collect data for case studies, providing the researcher with information on the individual level as well as clarification on informal processes (Yin 2003:89; Bonarjee 2007). However, for this thesis I have chosen not to undertake interviews. Some of the events being analysed took place more than a decade ago, raising questions about the reliability of interviews owing to recall issues. Also, as the research time frame spans over six years, reliable data would entail a large number of interviews on several government levels and in multiple organisations. An additional argument for not conducting interviews is the limited resources made available. Logistical coordination and expenses associated with travel limited this research options.

1.2.3 Validity and Reliability

To decide on the quality of case studies, two concepts are important: reliability and validity. Reliability measures the accuracy of which the operations of this study can be repeated with the same results (Yin 2003:34). Validity measures the collected data’s relevance to answer the research question (Hellevik 2002:473).

The main source of data to shed light on this integration process is official EU documents. Official documents can be expected to hold a high degree of reliability when used as data (Yin 2003:87). A common problem which researchers face when using both secondary literature and documents as resources is that they can selectively reflect the bias of the author. However, official documents can be taken as less biased than other sources, as random errors can be expected to be corrected over time. When employing internet sources it is especially important to be critical, as it often is unclear who the
author is and who it is written for (Engle 1996). I will argue that the internet sources applied here are reliable websites, as they are both reputable news agencies and descriptive outlines created by the institutions in focus. By employing data from a range of different sources, like newspapers and secondary literature, the chances of using biased data are further reduced. A large amount of the data employed is available on the internet, as presented on the closing pages of this thesis in the Bibliography, making them easily available for others wishing to repeat the analysis. I would therefore argue that the analysis is sufficiently robust.

A solid theoretical framework and multiple data sources strengthen the validity of the study’s data (Andersen 1997; Yin 2003). When it comes to construct validity, establishing accurate operational measures for the concepts being studied, I argue that the chosen data sources are suitable for shedding light on the integration of crisis management in the food safety area (Yin 2003:34). By providing multiple sources of evidence of the same phenomenon the potential problems of construct validity, such as biased data, can be addressed (Ibid. 99). The documents, secondary literature and newspaper articles used to build the analysis have corroborated each other and thus can be considered largely accurate. Main concepts used in this thesis; integration, crisis management and food safety are the subject of significant discussion, both in the introduction and in chapter two. I will argue that the theoretical framework as outlined below in chapter three is suitable for the objective of this study, as it creates clear expectations that can be tested on the collected data. When investigating the effect of the Member States’ involvement, a limited amount of data is available as the Council decision making is less accessible than that of other EU institutions. I therefore turn to alternative data sources to shed light on this part of the research question: member state responses to EU initiatives in former food crises and the Member State responses to the White Paper on Food Safety. However, I will argue that this is an appropriate use of data satisfying the demands for good validity.
1.3 Thesis Outline

This thesis started by introducing the research question, presenting the methodological framework and discussing aspects of reliability and validity. The second chapter starts by outlining the main characteristics of crisis management and presents the development of the European food safety area. The third chapter presents the theoretical framework and empirical expectations based on each theory. The fourth, fifth and sixth chapters discuss the integration of food safety crisis management based on Intergovernmentalism, Historical Institutionalism, and an Environment-Based Perspective. The seventh chapter summarises the findings and concludes the discussion on the basis of the introductory hypotheses.
2. Crisis Management and the History of European Food Safety

Through the last couple of decades the EU has developed crisis management capacities across a broad range of policy sectors (Boin et al. 2006a:1). The food safety area has been in the forefront of this process. As the world has become increasingly interwoven with people, goods and information crossing borders faster then ever before the level of importance of studying international crisis management has increased (see Boin 2004; Boin et al. 2006a; Rosenthal et al. 2001). Food policy making has long traditions in the European Union and can be traced back to the establishment of the Common Agricultural Policy in 1957. However, food safety and its subsequent crisis management has a much shorter history. It is essential for this thesis to establish a clear understanding of the implications of the term crisis management as well as the historical development of the European food safety area.

This chapter will first clarify crisis management as a field of study. Second, it will outline the history of the food safety policy area. And third, it will present the EU level crisis management capacities established by the 2002 Regulation.

2.1 Crisis Management

Crisis management as a research field on its own has had two distinct traditional research focuses: First, a crisis has been seen as a “breaking point in a patterned process of linearity” based upon sociological and political science classic lines of inquiry; Second, the challenges faced by crisis managers in extraordinary crisis situations, characterised by stress and uncertainties have long been explored by social psychologists (Boin 2004:167). There are two main types of disasters that can cause a crisis situation. First, there are the natural disasters, like the South Asian Tsunami in 2004 and Hurricane Katrina in the United States. Then, there are the man-made disasters where human error or lack of monitoring creates a situation that needs to be resolved by crisis management, for example the 1986 Chernobyl accident in Ukraine. However, more often there is a
combination of these two which causes a crisis situation, for example the European BSE Crisis, where a naturally occurring cattle disease becomes a major crisis because of the lack of clear and fast human response (Rosenthal et al. 2001:9). Also, crisis situations can harm both the public sector as well as the private sector. This makes modern crisis situations increasingly characterized by complexity, interdependence and politicisation.

On the basis of the definition of crisis management presented in chapter one, several important characteristics are worth mentioning. First, crises are defined in terms of severe threats causing collective stress, which in the worst case can lead to serious injury and even death (Rosenthal et al. 2001:7). Nevertheless, what is a crisis to some, may be an opportunity to others, and can be used as a door opener for large scale changes in conservative systems. This implicates that crisis situations create multiple perceptions and definitions of the situation. Second, crisis situations are characterized by a high degree of uncertainty. This means that crises “disturb regularities, rendering normal conceptual anchors and rules of thumb quite useless, if not counterproductive” (Ibid.7). The most problematic uncertainty may be the element of surprise. This can paralyse and create a devastating loss of orientation for the crisis managers dealing with the situation. Third, in crisis situations there is a need for urgency, especially for managers who are responsible for making critical decisions. This urgency means that normal decision making procedures have to be put aside and more instinctive or routinized responses have to be made (Ibid. 8).

2.1.1 Phases of Crisis Management

Crisis management means management concerning non-routine development and phenomena. Such activities refer not only to the hectic moments of crisis decision making, but also the long-range prevention, preparation and recovery periods (Rosenthal et al. 2001:15). This means that crisis management is not only action-driven but includes a whole series of questions with no simple answers or easy techniques.

Crisis management can be divided into four separate phases, each with its own set of challenges (Rosenthal et al. 2001:16; Boin et al. 2006a:25). First, the prevention phase which traditionally has been viewed as the most important focus. However, choosing
what preventive or preparatory policies to use is made difficult by the uncertainty about what crisis situation to expect. To solve this problem, balancing prevention and resilience is important, especially in an increasingly complex world (Rosenthal et al. 2001:16). Second, the planning phase, where the fear of surprise can lead to operational plans growing out of control by including every possible risk. Uncertainty and inconceivability are unavoidable in a world where natural disasters and risks are here to stay and increasingly interact in a dynamic way with man-made disasters (Boin et al. 2006a:26). A main challenge is to balance the institutional tendency to routinize crisis management practices and procedures, with the need for a flexible response in crisis situations (Rosenthal et al. 2001:17).

Third is the response phase, where coping with dilemmas in the crisis situation itself is the main challenge. Common problems multiply exponentially and based on limited information managers have to decide if they are dealing with the full story or only signals of a future crisis (Boin et al. 2006a:28). The complexity of the crisis can create an unclear picture of what the actual threat is and by that make it harder to create a proper response (Rosenthal et al. 2001:18). Furthermore, in both the second and third phase of crisis management a central challenge is to decide on the level of institutionalization and what part and level of government should be responsible for dealing with the crisis situation when it occurs (Ibid.17). Fourth is the aftermath phase, where opportunity management is seen as a main challenge. The possibility to use the aftermath as a phase for politicians to create new opportunities to prevent similar crises from happening again makes crisis management inherently more political (Ibid. 20; Boin et al. 2006a:29-30).

2.2 The History of European Food Safety Regulation

The food area was one of the first areas subject to European level integration through the establishment of the Common Agricultural Policy (CAP) at the introduction of the Treaty of Rome in 1957 (Fouilleux 2003:247). In the following outline two main periods are focused on: First, the backdrop of the time period in focus, and second, an outline of the
development of food law, starting with the BSE Crisis and ending with the 2002 Regulation.\textsuperscript{4}

\textbf{2.2.1 Status Quo Ante}\textsuperscript{5}

A first phase in this long integration process can be said to stretch from the early 1960s to the mid-1990s (Alemanno 2006:238; Millstone and Zwanenberg 2002:594). A main characteristic of this period was that the legislative framework of food law was primarily designed to answer economic rather than safety or societal concerns and there was no reference to food-related public health issues until the adoption of the Single European Act in 1986 and the Maastricht Treaty in 1992 (Alemanno 2006:239).

During this period the European Community first pursued a harmonisation program consisting of adopting directives that set up compositional standards for food products, animated by the goal of establishing an internal market for foodstuffs. The process was dogged by problems, not only because national regulations on foodstuffs were profoundly diverse, but also owing to differences in administrative traditions (Ibid. 240-241). This started to change in 1985 when the European Commission launched the New Approach to Harmonisation of national legislations (Europa website 2003a). The new approach relied on the mutual recognition principle as formulated by the European Court of Justice in the \textit{Cassis de Dijon} judgment from 1979. According to this principle “(...) a member state should allow the free circulation in its territory of goods produced or marketed in conformity with the rules, tests or standards of another Member State that offer an equivalent level of protection to its own rules, tests, or standards” (Alemanno 2006:241). This meant that finding common EU food quality requirements became redundant. Even so, the main focus of the European Community was the completion of the internal market, while European food law in general continued to develop in a fragmented fashion, with food safety a concern for its Member States (Ibid.243).

\textsuperscript{4} Table 1 summarise the main policy papers, regulations and events important for this analysis.

\textsuperscript{5} I owe this expression to Millstone and Zwanenberg (2002:594).
2.2.2 The BSE Crisis

“(…) [T]he BSE Crisis constitutes one of the most difficult crises I have had to face throughout my career” - Jacques Santer (1997), President of the European Commission, addressing the European Parliament.

Bovine Spongiform Encephalopathy (BSE) was first discovered and defined in the United Kingdom in November 1986. However, it was not before the British government in March 1996 issued a report stating that there was a possible connection between the cattle disease and the human affliction Creutzfeldt-Jakobs disease that it can be argued to take the shape of a crisis situation (Lezaun and Groenleer 2006:439). People could in fact get sick and die from consuming contaminated beef which the British government for years had told the public was risk-free to consume. After the publication of the report, public fears skyrocketed and the sale of beef went down by 70 percent in several countries (Grönvall 2001:155; Vos 2000:232). Because of the interconnected nature of the Common Agricultural Policy, an outbreak of animal disease in one of the European countries would almost automatically lead to costly intervention measures, giving it an important financial backdrop (Grönvall 2001:157). Also many of the neighbouring countries, like France and the Netherlands, feared that the outbreak of the disease could spread to their own beef markets (Ibid. 156).

Soon after the British report was presented the discussions in the EU started on how to handle the situation. Several Member States immediately imposed unilateral bans on British beef; among them was France, while the European Commission’s response was that there was a strong need to find a solution at the EU level (Boin et al. 2006a:42). When the British government learned that France had commenced unilateral action, they immediately turned to the European Commission with the message that they were willing to take the case to the European Court of Justice to end the ban if necessary (Grönvall 2001:161). The European Commission’s immediate reaction was that there was not enough evidence to impose bans and recommended to wait until the Scientific Veterinary
Committee had made its decision. When the Committee finally reached its decision it was rather inconclusive, but welcomed any practical measures taken by the European Commission. The latter immediately made the bans on beef implemented by eleven Member States legal (Ibid. 162).

To gain control of the situation the European Commission decided that an EU-wide embargo on British beef was necessary. Though, this had to be considered by the Standing Veterinary Committee, consisting of the heads of food agencies in all fifteen Member States (Ibid. 162). It voted 14 to 1 in favour of an embargo on British beef and related products. This caused fury in British political circles and the British Commissioners Sir Leon Brittan and Neil Kinnock refused to sign the ratification of the decision before a new hearing had been held, leaving the European Commission paralysed. The next hearing changed nothing but confirmed the previous embargo. The Council gave its support to the European Commission, while the United Kingdom Minister of Agriculture, Douglas Hogg, refused to ratify the conclusions in the meeting (Ibid. 164).

With no clear agreement on when and how to lift the embargo the British Prime Minister John Major announced that his government would introduce a policy of non-cooperation in all EU institutions. He furthermore emphasised that this decision was directed towards the Member States and not the European Commission (Lezaun and Groenleer 2006:440). During the month the “policy blockade” lasted, Britain stopped 117 measures in the Council by refusing to show up at meetings and cast votes. Even though steps were made on lifting the ban on beef related products, no real progress was made before the start of the Intergovernmental Conference in Florence in late June 1996. The EU and United Kingdom agreed on a framework for lifting the ban, imposing the slaughtering of 100,000 cows on the latter. In August 1999 the ban on British beef was partially lifted (Grönvall 2001:166).

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6 The Scientific Veterinary Committee consists of independent veterinary experts from across the EU in charge of providing the European Commission with risk assessment (Grönvall 2001:160). See Section 2.3 for definition of risk assessment.
2.2.3 The BSE Crisis Aftermath

The BSE Crisis was highly effective both in demonstrating the limits of human intervention in natural phenomena, the lack of crisis management competence at both Member State and EU level, as well as the problems faced when aiming for a unified EU response. The European Parliament launched a committee for a public inquiry into the European Commission’s role throughout the crisis situation. The Committee’s report was published in February 1997 and criticised the European Commission for neglecting its duties (European Parliament 1997). This lead to the European Commission announcing its *New Approach to Consumer Health and Food Safety*, moving the focus to food safety (European Commission 1997a; 1997b; Santer 1997; Vos 2000:234).

As well as proposing an independent European food agency, three principles were important in reshaping the European Community approach to food law: First, “that responsibility for legislation should be separate from that for scientific consultation”; second, “that responsibility for legislation should be separate from that for inspection”; and third “that there would be greater transparency and more widely-available information throughout the decision-making process and inspection measures” (European Commission 1997a: 3). The Treaty of Amsterdam the same year reflected the proposed reorganisation of food law, with the exception of the establishment of a European food agency (Amsterdam 1997).

A second major food crisis occurred in Europe during the late 1990s. In May 1999 the Belgian Government notified the European Commission that a heavy dioxin contamination of feeding stuffs in its poultry industry had been found (Lezaun and Groenleer 2006:441). When it became known that the Belgian Government had been aware of the danger for months without notifying European level authorities, it was accused for withholding information. However, the European Commission was quick to respond and an immediate meeting in the Standing Veterinary Committee led to emergency regulations being published less than a week after the notification (Boin et al. 2006b:486). The Belgian Government which considered main parts of the emergency regulations an overreaction, initially refused to comply with the decision (Lezaun and Groenleer 2006:442). At a meeting in the European Parliament 16-17 June, the attitude
towards two Belgian Ministers was described as downright hostile, and the Commissioner for Consumer Protection and Agriculture, Emma Bonino slated the Belgian Government for its “chaotic” crisis management (Jukes 1999). The situation was not resolved before a new Belgian Government was elected in mid-June hearing renewed cooperating with the European Commission, and leading to the first lifting of bans in July 1999. All bans on Belgian products were lifted in April 2000 (Lezauen and Groenleer 2006:441).

Even though what was described as a new food regime was launched immediately after the BSE Crisis, when facing new crisis situations it proved insufficient to restore public confidence (Vos 2000:242). Two years after the initial round of response, three scientists were tasked with creating a report on how to reform the exciting scientific advancing system. They suggested creating an independent European Food Authority (James et al. 1999). This led to the publication of the White Paper on Food Safety which expressed the need for a major structural change, including establishing EU-level crisis management capacities (European Commission 2000a).
Table 1: Major events and important documents when analysing the integration of food safety crisis management between the 1996 BSE Crisis and the 2002 Regulation. This table is for empirical guidance only.

<table>
<thead>
<tr>
<th>EU Development</th>
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<tbody>
<tr>
<td><strong>1996</strong></td>
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<tr>
<td>March: The British Government announces suspect link between BSE and its human equivalent, Creutzfeldt-Jakobs disease.</td>
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<tr>
<td>March: The European Community announces worldwide export ban on all British beef.</td>
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<tr>
<td>May: United Kingdom begins policy of non-co-operation with EU partners until the ban is lifted.</td>
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<tr>
<td>June: European heads of Government agree to the Florence Framework for a strategy for the removal of the ban.</td>
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<tr>
<td><strong>1997</strong></td>
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<tr>
<td>February: ‘European Parliament’s report on the alleged contraventions or maladministration in the implementation of Community law in relations to BSE’.</td>
</tr>
<tr>
<td>April: ‘European Commission Communication on Consumer Health and Food Safety’.</td>
</tr>
<tr>
<td><strong>1999</strong></td>
</tr>
<tr>
<td>July: More than three years after the start of the trade blockade, the European Commission announces an easing of the British export ban.</td>
</tr>
<tr>
<td>May-July: The Belgian Dioxin Chicken Crisis: EU emergency measures were implemented after heavy dioxin contamination of feeding stuffs had been found in the Belgian poultry industry.</td>
</tr>
<tr>
<td><strong>2000</strong></td>
</tr>
<tr>
<td>February: ‘Communication from the Commission on the Precautionary Principle’.</td>
</tr>
<tr>
<td>March: Germany agrees to lift the ban on British beef.</td>
</tr>
<tr>
<td><strong>2001</strong></td>
</tr>
<tr>
<td>December: The European Court of Justice rules the French ban on British beef illegal.</td>
</tr>
<tr>
<td><strong>2002</strong></td>
</tr>
<tr>
<td><strong>2004</strong></td>
</tr>
<tr>
<td>April: Corrigendum to European Commission decision concerning the adoption of a general plan for food/feed crisis management.</td>
</tr>
</tbody>
</table>

Source: Alemanno 2006; BBC News 2001b; Jukes website
2.3 The 2002 Regulation

After two years of negotiations, the White Paper had been transformed into a proposal for a regulation “laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety” (European Communities 2002). The regulation was aimed at addressing all aspects of food safety at the European level by laying down a horizontally broad European food policy. This covered all stages of production, processing and distribution of food and feed. However, it is important to note that several of the measures finally established with the 2002 Regulation emerged gradually and partially informally throughout the research time-frame in focus. Two overriding principles were to guide the new European Community food regime. First, its Member States should seek to achieve a high level of protection of human health and consumer’s interests and, second, ensure the effective functioning of the internal market (Ibid. Art. 5).

Also important to mention are two overriding organisational principles that guided the development of institutional arrangements for the 2002 Regulation. First, risk analysis was to be the guiding principle for the organisation of all parts of the food safety area, including crisis management (Ibid. Art. 6). Risk is conventionally defined as a “probability, not necessarily calculable in practice, of adverse consequences” (Hood et al. 2001:3). Commonly, and as used in the food safety area, risk analysis means a process consisting of three interconnected components: risk assessment; risk management; and risk communication\(^7\) (European Communities 2002: Article 3). Second, in cases where all available information has been assessed and the possibility of harmful effects on health is identified, the precautionary principle can be used to implement provisional crisis management measures (Ibid. Art. 7).

\(^7\) ‘Risk assessment’ is the determination of the value of risk related to a concrete situation and recognised threat. ‘Risk management’ means the process, distinct from ‘risk assessment’, of weighing policy alternatives and selecting appropriate prevention and control options if needed. ‘Risk communication’ “means the interactive exchange of information and options throughout the risk analysis process (...) [among] interested parties, including the explanation of risk assessment findings and the basis of risk management decisions” (Codex Alimentarius 2001; European Communities 2002: Article 3:11-13).
The main attention will be directed towards measures implemented affecting the planning and response phase. Though, because of the interconnected nature of the phases of crisis management described, it is difficult to isolate these two phases. They will therefore be analysed in the broader context of the development of EU food safety regulations. The 2002 Regulation measures concerning crisis management can be divided into three categories: crisis situation decision making procedures; scientific advice in crisis situations; and crisis response capacities.

**Crisis Situation Decision Making Procedures**

The 2002 Regulation reorganised the regulatory committees responsible for food safety within a single new structure, the Standing Committee on the Food Chain and Animal Health\(^8\) (Ibid. (62)). The new Standing Committee which holds a key role in decision making on food safety issues, consists of representatives from the Member States and is chaired by a European Commission representative. Its mandate covers the entire food supply chain, including crisis management measures, enhancing its ability to target risks to health wherever they arise in the production of food (European Commission website1).

**Scientific Advice in Crisis Situations**

The 2002 Regulation established the European Food Safety Authority (EFSA) as an independent European level scientific advisory body. The tasks of the new authority were: First, to “*provide the European level institutions and the Member States with the best possible scientific opinions (…)*”; Second, to promote and coordinate the development of a uniform risk assessment; Third, to undertake action to identify and characterise emerging risks; Fourth, “*to provide scientific and technical assistance (…) in the crisis management procedures implemented by the Commission with regard to the safety of food and feed*” (European Communities 2002:Art. 23a,b,f,h). This gives the EFSA an important advisory role in crisis situations.

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\(^8\) The new Standing Committee on the Food Chain and Animal Health replaced the existing Standing Veterinary Committee, the Standing Committee on Foodstuffs, the Standing Committee on Animal Nutrition and parts of the Standing Committee on Plant Health (European Commission website1).
Crisis Response Capacities

Several provisions made with the 2002 Regulation were important in creating a common crisis response capacity. First, it extended the existing notification system that had been in place since 1979 to also include feed and by that established the Rapid Alert System for Food and Feed. This system is made for “notification of a direct or indirect risk to human health deriving from food or feed (...). The Member States, the Commission and the Authority shall each designate a contact point which shall be a member of the network” (Ibid. Art. 50). In other words, this system aims at being the central information sharing unit where both the status of the emergency and the actions taken by the competent authorities of the affected Member States are being shared.

Second, the European Commission is also granted a greater role in the implementation of emergency measures for food and feed of Community origin.

Where it is evident that food or feed originating in the Community or imported from a third country is likely to constitute a serious risk to human health, animal health, or the environment, and that such risk cannot be contained satisfactorily by means of measure taken by the Member State(s) concerned, the Commission, acting in accordance with the procedure provided for in Article 58(2) on its own initiative or at the request of a Member State, shall immediately adopt one or more of the following measures, depending on the gravity of the situation:

(a) in the case of food or feed of Community origin:
   (i) suspension of the placing on the market of use of the food in question;
   (ii) suspension of the placing on the market or use in the feed in question;
   (iii) laying down special conditions for the food or feed in question;
   (iv) any other appropriate interim measure; (...)

(Ibid. Arts. 53.1a-b)

These measures may provisionally be adopted after consulting the member state(s) concerned and informing the other Member States (Ibid. Art. 53.2). This gives the European Commission a greater influence on what provisions to adopt in the absence of unanimity between all the Member States. However, it is still possible for Member States to implement interim protective measures unilaterally (Ibid. Art. 54.1).
Third, if the European Commission “identifies a situation involving a serious direct or indirect risk to human health deriving from food or feed (…)” it can immediately set up a Crisis Unit “(...) in which the EFSA shall participate and provide scientific and technical assistance if necessary” (Ibid. Art. 56.1-2). The Crisis Unit is responsible for collecting and evaluating information and to identify available options to prevent, eliminate or reduce to an acceptable level the risk to human health as rapid and effective as possible. The crisis unit shall also play an important role in keeping the public informed about the risks involved and the measures taken (Ibid. Art. 57.1-3).

2.3.1 Summary

The 2002 Regulation enhanced the EU level’s management capacities and coordinative functions for responding to food crisis situations. Decision making was streamlined to cover the entire food chain and a new EU level food safety authority (EFSA) was created to provide the decision makers with independent scientific advice. Existing crisis response capacities were extended to cover new areas and the European Commission was given the opportunity to implement interim emergency measures and a crisis unit. Both the precautionary principle and risk analysis were implemented in all parts of the food safety area and were especially important for the crisis management capacities. The changes to crisis measures and management principles made by the 2002 Regulation are summarised in Table 2.
Table 2: Changes of food safety crisis management measures made by the 2002 Regulation.

<table>
<thead>
<tr>
<th>Measures and management principles</th>
<th>Before the 2002 Regulation</th>
<th>2002 Regulation (European Communities 2002)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Food Crisis Situation Decision Making Procedures</strong></td>
<td>Four committees with overlapping responsibilities in crises:  - The Standing Veterinary Committee  - The Standing Committee on Animal Nutrition  - The Standing Committee on Foodstuffs  - The Standing Committee on Plant Health (European Commission website1)</td>
<td>One committee with enhanced mandate covering the entire food chain:  - The Standing Committee on the Food Chain and Animal Health (Art. 58-59).</td>
</tr>
<tr>
<td><strong>Scientific Advice in Crisis Situations</strong></td>
<td>National food safety agencies and Scientific Committees under the European Commission provided the EU level with scientific advice (Vos 1999:147).</td>
<td>The European Food Safety Authority (EFSA) as an independent EU level scientific body is responsible for providing the decision makers with scientific advice in crisis situations (Art. 22-23).</td>
</tr>
<tr>
<td><strong>Crisis Response Capacities</strong></td>
<td>EU Rapid Alert System for food was responsible for sharing information notifying risk to human health between the European Commission and the Member States (European Commission website2). The European Commission could implement emergency measures only when supported by a majority of the Member States (Vos 1999:163).</td>
<td>EU Rapid Alert System for food and feed responsible for sharing information and notifying risk to human health between the European Commission, the Member States and the EFSA (Art. 50). The European Commission can implement interim emergency measures on its own initiative after consulting with the Member State(s) concerned. However, within ten working days this measure has to be confirmed by the Member States (Art. 53.2). When identifying situations involving a serious risk to human health the European Commission can set up a crisis unit responsible for collecting and evaluating available information and informing the public (Art. 56-57).</td>
</tr>
<tr>
<td><strong>The Precautionary Principle</strong></td>
<td>Introduced in the Green Paper on Food Safety (1997:7) as a guiding principle when full risk assessment is not possible. Further scrutinised in the Communication on the Precautionary Principle (European Commission 2000b).</td>
<td>The precautionary principle can be used to implement provisional crisis management measures when all available information has been assessed and the possibility of harmful effects on health is identified (Art. 7).</td>
</tr>
<tr>
<td><strong>Risk Analysis</strong></td>
<td>Introduced in the Communication on Consumer Health and Food Safety (1997b:19) as a guiding food safety principle in response to the BSE Crisis.</td>
<td>Full risk analysis is a fundamental principle for the organisation of all parts of the food safety area, including crisis management (Art. 6).</td>
</tr>
</tbody>
</table>

Sources: European Commission 1997b; 2000b; website1; European Communities 2002; Vos 1999
3. Theoretical Framework

This chapter presents the theoretical perspectives that together with the empirical data create the basis for the analysis of this thesis. The main theoretical arguments are presented, the decision to apply these specific theories is explained, and the relevance the theories have for the research question and the empirical data is explored. This is followed by a summary of what sort of expectation we can derive from each theory.9

3.1 The Intergovernmental Perspective

3.1.1 Main Theoretical Arguments

Intergovernmentalism is based on the assumption that the Member States (rather than the EU authorities) are the ones who set down the premise on which the development of the EU takes place and who make all the important decisions (Cram 2001:60). This means that the main institutions in focus are the ones where the Member States’ representatives meet, i.e. the intergovernmental arenas such as the Council or the Intergovernmental Conferences (Cini 2003:94-97). The European Commission and the European Parliament will avoid proposing policy that differs from the wishes of the Member States. Proposals that contradict the Member States’ fundamental interests will be rejected. By putting the states in focus when studying politics, this approach is in compliance with classical international relations theory (Cram 2001:60). The Intergovernmental Perspective can be understood as part of the neo-realism approach to interstate bargaining. It describes states as rational consistent actors which negotiate zero-sum agreements shaped by the relative state power within the regime (Cini 2003:94-95). The strongest state is the ruling state. This makes the relative power between state A and state B an important research focus (Ibid. 95; Cram 2001:60).

9 The idea for the structure of this chapter is derived from Skjerven (2005).
A central concept for the Intergovernmental Approach is national sovereignty. Often used as a synonym for ‘independence’, this is important for the EU discourse in many European countries. According to Intergovernmentalism, the Member States manage to involve themselves in European integration without ceding sovereignty, letting them keep the control of the policy development process. Instead of a transfer of sovereignty from the national to the supranational level, European cooperation is a process of pooling or sharing of sovereignty (Cini 2003:96). The international community is anarchic, and all attempts to create order and cooperation have to be based on the intention between states to do this and not on international organisations alone. Even so, Intergovernmentalism accepts that there is a delegation of some functions from the Member State executives to the European institutions, when national governments realise that it is in their interest to hand over certain regulatory functions to ease co-operation (Ibid.).

**Liberal Intergovernmentalism**

In the early 1990s the Intergovernmental Perspective was reformulated and modified by Andrew Moravcsik creating what has become known as *Liberal* Intergovernmentalism (Schimmelfennig 2004:75). Moravcsik saw the EU integration process as a result of the power and preferences of the Member States. This theory has two separate dimensions, the supply and the demand sides. There are underlying societal factors in each country demanding cooperation on areas of importance and there is a supply of integration arising out of interstate negotiations (Moravcsik 1998:24). To explain this relationship the theory has been divided into three steps: The first step is a liberal approach to national preference formation, where policy is constrained by the interests of dominant, mostly economic, groups within society. It is not the relative position in the state system that is important - it is the domestic politics of each member state (Ibid. 25). Second, Moravcsik adds a level of EU-level intergovernmental bargaining. At this level states are seen as unitary actors and the relative power between them is shaped above all by asymmetrical interdependence, which decides the relative value of agreement to different governments (Ibid. 51). Third, Moravcsik emphasizes “the importance of credible commitments” (Ibid. 67). The main argument is that international institutions are set up to improve the
efficiency of interstate bargaining and secure the substantive bargains they have made (Cini 2003:104).

Together these three elements give the following conclusions (Cini 2003:105): First, that choices made in favour of European integration are a reflection of the preferences of the national governments and not of the supranational organisations. Secondly, these interests reflect a balance of domestic economic interests. Finally, the outcome of each negotiation reflects the bargaining power of the Member States, and that the delegation of decision-making authority to supranational institutions reflects the wishes of the state government to ensure that the commitments made were adhered to.

**Criticism of Intergovernmentalism**

As Liberal Intergovernmentalism represents a partial criticism of the traditional Intergovernmental Perspective, several other criticisms are worth mentioning. First, the empirical argumentation has been criticised for being too heavily based on historical decisions and too little on the routine decisions made in the EU. By focusing on the last phases in the decision making process the result is that the informal networks might be given too little attention, and potentially important integrating powers are being overlooked (Egeberg 2004:200). Deliberationists and constructivists would in this respect highlight the role that arguments and persuasion might play (Eriksen and Fossum 2000). Second, the criticism concerns Intergovernmentalism overlooking the major EU level institutions, like the European Commission and the European Parliament, as well as the role of interest groups in the decision making process (Egeberg 2004:200). The main argument about the importance of relative power between the different Member States has also been criticised. The Intergovernmental Perspective takes it for granted that it is the economically stronger Member States which can expect to have the most influence over negotiations and in the integration processes, while the economically weaker Member States have less influence (Skjerven 2005).
3.1.2 Expectations Based on the Intergovernmental Perspective

As my research question and the first hypothesis (Hypothesis A) outline, the Intergovernmental Perspective will be applied to create a basis for discussing the effect of the EU Member States. The expectations will mainly be drawn from the classical version of the intergovernmental perspective. However, Moravcsik’s Liberal Intergovernmentalism will function as a helpful guiding framework.

Moravcsik’s second level, intergovernmental bargaining, and third level, the establishment of credible commitments will inform the discussion. The Intergovernmental Perspective’s basic assumption is that it is the Member States that have been the central actors, making their relative influence on food safety crisis management a central focus of studies. As there is limited data available on the Council processes in the 2002 Regulation preface, an alternative research approach is needed. Attention is directed towards the contemporary backdrop focusing on crises situations occurring within the relevant period for the research, the BSE Crisis and the Dioxin Chicken Crisis, and the response of the main Member States involved. Major countries in the EU15, like the United Kingdom and France, would according to Intergovernmentalism have relatively more influence on EU crisis management decisions than weaker Member States, like Belgium. A clear difference in Member States’ response to EU initiatives can be taken as indications of their relative power being important in the food safety area.

To investigate the Member States’ attitudes towards the new EU crisis management capacities attention can be directed towards the Member State responses to the White Paper creating the basis for the 2002 Regulation. As food safety crisis management can be argued to be highly sensitive for the Member States, opposition towards new EU level initiatives can be expected. However, to ease controversy and to let the Member States keep a ‘hand on the wheel’, control mechanisms and ‘emergency brakes’ can be established. This is done by institutional design which makes it possible to integrate crisis management on the EU level despite it being seen as fundamental national interest.
To summarise, the following expectations can be drawn from the Intergovernmental Perspective:

- It is the Member States that make the decision to integrate food safety crisis management on the EU level. It should therefore be possible to find evidence that:
  - The Member States’ relative power base has been important for their ability to modify disputed EU food crisis measures.
  - The Member States have opposed new EU level measures that would reduce their control on food safety crisis management as it can be argued to be a vital area for them to manage well.
- To keep any build up of crisis management capacities on the EU level in check, it is pertinent to expect that the 2002 Regulation has utilised institutional design to establish control mechanisms and emergency brakes for the Member States.

3.2 The Institutional Perspective

As basis for my discussion of the EU level institutions’ influence on the integration of food safety crisis management a New Institutionalism based approach will be applied. New Institutionalism can hardly be viewed as a single theoretical perspective, but all New Institutionalists agree that institutions do matter (Rosamond 2003:114; Pollack 2005:362). More specifically, a Historical Institutional approach, as described in the following section, will be used.

3.2.1 Theoretical Main Arguments

Within the wider framework of New Institutionalism there are different takes on how institutions matter. Hall and Taylor (1996:5; Rosamond 2003:115-117) describe a threefold theoretical generation of ideas, with Rational Choice Institutionalism on one side, based on the idea that human beings are self-seeking and behave rationally, and Sociological Institutionalism on the other side, which focuses on the ‘culture’ of institutions and the role of persuasion and communicative action. Between these two perspectives Historical Institutionalism can be found, focusing on how institutional choices have long-term effects. The following theoretical outline and discussion can
principally be placed under the latter holding insights on both the rival Rationalist and the Sociological Institutionalism research approach (Pollack 2004:139).

Selznick (1997:19) describes the difference between institutions and organisations by saying that the organisation is the framework and structure of the institutions, so that all institutions are organisations, but not all organisations are institutions. By adapting to internal and external demand and pressure an organisation can grow gradually more complex through the development of informal values, norms and routines, and thereby become an institution. Because each institution’s context and adapting differ, the institutional ‘soul’ becomes unique. Furthermore, the organisation can also get additional functions so that it is not only an agent for someone, but its existence is also a goal in itself. An organisation has to be ‘infused’ with values beyond the technical demands to qualify as an institution. Through time an administrative culture unique for each institution will develop, and create stability (Ibid. 25-26). This leads to an idea of norms-based institutions.

**The Institution as an Actor**

Identification with an organisational unit could mean that the unit’s norms, objectives, goals and ways of doing things are value-indices which more or less automatically guide an official’s proposals and decisions (Egeberg and Sætren 1999:94). In other words, the actors are tied up by the established institutional structure in a way that makes them commit to the institution’s ideas and goals. This is supported by Hellebø (2004:9) which states that “food regulation and food control can be seen as reflecting certain norms, values and objectives which are embodied in certain institutions formed over time in different contexts”. The theory’s assumption about who decides the policy outcome in the EU is of great importance for my research question. In opposition to the Intergovernmental Perspective, Historical Institutionalism argue that the European level institutions can influence the participating decision makers’ interests, preferences and identities, which again influence the choice of political measures, outcomes and structures (Egeberg 2004:200; Pollack 2005:362). This argument is especially directed towards the role of the European Commission, but will in this analysis also be applied to the European Parliament.
Historical Institutionalism has been seen as having dual effects, “(...) influencing both the constraints on individual actors and their preferences, and thereby encompassing the core insights of both the rationalist and constructivist camps” (Pollack 2005:363). This means that EU institutions and policies can become locked in as a result of both the incremental growth of support for existing institutions from below and change-resistant institutions from above, as actors develop an interest in the continuation of specific EU policies (Ibid. 364). The ongoing nature of institutional interests, with special preference for self-preservation and even creating new tasks to achieve this, leads the European Commission and the European Parliament to embrace new European level initiatives (Rosamond 2003:116).

**Institutional Change**

Historical Institutionalism does not rule out the institutional environment and conflicting interests of current actors as factors contributing to institutional change. But they emphasise the historical experience made that transforms into rules, routines and forms which persist beyond the historical moment (March and Olsen 1989:166-168). It is argued that the choices made early in the history of any policy, or in any governmental system, and the institutionalised commitments that grow out of them will determine subsequent decisions (Peters 2005:19-20). In other words, we need to understand the initial decisions made on a policy area to understand the logic of the development of the policy. This is referred to as *path dependency*, which means that once a policy is launched on a path it will remain in the same path until a significant force intervenes and diverts it from the already established direction (Thelen 1999:387). It does not mean that this path can not be altered, but it demands a good deal of political pressure to produce that change. The argument presented here emerges from Institutional Sociology, where institutions are viewed as embodying shared cultural understandings of the way the world works.

Even though institutions do not adapt instantaneously or efficiently to minor changes in will, power or circumstances, sudden exogenous shocks or crisis situations can cause radical and swift transformations (March and Olsen 1989; Olsen 1992:16). The more inefficient and the less prepared the institution is the more likely will it be that the current
institutional arrangement collapses letting a new regime arise. Olsen (Ibid.17) summarises the argument like this: “Radical and swift transformations are only likely in the case of comprehensive shocks, significant performance crisis and large gaps between existing structures and underlying realities – which, in turn, depend on inefficient routine processes of adaptation”. As this can create altering effects for the institutional core, it can also be used as a ‘window of opportunity’ by actors centrally located in the decision making process to steer the change in a wanted direction.

**Criticism of Institutionalism**

In addition to the debate between scholars advocating different versions of New Institutionalism, several critics have raised their voices against the use of the Historical Institutionalism perspective on EU integration. A central assumption within the Institutional approach is that the European Commission has worked to gain increased independence from the Member States, and by this emphasising the EU institutions’ autonomy while underlining the national governments limitations. The Member States cannot exert total control over the decision making process because they lack the necessary representation and overview of the process. The objection against this argument is that major EU Member States will be able to reach their goals anyway, since they have the resources to produce the necessary documentation needed, in for example, expert committees and by this question whether independent expert representation actually exists (See Neyer 1999:221-222). Another criticism that has been directed towards the Institutional Perspective is that it has had little faith in the Member States’ ability to influence the EU development in the last decade (Rosamond 2003:116). Some argue that the Member States have actually strengthened their influence in the decision making process in recent years, by creating new control mechanisms for the EU level institutions, especially the European Commission. This makes an analysis of the European Commission’s role throughout the research time frame especially important (Skjerven 2005).
3.2.2 Expectations Based on Historical Institutionalism

Based on Historical Institutionalism the European Commission and the European Parliament can be expected to have developed into institutions with a set of common norms that prescribe appropriate behaviour affecting policy outcomes. By the incremental growth of support for existing institutions from below and change-resistant institutions from above, they may have become ‘locked in’ as actors develop interests for the continuation of EU policies. Consequently it can be expected that the European Commission and the European Parliament by appearing as supranational leaders with a self preserving agenda would promote increased EU level food safety crisis management measures. To investigate this expectation, three approaches will be used: The EU institutions’ definitions of who the emergency constitutes a crisis for; the EU institutions’ food safety policy reform initiatives; and how the final 2002 Regulation measures can reflect the EU institutions’ self preserving interest.

Historical Institutionalism argues that historical trends and decisions should be in focus when investigating institutional change. It should be possible to find evidence that the integration of crisis management is influenced by decisions taken in the early stages of the development of the food policy area. According to Olsen (1992) external crises can cause institutions to change and it should therefore be possible to find evidence that crises affecting the food area within the research time frame have had an altering effect on crisis management.

To summarise, the following expectations can be drawn from Historical Institutionalism:

- The European Commission and the European Parliament have a self preserving agenda and would therefore act as supranational leaders to promote and embrace EU level food safety crisis management measures and suppress the interests of powerful Member States. This can be seen in how:
  - the EU institutions’ definition of who the emergencies constitute a crisis for is reformulated and consequently transforming it from a national crisis to a European crisis;
the EU institutions’ food safety policy reform initiatives move crisis management towards European level; and


Two expectations about institutional change should be discussed separately:

- Policy decisions made on an earlier point of time have influenced later decisions, the following policy outcome and institutional arrangement, referred to as path dependency; and

- Crisis situations, like abrupt events and catastrophes in the surroundings, have had an arbitrative effect and forced the institutional arrangement to change fast. This may be used as a ‘window of opportunity’ to implement integrative measures by the European Commission and the European Parliament.

### 3.3 The Environment Based Perspective

In the traditional study of European integration the concept of norms plays a minor role. However, the EU is part of a wider pattern of policy making beyond the nation state (Wallace 2000:7). The following perspective will therefore draw on the study of organisations, emphasising the relationship between an organisation and its environment. By employing this perspective I will derive expectations on the role of norms in the EU’s environment in the integration of crisis management in the food safety area.\(^\text{10}\)

#### 3.3.1 Theoretical Main Arguments

When studying institutions, the broader normative and cultural environment can be said to be of interest. Institutions can be seen as reflections of the will of actors initiating them as well as reflections of their institutional or organisational environment. Organisations are continuously being confronted with socially created expectations and ideas in their environment on how they should be organised, referred to as myths. When organisations

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\(^{10}\) The structure of the theoretical outline of the Environment Perspective is derived from Bonarjee (2007).
adapt to the myths in their environment they grow more alike, causing isomorphism among them (Christensen et al. 2004:66).

In the globalised society of today, organisations often have multiple sources of expectations that are incompatible. Common to these expectations on how organisations should function is that they are rationalised by scientific arguments to convince managers that they are an effective means of achieving specific organisational goals. Also, that they are institutionalised in the sense that regardless of their actual effect, their value is taken for granted (Ibid. 67). The spread of ideas between organisations is made possible because they are immaterial concepts that can be adapted independently from time and space.

The Environment Perspective claim institutions gain their legitimacy by incorporating norms from the broader society. However, advocates of this perspective differ on the mechanisms that result in an institutional adaptation to the environment (Ibid. 81). Meyer and Rowan (1991:50) argue that institution’s legitimacy is gained by reflecting societal values rather than adhering to technical demands, hence they will change as they adapt to society.

“(…) organizations are driven to incorporate the practices and procedures defined by prevailing rationalized concepts of organizational work and institutionalized in society. Organizations that do so increase their legitimacy and their survival prospects, independent of the immediate efficacy of the acquired practices and procedures” (Meyer and Rowan 1991:41).

To find explanations on why there has been an EU integration of crisis management in the food safety area, the values of its broader institutional environment has to be investigated.

DiMaggio and Powell (1991:67-96) describe three reasons organisations might have to adopt ideas from its environment as follows: First, pressure can be exerted by one organisation to the next, here referred to as external pressure. Second, uncertainty within an organisation relating to its functions and goals may cause it to mimic similar organisations in its environment, here referred to as imitation. Third, as professions spread between organisations, they bring with them ideas and values from one
organisation to the next creating change in the structure, causing them to grow more alike. Because data will not be collected on the individual level, the latter mechanism will not be elaborated further here. Emphasis will be put on the first two mechanisms of DiMaggio and Powell (Ibid. 67), and on how the European Commission as an important external actor employs such myths. Because the environment based perspective is not an integration theory, but is drawn from organisational theory, it does not have any provisions as to which actors are to be considered more important. Instead, myths are seen as the driving forces when organisations change.

3.3.2 Expectations Based on the Environment Perspective

A central presumption based on the Environment Perspective is that it is an idea rather than an actor that is steering institutional reform. Therefore, to understand the integration of crisis management in the food safety area we need to look beyond the office buildings in Brussels and the European capitals and explore the degree to which myths have affected the actors in this process. Based on this perspective one might expect that ideas originating in the institutional environment have guided European actors as they form the institutions responsible for crisis management.

The EU’s institutional environment in the food area includes several framework setting international institutions and it is therefore pertinent to expect that it also consists of a variety of expectations and organisational ideas. As will be outlined further in chapter six, attention will be directed towards the World Trade Organization (WTO) Sanitary and Phytosanitary Agreement implemented in 1995 and the Codex Alimentarius Commission. During the period in focus these institutions were the arena for an extensive food safety debate and established several basic ideas and norms with implications for crisis management, like risk assessment procedures and the precautionary principle. The European Commission played an important external role participating in the establishment of the WTO food safety regulatory regime and held an observatory status in the Codex Alimentarius Commission.
Based on the environment perspective one might expect that institutional ideas established at the WTO level have influenced the EU’s institutional reform, as a result of imitation. As the EU food safety area is a relatively new construction, it can be expected to mirror successful institutional arrangements in its environment. However, the EU is also tied to its institutional environment by international agreements making the spread of ideas as a result of external pressure another expectation derived from the Environment Perspective.

To summarise, the following expectations can be drawn from the Environment Perspective:

- The integration of food safety crisis management has been caused by the European institutions adapting to organisational ideas and expectations originating in the institution environment, here focusing on the WTO SPS Agreement and the Codex Alimentarius Commission.

Two main ways in which institutional ideas spread between institutions are investigated:

- First, institutional ideas have spread as a result of an imitation process and it should therefore be possible to find evidence of the European Commission utilising lessons learned from the institutional environment.
- Second, institutional ideas have spread as a result of external pressure, especially by the binding WTO SPS Agreement.

\[1\] See section 2.3 for explanation of risk assessment and the precautionary principle.
4. The Member States

This chapter’s aim is to discuss the influence of the national level, the Member States, in the EU integration of food safety crisis management. The Member States constitute the corner stones of the EU decision making structure and through the Council and the Intergovernmental Conferences national interests are represented (Lewis 2003:150). As attention is directed towards the role of the Member States, the following discussion will be based on the Intergovernmental Perspective as it was presented in chapter three.

This chapter will have a twofold approach to the research question. First, it will investigate the backdrop of the integration process in focus by studying the Member State responses to EU measures in former food crises. Second, it will discuss the intergovernmental claim stating that European integration only happens when it does not conflict with the Member States’ interests. Consequently, Member State control mechanisms and emergency brakes created by institutional design should be evident in the 2002 Regulation.

4.1 Member State Influence in Earlier Food Crises

4.1.1 Promoting National Interests

Three conflicts between the national level and the European Commission relating to food crises can be used to shed light on the Member States’ influence in the food safety area. They are chosen as they are the main food safety crisis management disputes occurring within the research time frame. First, and as outlined in chapter two, the British Government protested heavily against the implementation of a common EU response to the BSE Crisis (Grönvall 2001:164; Lezaun and Groenleer 2006:439). This reached its peak when the British Prime Minister John Major introduced a policy of non-cooperation in all EU institutions that lasted for a month. By putting national interests first, Major satisfied his domestic audience by promoting arguments from the British scientific advisory bodies that had given their beef the green light (Grönvall 2001:165).
Second, while the other thirteen Member States that had imposed a ban on British beef aligned with the European Commission’s decision in 1999 to lift it, the French Government refused to do so (BBC News 2002a). This was reasoned as a response to the concerns from its own independent food agency about the reliability of the British systems in place to keep its food safe and by that protect the health of its own citizens. British farmers on the other hand accused the French Government of taking a purely political move based on unjustified public fears and promoting protectionism (BBC News 2001a). It was not before 2002, more then six years after it was initially imposed and after the European Court of Justice had declared it illegal, that the French Government finally decided to lift the ban (BBC News 2002b).

Third and as outlined in chapter two, the 1999 Belgian response to the Dioxin Chicken Crisis was different than those of the two previous EU crisis management disputes elaborated above, where political measures were made use of to stop or change the European Commission’s proposals. The Belgian Government on the other hand was heavily criticised for not taking the situation serious, and in fact slowing down the implementation of EU food crisis response initiatives (Lezaun and Groenleer 2006:442). Instead of actively promoting national interests the Belgian Government chose to adopt a passive position.

As the Intergovernmental Perspective emphasise the Member States’ relative political and economical influence as an important factor in EU integration, it can be expected that strong Member States would utilise their power base to protest EU measures contradicting their domestic interests. This can be argued to be evident in the three cases briefly outlined above. Both the United Kingdom and France\(^\text{12}\) are large Member States with a strong political and economical base backing their government (Laffan and Stubb 2003:73-78). The British Government utilised its powers when opposing EU food crisis measures, putting substantial pressure on the EU system by introducing the no cooperation strategy (Grönvall 2001:165). The French Government were able to hold on

\(^{12}\) France and the United Kingdom can both be categorised as large EU Member States, both holding populations close to 60 millions and two of the largest European economies (Laffan and Stubb 2003:73-78).
to its ban on British beef another 2.5 years, despite heavy pressure from other Member States and the European Commission. It was not before the European Court of Justice ruled against the ban that it was lifted. Consequently, smaller Member States have less chance of successfully protesting EU level proposals as they are relatively weaker then their counterparts. This can be argued to be the case for the Belgian response to the Dioxin Chicken Crisis, as a medium sized member state. Instead of taking an active approach attempting to change the European Commission’s crisis management proposals, as especially Britain had done in the BSE Crisis, it was accused of being too passive and postponing measures on the national level. The difference in level of member state protests towards EU food crisis management measures can be viewed as an indication of relative power playing a role in the food safety area.

4.1.2 EU Decision Making Overriding National Interests

Even though it is possible to differentiate the level of protests between more and less powerful Member States targeted by EU crisis management measures, the question of the European Commission’s ability to override the protests in the decision making process is essential. The Intergovernmental Perspective puts the Member States at the centre stage of European integration and it can consequently be expected that the delegation of functions to the EU institutions only happens when national governments sees it is in their interest to hand over certain regulatory functions to ease co-operation (Cini 2003:96).

In the three cases above, the Member States in question oppose the decisions on EU crisis measures and argue that the decisions go against Member States’ fundamental interests. Despite this, the European Commission were able to gather sufficient support to get their proposed measures implemented and by that override the Member States directly affected. Strong Member States like France and Britain utilised their power to actively promote their national interests and opposed the EU decisions. However, even though

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13 Belgium can be classified as a medium EU Member State, with a population of 10 million and a medium sized economy (Laffan and Stubb 2003:73-78).
they were able to promote counter arguments and delay the proposed food crises measures, they were not successful in changing or stopping them. As an important backdrop for the further analysis the EU level decision making system overriding the Member States goes against the expectation derived from the Intergovernmental Perspective that the Member States would be able to stop or reverse measures that contradict their fundamental interests. This might be viewed as an indication on the EU level institutions ability to independently influence crisis decision making as further discussed in chapter five.

4.2 Member State Response and New Control Mechanisms

Based on the Intergovernmental Perspective it can be expected that the Member States would not chose to integrate in policy areas they view as having fundamental national importance. However, it can also be expected that the European Commission would not take policy initiatives that fundamentally go against the interests of the Member States. This means that evidence of Member State emergency brakes and control mechanisms should be found in the new EU level crisis management provision, which can be seen as an indication of the use of institutional design in the decision making process to accommodate the Member State Governments. The following discussion will begin by investigating the White Paper hearing responses from the Member States and then concentrate on the final arrangements for crisis situation decision making and institutional crisis response arrangements made by the 2002 Regulation.

4.2.1 White Paper Hearing Responses

The European Commission White Paper on Food Safety was intended to launch an EU wide debate on how the regulatory framework was to be developed (Alemanno 2006:247). It contained structural regulative provisions, like risk analysis and the precautionary principle, as well as more concrete EU level crisis management measures, like extending the Rapid Alert System (European Commission 2000a: Art. 12, 14, 18). The European Commission welcomed suggestions from all involved parties and sent the
White Paper on hearing to all Member State Governments (Ibid. 3). A limited number of Member State responses to the White Paper have been made available by the EU. Even so, they can be used as an indication on the main response towards the proposed food crisis management provisions.

The primary response found in the hearings was an overall acceptance of the proposed provisions relevant to crisis management with few additional Member State comments, indicating it did not challenge their fundamental national interests (Austrian Gov. 2000; British Gov. 2000; German Gov. 2000; Irish Gov. 2000). While enhancing the European Commission’s opportunity to take initiatives, the Member States still underlined the importance of having their part of the crisis management responsibility fully recognised (Ibid.). An example can be derived from Ireland’s response to the White Paper when stating that “Risk management (legislation and control) should be carried out by the Commission and the Member States” (Irish Gov. 2000:2). The German Federal Government’s response reflected a similar view, emphasising the importance of good communication between the European Commission and the Member States, as the two parties responsible for food safety crisis management (German Gov. 2000). Also the British Government’s response to the proposed crisis management provisions was primarily positive. They especially emphasised that “separate streams of communication from the Member States, the EFSA and the Commission could increase public anxiety and confusion” and asked for communication to be more extensively considered in the future regulation (British Gov. 2000: point 20).

According to Moravcsik (1998:51) interstate negotiations can be seen as bargaining games over the terms of “mutually beneficial cooperation”.\footnote{Moravcsik (1998:51) focuses on interstate negotiations when outlining his second analytical level, the interstate bargaining level. Though, the Member State responses to the White Paper is not interstate bargaining, the same criteria for evaluating the costs and benefits of the proposed measures were important as its aim was to establish new EU level crisis management capacities.} Furthermore, he outlines two dimensions of bargaining outcomes that are of particular interests: distribution of gains and efficiency. By carrying out cost-benefit analyses the Member States weight and review the different alternatives and chose the most Pareto-efficient outcome (Ibid.). As the Member States accepted the crisis management provisions proposed by the European
Commission in the White Paper without major changes, the advantages of cooperation have overshadowed the disadvantages of delegating crisis planning and response capacities to the EU level. The food area has since the establishment of the CAP been a highly integrated policy area, while the question of the safety of food had mainly been left to the Member States. It is pertinent to expect that both of Moravcsik’s bargaining dimensions have been important for the Member States’ White Paper response: The proposed integrative measures would create more efficient crisis response capacities on an otherwise integrated policy area; and consequently the distribution of gains could be seen as relatively equal, as all Member States were dependent on having safe food distributed in the single market.

As crisis management is argued to be important to national governments and a capacity build up on the EU level was proposed, the acceptance of the White Paper proposals can indicate that it did not challenge the basic interests of the Member States. However, to compensate for the reduction of crisis management authority by individual Member States, new control mechanisms and emergency brakes for the Member States can be expected to have been put in place in the final agreement, which may explain their overall acceptance of the White Paper proposals. The next two sections will investigate whether this argument is valid for the final crisis management measures established by the 2002 Regulation, and thereby move from Moravcsik’s interstate bargaining level to his third analytical level, establishing credible commitments.

4.2.2 Decision Making Procedures in Crisis Situations

A major challenge in the crisis response phase is to make the right decisions in an environment characterised by lack of information (Rosenthal et. al. 2001:18). Therefore, who is involved in the crisis decision making process is of high importance as what they can bring to the table to solve the situation is decisive for good management.

An important measure implemented with the 2002 Regulation was the reorganisation of the committee structure and the establishment of the Standing Committee on the Food
Chain and Animal Health\(^{15}\) (European Communities 2002: (62)). The Standing Committee is led by the European Commission and consists of representatives from the Member State Governments. It is to assist the European Commission in developing appropriate food safety measures and its mandate covers the entire food supply chain to enhance its ability to target risks to health wherever they arise in the production of food. Furthermore, measures on which the Standing Committee has delivered an opinion will be formally adopted by the European Commission (European Commission website\(^{1}\)). In crisis situations the Standing Committee plays an important role in examining and giving an opinion on the emergency measures proposed by the European Commission, in particular measures involving suspension of the placing of specific food on the common agricultural market (European Commission 2004: Article 5.4). The opinion given by the Standing Committee by majority vote is to be viewed as binding for the European Commission choice of measures to deal with a given crisis situation (European Council 1999: Art. 5). The Standing Committee can be seen as part of a complex spectrum of committees popularly referred to as *comitology* (Joerges 1999:3). They have been established to balance Member States’ “(...) collective interest in deepening the internal market with their particular interests in economic and social protection” (Neyer 1999:221). The system of committees allows competence to be moved to the EU level while at the same time letting the Member States keep a ‘hand on the wheel’ in the decision making process (Joerges 1999:9).

The Standing Committee is given the role as an important centre point for communication. It holds regular meetings throughout crisis situations to ensure that all relevant information is shared and to oversee Member States’ implementation of the crisis management measures (European Commission 2004: Art. 5.4). The Standing Committee also plays an important role in creating a link between the new EU level crisis unit and the decision-making process, in particular by getting regular updates on the work of the crisis unit as well as having EFSA representatives attending their meetings. In the same way, the crisis unit shall be kept continuously informed about the measures

\(^{15}\) The 2002 Regulation established one committee, the Standing Committee on the Food Chain and Animal Health, with enhanced responsibilities for decision making in crisis situation, replacing the previous four committees holding overlapping responsibilities. See section 2.3.
taken as part of the decision-making process in order to coordinate their information (Ibid.). The institutions with access to whatever information is available get an important advantage in both the public debate on the appropriate response as well as in relations with other institutions involved in the crisis situation decision making process. With the Standing Committee’s role in sharing information and responsibility for the contact with the EU-level crisis response institutions the Member States’ representatives are strengthening their capacity in defining both the problems and solutions of the situation.

The 2002 Regulation delegated responsibility to the EU level, while the system of committees let the Member States keep their direct participation in crisis situation decision making. The Member States retained control of the flow of information and the option to decline the European Commission’s proposal in the Standing Committee. Decisions in the Standing Committee were to be made by majority vote which according to Moravcsik (1998:67) can be seen as *pooling* of sovereignty as governments agree to decide future matters by voting procedures other than unanimity. This is said to be a means for Member State Governments to assure that other governments will accept future legislation and signal their own credibility (Ibid. 73). However, as shown in *chapter two* and *section 4.2* the Member States targeted by former EU crisis management measures have been strongly opposing them and argued that management of food crises was a fundamental national interest. Moravcsik argues that on his level of national preference formation it is domestic interests that make up the preferences advocated by national governments (Ibid. 24-27). The Member States’ acceptance of the use of majority vote on a policy area argued to be of national importance therefore contradicts the expectations derived from the Intergovernmental Perspective.

### 4.2.3 Crisis Response Measures

One of the most characteristic features of crisis situations is the expectation of surprise. This means that there will always be a tension between the institutionalised tendency to routinise crisis management practices and procedures and the necessity to operate in a flexible and adaptive way in the event of a crisis situation (Rosenthal et al. 2001:17). The chosen institutional arrangements to respond to the crisis are therefore of high importance
for how successful the management of the crisis situation is. Based on the Intergovernmental Perspective, a high level of Member State control on the new EU crisis management response capacities can be expected.

Even though the 2002 Regulation obliges Member States to adopt the measures decided on the EU level, Member States are still responsible for the main part of the first hand crisis response capacities (European Communities 2002: Art. 53.1). Crisis management involves a range of government officials, from police officers to health care workers, which are still under Member State command. By managing the executive crisis response organisations, Member States have a direct influence on how to carry out the measures decided at EU level. An example can be the Dioxin Chicken case in Belgium when the Belgian Government disagreed on the imposed EU measures and therefore postponed implementing them. The situation was resolved after enormous political pressure from the European Commission and other Member States forced the Belgian government to implement the measures (Jukes 1999; Lezaun and Groenleer 2006:443). As mentioned in section 4.2.2 the Standing Committee makes decisions in crisis situations by majority vote. This means that we might see Member States opposing crisis management measures that are directly affecting their own food markets. By intentionally slowing down the implementation, Member States targeted by the Standing Committee’s crisis management measures can win time to manage the crisis in accordance with their own understanding of the situation. Viewed in the light of the Intergovernmental Perspective this gives the Member States an unofficial emergency brake.

The 2002 Regulation established a network of crisis coordinators that consist of representatives from each Member State, EFSA and the European Commission. The crisis coordinators are meant to be standby and ready to be integrated into an active crisis unit responsible for gathering and evaluating all relevant data and identifying options available for managing the crisis (European Commission 2004: Art. 5.2). Also, it has the role of informing the public about the risks in question and is meant to be an additional tool for ensuring that crises are managed effectively by ensuring better coordination and that action is taken quickly (Ibid.). The crisis unit is an important source of input to the decision making conducted by the Standing Committee as well as an information sharing and coordinating body important for managing the crisis situation.
The 2002 Regulation allows Member States to take initial response initiatives in crisis situations. When the European Commission is not taking any initiatives to respond to a situation which one or more of the Member State Governments views as a crisis situation, unilateral interim protective measures can be adopted (European Communities 2002: Art. 54.1-3). Within ten working days the European Commission is required to arrange a meeting with the Standing Committee on the Food Chain and Animal Health to decide on the extension, amendment or abrogation of the national interim measures. Member States can maintain their national interim protective measures until European Community measures have been adopted (Ibid. Art. 54.3). The possibility to take initial crisis response initiatives supports the expectation derived from the Intergovernmental Perspective that Member States are to keep their crisis management control.

Based on the Intergovernmental Perspective it can be expected that the supranational institutions’ functions are severely curtailed in sensitive policy areas (Cini 2003:97). This can be argued to be true for food safety crisis management as Member States in past crisis situations strongly opposed EU involvement, creating tension in the decision making process. Member States’ participation in the network of crisis coordinators and the crisis unit gives them an important role in both the crisis planning and response phases; through this they actively take part in cross border coordination procedures and have a first hand control of the EU level external information strategy. Also, the Member States’ opportunity to take unilateral interim measures responding to food crises gives them freedom of action in working out the initial crisis response. However, contradicting the expectations derived from the Intergovernmental Perspective the 2002 Regulation gave the European Commission a similar ability to take initial crisis response initiatives. This moderates the significance of the Member States’ unilateral interim measures (European Communities 2002: Art. 53.2).

4.3 Conclusion: Member States’ Passive Acceptance and New Control Mechanisms

By carrying out a cost-benefit analysis, where it is pertinent to expect that both distribution of gains and efficiency were important, the Member States approved the
crisis management proposals in the European Commission White Paper without major changes. A possible explanation is that the enhanced EU level crisis management capacities were accompanied by increased control mechanisms and emergency brakes for the Member States in both crisis situation decision making and crisis management measures in the 2002 Regulation. As a result of institutional design allowing Member States keep a ‘hand on the wheel’ the new measures were made less controversial to the Member State Governments.

An important backdrop for the EU integration of crisis management measures was the Member States’ response to EU initiatives in former food crises. The Intergovernmental Perspective falls short when explaining why it has been possible for the European Commission to override Member States opposing crisis management measures. This was argued to conflict with fundamental national interests. Furthermore, this perspective fails to explain the use of majority vote in crisis decision making in the Standing Committee and the European Commission’s opportunity to take interim crisis management measures in a highly sensitive area.

The discussion above on the establishment of crisis management capacities within the framework of the 2002 Regulation does not rule out the relevance of the Intergovernmental Perspective. However, a second perspective focusing on the role of the EU level institutions and their relevance for the integration of food safety crisis management should be added.
5. The EU Level Institutions

Historical Institutionalism’s basic assumption is that ‘institutions matter’ as shapers of and influence upon the behaviour of actors rather than mere expressions of political culture (Rosamond 2003:114). This perspective is applied to discuss the second hypothesis (Hypothesis B) of this thesis stating that the integration process of crisis management in the food safety area has been driven forward by EU level institutions like the European Commission and the European Parliament. Furthermore, this perspective outlines path dependency and crisis situations as important structural distinctions for institutional change.

The first part of this chapter will investigate whether the process can be characterised by path dependency and whether crises occurring within the research time frame have influenced the policy reform process. The second part of this chapter will discuss the roles of the European Commission and the European Parliament. Focus will be on Historical Institutionalism’s claim that institutions hold preferences for self preservation in acting as supranational leaders and in launching policy initiatives.

5.1 Historical Paths and Altering Crises

The second section of this chapter will focus on expectations derived from Historical Institutionalism on institutional behaviour and preference formation. This section’s aim is to discuss the expectations of path dependency and the effect of external crises on the integration of food safety crisis management. Historical Institutionalism emphasises that choices made early in the history of any policy will determine subsequent decisions. This implies that once a policy is launched on a path it will remain on that path until significant forces diverts it (Thelen 1999:387; Peters 2005:19). Sudden external changes or crisis situations can cause radical and swift transformations allowing a new institutional regime to arise (Olsen 1992:16). The following sections investigate if these expectations can be applied to the EU integration process in focus. I start by exploring evidence of path dependency, before looking closer at the effects of crisis situations
where I first discuss implication of the 1996 peak of the BSE Crisis. The 1999 Dioxin Chicken Crisis in Belgium is also discussed.

5.1.1 Path Dependency

It is evident that guiding principles initiated as a response to the BSE Crisis dominated the debate leading up to the 2002 Regulation. The Santer Commission’s initial response to the BSE Crisis was that there had been a mismatch in the relative attention given to market issues and health issues and that more should have been done in the prevention phase (Santer 1997: Point 3). To remedy the deficiency within the agricultural sector the Commission decided that three new principles were to guide the work of departments dealing with human health: excellence, independence and transparency (Ibid. Point 9). This created a new primary framework with new prioritisations for how to organise the food safety area. The principles also became guiding principles for the discussion on how to reform the crisis response capacities. The new principles can be traced in policy documents throughout the research time frame, as well as in the 2002 Regulation (European Commission 1997b; 2000a; European Communities 2002: Art. 37-39). For example, by the division of advisory and executive powers and the focus on creating solid structures for information sharing in crisis situations, the 2002 Regulation correlates with the principles established in 1997 (European Communities 2002: Art. 22, 56, 57).

Going further back in time, before the BSE Crisis, the historical backdrop becomes relevant by focusing on the policy constrains created by previous decision making. From the early 1960s until the early 1990s there was no unifying text defining the responsibilities of the parties involved in the food safety area (Alemanno 2006:243). Food law was mainly focused on trade issues and the free movement of goods rather than safety issues. No explicit reference was made to public health or consumer protection in the Treaty of Rome until the adoption of the Single European Act in 1986 and the Maastricht Treaty in 1992 (Ibid. 239; European Communities 1987: Art. 25; Maastricht 1992: Art. 129a). Even though there were several attempts to turn the European Economic Community’s food policy towards the achievement of new goals, such as the protection of public health and the consumers, these aspects of European food law were
mainly neglected and “implemented in a way functional to the economic requirements of the internal market” (Alemanno 2006:243). In this way the existing and dominating food legislative framework aiming at creating an internal market overshadowed other priorities within food legislation. The initial decisions taken when establishing European food law constrained its future expansion from including consumer safety measures and the possibility to create closer cooperation in food safety crisis management.

In the 1980s the work to establish a single market for trade within the European system escalated, especially by the adoption of the Single European Act in 1986. In 1993 the single market became a reality. This meant a further integration of the agricultural policy area opening up for an increased trade in food and feed across European borders (Veggeland 2001:16). As EU-level food safety crisis response capacities were highly limited, the creation of the common European market made it possible for the food crises of the 1990s to spread fast between the Member States. Though Britain was the country hardest hit by the BSE Crisis, its beef and cattle were sold across Europe (Grönvall 2001:160). In the case of the Dioxin Chicken Crisis it was widespread fears that the poisoned feed had been sold also outside Belgium (Lezaun and Groenleer 2006:441). This makes the policy development before the 1996 BSE Crisis an important prerequisite for the crises’ Europe wide impact.

It is evident that the new guiding principles implemented in response to the BSE Crisis created the basis for the discussion on food safety that ensued, and for the 2002 Regulation. However, going further back in time the extensive focus on free trade overshadowing European integration of food safety crisis management capacities can be traced back to the 1960s and the establishment of the CAP. It has been an important condition for why the effects of the food crises in the 1990s became so widespread. This is in compliance with Historical Institutionalism’s path dependency, making policy decisions made at an earlier point in time important to understand later policy outcomes and institutional arrangements. In the next section the effects of food crises are investigated as external forces instigating change for food safety crisis management.
5.1.2 Crises That Bring About Change

Even though Historical Institutionalism emphasise path dependency, sudden changes in the surroundings or crisis situations are seen as factors that can lead to institutional reforms (Olsen 1992:16; March and Olsen 1989). This is especially the case when institutions are not prepared and are unable to respond efficiently. For managers the main challenge in the crisis aftermath phase is to use it as a ‘window of opportunity’ to create positive change and prevent that it evolves into a new urgent crisis situation (Rosenthal et al. 2001:20). Within the research time frame two important crises occurred: First, the 1996 peak of the BSE Crisis centred in the United Kingdom, and second, the 1999 Dioxin Chicken Crisis in Belgium combined with the growing anxiety towards genetically modified food (Lezaun and Groenleer 2006:439-443).

The BSE Crisis was the biggest food crisis that had ever hit the European food market. Its extensive consequences for the food industry, national governments and most importantly the citizens of the EU, made headlines throughout the world. (Grönvall 2001:159-160). It represented a rapid change in the prerequisite for crisis managers dealing with food safety. The events in the aftermath of the BSE Crisis illustrate that institutions, although embedded in historical traditions, are not unchangeable.

According to Olsen (1992:16) the more inefficient and the less prepared institutions are the more likely is it that the current institutional arrangements will collapse and let a new regime arise. The BSE Crisis directed public focus and prompted serious criticism on the way European food regulation and crisis management was organised. Especially the cooperation within the EU, relations between expert advisors and policy-makers and between food control institutions and central government were questioned (Hellebø 2004:25). The weak and seemingly chaotic crisis response to the BSE Crisis, created a public debate that launched a rethinking of the European response capacity in food safety crisis situations (European Parliament 1997). Also, there was a general agreement in the aftermath of the BSE Crisis between both representatives of the Member State Governments and the European Commission that there was a need for reforming the food safety area to strengthen crisis response capacities and prevent similar situations in the future. The Communication on Consumer Health and Commission Green Paper on Food
Law were direct EU level responses to the BSE Crisis (European Commission 1997a; 1997b). Several proposals first presented in these documents, like establishing an independent European food agency and expanding the European Commissions initial crisis response measures, were later reflected in the 2002 Regulation that reformed the European approach to crisis management. This makes the BSE Crisis an important prerequisite for the 2002 Regulation.

In 1999 the Dioxin Chicken Crisis in Belgium, fuelled by the aftermath of the BSE Crisis and the growing consumer concern about the safety of genetically modified food, created a new wave of public scrutiny towards European food safety (Alemanno 2006:246). Attention was directed towards the lack of a common European response and the European Commission’s ability to get its proposed measures implemented on the national level (Lezaun and Groenleer 2006:441). Together with the report on the future of scientific advice (James et. al. 1999) published in December 1999, this created a foundation for the White Paper on Food Safety to reach the top of the European agenda when published later the same year (Alemanno 2006:246; European Commission 2000a). This new public and political focus on the shortcomings of the existing European crisis response capacities were important factors speeding up the reform process and made it easier for the European Commission to present radical proposals for change.

Both the 1996 BSE Crisis and the 1999 Dioxin Chicken Crisis can be argued to be important, not only in creating headlines, but also by breaking ground for new reform proposals in line with Thelen’s (1999) ‘institutional dynamism’. The crises affecting the food safety area created abrupt changes in the foundation of the European food policy regime, removing existing institutional arrangements and establishing external legitimacy for new initiatives. Taking new policy initiatives and proposing legislation the European Parliament and the European Commission can be argued to exemplify the use of the initial aftermath of both the BSE Crisis and the Dioxin Chicken Crisis as ‘windows of opportunities’. This argument is further strengthened when viewed in the light of the discussion below that underlines EU-level institutions’ importance in redefining who the emergency constitutes a crisis for (see section 5.2.1). Even so, new solutions and principles for how to manage crisis situations were not created without reference to previous arrangements and policy decisions, as shown above in Section 5.1.1.
5.2 Taking Initiatives and Steering the Integration Process

This section will discuss the roles of the European Commission and the European Parliament. Three empirical approaches will be applied: first, the EU level institutions’ definitions of crises; second, policy initiatives taken by the institutions throughout the research time frame; and third, a closer look at the final institutional arrangements made in the 2002 Regulation.

5.2.1 Defining a Crisis for Europe

In chapter one a crisis was defined in terms of an “urgent threat to the core values of a polity” (Boin et al. 2006a:2). Traditionally the polity, the social system, has been understood as the EU Member States, since they were in charge of managing food crises. However, for the EU to be the right governance level to manage the emergency, the crisis situation should be defined as “an urgent threat to the systems that serve the basic functions of the European Union”, rather than the individual Member States (Ibid. 20). This makes it possible for actors involved to redefine who hold the responsibility for food crises occurring within the EU borders. Based on the expectation that the EU institutions are self interest oriented, it is likely that the European Parliament and the European Commission would advocate defining crises situations as European.

Even though the outbreak of BSE started long before 1996, it was not before the British government announced the possible connection between the cattle disease and its human affliction that it was perceived or acknowledged as a European crisis (Grönvall 2001:156). Several arguments were important: First, it could be perceived as a result of failed EU food policy. Second, it constituted a possible threat to the public health of EU citizens in several Member States. Third, it negatively affected the economic cooperation between Member States in the internal market. In the case of the Dioxin Chicken Crisis the same arguments were important; it posed a threat to the health of EU citizens and disrupted the common European food marked (Boin et al. 2006a:43).

These arguments were advocated by both the European Commission and the European Parliament in the crisis aftermaths (European Commission 1997b; European Parliament
An example can be derived from the comment by European Commissioner for Internal Market and Services Frits Bolkestein (2000:2) that “[in] recent years Europe has faced two major food crises - BSE and Dioxin - which have had a tremendous impact on European public opinion”. Another example is the European Parliament (1997) investigation into the BSE Crisis and how responsibility was divided between the two governance levels: “Responsibility for the problem is divided between the authorities concerned with agriculture and animal health and those concerned with public health protection. This applies to both EU and national level (…)”. As EU-level institutions have given food safety crisis situations the EU and European adjectives, they have indirectly been active in legitimising increased EU involvement and their own participation in food crisis management. This supports the expectation derived from Historical Institutionalism about EU-level institutions holding preferences for self preservation, consequently advocating new EU-level initiatives.

5.2.2 Integrative Initiatives

Based on Historical Institutionalism it can be expected that institutional identity influences decision makers’ preferences and the EU institutions to favour integrative measures. In this section the European institutions in focus will be discussed, and their influence within the research time frame assessed. The discussion is divided into two time periods: first, the initial response to the BSE Crisis; and second, the immediate 2002 Regulation preface.

Initial Response to the BSE Crisis

According to Skogstad (2001:498) the European Parliament took an active leadership role in food safety regulatory reforms and worked closely with consumer interest organisations in the early aftermath of the BSE Crisis. This is also noted by the Commissioner for Health and Consumer Protection, David Byrne (2000), who stated that the “Parliament played a crucial role in Europe’s response to the BSE Crisis (…)”. Most importantly it launched a Committee for a public inquiry into the European Commission’s role throughout the crisis situation. The Committee’s report was published in February 1997 and criticised the European Commission for neglecting its duties,
especially by failing to fulfil its role in initiating legislation (European Parliament 1997). Furthermore, the Committee posed 75 questions which the European Parliament required the European Commission to answer in order to avoid a no-confidence vote that could force its resignation (Skogstad 2001:498).

The European Commission’s response to the Committee warded off the no-confidence vote and suggested extending the use of co-decision\(^\text{16}\) to the food safety area, confirmed in the Amsterdam Treaty later the same year (Ibid.; Santer 1997). The co-decision procedure makes the European Parliament a joint decision maker with the Council. The European Commission also responded to the European Parliament criticism by proposing new basic regulatory principles important for food safety crisis management. Especially important was risk analysis related principles like: separating legislation from scientific consultation; separate responsibility for legislation and for inspection; and greater transparency throughout the decision making process (Santer 1997). These were reflected in the Green Paper on food law published later the same year, aimed at creating a debate on the future of the EU food safety regulatory framework including its crisis management provisions (European Commission 1997b).

Important in both the European Commission President Jacques Santer’s speech to the European Parliament after the BSE Crisis and the Green Paper was that food safety was given a renewed role and prioritised as an even more important factor to take into consideration than the principle of free trade in the food market (Alemanno 2006:244; European Commission 1997b; Santer 1997). This was also reflected in the 1997 Amsterdam Treaty with the EU Member States fully acknowledging public health and consumer protection as objectives of the European integration process (Amsterdam 1997: Art. 3(29)). In fact the Member States embraced all the European Commission Green Paper suggestions, except deciding on the establishment of a European food agency.

\(^{16}\) Co-decision has been in use since the Treaty of Maastricht. Proposals are sent from the European Commission to the Council and European Parliament which are given three rounds of readings. If the parties disagree in the second reading, the European Parliament can reject the proposal by an absolute majority. The European Parliament may amend the Council’s common position by an absolute majority, in which case conciliation takes place between the parties. The final proposal must be approved in the third round of reading by the Council (by QMV) and the European Parliament (by majority vote) (Europa website 2007; Wallace 2000:22).
Both the European Parliament and the European Commission can be argued to have been central in creating institutional change in the early aftermath of the 1996 BSE Crisis, especially in the preparations for the intergovernmental conference in Amsterdam. The European Parliament took a leading role as a strong ally of consumer interest groups in creating debate and putting pressure on the European Commission. An important consequence of the European Parliament’s active participation in the BSE Crisis management evaluation was the introduction of the co-decision procedure. This increased its policy regulatory influence, supporting the expectation derived from Historical Institutionalism that the EU institutions would advocate increased EU involvement. The European Commission initiated policy reforms and presented them to both the Member States and the wider public as a response to the heavy criticism in the BSE Crisis aftermath. By taking crisis management policy initiatives in the BSE aftermath, both the European Commission and the European Parliament appears as supranational leaders in the food safety area, in line with Historical Institutionalism. This gives the EU institutions in focus important roles in the early aftermath of the BSE Crisis and the establishment of underlying organisational principles for how crisis management measures in the 2002 Regulation on food safety were to be designed and implemented.

**2002 Regulation Preface**

While the European Parliament gained a legislative role, the European Commission was the institution responsible for taking initiatives. It was the European Commission that gave the task of making a preparatory report on reforming the system of scientific advice to three scientists, Philip James, Fritz Kemper and Gerard Pascal (James et al. 1999:2). By taking this initiative, and with the White Paper on Food Safety the year after, they re-launched the debate on reforming the food safety area including crisis management measures (Alemanno 2006:246). Because of the extensive influence from scientific interests in the food safety area, it is pertinent to presume that by basing the proposals in the White Paper on scientific advice, the European Commission was strengthening its reform proposals when facing integration reform scepticism.

The European Commission’s responsibility for initiating and formulating new politics, in the form of legislative, budgetary or programme proposals placed it in a key position in
the preparation of the 2002 Regulation. Important in this process was the European Commission White Paper that proposed to combine a reform on the food regulatory framework with an institutional reform (Ibid. 246; European Commission 2000a). The White Paper reflected several of the European Commission’s main proposals as they were outlined in the 1997 Green Paper. The final version of the 2002 Regulation reflects the main measures important for crisis management that was presented in the White Paper (Allemanno 2006:248; European Commission 1997b; 2000a). First, this can be viewed as an indication of a common understanding between the involved parties, the European Commission, the European Parliament and the Member States, of what the means to solve the problems were. Second, and more importantly it can be viewed as an indication of the European Commission’s leadership in the food safety regulatory policy debate. By re-launching the same reform proposals at different stages in the decision making process they can be understood to have become less controversial as time went by. An example is the establishment of the EFSA, important for providing decision makers with independent research in crisis situations, which was proposed by the European Commission in the 1997 Green Paper, but at the time dismissed by the Member States in the Amsterdam Treaty (European Commission 1997b; Amsterdam 1997). When re-launched in the 2000 White Paper it gained wider support and was finally established with the 2002 Regulation (European Commission 2000a; European Communities 2002).

By implementing the co-decision procedure in the food safety area, the making of food law was made into joint acts of the European Parliament and the Council and added an irrevocable EU parliamentary veto to previous arrangements (Skogstad 2001:498; Wallace 2000:22). To fulfil the requirement of having an identical final text adopted by both the European Parliament and the Council, the White Paper had to go through two rounds of readings (European Parliament 2001a). In total the European Parliament suggested more than 200 amendments, with about half immediately accepted fully or in principle by the European Commission (European Commission 2001).

Though the proposals in the White Paper were adopted in the 2002 Regulation without major or fundamental changes, the European Parliament’s amendments supported an increase in EU level crisis management measures (European Parliament 2001a). First, the Rapid Alert System was requested to be given an extended role “to cover all areas of
food safety, including animal feed” (European Parliament 2000: point 17). It was also decided that it would continue to operate under the European Commission and not be moved to the EFSA as originally proposed (Ibid. point 16; European Commission 2001). This places the extended Rapid Alert System under the direct influence and control of the European Commission. Second, the precautionary principle was stressed as a fundamental and guiding rule when addressing food emergencies (European Parliament 2000: point 19). As the EU-level response capacities were strengthened with the 2002 Regulation, the precautionary principle further enhanced the European Commission’s ability to launch initial response initiatives. Third, the European Parliament embraced the establishment of EFSA as the main scientific body to support the European Commission and Member States’ emergency response, enhancing the EU level’s scientific basis for decision making in crisis situations (Ibid. point 19; EU Food Law News 2000).

An additional aspect, underlining the general importance of the European Parliament for the 2002 Regulation is its emphasis on considering consumer interests in the decision making process. In the food safety area the European Parliament has been an important advocate of consumer interests, working closely with consumer organisations (Skogstad 2001:498). As proposed in European Parliament’s response to the White Paper and reflected in the 2002 Regulation, one of EFSA’s central tasks were to promote the networking of consumer organisations. Also, four members of the EFSA’s board were to have backgrounds in consumer and industry matters (European Parliament 2001a; 2001b: Amendment 66). It is pertinent to view this as an indication of the European Parliament’s influence in the 2002 Regulation.

Both the European Parliament and the European Commission played important roles in the 2002 Regulation preface. After the introduction of the co-decision procedure in the food safety area the European Parliament became part of a bicameral legislative system together with the Council and increased its decision making influence. Also, in response to the White Paper it came up with several initiatives reflected in the 2002 Regulation, enhancing EU level crisis response capacity in line with the expectations of Historical Institutionalism. By taking policy initiatives and re-launching reform measures throughout the process, the European Commission acted as a supranational leader and promoted increased EU-level crisis management capacity.
5.2.3 Final Institutional Arrangements

Based on Historical Institutionalism it can be expected that EU-level institutions are the central actors in the European integration process. The ongoing nature of institutional interests, with preference for self-preservation, has led the EU institutions to embrace new EU management capacities (Rosamond 2003:116). If this is true for food safety crisis management the final arrangements in the 2002 Regulation should reflect the ideas and preferences of these institutions. As outlined in the second chapter, the 2002 Regulation meant a move of crisis management capacity from the national level to the European level. Especially important were the establishment of the independent EFSA, the extension of the Rapid Alert System, the European Commission’s increased authority to implement emergency measures, the establishment of new European level decision making procedures and information sharing mechanisms. In addition, two provisions made by the 2002 Regulation should be further elaborated.

First, The Standing Committee on the Food Chain and Animal Health, responsible for decision making in crisis situations, make decisions by majority vote (European Council 1999: Article 5). This can be argued to be a limitation on the influence of the Member States and especially those directly affected by the crisis, which in former crises have opposed EU involvement. The European Commission gets a stronger role and obtains a greater flexibility when proposing initiatives. This can be seen as a built-in mechanism that weakens the influence of the Member States and strengthens a common EU-level response.

Second, the 2002 Regulation established a new mechanism for the European Commission to adopt measures provisionally, after consulting the Member State(s) concerned and informing the other Member States (European Communities 2002: Art. 53.2). The argument used for establishing this arrangement is that in crisis situations decisions have to be made fast, and in some cases there is not enough time to go through the full

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17 As shown in section 2.2 and section 4.1.1 this was the case in the BSE Crisis, when the British government strongly opposed EU crisis response measures and in the Dioxin Chicken Crisis when the Belgian government opposed EU crisis response measures and postponed implementation (Grönvall 2001:164; Lezaun and Groenleer 2006:439-443).
consultation process with all Member States. Measures adopted in this manner have to be confirmed, amended, revoked or extended by the Standing Committee within ten working days (Ibid.). Allowing the European Commission to adopt measures without having them formally confirmed by the Member States increases EU-level influence in the in the initial crisis response phase and its ability to take management initiatives.

In previous crisis situations like the BSE Crisis the European Commission has been an advocate of a common European response (Grönvall 2001:162). Consequently, it could be expected that the European Commission will take the initiative to use the possibility of implementing interim protective measures if they deem it necessary. As this is in line with the European Commission’s previous actions taken in food crises, this can be argued to indicate an active involvement promoting self interest, supporting the expectations derived from Historical Institutionalism. With the Member States on one side and the European Commission on the other, there is a parallelism in who is allowed to implement interim protective measures, moderating the role of both levels. However, both the majority vote decision making in the Standing Committee and the European Commission’s prospective role in taking interim measures can be argued to be indications of the self-preserving mechanisms infused in the European Commission, as described by Historical Institutionalism (Rosamond 2003:116).

5.3 Conclusion: Supranational Leadership, Crises Resulting in Change and Path Dependency

Both the European Parliament and the European Commission played decisive roles for the integration of food safety crisis management by acting as supranational leaders and advocating increased EU level planning and response capacities. This was done by giving food crises the European adjective, consequently redefining the polity responsible for crisis management and promoting regulatory reform initiatives moving the policy area towards the EU level. This is also reflected in the 2002 Regulation where the European Commission enhanced its influence in the crisis response phase.
Within the research time frame a tendency of *path dependency* can be argued to be present, with the initial response to the BSE Crisis establishing organisational principles used in the 2002 Regulation. However, these new solutions and principles for how to manage crisis situations were not created without reference to previous arrangements. Food crises have also been important by creating *windows of opportunities* opening up for the EU institutions’ policy initiatives. Both the 1996 BSE Crisis and the 1999 Dioxin Chicken Crisis caused enormous attention towards the failures of European food safety crisis management.

The expectations derived from Intergovernmentalism and Historical Institutionalism have focused on action and decision making within a European context. However, EU food safety crisis management has not developed in isolation, and is part of a wider pattern of making policy beyond the nation state (Wallace 2000:7). The next chapter will therefore investigate the effect of ideas in the institutional environment.
6. The Institutional Environment

The aim of this chapter is to analyse the influence of ideas originating in the institutional environment on the EU integration of food safety crisis management. Especially important is the 1995 World Trade Organization (WTO) Sanitary and Phytosanitary (SPS) Agreement and the food regulatory standard setting Codex Alimentarius Commission, created by the Food and Agricultural Organisation (FAO) and the World Health Organisation (WHO). As explained below, the European Commission can be argued to be both an internal and external actor in the development of food standards and will be the EU institution in focus in this chapter. The following discussion is based on the Environment-Based Perspective as outlined in chapter three. A main expectation derived from this perspective is that food safety crisis management institutional arrangements have been adapted to the ideas in the institutional environment causing integration of crisis management in the food safety area. By discussing the integration of food crisis management as an outcome of the spread of ideas, instead of action and decision making, a second analytical level is added to this thesis.

This chapter is divided into two main sections. First, it outlines the main institutions responsible for international food safety regulations and how the European Commission holds an external and internal position in developing new food safety regulations. Second, it discusses the similarities in ideas between the EU food safety crisis management and its institutional environment, emphasising imitation and external pressure to explain the process.

6.1 The Environment

The 1995 SPS Agreement negotiated during the Uruguay Round of the General Agreement on Tariffs and Trade (GATT) had a twofold objective. First, it was intended to minimise the negative effects of SPS measures on trade and sets out the basic rules in the WTO. Second, let Member States provide the level of health protection they deem appropriate (Skogstad 2001:492). By this the SPS Agreement let its signatories set their
own food safety standards as long as they are based on science, “applied only to the extent necessary to protect health”, and do not “arbitrarily or unjustifiable discriminate between countries where identical or similar conditions prevail” (WTO 1995:Article 3; WTO website1). To achieve its objective the SPS Agreement encourages international harmonisation of food standards and cites the Codex guidelines, recommendations and standards “as the preferred international measures for facilitating international trade in food” (WTO website2).

The Codex Alimentarius Commission was established by the FAO and the WHO in 1963 (Codex Alimentarius 2002). It was created to develop food standards and guidelines under the Joint FAO and WHO Food Standards Programme. The Codex Alimentarius Commission consists of representatives from its Member States who work to ensure that its standards withstand “the most rigorous scientific scrutiny” (WTO website2). It is an intergovernmental institution which base most of its work on advice from independent experts. The work of the Codex Alimentarius Commission has provided a focal point for scientific research on food and it has become an important international medium for the exchange of scientific information about food safety (Ibid.). The standards set by the Codex Alimentarius are not directly binding on its Members. However, strong incentives to adopt the standards were created when the 1995 SPS Agreement referred to them as the preferred international standards, creating a sense that they are quasi prescriptive (WTO 1995: Art. 12:3, Annex A: 3a).

6.1.1 The European Commission’s External Role

The European Commission has the sole treaty authority to negotiate international trade agreements on behalf of the European Communities, while it is the Council of Ministers that confers the negotiating mandate and the Member States that subsequently ratify any negotiated treaty (Skogstad 2001:486; Smith 2003:230-231). The European Commission represented the European Community throughout the Uruguay round, and was therefore responsible for negotiating the SPS Agreement. The European Commission has also been representing EU Member States and the European Community in the SPS Committee,
exposing officials on a regular basis to the WTO level food safety arrangements (WTO website).

The Codex standards which are referred to in the SPS Agreement as the guiding principles for international food safety harmonisation were created by the Codex Alimentarius Commission (WTO 1995: Art. 3, Codex Alimentarius 2006:13). Furthermore, the Codex system consists of Codex Committees and Coordinating Committees responsible for preparing draft standards and developing regional standards. In the 1990s the European Commission represented the European Community as a full Member of the FAO and held observer status in the Codex, along with the EU Member States18 (Food Standards Agency 2002). This places the European Commission in a central position in the development of new international food safety standards and establishes a strong internal – external link in the work on reforming EU food policy.

6.2 Isomorphism and Institutional Change

6.2.1 Similar Ideas

In the first half of the 1990s food safety received increased international attention. This was caused by a large growth in the international trade of food, while the European Community at the same time established the single market leading to the harmonisation of the Member States’ food law (Veggeland 2001:16). Central in the international debate on food safety was the WTO SPS Agreement and the UN based Codex Alimentarius Commission. Within this context a new framework of organisational ideas such as risk analysis and the precautionary principle developed (see Millstone and Zwanenberg 2002; Veggeland 2001; 2002; Veggeland and Borgen 2005).

18 As a full Member of the FAO the European Community represented by the European Commission was also entitled to full membership in the Codex Alimentarius Commission. In 1994 the Council authorised the Commission to enter into negotiations with the Codex Alimentarius Commission with the goal of defining the conditions and procedures for the Community’s accession. However, the discussions were blocked by EU Member States’ concerns about internal coordination and the division of responsibilities. In 2003 the European Community became a Member of the Codex Alimentarius Commission (Europa website 2003b; European Council 2003).
Based on the Environment Perspective it can be expected that EU measures on food safety crisis management made by the 2002 Regulation reflects ideas in the institutional environment. There are no direct references made to crisis management in the SPS Agreement. However, several general organisational principles have implications for how crisis management measures are developed. The 2002 Regulation on food safety can be argued to reflect important ideas from both the SPS Agreement and the Codex Alimentarius Commission. First, there were similarities in the way in which the EU and WTO argued the necessity of reforms in the food safety area. Growing global and European food markets made it necessary to make clear rules and coordinative bodies to stop the spread of threats to the public’s health (WTO 1998a). The WTO and EU food safety regulatory policy framework shared the policy goals of ensuring that food safety regulations do not restrict trade unfairly (Skogstad 2001:492; WTO 1998a).

Consequently, a common framework was important in order to ensure that crisis management measures were not used to create unjustifiable trade barriers. This argument is shown in the following quote from the introduction to the SPS Agreement:

“[Members desire] the establishment of a multilateral framework of rules and disciplines to guide the development, adoption and enforcement of sanitary and phytosanitary measures in order to minimize their negative effects on trade” (WTO 1995:2).

Also, in the introduction to the 2002 Regulation the link between common EU food safety measures and trade is evident:

“(…) the free movement of food and feed within the Community can be achieved only if food and feed safety requirements do not differ significantly from Member State to Member State (…)” (European Communities 2002).

Second, an important underlying principle to achieve fair trade of food is to base SPS measures on scientific evidence and risk assessment19 to demonstrate that they are necessary to protect health (Santer 1997; WTO 1998a; 1998b:3(i); 1999:3(i), (ii)). This can be seen in the following quote from the SPS Agreement:
“Members shall ensure that their SPS measures are based on an assessment, as appropriate to the circumstances, of the risk to human, animal or plant life or health, taking into account risk assessment techniques developed by the relevant international organisations” (WTO 1995).

The principle of risk assessment as an underlying principle for food safety was introduced by the President of the European Commission Jacques Santer in his 1997 speech to the European Parliament in response to the BSE Crisis (Santer 1997). The 2002 Regulation also reflects this approach:

“In order for there to be confidence in the scientific basis for food law, risk assessments should be undertaken in an independent, objective and transparent manner, on the basis of the available scientific information and data” (European Communities 2002:(17)).

While the SPS Agreement clearly states the need for risk assessment, it does not include other sides of risk analysis, like risk management and risk communication. However, risk assessment is recognised to be part of a wider process (WTO website4). The Codex Alimentarius Commission targets questions of risk management specifically and has created principles for application by Member State Governments (Codex Alimentarius 2007:3). Combining Codex principles and the SPS Agreement creates a distinction between the role of scientists and the role of politicians (Skogstad 2001:496). Risk assessment is exclusively the role of scientists, while politicians are in charge of managing the risk identified by scientists. According to Echols (1998:541) this was done to protect the objectivity of science and to counter the subjectivity of culturally based food safety measures. The separation between risk management and risk assessment as a guiding principle was advocated by Jacques Santer when addressing the European Parliament in 1997. It was then presented as a new underlying principle that was to pervade all aspects of food safety, including crisis management (Santer 1997). This principle was also reflected in the 2002 Regulation:

“Where food law is aimed at the reduction, elimination or avoidance of a risk to health, the three interconnected components of risk analysis – risk assessment, risk

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19 See section 2.3 for the full definitions of risk analysis.
management and risk communication – provide a systematic methodology for the
determination of effective, proportionate and targeted measures or other actions to
protect health” (European Communities 2002:(17)).

Third, an important basic rule, especially for the planning and response phase of crisis
management, is the possibility to implement precautionary measures in crisis situations.
The precautionary approach is reflected in the SPS Agreement (WTO 1995) by Article
5.7 that allows Members to “take provisional measures when sufficient scientific
evidence does not exist to permit a final decision on the safety of a product or process”
(WTO website5). Also Article 3.3, which explicitly permits Members to adopt SPS
measures which are more stringent than measures based on the relevant international
standard, is relevant (Ibid.). This gives the European Community as a signatory of the
SPS Agreement the possibility to take early initiatives when facing imminent food crises.
This is especially important in crisis situations where an early response is crucial for
successful management. But even in these cases the independence of decision makers
and scientist are fundamental principles, interlinking the precautionary principle with risk
analysis. In the 2002 Regulation the precautionary principle is used as an argument for
integrating food safety measures on the EU level:

“The precautionary principle has been invoked to ensure health protection in the
Community, thereby giving rise to barriers to the free movement of food or feed.
Therefore it is necessary to adopt a uniform basis throughout the Community for the
use of this principle” (European Communities 2002:(20)).

Accordingly, there can be argued to be important similarities in the institutional ideas
influencing food safety crisis management in the WTO, the Codex Alimentarius
Commission and the EU. The European Commission held two roles, externally
negotiating the SPS Agreement and observing the work of the Codex Alimentarius
Commission and internally proposing new legislation. This makes it pertinent to argue
that a common understanding of what rhetoric and institutional arrangements are
‘appropriate’ for the food safety area has developed. This is referred to as isomorphism
by the Environment Perspective.
According to Meyer and Rowan (1991:50) external legitimacy is achieved by reflecting societal values rather than adhering to technical demands. To achieve the external legitimacy needed to go through with regulatory reforms, a consideration of public concerns is essential. By reasoning integrative reform proposals as preventive towards possible new threats to the safety of food, both the EU and WTO answer to the public concerns in the aftermath of several major food crises throughout the 1990s.\(^{20}\) Furthermore, to use rhetoric that sees the integration of food safety crisis management as a mean to achieve fair trade might have been important in appeasing interest parties within the food sector that were traditionally more reluctant towards integrative measures. Even so, the EU’s interlinked relationship with the WTO SPS Agreement and the Codex Alimentarius Commission demands a further investigation of the EU’s adoption of ideas and rhetoric from its environment. Has there been external pressure and/or has the European Commission imitated the WTO and Codex Alimentarius measures relevant for food safety crisis management?

### 6.2.2 Imitation and/or External Pressure

As described in chapter three DiMaggio and Powell (1991:67-70) outline two distinct processes in which organisations might adopt ideas from its environment, relevant for this study; imitation and external pressure.

**Imitation**

According to Skogstad (2001:498) EU reforms in the food safety area have been designed to fit the WTO model even when internal developments have been the primary driving force behind the policy innovations. The Codex Alimentarius Commission is an international focal point for scientific research and investigation into food safety as well as an important international arena for the exchange of scientific information (WTO website2). The European Commission has with its observatory status in the Codex

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\(^{20}\) In addition to the European food safety crisis other parts of the world faced similar threats in the 1990s. In Southern Asia and in Sub-Saharan Africa, food born diseases was a major threat to not only the health of its citizens, but also a major obstruction to development. In North America and developed Asian countries food safety was considered to be high, but still with the challenges of returning food borne illnesses (Safe Food International website).
Alimentarius Commission been exposed to these discussions and follow the evolution of the Codex’ food standards and guidelines closely (Europa website 2003b). Consequently, this creates an opportunity for the European Commission to learn from the Codex system and thereby represents an important input of regulatory ideas when proposals for new food regulatory for the EU are made. This argument is supported by the way in which EU food law refers to the Codex standards as the preferred international guiding principles (Veggeland 2004).

The European Commission was responsible for negotiating the 1995 WTO SPS Agreement on behalf of the European Community (Smith 2003:230-231). This can be argued to function as a preparatory exercise and gave the European Commission the possibility to draw lessons learned from a previous external process when reforming the EU’s own food safety policy area. By having established an internationally accepted food safety regulatory regime, ideas already in use in the WTO could be expected to be easier to implement on a European level. The precautionary principle and risk assessment were incorporated into the SPS Agreement, and subsequently ratified by the EU Member State Governments represented in the Council (WTO 1995: Art. 3.3, 5, 5.7). Consequently, when creating a new regulatory framework on the EU level these ideas were already familiar for the Member States that were to accept the European Commission’s proposals. This makes it pertinent to argue that a process of EU imitation of the ideas in the institutional environment have taken place.

External Pressure – The Case of the Beef Hormones

With the SPS Agreement and the creation of semi-binding food standards adopted by the Codex Alimentarius Commission a WTO level food safety regulatory regime had been established. These institutions represent a framework with which the EU institutional arrangement for food safety regulations has to comply. One of the WTO’s most basic functions is the role as a forum for negotiations directed towards the liberalisation of trade and the establishment of stable, predictable and non-discriminatory trade rules (Veggeland 2008:2). When WTO Member States fail to agree whether or not a Member has complied with the SPS Agreement the WTO Dispute Settlement Procedure is activated. Facing what they believe are violations of agreements, any Member State can
demand consultations between the parties and that a panel is established to judicially review the case. It is also possible to appeal the panel’s decision to the Appellate Body. The WTO Dispute Settlement Body\textsuperscript{21} makes the final decision and approves the report made by the judging panels (Ibid. 3).

Especially important for food safety crisis management is the European Community’s failed attempt to prove in the Livestock Hormone Case that its decision to ban hormone fed meat was based on scientific evidence and risk assessment procedures (WTO 1998b:3(i); 1999:3(i),(ii)). The dispute can be traced back into the 1970s when European consumers became increasingly concerned over the use of growth-promoting hormones in livestock. Under the GATT regime the European Communities decided to ban the use of six growth hormones, including a ban on the import of meat and meat products treated by them (WTO website3; website6). The United States and Canada made several failed attempts to get them invalidated, which led to the 1989 introduction of retaliatory measures in the form of duties on a list of products imported from the European Communities. Under the WTO Dispute Settlement System one Member alone cannot block the establishment of a panel and in 1996 the United States and Canada’s panels were established (WTO website6). A main conclusion of the reports issued by the panel looking into the EU ban on hormone fed beef was that the EU hormone studies did not comply with the risk assessment requirement in the SPS Agreement and could not scientifically support a ban on hormone-treated meat (WTO website 6; 1998b:3(i)). This was later confirmed by the Appellate Body, which reached the conclusion that risk assessment had not been fully undertaken. Soon after the panel report had been adopted it became clear that the European Community would not be able to comply by the deadline (Skogstad 2001:495; Veggeland 2002:27). This led the United States to raise its tariffs on products from the European Communities by 100 per cent, valued at US$ 116 million per year, and Canada to suspend concessions with a value of CDN$ 11.3 million per year (WTO website3).

\textsuperscript{21} The WTO Dispute Settlement Body consists of representatives from all WTO Member State Governments. After 1995 it has become extremely difficult to reject a report from the courts since this demands consensus. As long as one Member State wishes to approve the report it is accepted (Veggeland 2008:3).
As a result of the WTO ‘judgement’ the EU introduced risk-assessment studies and established science-based measures as a strong overriding principle for food safety. This makes external pressure through the WTO SPS Agreement and the dispute settlement procedure important for understanding the EU food safety framework. In the Livestock Hormones Case, risk assessment was put on the top of the agenda. Even though the EU was not able to comply immediately, overwhelming pressure forced it to fulfil the requirements.

6.3 Conclusion: Frame Setting Ideas by Imitation and Exogenous Pressure

This chapter adds a second analytical level to the thesis, taking the effect of ideas originating in the institutional environment into consideration. The framework of ideas and rhetoric developed by the WTO SPS Agreement and in the Codex Alimentarius Commission have been important in framing EU food safety crisis management integration.

Both *imitation* and *external pressure* can be argued to have aided the spread of ideas. The European Commission’s parallel roles, first as an external representative of the European Community in the Codex Alimentarius Commission and by negotiating the WTO SPS Agreement, and secondly, internally by taking initiatives on food safety crisis management, has led to imitation by the EU of its institutional environment. The binding WTO SPS Agreement has made external pressure important for the EU integration of food safety crisis management. This was especially the case in the beef hormone dispute between the European Community on one side and the USA and Canada on the other, imposing risk assessment and science based measures as guiding principles for all EU food legislation.
7. Putting the Pieces Together

The objective of this thesis has been to shed light on the European integration process of crisis management in the food safety area. In particular, it has focused on three main forces of integration: the EU Member States; the EU level institutions; and ideas originating in the institutional environment. This has created a two tier analysis: on the first level the focus is on the effects of actions and decision making and the second level focuses on the effects of ideas. The final chapter of this thesis starts by presenting the main observations and conclusion that can be drawn from this study. Second, it reflects on limits of the analyses and the findings’ research relevance in a wider European crisis management context.

7.1 Main Observations and Conclusions

The main observations in this thesis can be presented in three main parts, following the hypotheses outlined in section 1.1. The hypotheses are derived from distinct theoretical approaches to European integration and organisational studies: Intergovernmentalism, Historical Institutionalism and an Environment-Based Perspective.

In the first hypothesis (Hypothesis A, section 1.1) the idea that the Member States have driven forward the integration process of crisis management in the food safety area can be argued to be only partially correct. The Member States held a rather low-key position in the integration of food safety crisis management. This is demonstrated by the way in which they submitted only limited comments to the crisis management proposals in the hearing responses on the White Paper on Food Safety. By carrying out cost-benefit analyses, where it is pertinent to expect that both distribution of gains and efficiency were important, the Member States approved the European Commission’s proposals. A plausible explanation for the acceptance of enhanced EU crisis management capacities can be that they were accompanied by new control mechanisms and emergency brakes for the Member States. This gave the Member States the opportunity to keep a ‘hand on the wheel’ while moving crisis management decision making and response capacity
towards the EU level. When looking into earlier food emergencies it is evident that despite heavy protests from important Member States towards EU crisis management initiatives they were not successful in changing or stopping them. This shows that there is a capacity in the system to override the Member States and that the 2002 Regulation strengthens this capacity. Also, this could indicate that the integration of food safety crisis management has gone further than key Member States wished.

The second hypothesis (Hypothesis B, section 1.1), expecting that the integration of crisis management on the food safety area has been driven forward by the EU level institutions, has offered an enhanced explanatory scope as to who the important actors are when compared to Hypothesis A. The European Parliament and the European Commission acted as supranational leaders arguing in favour of new EU level crisis planning and response capacities. This was done by giving food crises the European adjective consequently redefining the polity responsible for crisis management and advocating regulatory reform initiatives moving the policy area towards the EU level direction. This happened despite heavy protests from important Member States against common EU crisis response measures. Within the research time frame a tendency of path dependency can be argued to be present, with the initial response to the BSE Crisis establishing organisational principles important for working out the 2002 Regulation. However, the extensive focus on establishing the single market overshadowing food safety crisis management was an important prerequisite for the altering consequences of the food crises in the 1990s. Both the 1996 BSE Crisis and the 1999 Dioxin Chicken Crisis directed enormous attention towards the failures of European food safety crisis management and created windows of opportunities for the EU institutions to promote integrative crisis management measures.

The third hypothesis (Hypothesis C, section 1.1), expecting that the integration of crisis management on the food safety area has been driven forward by ideas originating in the institutional environment, clarifies important prerequisites for the EU policy initiatives taken. The WTO SPS Agreement and the Codex Alimentarius Commission have been important in framing the EU integration of food safety crisis management. Organisational ideas like the precautionary principle and risk analysis have spread by both imitation and external pressure. The European Commission’s two roles, first as an external
representative of the European Community and second, internally by taking initiatives on food safety crisis management, has led to EU imitation of its institutional environment. By signing the binding WTO SPS Agreement, external pressure has been important as the Dispute Settlement Body has imposed organisational principles relevant for EU level crisis management. This was especially the case in the beef hormone dispute between the European Community on one side and the USA and Canada on the other which made risk assessment and science-based measures guiding principles for all EU food legislation.

As argued in the introduction, the scope of these analyses has not been to strengthen one theoretical perspective in relations to the others, but rather to try to create an explanatory framework to explain the variance in the data. To get a good understanding of the integration process in focus I argue that a holistic approach to institutional change needs to be sought.

It has been necessary to employ a broad understanding of what processes are relevant for this study. The formal decision making process is fundamental for the analyses, but also relations between the relevant institutions and informal adaptations need to be included. This is shown in how the Member States have formally accepted enhanced EU level food safety crisis management capacities, while at the same time the crisis management framework has been scrutinised by the EU level institutions themselves and adapted to ideas in the institutional environment.

To employ a broad understanding of what actors are relevant has also been necessary. As shown, the Member States are the central actors approving decisions. Thus they still play an important role in food safety crisis management decision making as they retain ‘emergency brakes’ and control mechanisms. However, as many of the important policy initiatives leading up to the 2002 Regulation were taken by EU level institutions, a strict Member State oriented perspective alone is not sufficient. The EU level institutions may not alter their mandate freely, but as shown in chapter five they are influential in adapting them and in doing so they enjoy a large degree of freedom. The strengthening of the EU level capacities on a policy area advocated by Member States to be of national importance, shows that a strict rational approach falls short. Here the Institutional Perspective; focusing on the initiatives taken by the EU level institutions, and the
Environment-Based Perspective; focusing on the effect of ideas originating in the institutional environment, offer important supplementary explanations.

**Summary of Key Points and Future Development**

To sum up I conclude with remarks on key concepts of this analysis. The findings point towards the European Commission and the European Parliament as the main actors driving food safety crisis management towards the EU level. The Member States have not been overridden in the integration process in focus, and retain important control mechanisms and ‘emergency brakes’ in crisis situations. However, looking into earlier food emergencies it is evident that despite heavy protests from important Member States towards EU crisis management initiatives they were not successful in changing or stopping them. With the 2002 Regulation the EU-level capacity to override Member States has been strengthened further. This could indicate that the integration of food safety crisis management has moved beyond the wish of important Member States, supporting the argument that it is the EU-level institutions that have been steering the process. In addition, the EU-level institutions’ initiatives have been framed by ideas originating in the institutional environment which coincided with their integrative focus.

So what will the future bring? Because important exogenous variables for the organisation of this policy area change constantly it is hard to predict the future. However, as the food policy area is far from static in its nature and since new threats towards the safety of European food most likely will arise, I expect the organisation of food safety crisis management to continue to evolve. It is highly likely that it will remain on the top of the European agenda into the next decade as the safety of food is one of the most fundamental challenges in an increasingly globalised world.

**7.2 Relevance and Limits to the Study**

What makes these observations important and relevant? First of all they shed light on the aftermath of one of the biggest crises in the history of the EU, the BSE Crisis. As there are numerous studies focusing on the food safety area (See Vos 2000; Millstone and Zwanenberg 2002; Ugland and Veggeland 2006), the forces steering food safety crisis
management integration has received less attention. Second, a direct consequence of the multilevel nature of governance in the EU is the division between supranational and national levels in its protection space (Rhinard et al. 2006:523). In attempting to better understand why crisis management has been integrated, the various links that connect these two levels are worth further investigation as shown in this thesis. Third, this study contributes to the debate on EU integration in policy areas advocated to be of high national importance. As the findings presented above only partially support the introductory argument stating that Member States would oppose EU integration of crisis management measures, it is clear that a pure intergovernmental approach is insufficient when creating an explanatory model for cases of this kind. Fourth, according to Rhinard, Ekengren and Boin (Ibid.) research attention should be directed towards the actors steering cooperation as well as other factors strengthening the link between the supranational and national levels on crisis management. This is in line with the research approach for this study, putting it at the forefront of contemporary crisis management research.

The scope of this study is restricted by the limited time and resources available. Several of these limitations could be scoped by future research. First, the data suggest that valuable information could be found by opening up the category of the ‘Member States’. A better understanding of the processes that has caused integration of food safety crisis management could be gained by investigating the process within the Council and the individual Member States. Second, divide the European Parliament and the European Commission into their diverse entities could increase our understanding of these institutions as they were important in taking policy initiatives. A closer investigation of the role of the different Committees of the European Parliament and the Directorate Generals in the European Commission could be particularly valuable, as food safety crisis management involves elements of a range of different policy areas. Also, to investigate the policy development on both the national level and EU level, a deliberative perspective could be applied putting the discussion in the spotlight, and introducing a more individual oriented approach to the process in focus. Third, as food crises are given the European adjective consequently redefining the polity responsible for crisis
management, the implication for the Member States and their role in protecting citizens should be further investigated.
Bibliography


Andersen, Svein (2003): On a clear day you can see the EU. Case Study Methodology in EU Research. Oslo: ARENA - Centre for European Studies, Working Paper 16/03.


BBC News (2002a): France refuses to lift British beef ban. (02.09.08) [Online]: http://news.bbc.co.uk/1/hi/world/europe/1869367.stm

BBC News (2002b): France lifts British beef ban. (10.09.08) [Online]: http://news.bbc.co.uk/1/hi/world/europe/2295167.stm


European Parliament (1997): European Parliament’s report on alleged contraventions or maladministration in the implementation of Community law in relation to BSE, without prejudice to the jurisdiction of the Community and national courts. (15.03.08) [Online]: http://www.europarl.europa.eu/conferences/19981130/bse/a4002097_en.htm


James, Philip, Fritz Kemper and Gerard Pascal (1999): A European Food and Public Health Authority. The Future of Scientific Advice in the EU. (06.10.08) [Online]: http://ec.europa.eu/food/fs/sc/future_food_en.html


Jukes, David (website): Foodlaw-Reading. The University of Reading - Department of Food Biosciences. (30.09.08) [Online]: http://www.rdg.ac.uk/foodlaw/


Safe Food International (website): Safe Food International: Regions. (07.06.08) [Online]: http://safefoodinternational.org/regions.html


World Trade Organization (website1): *SPS Agreement Training Module: Introduction to the SPS Agreement*. (25.09.08) [Online]: http://www.wto.org/english/tratop_e/sps_e/sps_agreement_cbt_e/c1s1p1_e.htm

World Trade Organization (website2): *SPS Agreement Training Module: 7.1 The “Three Sister” Organizations*. (02.09.08) [Online]: http://www.wto.org/english/tratop_e/sps_e/sps_agreement_cbt_e/c7s1p1_e.htm#cod

World Trade Organization (website3): *SPS Agreement Training Module: 5.3 The Hormones Case*. (01.09.08) [Online]: http://www.wto.org/english/tratop_e/sps_e/sps_agreement_cbt_e/c5s3p1_e.htm

World Trade Organization (website4): *SPS Agreement Training Module: 2.5 Risk Analysis*. (10.09.08) [Online]: http://www.wto.org/english/tratop_e/sps_e/sps_agreement_cbt_e/c2s5p1_e.htm#risk

World Trade Organization (website5): *SPS Agreement Training Module: 8.2 The Precautionary Principle*. (01.09.08) [Online]: http://www.wto.org/english/tratop_e/sps_e/sps_agreement_cbt_e/c8s2p1_e.htm

World Trade Organization (website6): *SPS Agreement Training Module: 5.3 Implementation – Dispute Settlements*. (25.09.08) [Online]: http://www.wto.org/english/tratop_e/sps_e/sps_agreement_cbt_e/c5s1p1_e.htm

World Trade Organization (website7): *SPS Agreement Training Module: Background*. (10.10.08) [Online]: http://www.wto.org/english/tratop_e/sps_e/sps_agreement_cbt_e/intro1_e.htm